TRAFFICKING IN PERSONS REPORT

20TH EDITION

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JUNE 2020

DEPARTMENT OF STATE
UNITED STATES OF AMERICA

TRAFFICKING IN PERSONS REPORT

JUNE 2020

MESSAGE FROM THE SECRETARY OF STATE

Dear Reader:

For 20 years, the Trafficking in Persons Report (TIP Report) has demonstrated the United States' conviction that human trafficking is a global threat necessitating a global response. Traffickers are denying nearly 25 million people their fundamental right to freedom, forcing them to live enslaved and toil for their exploiter's profit. This report arms governments with the data they need to increase the prosecution of traffickers, provide victim-centered and trauma-informed protection for victims of trafficking, and prevent this crime altogether.

As this 20th anniversary report is released, we and our allies and partners find ourselves confronting a crisis that has reached previously unimagined proportions. While urgency has always marked the fight against human trafficking, the implications of the COVID-19 pandemic have magnified the need for all stakeholders to work together in the fight more than ever. We know that human traffickers prey upon the most vulnerable and look for opportunities to exploit them. Instability and lack of access to critical services caused by the pandemic mean that the number of people vulnerable to exploitation by traffickers is rapidly growing.

To turn the tide, action must accompany words. Among other steps, governments must end state-sponsored forced labor; they must increase prosecutions of human traffickers; and they should expand their efforts to identify and care for trafficking victims, while ensuring they are not punished for crimes traffickers compelled them to commit.

The opportunity for impact in the days ahead is great. I am so proud of all who lead us forward in this work, especially our TIP Report Heroes who model the courageous leadership we need for the road ahead. I am grateful for the Trump Administration's unending commitment to this cause, and for my colleagues at the State Department who have delivered this impressive report under extraordinary circumstances.

We are leading by example as we encourage governments, survivors, NGOs, industry leaders, communities of faith, and advocates in every country to remain steadfast in the protection of human dignity and the pursuit of freedom. Let's all continue this fight together.

Sincerely,

Mike Pompeo

MESSAGE FROM THE AMBASSADOR-AT-LARGE

Dear Reader:

There has never been a more important moment to engage the fight for freedom. Now, more than ever, we must collectively commit to stopping human traffickers and protecting victims. We will not be deterred from dismantling this crime down to its very foundations and ensuring the protection of future generations.

This year, the TIP Report looks into the evolution of the report itself over the past 20 years. Since the passage of the Trafficking Victims Protection Act (TVPA) in 2000, we have faced many challenges as a global community, and the TIP Report has been produced throughout all of them. As we now launch this 20th anniversary report in the midst of the COVID-19 emergency, we are making it clear: neither terrorism nor financial crisis nor a pandemic will stop us from pursuing freedom for victims.

As we have continued our work during the COVID-19 pandemic, traffickers have continued as well. Traffickers did not shut down. They continue to harm people, finding ways to innovate and even capitalize on the chaos. The ratio between risk and reward is expanding in their favor. And so, we press on all the more. As the vulnerable become more vulnerable, we remain resolved in our pursuit of freedom for every victim of human trafficking and accountability for every trafficker.

This 20th anniversary TIP Report is a powerful tool forged to advance the global community's commitment to put freedom first. I am grateful to State Department officers around the world, ambassadors, and the Secretary for prioritizing the production of this report. To my intrepid colleagues at the Office to Monitor and Combat Trafficking in Persons (TIP Office), thank you for your perseverance and grit in every detail of this work. You are truly remarkable.

Despite the schemes of traffickers, the reality is this: governments across the world, survivors, NGOs, faith communities, and advocates are still at work. For 20 years we have determined that we will not grow weary in our fight for freedom, and we have only just begun. Hope lies ahead.

Sincerely,

A Senegalese migrant worker displays harvested tomatoes at an Italian tomato farm. Farm owners prey on Africans migrating to Southern Italy to work in the agricultural sector.

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LOOKING BACK ON TWENTY YEARS OF THE TRAFFICKING IN PERSONS REPORT

This year marks a major milestone—the 20th anniversary of the TIP Report. Twenty years ago, when the United States Congress passed the TVPA mandating this report, it signaled the U.S. government's resolve to fight human trafficking and marked a pivot from indignation to positive action. Whether used to raise awareness, spark dialogue, spur action, or create a system of accountability, the TIP Report has served to reinforce global anti-trafficking norms and ideals. At a time when many governments denied the existence of human trafficking in all its forms, the TIP Report became a

standard-bearer for the principles enshrined in the TVPA and the UN Trafficking in Persons Protocol (Palermo Protocol).

Throughout the last two decades, and as the availability of information on human trafficking has expanded, the TIP Report has grown in both its breadth and depth of analysis. It has consistently documented the efforts of an increasing number of governments to prosecute traffickers, protect victims, and prevent human trafficking crimes. The report has drawn attention to trends and emerging issues, highlighted promising practices, and tracked the progression of important developments, such as the passage of comprehensive anti-trafficking laws and improvements in victim identification efforts.

Over the years, the methodology, content, and design of the TIP Report have evolved, reflecting in many ways the broader anti-trafficking movement's progress in understanding the crime. The message at the heart of each edition, however, has been steadfast: there is no excuse for human trafficking, and governments must address it with bold action.

Most of all, the TIP Report has been, and continues to be, a critical tool in bringing governments to the table and encouraging them to prioritize human trafficking. Diplomats and advocates apply pressure on governments around the world to ensure they maintain focus and hear the voices of those directly affected. Today, the vast majority of governments acknowledge the devastating effects of human trafficking, and most governments have taken steps to combat it.

The introduction this year will provide a look back at the evolution of the TIP Report. It is a celebration of 20 years documenting progress in combating human trafficking and, as always, a candid reminder of the work yet to be done.

TERMINOLOGY

The United States considers "trafficking in persons," "human trafficking," and "modern slavery" to be interchangeable umbrella terms that refer to both sex and labor trafficking.

The TVPA and the Palermo Protocol describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.

BACKGROUND

Human trafficking became a topic of public concern in the 1990s due, in part, to the fall of the former Soviet Union, the resulting migration flows, and the increasing concern about the growth of transnational criminal organizations operating globally. Intelligence reports pointed to sex trafficking and forms of forced labor as some of these organizations' largest sources of profit. The first efforts to address trafficking in persons focused heavily on combating the sex trafficking of women and girls. Academic reports and news articles illustrated the effect traffickers were having on individuals and communities around the world. In 1994, the Department of State began to monitor human trafficking as part of the Department's Annual Country Reports on Human Rights Practices, focusing exclusively on sex trafficking of women and girls. As the understanding of human trafficking expanded, the U.S. government, in collaboration with NGOs, identified the need for specific legislation to address how traffickers operate and to provide the legal tools necessary to combat trafficking in persons in all its forms.

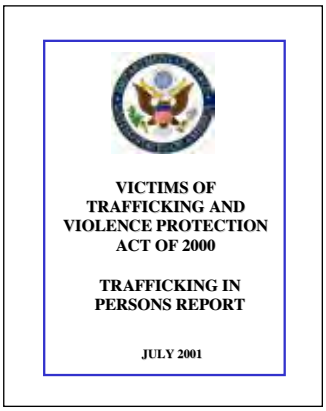
The 106th Congress of the United States passed the TVPA in 2000, the first comprehensive federal law designed to protect victims of sex and labor trafficking, prosecute traffickers, and prevent human trafficking in the United States and abroad. The TVPA requires the Secretary of State to submit an annual report to Congress that ranks governments' efforts to combat trafficking in persons. The original three-tier ranking system was created to indicate how well other governments complied with the minimum standards for the elimination of trafficking laid out in the law.

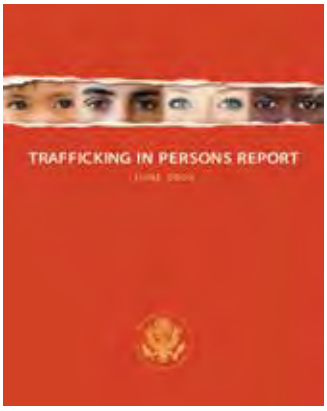
In July 2001, the Department of State published the first TIP Report. While the TVPA only called for a ranking of governments, those involved in the preparation of the first report included a brief explanation for the tier rankings to provide clarity and context to the report. The first TIP Report included 82 country narratives based on information received from embassies and consulates abroad, which gathered information including from host governments and law enforcement officials, NGOs, U.S. agencies, and journalists. It was only 103 pages long and included brief two-paragraph descriptions of each country's efforts to combat human trafficking.

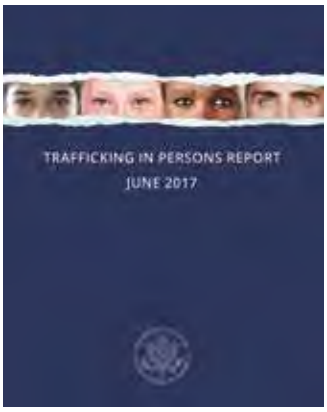
> "Human trafficking erodes personal dignity and destroys the moral fabric of society. It is an affront to humanity that tragically reaches all parts of the world."
>
> President Donald J. Trump

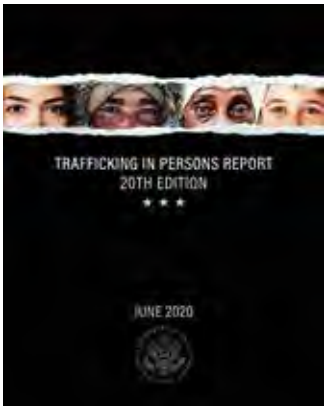
The report's production in the early years was a monumental task for the newly established TIP Office. It required the small staff to create simultaneously both a methodology for the report and processes for gathering data, drafting narratives, and assessing government efforts. Perhaps most challenging for the TIP Office and posts overseas was the effort to gather data from other governments, many of which had never developed systematic measures for collecting human trafficking data nor shared such data before. In addition, the report would be the first of its kind to rank countries publicly on their efforts to combat human trafficking, a crime newly denounced by the international community.

At the time, inclusion in the report depended on whether there was evidence of a "significant number" of victims in a given country, though the U.S. Congress did not specify what it considered to be a "significant number." Once the drafters of the first report received reporting from all the U.S. embassies, which included information on the estimated number of victims in each country, they determined that 100 or more victims would be the threshold number, taking into account that for small countries this would be a high threshold but for large countries a low one. The report pointed to a dearth of reliable information to explain the exclusion of so many countries and called attention to the need for more governments to develop mechanisms to detect and report on human trafficking.









THE EVOLUTION OF THE TIP REPORT

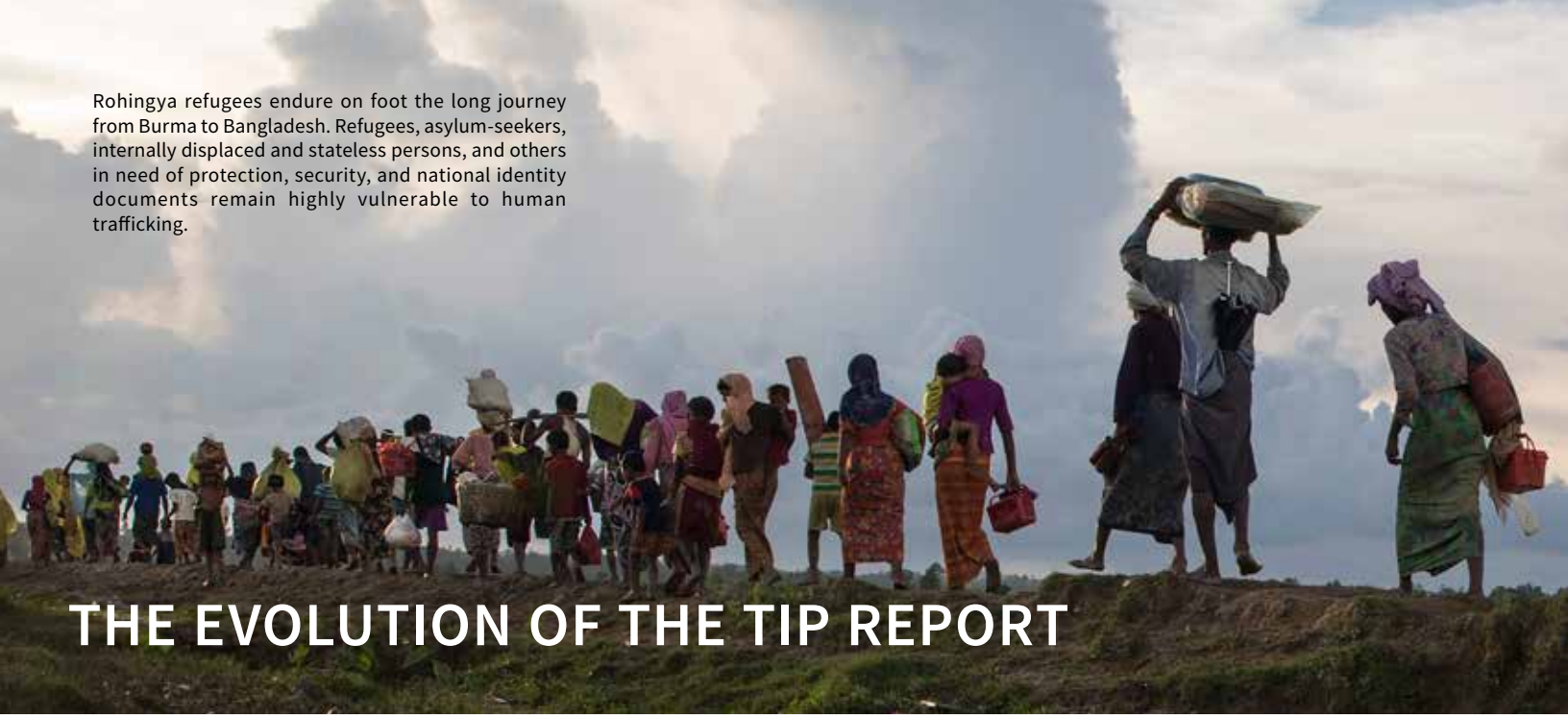
Since 2001, the TIP Report has continued to evolve in both substance and design. Stylistically, the 2003 TIP Report went through one of the most noticeable visual transformations. This report was the first to feature a colorful front cover with the signature eyes and a letter from the Secretary of State, as well as compelling photos and images, victim stories, and a list of international "promising practices" in combating human trafficking. The narrative text of the introductory section evolved from providing minimal explanation of human trafficking and the purpose of the report, to covering a variety of human trafficking issues and current trends. Over time, the introduction began to cover concrete themes and a collection of special topics interspersed throughout. Though not mandated by Congress, the introduction has in many ways become a public outreach tool in and of itself.

> "Every person, everywhere, is inherently vested with profound, inherent, equal dignity. America was founded on a promise to defend those rights—including life, liberty, and the pursuit of justice. But too often we've fallen short, and we cannot fall short on this challenge."
>
> Michael R. Pompeo
> U.S. Secretary of State

In addition, the report methodology and content changed as the years progressed. Congress made many of these alterations through amendments to the TVPA and its reauthorizations. Others reflect policy priorities and efforts to provide clarification and justification for the tier rankings and country narratives. Some of the most important changes are listed on pages 6-7.

VICTIM STORIES

The victim stories included in this report are meant to be illustrative. They characterize the many—though not all—forms of human trafficking and the wide variety of places in which they occur, although each could take place almost anywhere in the world. Many are based on real experiences and the victims' names have been changed as a result. In most cases, the photographs that accompany the stories are not images of confirmed trafficking victims. Still, they illustrate the myriad schemes human traffickers use and the variety of situations in which trafficking victims are exploited.



Rohingya refugees endure on foot the long journey from Burma to Bangladesh. Refugees, asylum-seekers, internally displaced and stateless persons, and others in need of protection, security, and national identity documents remain highly vulnerable to human trafficking.

THE EVOLUTION OF THE TIP REPORT

2000 The TVPA passed, creating the TIP Office and mandating the annual TIP Report.

2001 The first TIP Report ranked countries on one of three tiers and briefly described 82 governments' efforts to combat human trafficking.

2003 TIP Report narratives began using the "3P" paradigm – prosecution, protection, and prevention – to assess and describe government efforts.

Pursuant to the TVPA, countries ranked on Tier 3 faced for the first time potential restrictions that included the loss of certain types of U.S. assistance.

Thirty new countries were included in the report, with 116 in total, marking a major increase in the amount of information available on governmental efforts to combat human trafficking.

2004 Another 15 countries were added to the report, jumping from 116 to 131, as a result of an increase in the volume of information generated from a greater understanding of human trafficking around the world.

The TIP Report ranked 42 countries on the Tier 2 Watch List. The 2003 reauthorization of the TVPA mandated this new ranking.

The report also applied new criteria pursuant to the 2003 reauthorization in determining if governments were making sufficient efforts to eliminate trafficking, including whether they made "appreciable progress" as compared to the previous year.

The TIP Report featured a new section on TIP Report Heroes to highlight the importance of individual action to combat human trafficking.

2008 The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 widened the scope of countries in the TIP Report by striking the requirement that a "significant number" of victims be documented for a country to be listed. The report grew from analyzing 154 countries in 2008 to 173 countries the following year.

In an effort to incentivize continuous improvement, the reauthorization limited the number of consecutive years a country could remain on the Tier 2 Watch List to two consecutive years, after which it would be automatically downgraded to Tier 3 should it fail to make improvements that would warrant an upgrade. Countries could receive a waiver to remain on the Tier 2 Watch List for two additional years if they had a written action plan and resources dedicated to its implementation.

The 2008 reauthorization also included the Child Soldiers Prevention Act (CSPA), mandating the inclusion of a list in the TIP Report of foreign governments that had been found to have unlawfully recruited or used child soldiers.

Beginning in the 2008 TIP Report, all country narratives included recommendations for governments to improve their anti-trafficking efforts—a vital component of the report today.

2010 To ensure it held itself to the same standards it applied to all other countries, the TIP Report included a ranking of the United States for the first time. Before 2010, the TIP Report had included a separate section on the United States, summarizing its efforts to combat trafficking in persons.

2011 The CSPA List was included for the first time in the annual TIP Report and included six countries: Burma, Chad, Democratic Republic of the Congo, Somalia, Sudan, and Yemen.

The automatic downgrade provision called for in the 2008 reauthorization applied for the first time in 2011 to 20 countries that had been ranked on Tier 2 Watch List for both 2009 and 2010. Seven of those countries were ranked Tier 3 in 2011, and 13 of them received waivers to remain on the Tier 2 Watch List.

2013 Governments that received waivers to remain on Tier 2 Watch List in both 2011 and 2012 faced the automatic downgrade for the first time in 2013. The Department ranked China, Russia, and Uzbekistan on Tier 3 that year.

2014 TIP Report assessments integrated the changes of the 2013 reauthorization and added new factors to be considered as indicia of efforts to eliminate trafficking, including efforts to prevent human trafficking perpetrated or facilitated by diplomats or peacekeepers deployed abroad and to prosecute such public officials, as well as efforts to engage in effective government partnerships with a range of civil society and other actors.

2017 A Government Accountability Office report (as noted on page 27 of the 2017 TIP Report) issued on December 5, 2016, included several recommendations to improve the clarity and usefulness of the TIP Report. These included recommendations to explain more clearly country tier rankings – which led to moving the tier justification paragraph to the beginning of each narrative – as well as new language to highlight more explicitly the factors that support a given tier ranking.

2019 Two laws enacted in 2019 as part of the most recent TVPA reauthorization package called for a number of changes to the TIP Report ranking process. First, one law reduced the availability of the automatic downgrade waiver to one year (from two years).

A second law amended the TVPA to limit a country to one year on the Tier 2 Watch List after that country received a waiver to stay on the Watch List and was subsequently downgraded to Tier 3. Another provision directed the Secretary of State to consider, as proof of a country's failure to make significant efforts, a government policy or pattern of certain listed forms of human trafficking.

Another provision amended the CSPA to provide that the restriction on military assistance applies to a government whose "police or other security forces" (in addition to "governmental armed forces" and "government-supported armed groups") recruit or use child soldiers.

COLOMBIA

DOMESTIC SERVITUDE

Veronica left her indigenous community in Colombia for a domestic service position in the capital city, Bogotá. After arriving, her employer told her she would need to work for two months without a salary to repay her relocation expenses. Later, her employer forced Veronica to work for two years without pay as punishment for breaking a decorative vase in the home. She had to work 12-hour days and her movements were constantly restricted. After she escaped and a prosecutor brought charges against Veronica's employer, the court ruled that Veronica was a victim of domestic servitude and a survivor of human trafficking.

AN INSIDE LOOK:
Annual TIP Report Process

The Secretary of State typically releases the TIP Report at a public event and welcomes members of the anti-trafficking stakeholder community, survivors of human trafficking, White House officials, and Members of Congress. That event marks the culmination of an entire year of activity dedicated to diplomatic engagement built around the tier rankings and country narrative recommendations, as well as the production of the report itself.

Although diplomatic engagement on human trafficking occurs year-round, the process for drafting the TIP Report begins in the fall, when the Department of State's TIP Office requests information from U.S. embassies regarding the profile of human trafficking in that country and efforts of the government to combat it. Foreign service officers and locally employed staff collect information throughout the year related to law enforcement activity, victim identification and protection efforts, and anti-trafficking policies and practices, among others. This information is sent to analysts in the TIP Office who use it, in combination with other sources such as media reports, academic studies, in-country engagement, and information from the public, to inform the TIP Report tier rankings, country narratives, and recommendations.

Once the Secretary approves the report and determines tier rankings, the Department submits it to Congress in June and releases it to the public. (Details on the tier ranking process can be found on pages 39-41.)

THE IMPACT OF THE TIP REPORT
Diplomatic Engagement

Throughout the year, the report serves as a roadmap for diplomatic engagement with governments around the world on human trafficking. Each TIP Report country narrative lays out a justification for the tier ranking followed by prioritized recommendations for how the government can better meet the TVPA minimum standards. Department of State officials from U.S. embassies and consulates, as well as the TIP Office, use the TIP Report when they meet with foreign government officials across a variety of agencies to draw attention to human trafficking, discuss policy recommendations, and work toward solutions.

Beyond meetings with government officials, embassies find other ways to raise awareness about human trafficking, reinforce the TIP Report recommendations, and highlight promising practices. In many cases, these activities serve to empower NGOs and other local actors and to drive partnerships between governments and civil society.

Boats docked at the Yilan Harbor in Taiwan. Forced labor on Taiwan-owned and -flagged fishing vessels remains a significant problem at domestic and foreign ports and on the high seas.

For example:

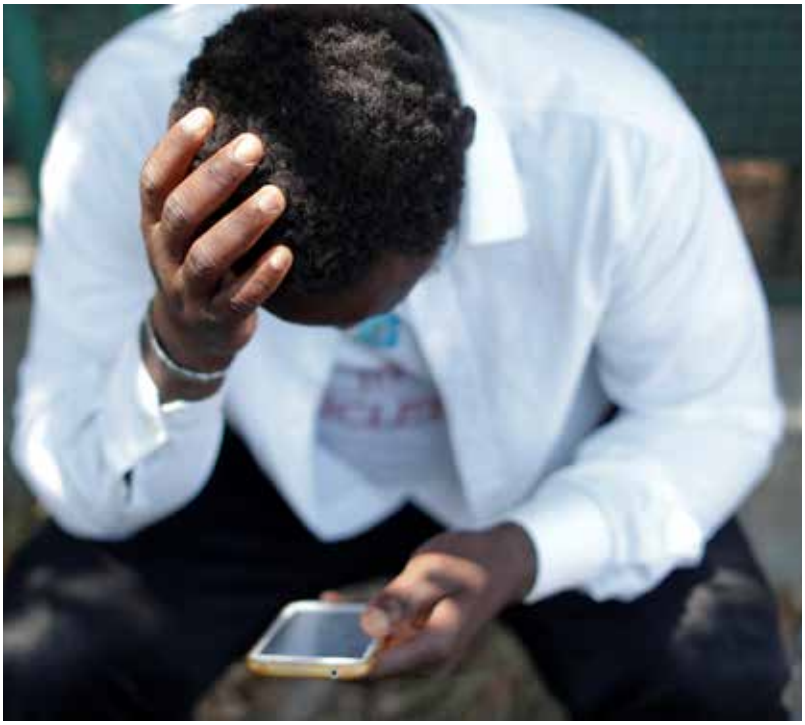
In 2012, Embassy Skopje in **North Macedonia** organized an award ceremony for Ministry of Labor social workers, praising their outstanding commitment to providing protection, care, and assistance to victims of trafficking.

In 2014, Embassy Santiago in **Chile** organized an ongoing anti-trafficking working group comprising NGOs, international organizations, and foreign embassies. The working group raised the profile of trafficking in persons within Chile and gave civil society the opportunity to participate in the Chilean government's development of a national action plan.

In 2019, U.S. Ambassador to **Liberia** Christine Elder gave an address as part of the African Methodist Episcopal University (AMEU) Graduate Program Fifth Lecture Series, which brings together students and special subject matter experts to discuss and suggest solutions to the most urgent problems in society. Ambassador Elder emphasized the pervasive nature of forced child labor cases, which occur in all areas of the country, including border, rural, and urban areas, and are often purely domestic in nature.

In 2019, Embassy Banjul in **The Gambia** worked with the Gambian government and multi-sector stakeholders to implement that country's national action plan to combat human trafficking. Efforts focused on training both government and private sector actors and raising awareness. U.S. representatives from the Department's Bureau of African Affairs visited Banjul to meet with local representatives from IOM, members of a government-run shelter that houses human trafficking victims, and a local NGO. Members of the NGO, which is composed of trafficking survivors, shared their experiences with trafficking issues in The Gambia.

These types of activities can help increase the general understanding of what constitutes human trafficking and spur new institutional approaches for combating it.



INTERNATIONAL PROGRAMMING

The TIP Office awards grants to combat all forms of human trafficking according to the "3P" paradigm of prosecuting traffickers, protecting and assisting human trafficking victims, and preventing trafficking in persons.

The TIP Report shapes the TIP Office's foreign assistance priorities. Examples of project activities include helping countries enact and implement anti-trafficking laws; training police, prosecutors, and judges; helping develop victim identification protocols and training officials on their implementation; providing direct support to victims; building capacity to offer victim services; and increasing awareness of human trafficking.

"They often say we form the backbone of the economy. But they have broken our spines so badly that we have to bend like this all the time."

M. Ganasekaran
Worker

Miners dig a well to collect ore near Lombok, Indonesia. Labor traffickers often coerce migrant workers against their will to work in mines by threatening violence and withholding identify documents.

HUMAN TRAFFICKING **DEFINED**

The TVPA defines "severe forms of trafficking in persons" as:

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

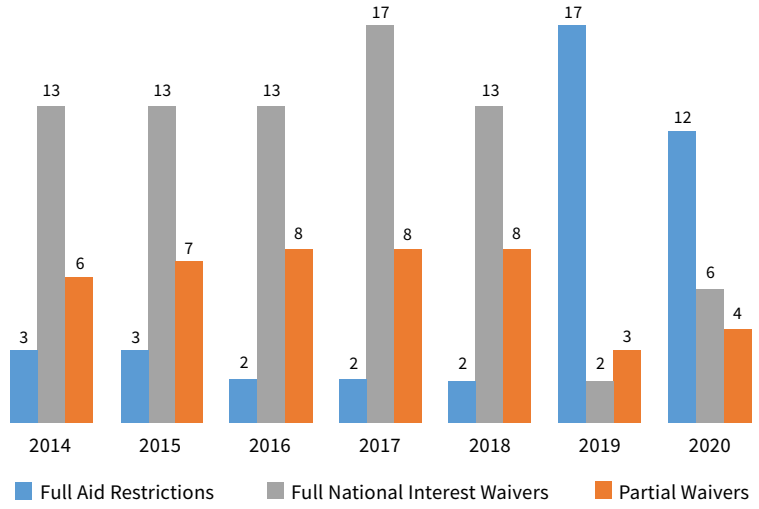
A victim need not be physically transported from one location to another for the crime to fall within this definition.

Tier 3 Restrictions

The TVPA states that the United States shall not provide nonhumanitarian, nontrade-related foreign assistance to any government of a country that is ranked on Tier 3 for failure to comply with minimum standards for the elimination of trafficking or make significant efforts to bring itself into compliance with such standards.

Ninety days after the submission of the TIP Report to Congress, the TVPA requires the President to make a determination on whether and to what extent to impose such foreign assistance restrictions on Tier 3 governments. Presidential determinations address applicability of assistance restrictions, including those on nonhumanitarian and nontrade-related assistance, funding for cultural exchanges and education, and voting on loans provided by multilateral development banks. In some cases, the President may also waive restrictions for one or more projects, programs, or activities. Foreign assistance not for the benefit the governments of countries listed on Tier 3, such as to support the people of Tier 3 countries through civil society organizations, is generally not restricted under the TVPA.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS OF TIER 3 COUNTRIES (BY FISCAL YEAR)

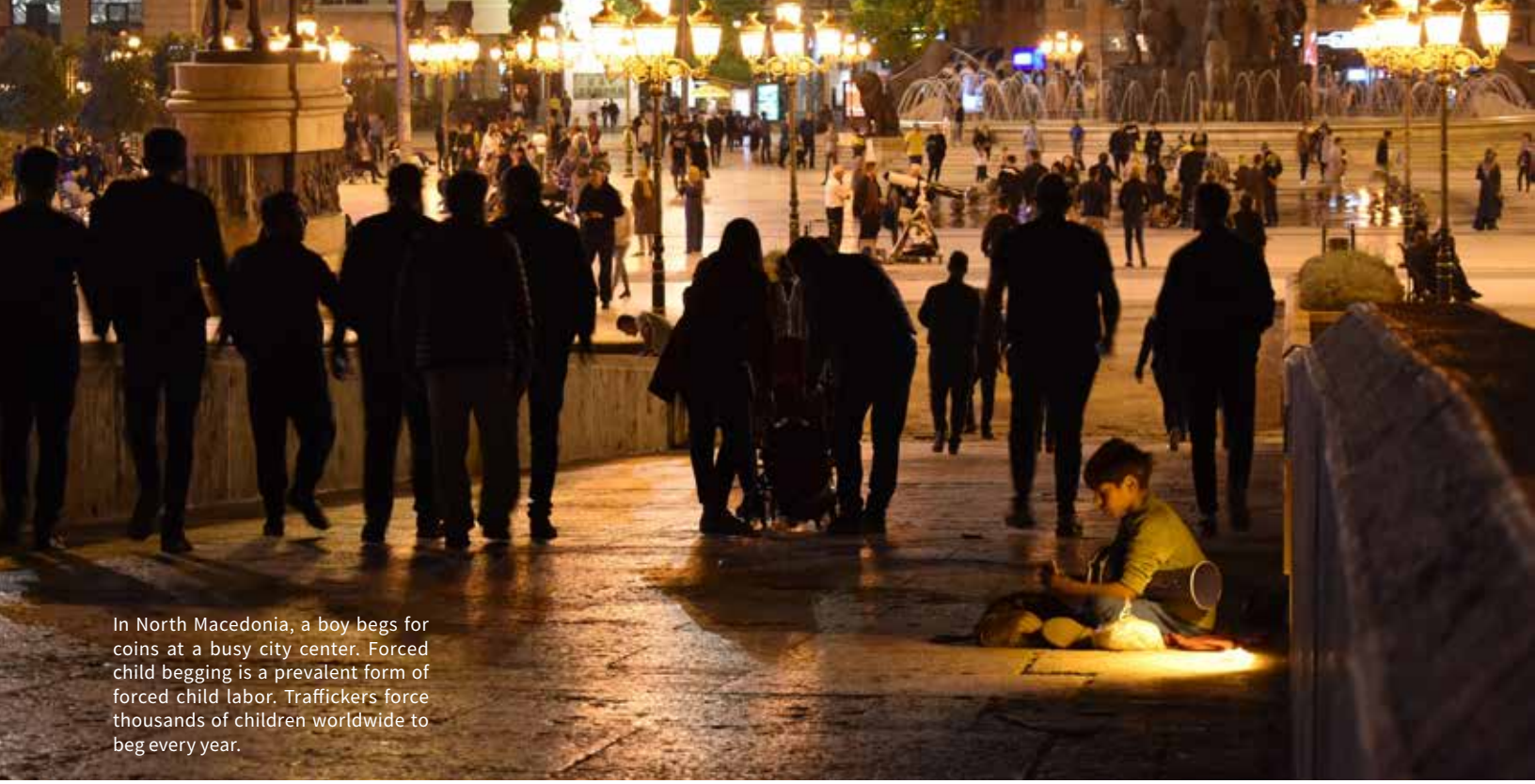


The chart to the right reflects the number of full restrictions, partial waivers, and full waivers provided annually since 2014.

A boy drives a mototaxi at a street market in Peru. In some communities, families struggling financially need their children to earn money by street vending, street begging, or working in unregistered factories where they are more vulnerable to traffickers.

> "You have to know your self-worth. It's OK to ask for help. They don't know they are a victim. They feel like it's their fault. We are victims. You can have the worst past, but that doesn't mean you can't have a successful future."
>
> April
> Survivor

An Afghan boy drives a horse cart. Across Eastern Afghanistan, salt mine owners force children to work in hazardous and often illegal mines.



In North Macedonia, a boy begs for coins at a busy city center. Forced child begging is a prevalent form of forced child labor. Traffickers force thousands of children worldwide to beg every year.

> "To truly be survivor-centered and informed means to not only prioritize survivors' needs or wishes in service delivery. It must also include meaningful collaboration with survivors to inform the design and implementation of the very policies and programs that affect them. No survivor should ever be viewed by their trafficking or lived experiences alone."

Bella Hounakey

Survivor and Member of the U.S. Advisory Council on Human Trafficking

Tracking Data

Since 2005, the TIP Report has collected from governments anti-trafficking law enforcement data, which provide insight into trends over time. The importance of data in measuring the effectiveness of anti-trafficking efforts cannot be overstated and, thanks to the effort of governments to enact comprehensive laws and educate government officials and communities, there is now more data available to evaluate global anti-trafficking efforts than ever before.

Other indicators point to significant improvement in the past 20 years. For example, in 2001, just four countries (Bulgaria, Monaco, Nigeria, and Serbia) had ratified the Palermo Protocol. As of June 2020, all but 15 countries included in the TIP Report are party to the Palermo Protocol. The TIP Report has consistently included a recommendation in country narratives that the remaining governments ratify the Palermo Protocol and has tracked progress on this over the years.

The data submitted for the report by governments and other actors reflect an enhanced understanding of human trafficking, a growing commitment to transparency, and an increasing willingness to work together in addressing a challenge that affects all countries.

Increasing Public Understanding And Empowering Anti-Trafficking Stakeholders

The TIP Report represents a credible source of information that civil society uses to advocate for new anti-trafficking policies. The Department of State relies on the information anti-trafficking stakeholders provide each year to effectively evaluate and rank countries' anti-trafficking efforts. Similarly, anti-trafficking stakeholders rely on the TIP Report to better understand the realities in a given country and use the report as a tool for advocacy. Most NGOs concentrate their efforts on specific aspects of anti-trafficking policies—from protection for victims to law enforcement training and public outreach campaigns. The TIP Report provides a comprehensive view of what the government is doing to combat trafficking in persons. It allows NGOs, advocates, and other individuals in the anti-trafficking movement to take a holistic approach when considering new programs and government partnerships.

Indian women bathe at a waterhole. Debt-based coercion characterizes a significant portion of India's internal trafficking. Traffickers charge workers fraudulent or inflated fees or interest rates and coerce victims to enlist their children or other family members, forcing a new generation to work to pay off the debt.

ROMANIA-ITALY

SEX TRAFFICKING

Sofia was optimistic as she landed in Italy with her new fiancé, excited for the luxuries her rural Romanian village did not afford her. Soon after arriving, Sofia's fiancé handed her an itemized bill for every meal, trip, and gift he had ever purchased for her. He told her she needed to reimburse him by engaging in commercial sex. He forced her to do so through threats, physical violence, and destroying her personal property. Sofia escaped back to Romania and is now receiving support at a shelter for trafficking survivors.

The TIP Report also provides stakeholders a useful basis on which to engage with governments that seek to act on recommendations through tangible government policies. The TIP Report not only serves as a warning for governments with weak anti-trafficking policies, it offers a road map for governments, NGOs, advocates, and other stakeholders to engage and create public-private partnerships. Anti-trafficking stakeholders that work in the field have first-hand knowledge of the issues stated in the TIP Report. As a result, they serve as excellent partners to both influence and support implementation of the TIP Report recommendations.

TIP REPORT HEROES

In 2004, the TIP Report started highlighting the efforts of extraordinary individuals combating human trafficking, recognizing TIP Report Heroes for the first time. That year, the report emphasized the importance of the actions taken by "ordinary citizens around the world." Since then, the TIP Report has featured 146 heroes from more than 75 countries, and it has become clear that these are not just ordinary citizens – they are individuals with an extraordinary passion and commitment to a world where freedom prevails.

Over the years, there have been TIP Report Heroes who are survivors of trafficking, doctors, lawyers, social workers, police officers, religious and business leaders, and journalists, among many others. Heroes have been strong advocates – a first lady, a queen, a pop star, and a former senator. Heroes also have been personally affected by trafficking: a mother whose daughter was kidnapped by the Lord's Resistance Army; a fisherman forced to work at sea for four years; a former *talibé* who now provides shelter to street children; and an activist who secured the release of ISIS captives. TIP Report Heroes have cared for victims, demanded legal and social change, held governments to account, and educated the public about human trafficking in their countries and around the world. Often working at great personal expense and risk, the TIP Report Heroes are an incredible testament to the idea that the efforts of a single person can make all the difference in the individual lives of victims and the broader fight against human trafficking.

Since 2010, the Department has invited the Heroes to Washington, DC, for the launch of the TIP Report and to receive an award from the Secretary of State. In addition, starting in 2011, the Department's Bureau of Educational and Cultural Affairs has hosted an International Visitor Leadership Program for the Heroes. Heroes have traveled to cities across the United States to meet with experts at the federal, state, and local levels to exchange information on anti-trafficking efforts. Due to COVID-19 restrictions, the Department honored the 2020 TIP Report Heroes virtually.

CONCLUSION

For the last 20 years, the TIP Report has continuously documented the growing movement against human trafficking and provided a roadmap for governments to address the crime, laying out realistic and actionable policy priorities and insisting on continuous improvement. It has tracked the seriousness with which governments take this issue, not just in verbal commitments but also in concrete action. For two decades, the TIP Report has kept a spotlight focused on a crime many may have preferred to ignore.

The TIP Report urges governments to come to the table to fight this global crime. Its efficacy depends on consensus around the idea that everyone has inherent value and human dignity requires that they be free. When traffickers interfere with this freedom, they weaken the foundation of free and just societies.

The last 20 years have shown that criminalizing all forms of human trafficking and providing victims with access to comprehensive care require commitment and time. Yet, when governments take action and lead, progress toward a world free from human trafficking is possible. One pressing need is for governments to end the practice of state-sponsored forced labor. Other global priorities for governments are to increase labor trafficking prosecutions; to repeal laws that require force, fraud, or coercion for child sex trafficking; and to stop penalizing victims for unlawful acts their traffickers compel them to commit. These and other priorities are integral to the pursuit of freedom. For the next 20 years and beyond, the TIP Report will continue to serve these ends.

> "Human trafficking is a heinous crime happening all around us. The victims—30% of which are children—are subject to forced labour, sexual exploitation and other forms of abuse. We must do more to bring criminals to justice, and help victims rebuild their lives."
>
> António Guterres
> Secretary-General of the United Nations

Indian men carry clay and materials to and from a brick kiln. Across India, traffickers force entire families to work to pay off debts, also known as debt bondage. Conditions at brick kilns are extreme; workers often do not have running water and endure excruciating temperatures at sites filled with dust and dangerous chemicals.

INDIA

FORCED LABOR

Madhu was thrilled when recruiters arrived in his Northern Indian village offering him easy, flexible work at a factory in Bangalore. After moving, he quickly realized the factory owners had lied about what his role and work conditions would be. Forbidden from leaving his work site, Madhu had no choice but to work 12-hour shifts packaging chemicals under hazardous conditions. While the factory owners paid Madhu a small daily salary, they physically threatened him, forced him to work when ill, and restricted all his movements for four years. When local police learned he was not allowed to return home or travel without consent from his employer, they required the factory owners to release him. Madhu returned to his village, but law enforcement have not pressed charges against the factory.

TRAUMA BONDING IN HUMAN TRAFFICKING

The following is a product of the Human Trafficking Expert Consultant Network funded by the TIP Office. The purpose of the Network is to engage experts, particularly those with lived experience, to provide expertise and input on Department of State anti-trafficking policies, strategies, and products related to human trafficking, both in the United States and abroad. The authors have a range of expertise related to human trafficking, marginalized communities, and trauma.

In human trafficking cases, the relationship between victim and trafficker may involve trauma bonding, a phenomenon that is beginning to receive increased attention. In research on the topic, trauma bonding is commonly referred to as "Stockholm Syndrome," and the terms may be used interchangeably. However, there is no medical standard for diagnosis of either, nor any agreed upon definition of trauma bonding. In addition, there is no definitive understanding of trauma bonding's prevalence within trafficking situations and not all trafficking victims experience it. Current research is mostly limited to the United States and focused almost exclusively on sex trafficking of women and girls. These research gaps create uncertainty regarding the prevalence and full impact of trauma bonding on all human trafficking victims globally.

Although definitions vary, the most common meaning of trauma bonding is when a trafficker uses rewards and punishments within cycles of abuse to foster a powerful emotional connection with the victim. Traffickers may take on a role of protector to maintain control of the victim, create confusion, and develop a connection or attachment, which may include the victim feeling a sense of loyalty to or love for the trafficker. This connection, or traumatic bond, becomes especially intense when fear of the trafficker is paired with gratitude for any kindness shown. Additionally, trauma bonding, including in cases of trafficking, may occur within familial relationships in which the perpetrator could even be a parent.

UNDERSTANDING BIOLOGY

To understand the complexities of trauma bonding in human trafficking, it is critical to consider the biological impact of trauma and the effects of psychological coercion on the brain. The foundations for trauma bonding are laid at the neurobiological levels. During a single incident of trauma, the limbic system, the brain's emotion center, over-activates and the prefrontal cortex, the brain's logic center, shuts down.

Repeated trauma exposure can negatively affect brain development and the way a person thinks, often resulting in a victim becoming numb and disconnected from themselves. Therefore, in order for them to feel something, it must be intense. For example, a trafficker's repeated abuse and the related trauma exposure may result in a trafficking victim returning to the trafficker due to the intensity, familiarity, and routine provided by the relationship. At times, this relationship may also decrease the psychological impact of the trauma as moments of love and care from the trafficker offset experiences of anxiety or fear.

UNDERSTANDING PSYCHOLOGICAL COERCION

Psychological coercion may increase the likelihood of trauma bonding. When a victim perceives a threat to their physical and psychological survival at the hands of their trafficker, trauma bonding may occur. Traffickers may isolate and threaten victims, induce exhaustion, and interfere with their believed or real ability to escape. A victim may eventually feel helpless and respond to any form of "help" or "kindness" from their trafficker with gratitude and attachment in order to survive.

Inaccessibility to other sources of support or comfort can increase the power of psychological coercion within a trauma bond. Describing the bonding that occurs in the face of danger, psychiatrist and trauma expert Bessel Van der Kolk explains, "Pain, fear, fatigue, and loss of loved ones and protectors all evoke efforts to attract increased care. When there is no access to…other sources of comfort, people may turn toward their tormentors." Therefore, a victim's social and economic circumstances may contribute to their developing a sense of trust and loyalty towards a trafficker. For example, lack of access to housing, healthcare, employment, income, education, or asylum may increase the likelihood of a trauma bond developing.

IMPACT ON SERVICE DELIVERY

When a trafficking victim who has experienced trauma bonding seeks assistance, government officials and service providers must recognize that survivors may behave in ways that seem incongruous with typical expectations of victimization. Within

human trafficking, trauma bonding may cause coerced co-offending, perceived ambivalence, delayed or inaccurate reporting, or unwillingness to cooperate with law enforcement.

Services available to survivors of human trafficking, especially those who have experienced trauma bonding, need to be responsive to the impact of the survivor's relationship with their trafficker. A trauma bond may help a victim feel balanced due to the sense of predictability the relationship provides. Within the relationship, there is familiarity and consistency, while leaving the relationship presents the risk of the unknown. The control in a trauma bond may help a person mentally make sense of the world, whereas escaping the trauma bond and trying to make independent decisions may feel overwhelming.

By leaving a trauma bond, a survivor may risk experiencing intense anger and sadness, numbness, negative expectations about the future, and internal disorder. When providers deny access to services due to a victim's interaction with the perpetrator, it may result in re-victimization through engagement in high-risk survival activities. Stages of "relapses" wherein the victim returns to the trafficker should therefore be considered in treatment planning. Finally, organizations must be cautious not to replicate trauma bonding within their own programs, wherein the service provider assumes the simultaneously protective and coercive role the trafficker previously played in the survivor's life.

LOOKING AHEAD

More research is needed on trauma bonding in human trafficking alongside development of evidence-based and trauma-informed service delivery.

- Rigorous, methodologically sound, and impartial research into the frequency of trauma bonding will support improved understanding among practitioners and more effective policies and services.
- Standardization for assessing trauma bonding can help identify red flag indicators and establish response protocols.
- Systemic inaccessibility to stability is noted frequently among human trafficking survivors. Examination of the relationship between socioeconomic factors and the occurrence of trauma bonding is necessary.
- Adult-focused interventions require additional empirical research on the role of trauma bonding.
- Significant exploration regarding trauma bonding among labor trafficking victims is needed.
- Because there are no consistent criteria for identifying trauma bonding, the label should be used carefully until clear criteria are established.
- Programs need to recognize when trauma bonding has occurred and enhance a victim's agency. Patience and consistency with service responses may increase a victim's ability to break the trauma bond.

ACCOUNTABILITY FOR UN PEACEKEEPERS

Through the TIP Report's minimum standards, the TVPA recognizes that countries that send troops to participate in peacekeeping missions should be responsible for training their troops on human trafficking and holding those troops accountable if they engage, while on such missions, in inappropriate behavior, including human trafficking. Unfortunately, accountability for peacekeepers complicit in human trafficking has persisted as a serious challenge for governments and the international community.

As early as 2004, the UN drew attention to this issue in its report on sexual exploitation by UN peacekeepers in the Democratic Republic of Congo, highlighting the lack of compliance by troop-sending countries with the UN's official policy against sexual exploitation and abuse. In some cases, peacekeepers have sexually abused or sexually exploited women and girls, including in sex trafficking, such as by threatening their access to food and other necessities to coerce them into sex. Victims in such cases also face enormous pressure not to report these crimes and abuses or the peacekeepers who committed them, and local authorities rarely have the capacity proactively to identify victims of these crimes. The UN and international community have attempted to address the challenges in holding peacekeepers accountable for sexual exploitation and abuse since reports of abuse emerged in the early 2000s.

Between 2007 and 2019, the UN received 1,033 allegations of sexual exploitation and abuse, including instances of sex trafficking, by UN peacekeeping mission members. During the 13-year stabilization mission in **Haiti**, peacekeepers allegedly coerced women and girls into sex in exchange for necessities such as food. Reports implicate UN personnel from 13 countries. In 2017, media alleged peacekeepers exploited nine Haitian children in a sex trafficking ring. There were reports that soldiers deployed as UN peacekeepers to **Liberia** sexually exploited women and children, including in sex trafficking, from 2003-2017. In 2015 and 2016, the UN and NGOs reported peacekeepers from 10 countries coerced internally displaced persons into sex in exchange for food and necessities while participating in the UN peacekeeping force in **Central African Republic (CAR).**

The UN Secretary General's 2003 Bulletin defines "sexual exploitation" as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. "Sexual abuse" is defined as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. The UN refers to these together as "sexual exploitation and abuse," which is the term used here. It encompasses acts that would constitute child sex trafficking.

Over the years, the UN has adopted several important measures to seek to prevent and address allegations of sexual exploitation and abuse, yet the process of holding perpetrators accountable is often opaque and ineffective. Although the UN may investigate allegations and withdraw peacekeepers, only troop- or police-contributing countries may pursue criminal accountability. And while the UN has the authority to dismiss offending personnel from missions, complicit peacekeepers rarely face a formal criminal justice process. The UN investigates whether allegations are substantiated; however, it does not have the authority to hold individual perpetrators accountable and must ultimately rely on the troop- and police-contributing countries to do so according to that country's laws. Troop- and police-contributing countries rarely initiate and complete criminal proceedings against alleged perpetrators and, as a result, complicit peacekeepers largely act with impunity. Between 2007 and 2019, troop- and police-contributing countries prosecuted and sentenced to prison 51 peacekeepers for sexual abuse and exploitation. In an effort to increase accountability, the UN began publishing the nationalities of peacekeepers alleged to have committed sexual abuse and exploitation offenses in 2015.

In 2016 and 2018, the UN Security Council adopted two resolutions to strengthen the UN's response to peacekeeper abuses, including a provision supporting the repatriation of the entire country unit in cases of alleged sexual exploitation and abuse where the relevant government has not taken appropriate steps toward accountability, and a provision calling for evaluation of peacekeeping personnel and greater transparency in how such evaluations ensure accountability. Since then, the UN has taken additional steps to withhold payments for accused uniformed personnel, maintain a transparent website that identifies the nationalities of uniformed peacekeepers accused of sexual exploitation and abuse, and share updates on investigations and actions taken by the UN and troop- and police-contributing countries. This information allows other countries to press governments for investigations and accountability against the perpetrators. Further, UN performance reviews of allegations of sexual abuse and exploitation have resulted in the withdrawal of contingents and the use of other mitigating measures. Additionally, the UN Secretary-General has requested countries establish on-site court martial proceedings when allegations arise involving military contingents to improve access to justice for victims. As of December 2019, **Egypt, Bangladesh,** and **South Africa** had conducted such on-site court martial proceedings.

In recent years, the UN Secretary-General has sought to improve the UN's response to victims of sexual exploitation and abuse. Staff serving as victim rights advocates are now posted in high-risk peacekeeping operations to provide victims with adequate protection, appropriate assistance, and reliable recourse to justice. In 2019, these advocates worked with other UN entities, served as the primary interlocutor with victims of sexual exploitation and abuse, and initiated a pilot mapping exercise to identify best practices, gaps, areas of overlap, and lessons learned in victims' rights approaches and available services. The results of this study will identify existing gaps in service provision and provide recommendations for improvement.

Even though the lack of accountability for public officials complicit in sexual exploitation and abuse is not limited to peacekeepers, the international community must increase pressure on governments to hold accountable those who participate in multinational forces to maintain peace and protect vulnerable populations under the auspices of the UN, NATO, or other organizations. The UN and other organizations carrying out peace operations, and troop- and police-contributing countries must reflect on peacekeepers' positions of power and privilege relative to the host population and the myriad ways this dynamic contributes to sexual exploitation and abuse. Troop- and police-contributing countries must review, amend, or develop laws to allow prosecution of such crimes when committed by their personnel while serving overseas. Holding individuals accountable for the exploitation of vulnerable populations will bring new trust and honor to peacekeeping missions. The current culture of impunity threatens to tarnish irreparably the important mission of peacekeepers. **(Page 549 of this report includes a summary of actions taken by the UN to prevent human trafficking and sexual exploitation by international peacekeepers.)**

In September 2017, the UN Secretary-General introduced the Voluntary Compact on Elimination of Sexual Exploitation and Abuse between the Secretary-General and Member States, which sets out specific commitments by signatory Member States to prevent sexual exploitation and abuse, to hold perpetrators accountable, and to support victims. The United States signed on to the Compact in September 2017.

As of March 2020, 103 countries were signatories, including many troop- and police-contributing countries. Efforts also are ongoing to encourage heads of state and government to join the Secretary-General's "Circle of Leadership" on the prevention of sexual exploitation and abuse in UN operations and to make public commitments to end impunity for this misconduct.

"[Human trafficking] thrives in situations where the rule of law is weak and people lack opportunities. Humanitarian crises and conflicts create an environment in which traffickers easily prey upon the vulnerable."

Yury Fedotov
Former Executive Director,
UN Office on Drugs and Crime

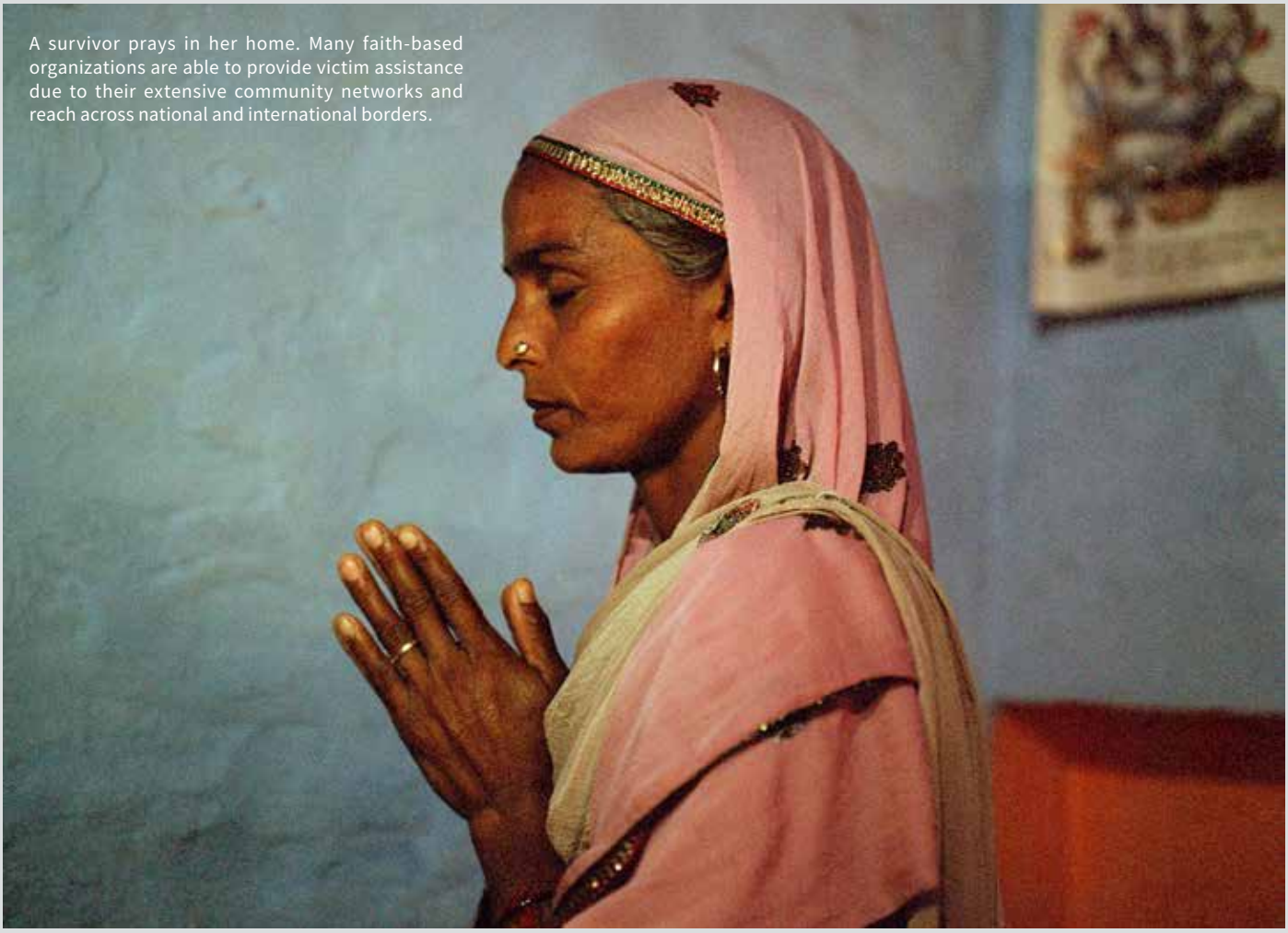
FAITH-BASED EFFORTS TO COMBAT HUMAN TRAFFICKING

In 2014, Pope Francis joined with 11 other religious leaders representing the Muslim, Jewish, Orthodox, Anglican, Buddhist, and Hindu faiths to commit to work together and within their respective communities to inspire spiritual and practical action to help eradicate human trafficking worldwide. In a historic step, these religious leaders of the world's major religions gathered and proclaimed in unison that their sacred texts do not support human trafficking.

As perhaps this momentous occasion demonstrated, faith-based communities, organizations, and congregations are powerful and necessary forces in the fight against human trafficking. Unlike governments, faith-based organizations are not limited by jurisdiction, election cycles, or political will. Nor are faith communities hemmed in by borders. By contrast, faith-based organizations serve in many different cities, provinces, and countries. They reach across international borders, spanning continents with a powerful network of followers with tremendous reach – from remote villages to capital cities and the seats of power. This unique nongovernmental reach allows faith-based organizations a flexibility that governments cannot exercise.

Faith-based organizations are well-positioned by their familiarity with local threats, their stake in keeping their communities safe, and their ability to develop context, build trust, establish relationships, and provide protection before a trafficker ever acts. They can issue calls to action that cut across borders, cultures, ethnicities, and economic classes.

Faith-based efforts to combat human trafficking take many forms and operate in different ways, adapting to a particular context or sector, or to the culture of the communities and countries in which they serve. Some of the entities involved have raised awareness, made concrete commitments, established networks, or developed tools and guidance to help eradicate human trafficking, as well as assisted with the reintegration of survivors in their community. The following are but a few examples of faith-based anti-trafficking efforts.



A survivor prays in her home. Many faith-based organizations are able to provide victim assistance due to their extensive community networks and reach across national and international borders.

The Interfaith Center on Corporate Responsibility (ICCR) based in the United States uses a multi-faith approach from a different angle. A coalition of more than 300 global institutional investors with more than $500 billion in managed assets, it uses the power of shareholder advocacy to engage companies to identify, mitigate, and address social and environmental risks associated with corporate operations, including human trafficking. ICCR members call on companies they hold to adopt policies banning human trafficking as a key part of their core business polices, and to train their personnel and suppliers to safeguard against these risks throughout their supply chains. ICCR's *Statement of Principles & Recommended Practices for Confronting Human Trafficking & Modern Slavery* provides guidance to companies to protect their supply chains from sex and labor trafficking.

In Senegal, religious leaders and local authorities in several municipalities are engaged in efforts to reduce and eradicate forced child begging. Forced child begging is one of the main forms of trafficking found in Senegal, where children, commonly known as *talibés* have been forced to beg in the streets as part of their studies in Quranic schools, called *daaras*. While the majority are Senegalese, many of these children also come from neighboring countries in West Africa such as **The Gambia, Guinea, Guinea-Bissau, Mauritania, and Mali.** Over the past few years, the government has increased its engagement with religious leaders from all of Senegal's five dominant religious brotherhoods and the national federation of Quranic teachers to raise concerns regarding forced begging and secure their commitments to end this practice in its current form. With support from the international community, some targeted projects have sought to raise awareness and sensitize local authorities and religious leaders on the issue of forced child begging. One such project conducted over the past few years by UNODC is also facilitating the creation of local associations of Quranic teachers and is working with prominent leaders to raise awareness during radio programs, clearly stating that forced child begging is child trafficking and is against Islamic principles. As a result, several Quranic schools have committed to no longer send their children to beg, and the National Federation of Quranic Teachers is working with the Ministry of Family and Child Protection to push for the adoption of the Daara Modernization Law by the National Assembly. While much more needs to be done given the size of the problem, these faith-based efforts are nonetheless very promising. UNODC also published a paper in 2010, titled *Combating Trafficking in Persons in Accordance with the Principles of Islamic Law.*

Talitha Kum (or the International Network of Consecrated Life Against Trafficking in Persons), is a project based in Rome, **Italy**, and founded in 2009 by the International Union of Superiors General, in collaboration with the Union of Superiors General. It functions as a network of networks to connect women religious in more than 92 countries to facilitate collaboration and the exchange of experiences and to help strengthen efforts to combat human trafficking. Network members work with local communities to raise awareness and recognize the indicators of human trafficking, advocate for the effective implementation of existing laws, and work closely with victims to provide them with guidance and support, including access to shelters, safe houses, counseling and legal assistance, and vocational training. In the Mediterranean region, a priority area of Talitha Kum, women of Christian and Muslim faith are working together against human trafficking.

T'ruah is a nonprofit organization bringing together more than 2,000 rabbis and cantors, together with all members of the Jewish community, to act on the Jewish imperative to respect and protect the human rights of all people. A leader in the Jewish community's fight against modern slavery, T'ruah has partnered since 2011 with the Coalition of Immokalee Workers (CIW) to expand the Fair Food Program, bringing human rights and higher wages to farmworkers in Florida and up the East Coast and eliminating the root causes of human trafficking in the tomato industry. More than 100 of T'ruah's "#tomatorabbis" have led broader faith efforts to support CIW, bringing their communities to join farmworker campaigns, sharing sermons and other faith resources, and putting tomatoes on their Seder plates each Passover in honor of the farmworkers who picked them. In 2018, T'ruah was the first Jewish organization to join the Alliance to End Slavery and Trafficking.

Finally, there are a number of resources, such as UNICEF's *Interfaith Toolkit to End Trafficking,* to help educate faith leaders and faith-based organizations on the issue of human trafficking and to empower them with the resources they need to take action in a way that prevents further harm to victims.

Organizations called by their faith to help address human trafficking can play an important role both locally and around the world. Given their unique reach, they are well positioned to inspire spiritual and practical action to help respond to and prevent human trafficking.

CAMBODIA

DEBT BONDAGE

Needing money to help purchase a home and start a family, Kim's parents accepted a small loan from the owner of the brick kiln where they worked. For years thereafter, the kiln owner used the debt to coerce and manipulate Kim's family to continue to work. When Kim was 12, she began working with her parents to help pay off the debt. Twenty years later, her family's debt has grown to more than twice their average annual income, which has left Kim with no option but to put her own 11-year-old son to work at the kiln as well. Kim fears her family will never escape their trafficker.

HUMAN TRAFFICKING OF ATHLETES

Many people around the world dream of becoming professional athletes, drawn by the fame, multi-million-dollar contracts, lucrative brand sponsorships, and opportunities to travel around the world. The growing number of young players aspiring to become professional athletes and the potential to sign the next greatest deal inevitably draws human traffickers looking to profit from the exploitation of players' dreams. The often insufficient oversight by sport governing bodies and lack of government enforcement further allows unscrupulous agents to operate.

Most often, sports agents approach poor or rural families with an offer to arrange for a child to train at a street-side academy, sports club, or school, with the promise of signing the child with a professional team. Many of these families will do whatever it takes to meet the agent's price. In cases where the agent does arrange for the children's admittance and travel to a club or school, typically for a fee of thousands of dollars, the children often find themselves in situations that increase their vulnerability to predatory behaviors. Some unscrupulous agents immediately abandon the children while in transit or after arrival at the destination. Other agents, who are actually traffickers, have a longer-term scheme, where they vie to establish themselves within young athletes' circle of trust and instill a sense of dependency as early as possible. If players fail to advance to the next level in the sport, the agent abandons them without means to return home. If abandoned abroad, players often remain in the country undocumented not knowing how to contact family and friends or too afraid to do so because of a strong sense of shame and self-blame. This lack of resources, guidance, and social support increases their vulnerability to traffickers.

For players offered a position on a team, the traffickers posing as agents have already established a relationship with the athlete and are well-positioned to control the course of the athlete's career. In numerous cases, the traffickers have compelled or tricked athletes into signing exploitative contracts with major kickback schemes that bind the athletes to the agent. These agents often maintain control of athletes' travel and identity documents to prevent them from leaving, or they exploit a debt amassed from previous fees or interest on loans to keep the athlete in a state of debt-based coercion. For the athletes who have dedicated their lives to sign a contract, the fear of losing the opportunity by questioning the terms of that contract or their so-called agent can be insurmountable. Once the contract is signed, the trafficker finally has the control needed to extort as much as possible from the athlete. Even after becoming more established, athletes may feel it is too risky to challenge the terms of a contract or seek other representation out of fear their situation would cause shame, ruin their reputation, or jeopardize their future.

While traffickers tend to target children and youth, they also approach young adults. In these instances, traffickers follow the same plan of signing an exploitative contract if the player is selected or abandonment upon failure. In either scenario, the player is at heightened risk of human trafficking. When legal migration avenues to countries with premier leagues are difficult or do not exist, the draw of a trafficker's promise of success is even more compelling.

A number of human trafficking cases in sports have been reported by news outlets and in documentaries. Within Europe's soccer industry alone, it is estimated there are 15,000 human trafficking victims each year. The migration patterns vary by sport, but the exploitative scheme of recruiting, building trust and dependency, and taking control upon a job offer is universal. The confluence of athletes' desire to play, their families' hopes of escaping poverty, agents' desire to profit, leagues' interest in marketing competitive players and games, and teams' eagerness to find young talent all create an environment that, if left unregulated, could be ripe for traffickers to exploit.

Yet neither governments nor international sports federations or national sports leagues have successfully addressed the growing incidence of human trafficking of athletes. As professional sports leagues have become increasingly globalized, multilateral and regional bodies have started incorporating protection of athletes in sports integrity and anticorruption initiatives; however, government and industry efforts to regulate an expanding web of migration and recruitment routes have proven insufficient. Though some national sports associations and individual government officials have taken interest in addressing the exploitation of athletes, the global nature of the sports industry and decentralized structure of many associations and leagues calls for a more systematic and standardized approach. Greater pressure on teams and their scouts is needed to conduct more due diligence on the agents they work with to ensure their talent acquisition is free of exploitation. While sports federations have precautions and safeguards in place against unwarranted interference from external parties, governments should acknowledge when their national sport leagues or associations in their country are not adequately protecting athletes and investigate cases where agents violate anti-trafficking and labor statutes. Governments could consider: increasing coordination between their youth or child services programs and their sports programs; training consular officers on common indicators or schemes traffickers use within student or sports visas programs; and pursuing partnerships or dialogues with sports agencies and leagues to begin to address this form of human trafficking, such as through nationwide public awareness initiatives.

CASE STUDY ON CHALLENGES: FIFA'S EFFORTS TO MONITOR PLAYER RECRUITMENT

As with labor recruiters for other industries, sport agents are an important bridge connecting players to clubs and a lack of regulation or oversight of agents creates favorable conditions for human trafficking. The highest governing body of the most popular sport in the world, FIFA, has immense power and responsibility to protect the integrity of the sport and protect its millions of players. However, reports of human trafficking in organized soccer under FIFA, including cases involving children, continue to surface. In 2008, FIFA issued regulations on agents and required all to be licensed by a sports association. In 2010, after FIFA learned of several players who had paid exorbitant fees to join a team, it mandated teams and anyone connecting players to them to register all international player transfers with FIFA's online system.

Enforcement of these regulations proved challenging. Some associations refused to work only with licensed agents (estimates claimed licensed agents comprised only 25 to 30 percent of active agents); some agents and clubs failed to report transactions at all; and discrepancies proliferated between countries' national regulations on recruitment. To address these shortcomings, FIFA released a new set of regulations in 2015 that decentralized monitoring of agents, who previously had needed to pass an exam and register with a national governing body. The new regulations also empowered member associations to establish their own criteria and registration system for any intermediary representing players or clubs in employment contract and transfer agreement negotiations. Deregulation of the recruitment industry and a decline in transparency and accountability resulted in an increase in the number of intermediaries. The 2015 regulations also removed limits on the duration of representation contracts, which opened the door to young players unwittingly binding themselves to long-term representation with a certain agent and losing their ability to leave a job. To mitigate some of these consequences, FIFA established a task force to recommend regulatory changes for intermediaries, including a potential return to a central licensing system through FIFA and creation of a clearing house to process payments associated with player transfers, such as agent commissions. Such a move could improve oversight of an industry that has resisted regulation despite being linked to crimes, including human trafficking

EXTRATERRITORIAL COMMERCIAL CHILD SEXUAL EXPLOITATION AND ABUSE: EVOLVING INFORMATION AND IMPROVING RESPONSES

Extraterritorial child sexual exploitation and abuse occurs when perpetrators engage in sex acts with children, or produce child sexual abuse material, outside their country of citizenship. Extraterritorial commercial child sexual exploitation and abuse concerns child sex trafficking, specifically when a perpetrator travels to another country and engages in a commercial sex act with a child.

Historically, these types of crimes were referred to as "child sex tourism." Today, the anti-trafficking community is moving away from using that term in favor of the terms "extraterritorial child sexual exploitation and abuse" and "extraterritorial commercial child sexual exploitation and abuse." These emphasize the significant harm inflicted on children without referencing the perpetrator's reason for being in the foreign country.

Indeed, while some perpetrators may be in the foreign country for tourism, others may be volunteers or expatriates who have permanently moved abroad. Some perpetrators may access children through relationships to families overseas, and others use the appearance of being in a position of trust to gain unsupervised access to children. Still other perpetrators are "situational abusers" who do not travel specifically to commit child sexual exploitation and abuse, but take advantage of an opportunity if it arises.

International travel has increased to historic levels as it has become more accessible and inexpensive. Some countries are attractive destinations for perpetrators who take advantage of weak rule of law, poverty, or the opportunity to engage in "voluntourism." A relatively new form of extraterritorial commercial child sexual exploitation and abuse involves the use of livestreaming, chat, and payment platforms. Perpetrators send an electronic payment to a person in another country who then livestreams the sexual abuse of a child in that country back to the "customer."

> "It was never your fault no matter what, so let go of the toxic shame—it doesn't belong to you. You are never too old, too lost, or too broken to begin healing today. Hope is the key and even if it starts out as small as a mustard seed, nurture hope—it will save you. And most importantly—you are not alone, you are not alone, you are not alone."
>
> Judge Robert Lung
> Survivor and Former Member of the U.S. Advisory Council on Human Trafficking

Per the reauthorization of the TVPA in 2008, the TIP Report has assessed governments' efforts to prevent the participation in extraterritorial commercial child sexual exploitation and abuse by their nationals. In the 2019 TIP Report, at least 53 country narratives cited concerns or reported cases of foreign perpetrators committing this type of child sexual exploitation and abuse in their country or of their nationals engaging in the crime abroad. For example, some countries report that foreign perpetrators commit extraterritorial commercial child sexual exploitation and abuse in their country by offering to pay for children's school fees or financially support orphanages to gain access to children.

The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act, enacted in 2003, broadened the United States' ability to address extraterritorial child sexual exploitation and abuse by making it a crime for U.S. nationals to travel abroad and engage in illicit sexual conduct with children, including child sex trafficking. Currently, the U.S. Angel Watch Center seeks to identify individuals previously convicted of child sexual exploitation or abuse offenses, including child sex trafficking, who intend to travel abroad. The Angel Watch Center uses publicly available sex offender registry information and passenger travel data to strategically alert foreign law enforcement of a convicted child sex offender's intent to travel to their country. With that notification, foreign law enforcement officials can choose whether to allow entry into their country. In FY 2019, the U.S. government provided 3,564 notifications to 127 countries.

While actions, policies, and laws have increasingly addressed this crime, all governments must do more to implement frameworks and take action to bring an end to extraterritorial child sexual exploitation and abuse.

NIGERIA-GHANA

SEX TRAFFICKING

When Patience's parents passed away, she took on the burden of caring for her six younger siblings and needed to find a job. A recruiter convinced her to leave Nigeria for better opportunities in Ghana. Once she arrived in a major city in Ghana, the recruiter demanded $1,500 for the cost of transportation and turned her over to a madam who used a local fetish priest to perform a ritual that obligated her to repay the debt. The trafficker then forced Patience to engage in commercial sex to repay her so-called debt for her travel to Ghana. She was threatened and told that if she refused, the priest would place a curse on her and she would be killed.

REENGINEERING HEALTH CARE FOR SURVIVORS OF HUMAN TRAFFICKING

Internationally, experts recognize both the short- and long-term health consequences as well as the public health burden of human trafficking. Indeed, the Palermo Protocol encourages states to provide medical and psychological assistance to survivors of human trafficking.

Medical and behavioral health professionals already caring for populations at high risk for human trafficking are incorporating training on human trafficking to enhance prevention and quality of care. Health care providers are also learning to use trauma-informed, survivor-informed, and culturally and linguistically appropriate services to build trust, strengthen screening, provide improved quality medical care, and reduce the risk of retraumatization. In addition, hospital networks have integrated responses to human trafficking into other health care violence prevention efforts. Public and private health care institutions, universities, and community organizations have been developing innovative partnerships and practices to provide specialized and comprehensive health care to survivors.

Here are some suggested promising practices that can be followed:

- **Provide trauma-informed care** by understanding, respecting, and appropriately responding to how human trafficking and other types of trauma affect a survivor's life, behavior, and sense of themselves.
  - » Clinics should aim to provide a safe environment for survivors in which all staff are trained on survivor engagement, acknowledge their rights and responsibilities, and disclose confidentiality and reporting policies.
  - » The presence of a trafficker can affect the patient's ability to speak openly with medical professionals, so providers should have procedures in place to separate a patient from a potential trafficker.
  - » If needed for language purposes, the provider should use a professional interpreter trained to interpret information appropriately, and without judgment, to ensure information is accurate and non-stigmatizing when applicable.
  - » Clinics should be aware of ways medical care can re-traumatize a survivor, such as through invasive procedures, removal of clothing, embarrassing or distressing personal questions, the gender of the health care provider, and the power dynamics of the doctor/patient relationship.

- **Empower patients by discussing informed consent**, making it clear that clinical services are voluntary, and clarifying that patients have the right to accept or decline care recommendations. Treatment for survivors should support agency, healing, and recovery, and not simply impose a treatment.

- Understand that survivors of trafficking may require additional wraparound services. Health care providers should be prepared to **refer survivors to a network of resources** to support non-medical needs, such as food, shelter, money management, and legal aid.

- Survivors come from all national, cultural, religious, and linguistic backgrounds. To treat survivors, providers should **provide culturally and linguistically appropriate services** by accounting not just for interpretation/translation challenges, but also varying communication styles, expectations of health care, power dynamics, and levels of trust. As human trafficking can take place domestically or transnationally, providers should account for the survivor's unique geographic background.

- **Provide a comprehensive health assessment** whenever possible and with the survivor's consent. Ensure the survivor receives comprehensive information in advance of an exam or treatment plan.
  - » There should be clarity as to what will be done with the patient's health record and who will have access to it.
  - » As this may be the only time a survivor sees a medical professional, provision of a baseline-level of health assessment can be critical.
  - » Extra time should be allocated to examine the medical issues identified by the patient.

Finally, national ministries of health can help build the capacity of health care services to respond to human trafficking. For example, they can provide funding to support the provision of medical services to victims of human trafficking. They can also promote standard operating procedures for health officials, develop formal guidance on victim identification and assistance, and offer online or other forms of training for health, behavioral health, public health, and social work professionals.

In the United States, an increasing number of medical centers and NGOs are recognizing the value of providing specialized care to survivors of trafficking and training for those who work with them:

- **In Florida, the Trafficking Health care Resources and Interdisciplinary Victim Services and Education (THRIVE) Clinic at the University of Miami Miller School of Medicine provides the resources of a world-class research hospital to trafficking survivors across the Southeast. The clinic recognizes that human trafficking can be both a physical and psychological trauma, and it seeks to reduce the risk of retraumatization by minimizing waiting times (especially in waiting rooms with strangers), having a single site of care across all specialists, and taking a single health history.**

- **Dignity Health Systems, in California, strives to ensure all medical and professional staff receive training to approach survivor care consistently in a survivor-informed manner. An evidence-based universal education model helps empower survivors through opportunities to share their experiences while building trust with providers. Dignity Health developed the PEARR Tool in consultation with survivors and community organizations to train medical professionals to provide privacy, educate, ask, respect, and respond to survivor's needs.**

- **Health, Education, Advocacy, Linkage (HEAL) Trafficking, together with the Laboratory to Combat Human Trafficking, developed a tool for medical providers to assess the comprehensiveness of training programs and identify areas of improvement. The assessment tool and related survivor-informed training are available online to health care professionals on HEAL Trafficking's website.**

THE INTERSECTION OF HUMAN TRAFFICKING AND ADDICTION

The following is a product of the Human Trafficking Expert Consultant Network funded by the TIP Office. The purpose of the Network is to engage experts, particularly those with lived experience, to provide expertise and input on Department of State anti-trafficking policies, strategies, and products related to human trafficking, both in the United States and abroad. The author has a range of expertise related to human trafficking, marginalized communities, substance use disorder, and trauma, including as a clinician.

Substance use disorder and addiction are terms used here to describe the stage of the condition where a person's brain and body are chemically dependent on a substance. While the term "substance use disorder" may carry less stigma, the term "addiction" is used, not pejoratively, in legal and criminal justice cases and by medical experts to describe this complex condition.

The complex relationship between addiction and both labor and sex trafficking is recognized by the United States criminal justice system. Successfully prosecuted cases have proven that the role of substance use disorder in human trafficking is powerful and pervasive; addiction can increase a person's vulnerability to being trafficked, can be initiated and manipulated by the trafficker as a means of coercion and control, and can be used by the victim/survivor as a means of coping with the physical and psychological traumas of being trafficked both during captivity and after exiting the trafficking situation.

People with substance use issues are especially vulnerable to trauma and victimization by human traffickers. Some traffickers recruit directly from detox and addiction treatment facilities. Similar to traumatic stress effects on the brain, substance use disorder involves biochemical changes to the brain and adds an additional layer of risk, especially for survivors with post-traumatic stress disorder. Although addiction is scientifically understood as a medical condition and not a moral weakness, the societal stigma surrounding both the condition and the sufferer is pervasive, and the negative stereotype persists of the chemically dependent person as morally deficient and lacking in willpower. Societal stigma can prevent health care providers, law enforcement officials, prosecutors, and other professionals from identifying victims of human trafficking when they see only the manifestations of substance use disorder and consequently dismiss red flags. In addition, societal stigma and self-stigma may deter an individual from seeking help.

Within the past several years, the United States has prosecuted multiple sex trafficking cases in which the perpetrator used addiction as a tool of coercion. In these cases, perpetrators entrapped victims with existing substance use issues, or initiated dependency in victims with no prior addiction history. They then used the threat of withdrawal—which causes extreme pain and suffering and can be fatal without medical supervision—to control the victims and coerce them to engage in commercial sex, compounding the victims' trauma. Individuals with substance use issues seeking recovery have been exploited in addiction treatment situations for sex trafficking and forced labor. In one recent case, the owner of a chain of sober living facilities was convicted of sex trafficking individuals in such facilities. In another case still pending before a U.S. civil court, traffickers allegedly targeted people with substance use issues who were court-mandated to recovery facilities in lieu of prison sentences and forced them to work in chicken processing, sheet metal fabrication, and other dangerous work.

RECOMMENDATIONS:

Identification and referral. Whenever trafficking survivors with substance use issues are identified, referral to safe, ethical treatment programs and facilities is essential. Trauma-informed care prevents re-exploitation and retraumatization and promotes recovery. The danger of retraumatization as a trigger during early recovery can precipitate a survivor's re-exploitation. Post-traumatic stress disorder and substance use disorder are related; each disorder can mask the symptoms of the other, and both need to be treated to attain long-term recovery outcomes. Health care professionals can coordinate efforts to identify victims and survivors who are vulnerable to substance use, or present with substance use issues. Emergency room admissions for overdose also present opportunities to screen for human trafficking. Specific training of medical and mental health staff aimed at reducing stigma and establishing standards of non-judgmental and trauma-informed care are also highly recommended.

Safe housing. Safe housing is essential for survivors; a lack of safe housing options increases vulnerability to further trauma. As mentioned earlier, some traffickers recruit directly from addiction treatment facilities, targeting people coming out of detox and inpatient programs, knowing they can exploit the vulnerabilities of these individuals. This is similar to how traffickers target children aging out of foster care. Lack of safe shelter is a significant vulnerability for human trafficking, and in such situations, perpetrators take advantage.

Trauma-informed prosecutions and special task forces are key. In the United States, specialized, multi-disciplinary task forces have been key to the successful investigation and prosecution of human trafficking cases involving addiction. To explain the power of drug-based coercion, survivors have testified during criminal trials to the extreme pain of withdrawal and other types of suffering related to addiction. Trauma-informed victim advocates worked closely with prosecutors and law enforcement to support those survivors as they participated in the criminal justice process. Prosecutors also called drug counselors and other expert witnesses to inform the jury of how addiction affects the brain and body and of the dangers of withdrawal.

Listen to survivors. The prosecutorial successes in the above-mentioned cases were achieved because the prosecutors, law enforcement, and judges listened to survivors, respected their needs, and valued their lived experience in describing the torment of drug-based coercion. The courage and resilience of victims and survivors cannot be overstated. NGOs, hospitals, government entities, and other stakeholders can build partnerships with survivors who have lived experience of substance use disorder and recovery, with survivor experts in diverse fields, and with survivor-led organizations, and can support survivors who are raising awareness about this issue.

Significant progress is already under way in addressing these issues. Certainly, more work remains in the areas of global research, education, and the willingness to create policies that reduce stigma and protect vulnerable populations.

VIETNAM-UNITED KINGDOM

FORCED LABOR

As a 17-year-old orphan living on the streets of Ho Chi Minh City, Huy sold lottery tickets and slept outdoors in unsanitary conditions. An older acquaintance offered him a well-paying job abroad, which he declined. Despite his refusal, the man seized and bound Huy and transported him to a windowless warehouse in China. There men beat and tortured Huy; when he tried to escape, a guard poured boiling water over his chest and arms. After three months, Huy's captors smuggled him to the United Kingdom and forced him to work without pay for an illegal cannabis garden. The traffickers physically abused and starved him when he did not meet his quota. Huy eventually escaped by breaking a second story window, jumping out of the house, and running until he found a train station.

An Afghan man displays a poppy bulb, which is used to produce opium. Traffickers often use child and forced labor to produce high volumes at low prices.

A young child soldier recruited into the armed forces stands among other soldiers in South Sudan. Armed groups forcibly recruit and use children to work as porters, messengers, and cooks, and also in armed conflict as combatants and in sexual slavery, causing the children lifelong trauma.

CHILD SOLDIERS **PREVENTION ACT LIST**

Section 402 of the CSPA requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as having governmental armed forces, police, or other security forces, or government-supported armed groups that recruit or use child soldiers, as defined in the CSPA. These determinations cover the reporting period beginning April 1, 2019 and ending March 31, 2020.

For the purpose of the CSPA, as amended in 2019 (Pub. L. 115-425), and generally consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the term "child soldier" means:

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces, police, or other security forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces, police, or other security forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces, police, or other security forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

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

THE 2020 CSPA LIST INCLUDES GOVERNMENTS IN THE FOLLOWING COUNTRIES:

Afghanistan	Iraq	South Sudan
Burma	Libya	Sudan
Cameroon	Mali	Syria
Democratic Republic of the Congo	Nigeria	Yemen
Iran	Somalia	

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA, as amended, prohibits assistance to governments that are identified in the list under the following authorities: International Military Education and Training, Foreign Military Financing, Excess Defense Articles, and Peacekeeping Operations, with exceptions for some programs undertaken pursuant to the Peacekeeping Operations authority. The CSPA also prohibits the issuance of licenses for direct commercial sales of military equipment to such governments. Beginning October 1, 2020, and effective throughout FY 2021, these restrictions will apply to the listed countries, absent a presidential waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observation by U.S. government personnel and research and credible reporting from various UN entities, international organizations, local and international NGOs, and international and domestic media outlets.

An Afghan child soldier watches guard. Afghan security forces recruit and use child soldiers in roles such as "spotters" or checkpoint guards.

VENEZUELA

The United States recognizes interim President Juan Guaido as the legitimate Government of Venezuela. In 2019 the UN, foreign governments, media outlets, and credible NGOs reported Venezuelan government officials, including members of security forces and local authorities, colluded with, tolerated, and allowed Colombian illegal armed groups to operate in Venezuelan territory with impunity. These groups, which included FARC dissidents and the ELN, forcibly recruited and used children under the age of 18 to serve as combatants, domestic servants, informants, lookouts, and sex slaves. Venezuelan officials, acting at the behest of former President Maduro and his inner circle or in their own personal interests, including out of fear for their safety, provided support and safe haven to FARC dissidents and the ELN. These groups grew through recruitment of child soldiers and exploitation of children in sex trafficking and forced labor. These incidents raise concerns regarding the protection of children recruited and used by illegal armed groups and warrant further remedial action.

PHILIPPINES-UNITED STATES

FORCED LABOR

Maria felt very lucky when she was recruited from her northern island in the Philippines to an eldercare position in Southern California. After she arrived, a trafficker confiscated her passport and insisted she pay off a previously undisclosed fee of more than $10,000. The trafficker ordered Maria to work off the debt by laboring 18-hour days for only a few dollars an hour. An observant neighbor of the eldercare facility reported the situation to law enforcement after seeing that Maria worked long hours, never had a day off, and was constantly tired and disheveled. While she was initially fearful of speaking with law enforcement, officers were able to investigate the crime with Maria's help. Maria received the medical and psychological support she needed from a nonprofit organization. She is now a survivor leader in her community.

A South Sudanese refugee picks up branches at the Nyumanzi transit center in Northern Uganda. The lack of humanitarian aid and resources propels many South Sudanese refugees to look for opportunities outside the region. Traffickers lure victims with fraudulent offers of employment in hotels, restaurants, and construction in South Sudan, Uganda, and beyond.

METHODOLOGY

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

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action to fight trafficking based on thorough research that included meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. U.S. missions overseas are dedicated to covering human trafficking issues year-round. The 2020 TIP Report covers government efforts undertaken from April 1, 2019 through March 31, 2020.

TIER PLACEMENT

The Department ranks each country in this report on one of four tiers, as mandated by the TVPA. Such rankings are based not on the size of a country's problem but on the extent of government efforts to meet the TVPA's minimum standards for the elimination of human trafficking (see pages 45-46), which are generally consistent with the Palermo Protocol.

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the problem. Rather, a Tier 1 ranking indicates that a government has made efforts to address the problem that meet the TVPA's minimum standards. To maintain a Tier 1 ranking, governments need to demonstrate appreciable progress each year in combating trafficking. Indeed, Tier 1 represents a responsibility rather than a reprieve.

Tier rankings and narratives in the 2020 TIP Report reflect an assessment of the following:

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

TANZANIA

DOMESTIC SERVITUDE

When Mary was in second grade, she stopped attending school just before final exams. The school principal was worried, so he asked her teacher, Mr. Baraka, to check with Mary's family. Mr. Baraka reported that her family did not know where she was. The principal became suspicious and asked Mary's mother to come to the school for a parent-teacher meeting, during which she reported that Mary had returned home, but she did not know where Mary had been. When Mary returned to school, the principal encouraged her to speak about her experience and Mary admitted that her teacher, Mr. Baraka, had taken her to live with his daughter, who needed someone to care for her baby and had paid Mary's mother $9 in exchange. Mr. Baraka told Mary she had no choice but to work for his daughter's family.

"Indeed, all stakeholders have a very important role to play in the identification and referral of vulnerable migrants, particularly victims of trafficking. Without identification and referral, there can ultimately be no justice for those that fall victim to trafficking in persons and no deterrent for those that profit from such a heinous crime."

Fumiko Nagano
IOM Chief of Mission to The Gambia

An Indonesian *waria*, a transgender woman and survivor of sex trafficking, applies makeup at a shelter. Sex traffickers target *warias* disproportionately in Indonesia's commercial sex industry.

Tier rankings and narratives are NOT affected by the following:

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

A GUIDE TO THE TIERS

Tier 1

Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking.

Tier 2

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

Tier 2 Watch List

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

a) the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions;

b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.

Two migrant women rake fields in California. Migrant workers present the United States without legal documentation have been identified as victims of trafficking.

Tier 3

Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. The TVPA, as amended, lists additional factors to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3:

- the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;
- the extent to which the country's government does not meet the TVPA's minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking;
- reasonable measures that the government would need to undertake to be in compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons;
- the extent to which the government is devoting sufficient budgetary resources to investigate and prosecute human trafficking, convict and sentence traffickers; and obtain restitution for victims of human trafficking; and
- the extent to which the government is devoting sufficient budgetary resources to protect victims and prevent the crime from occurring.

In addition, a 2019 amendment to the TVPA directs the Secretary of State to consider, as proof of a country's failure to make significant efforts to fully meet the TVPA's minimum standards, a government policy or pattern of: trafficking; trafficking in government-funded programs; forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors); sexual slavery in government camps, compounds, or outposts; or employing or recruiting child soldiers.

A 2008 amendment to the TVPA provides that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year. This automatic downgrade provision came into effect for the first time in the 2013 TIP Report. Pursuant to a 2019 amendment to the TVPA, the Secretary of State is authorized to waive the

> "As dynamic and complex as the crime of trafficking in persons is, so must [our] laws and policies be updated and every so often, it is necessary for us to go back to the drawing board and recalibrate our response."
>
> Menardo I. Guevarra
> Justice Secretary, the Philippines

CANADA

SEX TRAFFICKING

Elena's boyfriend lured her across Canada and forced her to engage in commercial sex. He abused her emotionally and physically. Elena was able to escape and is now receiving comprehensive services from a local NGO to work through the trauma of her experience and adjust to her new life. Her trafficker was sentenced to prison for human trafficking, among other crimes.

automatic downgrade only once, in that third year, based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to meet the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. The following year, a country must either go up to Tier 2 or down to Tier 3. Governments subject to the automatic downgrade provision are noted as such in the country narratives. Finally, another 2019 amendment to the TVPA limits a country to one year on the Tier 2 Watch List after that country received a waiver to stay on the Watch List and was subsequently downgraded to Tier 3.

FUNDING RESTRICTIONS FOR TIER 3 COUNTRIES

A 2008 amendment to the TVPA provides that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year. This automatic downgrade provision came into effect for the first time in the 2013 TIP Report. Pursuant to a 2019 amendment to the TVPA, the Secretary of State is authorized to waive the automatic downgrade only once, in that third year, based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to meet the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. The following year, a country must either go up to Tier 2 or down to Tier 3. Governments subject to the automatic downgrade provision are noted as such in the country narratives. Finally, another 2019 amendment to the TVPA limits a country to one year on the Tier 2 Watch List after that country received a waiver to stay on the Watch List and was subsequently downgraded to Tier 3.

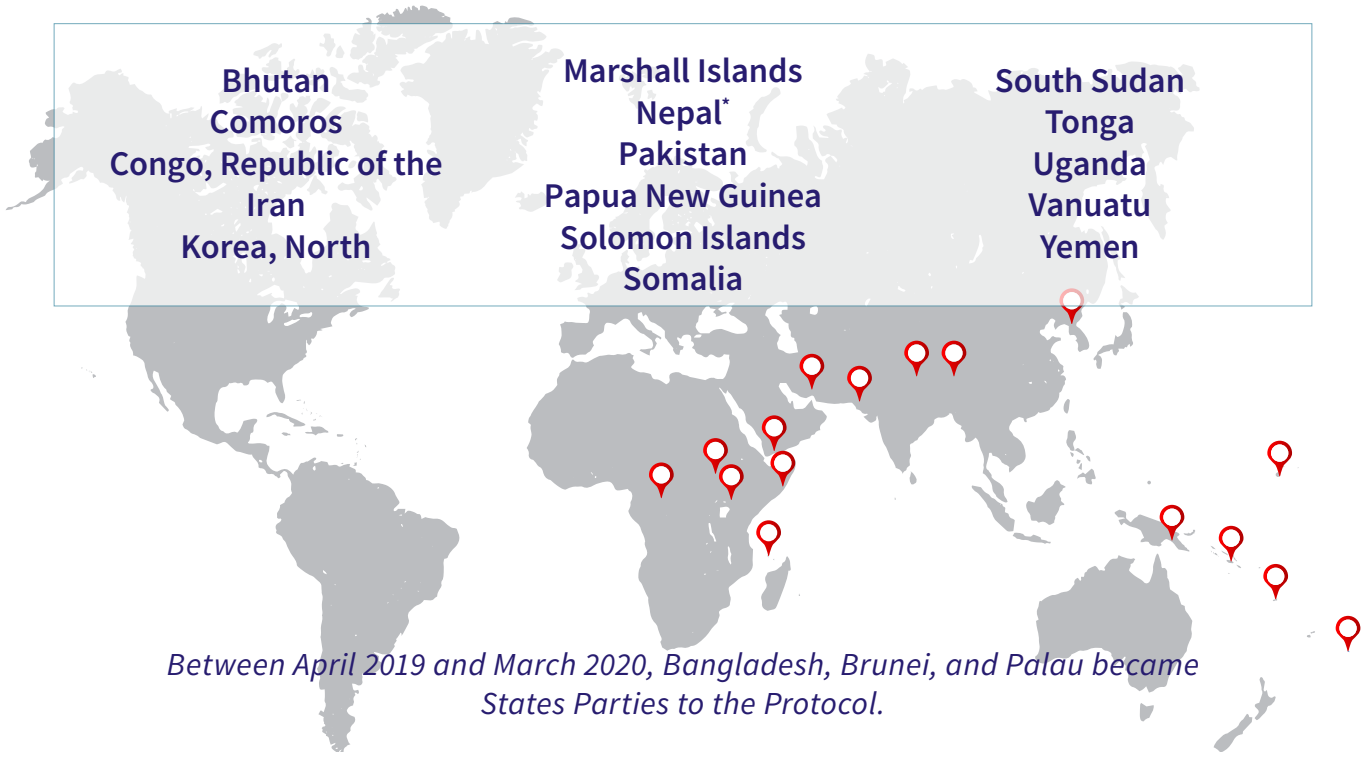
Restrictions on Assistance for Governments of Tier 3 Countries

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

Applicable assistance restrictions apply for the next fiscal year, which begins October 1, 2020.

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

Countries in the 2020 TIP Report that are not Party to the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime



Between April 2019 and March 2020, Bangladesh, Brunei, and Palau became States Parties to the Protocol.

Nepal acceded to the Palermo Protocol on June 16, 2020.

GLOBAL LAW ENFORCEMENT DATA

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

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	9,460 (1,199)	5,776 (470)	44,758 (10,603)	58
2014	10,051 (418)	4,443 (216)	44,462 (11,438)	20
2015	19,127 (857)	6,615 (456)	77,823 (14,262)	30
2016	14,939 (1,038)	9,072 (717)	68,453 (17,465)	25
2017	17,471 (869)	7,135 (332)	96,960 (23,906)	5
2018	11,096 (457)	7,481 (259)	85,613 (11,009)	5
2019	11,605 (939)	9,102 (571)	105,787 (9,332)	7

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

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

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

1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

Indicia of "Serious and Sustained Efforts"

1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.

2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.

3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.

5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone or enable such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with a demonstrably increasing capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.

8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

9) Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with

   a) domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or

   b) the United States toward agreed goals and objectives in the collective fight against trafficking.

10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

12) Whether the government of the country has made serious and sustained efforts to reduce the demand for –

   a) commercial sex acts; and

   b) participation in international sex tourism by nationals of the country.

Women pick cotton in Uzbekistan. Reports of government-compelled forced labor in the public sector continued in Central Asia this year.

2020 TIP REPORT HEROES

Each year, the Department of State honors individuals around the world who have devoted their lives to the fight against human trafficking. These individuals include NGO workers, lawmakers, government officials, survivors of human trafficking, and concerned citizens. They are recognized for their tireless efforts—despite resistance, opposition, and threats to their lives—to protect victims, punish offenders, and educate stakeholders about human trafficking trends in their countries and abroad. For more information about current and past TIP Report Heroes, please visit the TIP Report Heroes Global Network at www.tipheroes.org.

KARMA RIGZIN
BHUTAN

Lieutenant Colonel Karma Rigzin, a former UN peacekeeper, serves as Additional Superintendent of the Royal Bhutan Police (RBP) Woman and Child Protection Division. Colonel Karma Rigzin has been a leading advocate for increasing efforts to combat trafficking in Bhutan. She has elevated the investigation of human trafficking issues to a central objective of the Woman and Child Protection Division she leads.

Colonel Rigzin has developed innovative practices for compiling human trafficking-related data and was responsible for establishing a human trafficking awareness program for Bhutanese citizens traveling overseas for employment. In 2006, Colonel Rigzin stood up Bhutan's first specialized unit within the Woman and Child Protection Unit to handle all issues relating to women and children, including human trafficking, and provide victims a more secure environment to report human trafficking crimes. In 2007, this unit identified and prosecuted Bhutan's first criminal case involving human trafficking charges. Colonel Rigzin played a central role in efforts to amend the Bhutan Penal Code to align its legal definition of human trafficking with international standards.

Over the years, Colonel Rigzin has trained immigration officials, senior police officers, and non-commissioned officers on identification of trafficking victims and investigation techniques and has successfully advocated for increased funding for trafficking victim services.

REDA SHOUKR
EGYPT

Reda Shoukr has dedicated her career to improving the lives of human trafficking survivors. Since founding the Al-Shehab Institute for Promotion and Comprehensive Development (Al-Shehab) in 2002, Shoukr has assisted more than 15,000 women and girls vulnerable to domestic servitude due to previous experiences with sexual exploitation, violence, or HIV/AIDS. Through Al-Shehab, she helps hundreds of vulnerable women and human trafficking survivors every year transition from their life of exploitation by providing them with legal aid, social services, psychological support, and vocational training.

Shoukr formed Al-Shehab based on listening sessions she held with vulnerable women in Cairo's slums to better understand their problems, why they felt exploited, and how she could practically help them.

Al-Shehab's legal aid services maintain relationships with police stations in greater Cairo and throughout Egypt in order to identify and to release wrongfully charged victims of human trafficking. Through this close partnership with local police, Al-Shehab has provided legal services to 800 victims each year and secured the release of 400 victims due to lack of evidence.

ARY VARELA
CABO VERDE

NATALINO CORREIA
CABO VERDE

Ary Varela and Natalino Correia are instrumental figures in holding human traffickers criminally accountable and assisting victims in attaining justice in Cabo Verde. Varela, a public prosecutor, and Correia, a member of the Judiciary Police, have persistently pursued human trafficking cases within the country.

Most notably, in late 2018, they initiated an investigation into a forced labor case with great professionalism that involved four victims forced to work in a retail shop. In their official capacities, Varela and Correia handled the case with extreme sensitivity and caution, working closely with an international organization to ensure the victims were protected and their teams conducted the investigation correctly.

Varela and Correia demonstrated tremendous diligence in carrying out their investigation, working despite pressure to drop the case and overt hostility from the traffickers' networks and their peers. In addition, thanks to their efforts, the victims were safely repatriated. This was Cabo Verde's first official case of human trafficking where the government prosecuted defendants for human trafficking crimes, representing a critical milestone in the country's understanding of and response to human trafficking. Throughout the course of the investigation, Varela and Correia showed an impressive level of perseverance in the face of immense difficulties, including foreign interference and threats to their personal safety, to pursue Cabo Verde's first forced labor prosecution.

PATRICIA HO
HONG KONG

Patricia Ho's unwavering leadership has been a driving force in increasing awareness of human trafficking in Hong Kong. As the Founder of Hong Kong Dignity Institute, Ho defends and advances the rights of human trafficking victims and minority groups in Hong Kong by challenging government policies and law.

As a public law practitioner, Ho began representing a survivor of human trafficking in 2015 to challenge the Hong Kong government's failure to protect him as a victim of human trafficking. During the past five years, while representing the survivor, Ho raised awareness of the dire need for a human trafficking law in Hong Kong and uplifted the survivor's voice in advocating for better treatment of victims in Hong Kong.

In addition to her important litigation work, Ho provides critical legal and strategic advice to several NGOs and works with local and international bodies to advocate for the rights of marginalized groups, including refugees, asylum seekers, and victims of human trafficking in Hong Kong. Ho provides trainings and seminars to the legal community in Hong Kong on ways to protect trafficking victims. She is also a major advocate for and is well-trained in the trauma-informed approach to client management.

NINA BALABAYEVA
KAZAKHSTAN

Nina Balabayeva has dedicated her life and career to combating trafficking in persons and helping trafficking victims, both foreign and Kazakhstani, before there were even laws on the books in Kazakhstan to provide them access to justice. She is highly regarded by her peers and those within the government as one of the leading human trafficking experts in the country.

With a background in psychology and education, Balabayeva has deftly navigated bureaucracy to establish and fund an NGO dedicated to the issue and a shelter for victims of human trafficking. She has also provided trainings to colleagues and government officials on human trafficking as part of her tireless work to strengthen anti-trafficking efforts in the country.

As the founder and director of Rodnik, an NGO located in Almaty, Balabayeva has been instrumental in leading the organization's work to provide psychological and legal support to victims of trafficking in multiple regions of the country. Over the past two decades, her organization has assisted more than 16,000 people.

Through Rodnik, Balabayeva opened the first shelter in Kazakhstan for victims of human trafficking in March 2006, providing individualized support to residents and serving as a model for shelters across the country. In 2004, Balabayeva led Rodnik to stand up a human trafficking hotline, which it still operates.

SOPHIE OTIENDE
KENYA

Sophie Otiende is a champion for victims of human trafficking, advocating for their rights and elevating human trafficking as a priority, in Kenya. Her expertise, patience, and bravery have positioned her as a source of inspiration and a confidant for other survivors of trafficking she meets and serves. For the last ten years, she has worked with grassroots organizations in Kenya to provide services to trafficking victims and survivors, building Kenya's victim assistance infrastructure and capacity.

Otiende was responsible for setting up the structures and systems for the first shelter exclusively for victims of trafficking in Kenya and led the development of regional principles of practice for assisting victims of trafficking. Otiende has been responsible for the development of curriculum to train women on entrepreneurship, and has coauthored manuals on victim services and child trafficking as well as a toolkit for raising awareness among local communities.

She is currently a board member and survivor advisor at Awareness Against Human Trafficking (HAART), where until recently she worked as a Program Consultant. While at HAART, she was responsible for assisting more than 400 victims of trafficking since 2014 and helped identify victims both within and outside of Kenya. In her role as advisor, she continues to provide critical support and guidance to HAART's victims' assistance program. She is currently the Africa Region Operations Manager for the NGO Liberty Shared and provides technical support to anti-trafficking organizations across Africa.

LĀSMA STABIŅA
LATVIA

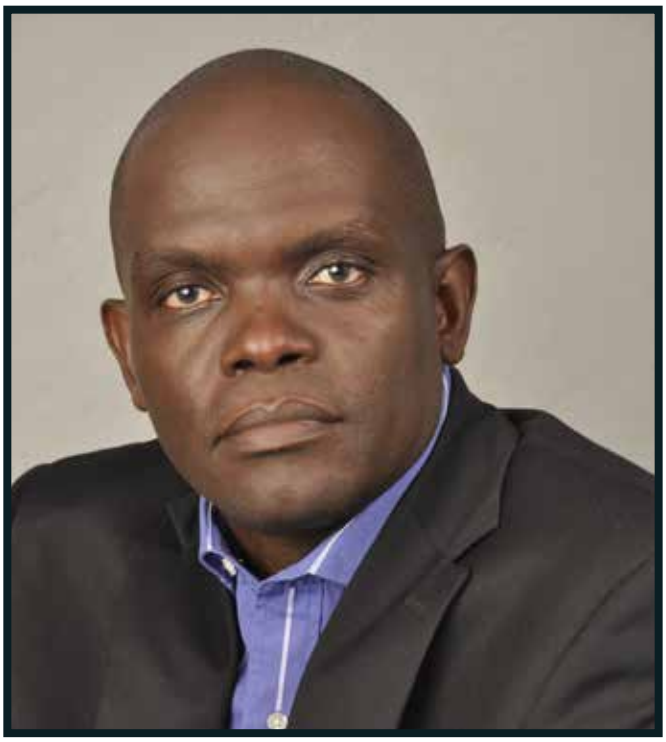
For years, Lāsma Stabiņa has driven Latvia's anti-trafficking response. She has served as the Latvian government's National Trafficking in Persons Coordinator since 2014, advocating for human trafficking reforms inside the government and building critical relationships with NGOs. She expanded partnerships and networks that have raised human trafficking awareness among Latvian and international audiences.

Stabiņa led the development and implementation of two large international anti-trafficking projects. Through these projects, Latvia helped increase the EU's scrutiny of human trafficking in the form of sham marriages, an overlooked but widespread issue within the EU. Stabiņa organized much-needed training programs to help local officials recognize sham marriages. Her programs brought together consular staff and law enforcement officials, including judges, prosecutors, and police.

She found innovative funding sources for anti-trafficking work in Latvia, allowing such work to continue even under severe budget constraints. She also improved communication between different organizations and improved standard anti-trafficking protocols. Using her mandate to stop all forms of human trafficking and abuse, Stabiņa worked within current systems to reduce labor exploitation and ensure victims had care and were protected during law enforcement processes.

Stabiņa also secured the Latvian government's support for national and regional public awareness campaigns. These campaigns improved the government's and public's understanding of human trafficking crimes.

MAXWELL MATEWERE
MALAWI



Maxwell Matewere is a proven anti-trafficking activist in Malawi. For over two decades, he has advanced Malawi's anti-trafficking movement and is recognized nationally as a leading and trustworthy subject matter expert. Matewere is a proponent of trafficking survivors and their families, personally engaging with many of them to understand their needs and ensuring each survivor he encounters is able to connect to and receive the necessary services.

In 1998, Matewere founded Eye of the Child, an NGO dedicated to advocacy, research, and protection of children's rights in Malawi. He was the driving force behind the passage of the Trafficking in Persons Act in 2015 and continues to tirelessly advocate for its full implementation. As the civil society representative on the National Coordination Committee Against Trafficking in Persons, he successfully lobbied for the formal opening of the government's anti-trafficking fund to provide services to trafficking victims and train law enforcement and victim protection officers.

In 2018, Matewere helped spur a fruitful collaboration between the Malawi government's National Trafficking in Persons Coordinator and the Ministry of Homeland Security, resulting in trainings and awareness campaigns across the country. With Matewere's support, this partnership has also led to the drafting and successful adoption of several key initiatives, including new human trafficking regulations, guidelines for law enforcement officials, and a police recruit training manual.

OXANA ALISTRATOVA
MOLDOVA

As a young teacher, Oxana Alistratova nearly became a victim to a human trafficking ring in 1992. Since 2003 she has devoted her life's work to helping women realize their own agency and power and develop as leaders. While overcoming government threats early on and innumerable other obstacles throughout her career, she has demonstrated resilience and further committed to women's empowerment and anti-trafficking efforts.

More than 18 years ago, Alistratova established the first NGO to raise awareness of human trafficking in Transnistria, which is an extraordinary feat to achieve in a territory where women have limited rights or access to assistance and thus are extremely vulnerable to human trafficking. Through her NGO, Interaction, Alistratova played a key role in convincing local authorities of the need to adopt laws to prevent human trafficking. Alistratova later adapted Interaction to serve not only victims of trafficking but also victims of domestic violence. She manages a hotline for trafficking victims and concerned family members, established in 2006, and another for victims of domestic violence since 2009. These hotlines have fielded more than 20,000 calls since their inception. Alistratova has also dedicated herself to establishing an informal referral framework for local authorities, teachers, social service providers, and NGOs to provide legal, psychological, and other critical support to vulnerable women and their children.

Along the way, she has forged and nurtured a network of human rights advocates in Transnistria and the rest of Moldova. Through her community outreach and awareness raising campaigns, she has provided critical services to her community while continuing to inspire a new generation of human rights leaders throughout the region.

A woman who survived sex trafficking in the United States receives support from a mental health care provider at a trafficking shelter in New Mexico.

UNITED STATES

SEX TRAFFICKING

When Ted was 10, his mother began dating a new man. This man seemed perfect, supplementing his mother's income, buying Ted presents, and adding stability to their family. After a few months, however, it became clear he was using Ted's mother to get closer to Ted. Ultimately, he succeeded in forcing Ted to engage in commercial sex. He coerced Ted by threatening his mother, drugging him, and physically abusing him. Ted only reported his abuse after a failed suicide attempt several years later.

TIER PLACEMENTS

TIER 1

ARGENTINA
AUSTRALIA
AUSTRIA
THE BAHAMAS
BAHRAIN
BELGIUM
CANADA
CHILE
COLOMBIA
CYPRUS
CZECH REPUBLIC
ESTONIA
FINLAND
FRANCE
GEORGIA
GUYANA
ISRAEL
KOREA, SOUTH
LITHUANIA
LUXEMBOURG
NAMIBIA
NETHERLANDS
NEW ZEALAND
NORWAY
PHILIPPINES
PORTUGAL
SINGAPORE
SLOVENIA
SPAIN
SWEDEN
SWITZERLAND
TAIWAN
UNITED KINGDOM
UNITED STATES OF AMERICA

TIER 2

ALBANIA
ANGOLA
ANTIGUA AND BARBUDA
BANGLADESH
BENIN
BOLIVIA
BOTSWANA
BRAZIL
BULGARIA
BURKINA FASO
CABO VERDE
CENTRAL AFRICAN REPUBLIC
CONGO, REPUBLIC OF THE
COSTA RICA
COTE D'IVOIRE
CROATIA
DENMARK
DJIBOUTI
ECUADOR
EGYPT
EL SALVADOR
ESWATINI
ETHIOPIA
GABON
GERMANY
GHANA
GREECE
GUATEMALA
HAITI
HONDURAS
HUNGARY
ICELAND
INDIA
INDONESIA
IRAQ
ITALY
JAMAICA
JAPAN
KENYA
KOSOVO
KUWAIT
LAOS
LATVIA
LEBANON
LIBERIA
MADAGASCAR
MALAWI
MALTA
MAURITIUS
MEXICO
MICRONESIA
MOLDOVA
MONGOLIA
MONTENEGRO
MOROCCO
MOZAMBIQUE
NEPAL
NIGER
NORTH MACEDONIA
OMAN
PALAU
PANAMA
PARAGUAY
PERU
POLAND
QATAR
RWANDA
SAINT LUCIA
ST. VINCENT AND THE GRENADINES
SERBIA
SIERRA LEONE
ST. MAARTEN
SLOVAKIA
SOLOMON ISLANDS
SOUTH AFRICA
SURINAME
TAJIKISTAN
THAILAND
TOGO
TONGA
TRINIDAD AND TOBAGO
TUNISIA
TURKEY
UKRAINE
UNITED ARAB EMIRATES
URUGUAY
VANUATU
ZIMBABWE

TIER 2 WATCH LIST

ARMENIA
ARUBA
AZERBAIJAN
BARBADOS
BELIZE
BHUTAN
BOSNIA AND HERZEGOVINA
BRUNEI
CAMBODIA
CAMEROON
CHAD
CONGO, DEMOCRATIC REPUBLIC OF THE
CURAÇAO
DOMINICAN REPUBLIC
EQUATORIAL GUINEA
FIJI
THE GAMBIA
GUINEA
GUINEA-BISSAU
HONG KONG
IRELAND
JORDAN
KAZAKHSTAN
KYRGYZ REPUBLIC
MACAU
MALAYSIA
MALDIVES
MALI
MARSHALL ISLANDS
MAURITANIA
NIGERIA
PAKISTAN
ROMANIA
SAUDI ARABIA
SENEGAL
SEYCHELLES
SRI LANKA
SUDAN
TANZANIA
TIMOR-LESTE
UGANDA
UZBEKISTAN
VIETNAM
ZAMBIA

TIER 3

AFGHANISTAN
ALGERIA
BELARUS
BURMA
BURUNDI
CHINA
COMOROS
CUBA
ERITREA
IRAN
KOREA, NORTH
LESOTHO
NICARAGUA
PAPUA NEW GUINEA
RUSSIA
SOUTH SUDAN
SYRIA
TURKMENISTAN
VENEZUELA

SPECIAL CASE

LIBYA
SOMALIA
YEMEN

TIER PLACEMENTS

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

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	572 (245)	341 (192)	10,096 (2,250)	7
2014	811 (49)	317 (33)	9,523 (1,308)	4
2015	1,517 (53)	719 (8)	12,125 (3,531)	6
2016	1,293 (54)	1,120 (21)	18,296 (13,205)	4
2017	1,325 (98)	515 (34)	26,517 (5,902)	2
2018	1,253 (37)	1,190 (29)	24,407(3,749)	2
2019	884 (76)	2,112 (32)	41,609 (1,310)	2

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

EAST ASIA & PACIFIC

Boundary representation is not authoritative.

TIER PLACEMENTS

TIER 1 | TIER 2 | TIER 2 WATCH LIST | TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	2,460 (188)	1,271 (39)	7,886 (1,077)	3
2014	1,938 (88)	969 (16)	6,349 (1,084)	3
2015	3,414 (193)	1,730 (130)	13,990 (3,533)	10
2016	2,137 (51)	1,953 (31)	9,989 (310)	7
2017	2,949 (77)	3,227 (72)	4,915 (669)	0
2018	2,351 (63)	1,275 (16)	5,466 (291)	1
2019	3,554 (48)	3,651 (130)	14,271 (920)	2

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

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

TIER PLACEMENTS

TIER 1 | TIER 2 | TIER 2 WATCH LIST | TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	3,223 (275)	2,684 (127)	10,374 (1,863)	35
2014	4,199 (197)	1,585 (69)	11,910 (3,531)	5
2015	4,990 (272)	1,692 (245)	11,112 (3,733)	8
2016	2,703 (201)	1,673 (40)	13,349 (3,192)	3
2017	2,548 (179)	1,257 (53)	12,750 (3,330)	0
2018	2,394 (234)	1,379 (80)	16,838 (2,675)	1
2019	2,485 (69)	1,355 (27)	3,736 (1,419)	2

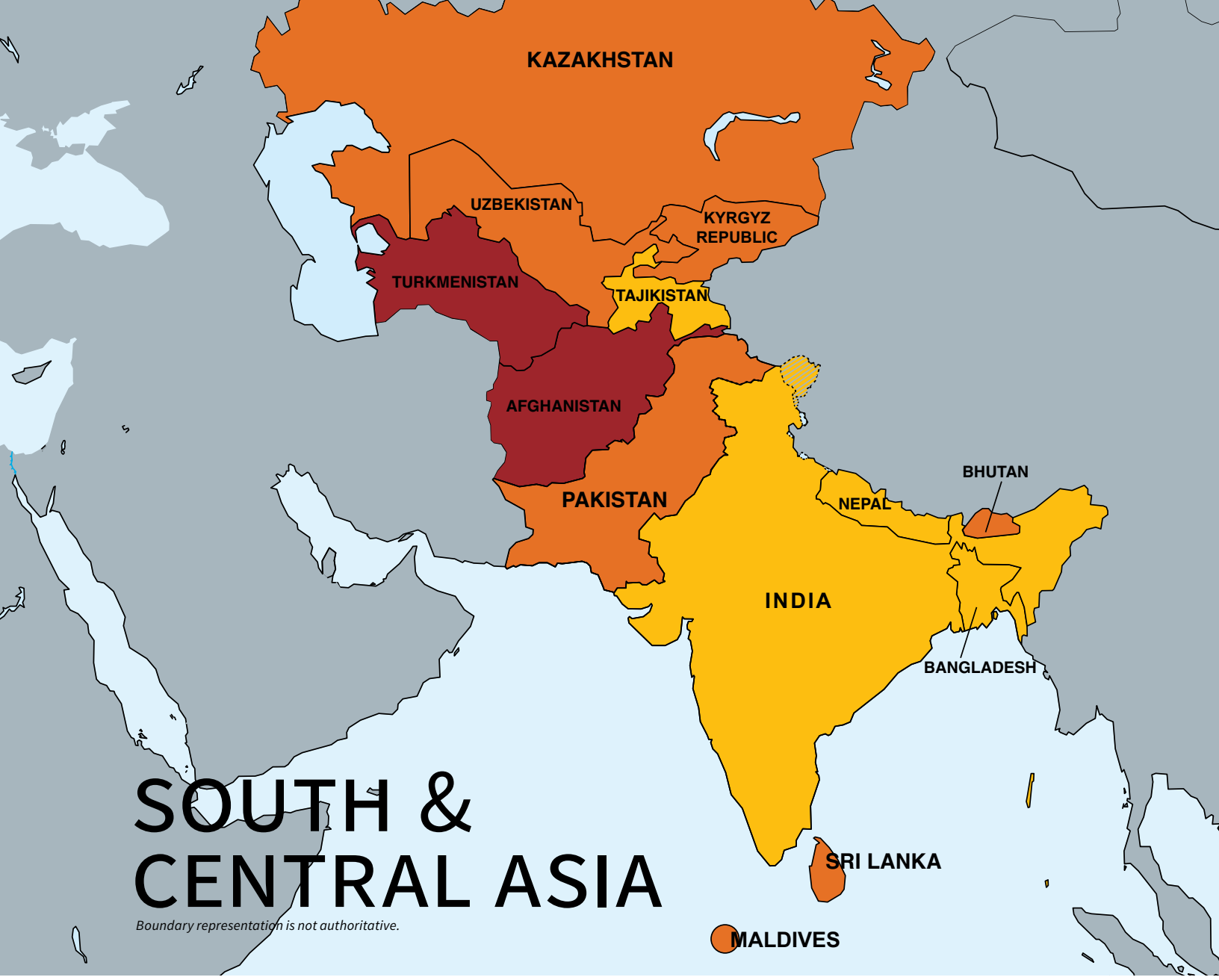
The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and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

TIER PLACEMENTS

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

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	119 (25)	60 (4)	1,460 (172)	4
2014	320 (5)	144 (25)	3,388 (2,460)	0
2015	480 (31)	343 (31)	6,068 (156)	0
2016	996 (591)	1,187 (582)	3,292 (185)	4
2017	974 (112)	104 (11)	1,834 (53)	0
2018	738 (10)	155 (7)	2,675 (83)	0
2019	750 (44)	357 (15)	3,587 (35)	0

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



SOUTH & CENTRAL ASIA

Boundary representation is not authoritative.

TIER PLACEMENTS

TIER 1 | TIER 2 | TIER 2 WATCH LIST | TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	1,904 (259)	974 (58)	7,124 (1,290)	5
2014	1,839 (12)	958 (10)	4,878 (1,041)	3
2015	6,930 (225)	1,468 (16)	24,867 (1,191)	0
2016	6,297 (72)	2,193 (19)	14,706 (464)	5
2017	8,105 (264)	1,063 (48)	40,857 (11,813)	2
2018	3,102 (41)	2,465 (9)	24,544 (1,841)	1
2019	2,546 (616)	1,152 (339)	30,111 (5,450)	1

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

WESTERN HEMISPHERE

Boundary representation is not authoritative.

TIER PLACEMENTS

TIER 1 | TIER 2 | TIER 2 WATCH LIST | TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2013	1,182 (207)	446 (50)	7,818 (3,951)	4
2014	944 (67)	470 (63)	8,414 (2,014)	5
2015	1,796 (83)	663 (26)	9,661 (2,118)	6
2016	1,513 (69)	946 (24)	8,821 (109)	2
2017	1,571 (139)	969 (114)	10,011 (2,139)	1
2018	1,252 (72)	1,017 (177)	11,683 (2,370)	0
2019	1,386 (86)	475 (28)	12,473 (198)	0

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

HOW TO READ **A COUNTRY NARRATIVE**

This page shows a sample country narrative. The tier ranking justification for each country in this year's report appears in the first paragraph of each country narrative and includes language that explicitly highlights the factors supporting a given tier ranking. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see pages 45-46), during the reporting period. This truncated narrative gives a few examples.

The country's tier ranking is based on the government's efforts to combat trafficking as measured against the TVPA minimum standards and compared to its efforts in the preceding year.

COUNTRY X: TIER 2 WATCH LIST

Synopsis of key developments that support the country's tier ranking.

The Government of X does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included undertaking awareness raising efforts and reaffirming its commitment to enact anti-trafficking legislation. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not show evidence of overall progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking. Therefore X remained on Tier 2 Watch List for the second consecutive year.

Prioritized recommendations for how the government can better meet the TVPA minimum standards.

PRIORITIZED RECOMMENDATIONS:
Enact the draft comprehensive anti-trafficking le[illegible]ficantly increase efforts to investigate and prosecu[illegible]d convict and punish trafficking offender[illegible] apply formal procedures to identify [illegible] vulnerable groups, such as those arre[illegible] or commercial sex; and collect, disaggr[illegible] counter-trafficking law enforcement d[illegible]

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

Summary of the government's anti-trafficking laws and law enforcement efforts.

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

TVPA Minimum Standard 4(1) – whether the government vigorously investigates and prosecutes trafficking offenses; convicts and punishes trafficking offenders; and provides data on these actions.

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

PROTECTION
Country X maintained minimal efforts to protect victims of trafficking during the reporting period. Although health care facilities reportedly refer suspected abuse cases to the government anti-trafficking shelter for investigation, the government continues to lack a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for involvement in commercial sex; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported that the Ministry of the Interior has a process by which it refers victims to the trafficking shelter; however, this process is underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance.

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

Country X commonly fines and detains potential trafficking victim[illegible] for unlawful acts their traffickers forced them to commit, such as immigration violations and leaving from their sponsors, without determining whether the individuals are victims of trafficking.

TVPA Minimum Standard 4(2) – whether the government ensures victims are not penalized for the unlawful acts their traffickers forced them to commit and encourages victim participation in investigations and prosecutions, including by providing legal alternatives to their removal from the country.

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

PREVENTION
Country X increased efforts to prevent trafficking in persons during the reporting period. While the government made no apparent effort to amend provisions of Country X's sponsorship law to help prevent the forced labor of migrant workers, the government did start to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require foreign workers to request exit permits from their sponsors in order to leave Country X. Although this may increase migrant workers' vulnerability to forced labor, the law created a new process through which a laborer who was not granted an exit permit due to a sponsor's refusal or other circumstances can seek one by other means. The Ministry of Labor sponsored media campaigns and organized informational workshops for officials, NGOs, and labor recruitment agencies. However, the government did not provide anti-trafficking training or guidance to its diplomatic personnel during the reporting period. The government has a national plan of action to address trafficking in persons, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not implement any public awareness campaigns aimed at reducing the demand for commercial sex acts in Country X, but it convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

TVPA Minimum Standard 4(3) – whether the government is making adequate efforts to prevent human trafficking.

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

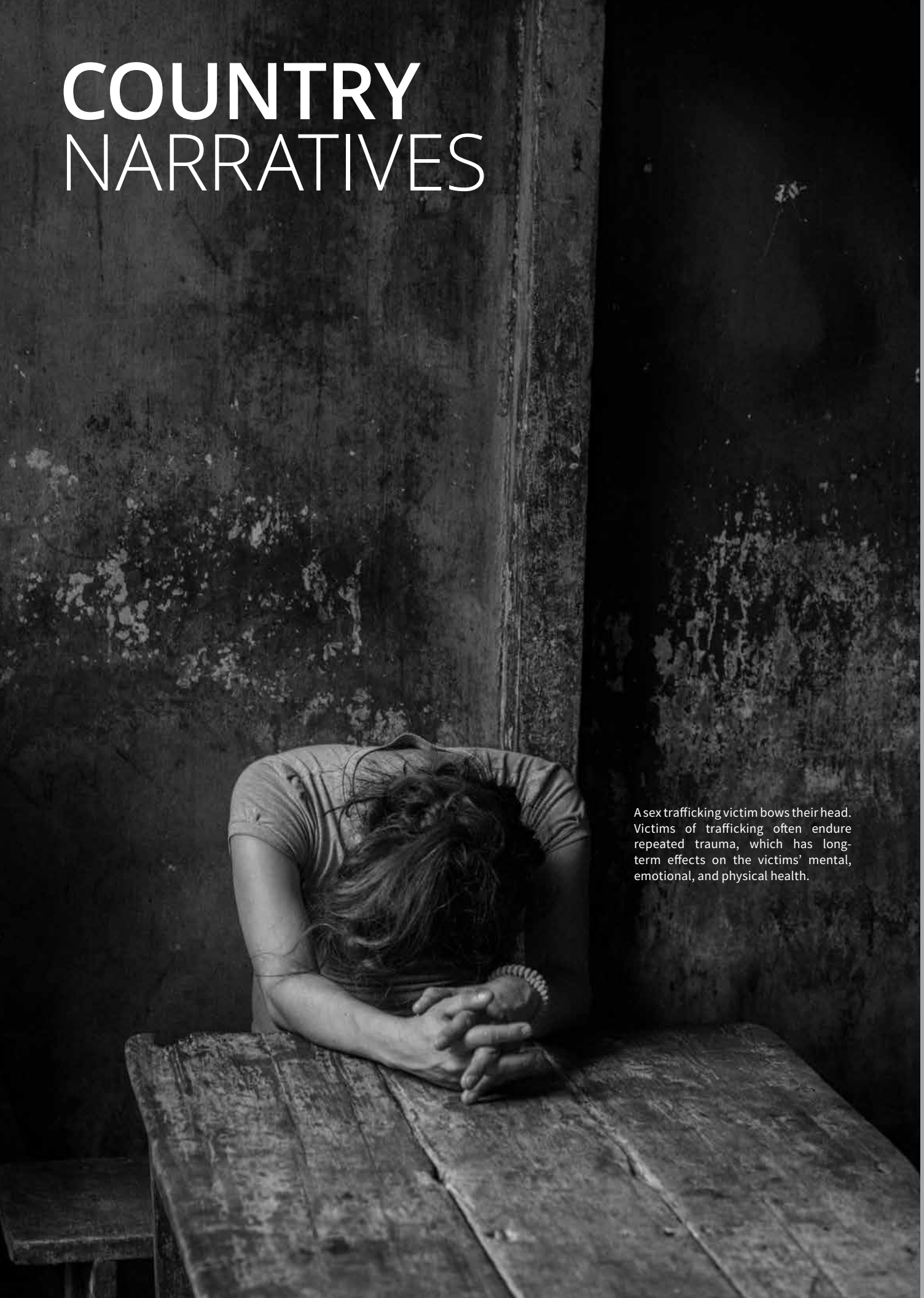
TVPA Minimum Standard 4(12) – whether the government has made efforts to reduce the demand for commercial sex acts, and, if applicable, participation in international sex tourism by its nationals.

TRAFFICKING PROFILE
As reported over the past five years, human traffickers exploit domestic and foreign victims in Country X, and traffickers exploit victims from Country X abroad. Men and women from South and Southeast Asia, East Africa, and the Middle East voluntarily travel to Country X as la[illegible] and domestic servants, but some subsequently face c[illegible] involuntary servitude. These conditions i[illegible] including threats of legal action and [illegible]trictions on freedom of movement, [illegible]ports and travel documents and [illegible] In some cases, arriving migrant [illegible]f employment in Country X are [illegible]greed to in their home countries. I[illegible] servants are particularly vulnerable to t[illegible]ot covered under the provisions of the labo[illegible]mber of foreign workers transit Country X and are forced to work on farms in Country Y. Country X is also a destination for women who migrate and become involved in commercial sex, but the extent to which these women are subjected to sex trafficking is unknown.

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

Overview of human trafficking in the country and factors affecting vulnerability to trafficking of the country's nationals abroad.

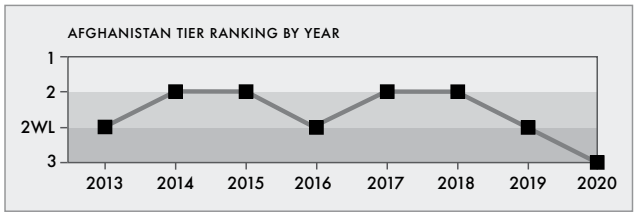
COUNTRY NARRATIVES



A sex trafficking victim bows their head. Victims of trafficking often endure repeated trauma, which has long-term effects on the victims' mental, emotional, and physical health.

AFGHANISTAN: TIER 3

The Government of Afghanistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Afghanistan was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including continuing to identify trafficking victims, prosecuting and convicting some traffickers, including two perpetrators of *bacha bazı* for kidnapping, and conducting four trainings for provincial anti-trafficking officers. The government increased the number of Child Protection Units (CPUs) at Afghan National Police (ANP) recruitment centers, which prevented the recruitment of 357 child soldiers. The government also took several broad child protection efforts, including authorizing formation of a National Child Protection Committee to address *bacha bazı* and hiring additional social workers. In response to allegations of the sexual abuse and sex trafficking of 165 boys in Logar province, an attorney general's office (AGO) investigation identified 20 perpetrators; by the end of this reporting period, the investigation had produced nine arrests and two convictions for related offenses. However, during the reporting period, there was a government policy or pattern of sexual slavery in government compounds (*bacha bazı*) and recruitment and use of child soldiers. Despite local officials' widespread acknowledgement that many police, especially commanders at remote checkpoints, recruited boys for *Bacha bazı*, some high-level and provincial authorities, including at the Ministry of Interior (MOI), categorically denied the existence of *bacha bazı* among police and would not investigate reports. Additionally, despite consistent reports of *bacha bazı* perpetrated by Afghan National Army (ANA), ANP, and Afghan Local Police (ALP) officials, the government has never prosecuted a police officer for *bacha bazı*. MOI, the Ministry of Defense (MOD), and the National Directorate of Security (NDS) denied that Afghan security forces recruited or used child soldiers, despite multiple cases during the reporting period. Some trafficking victims reported authorities forced them to have sex in exchange for pursuing their cases or raped them and sent them to detention centers when they tried to report their traffickers. Authorities continued to arrest, detain, and penalize many trafficking victims, including punishing sex trafficking victims for "moral crimes." Due to inadequate victim protection, some NGOs would not assist trafficking victims in reporting their traffickers to law enforcement.



PRIORITIZED RECOMMENDATIONS:

Drastically increase criminal investigations and prosecutions of suspected traffickers—especially law enforcement and military officials—and convict and adequately sentence perpetrators. • Cease the unlawful recruitment and use of children by Afghan security forces, including for *bacha bazı*, and demobilize children from all armed groups with adequate protection and reintegration support. • Issue a directive to law enforcement to pursue criminal investigations in cases of human trafficking, including *bacha bazı*, and protect victims during interactions with law enforcement. • Empower the National Child Protection Committee to identify and suggest the removal of public servants implicated in perpetrating or facilitating *bacha bazı*. • Cease penalization and abuse of victims for unlawful acts their traffickers forced them to commit, including "moral crimes." • Train judicial officials on the anti-trafficking provisions in the new penal code and the prohibition against mediation in sex trafficking cases per the 2009 Elimination of Violence Against Women Act. • Cease support to non-state armed groups that recruit and use child soldiers. • Provide clear guidance to security personnel on identification and protection of child trafficking victims and train them on it. • Approve, disseminate, and conduct widespread training on the standard operating procedures for victim identification and referral to services. • Strengthen law enforcement's capacity to address trafficking, including increased training and resources for the Ministry of Interior's provincial anti-trafficking/smuggling units. • Dedicate resources for trafficking victim shelters and services, including for male victims. • Amend Chapter 5 of the penal code to increase the penalties for *bacha bazı* in line with penalties prescribed for other forms of trafficking. • Raise awareness of trafficking at the local level, including its definition, law enforcement and social service resources available, and community prevention efforts. • Support the High Commission for Combating Crimes of Abduction and Human Trafficking/Smuggling (High Commission) and its data collection efforts.

PROSECUTION

The government decreased law enforcement efforts against civilian and official perpetrators of trafficking, and officials complicit in recruitment and use of child soldiers and *bacha bazı* continued to operate with impunity. The 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants criminalized sex trafficking and labor trafficking, including *bacha bazı*. The law prescribed penalties between five and eight years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes. Aggravating factors increased the maximum sentence to between 10 and 15 years' imprisonment and the imposition of the death penalty if exploitation for armed fighting resulted in the victim's death. Article 510 of the 2018 criminal code criminalized sex trafficking and labor trafficking, including *bacha bazı*. Article 511 prescribed penalties of five to 10 years' imprisonment for trafficking offenses involving adult male victims and 10 to 16 years' imprisonment if the victim was a woman or child, or exploited in *bacha bazı*. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 512 outlined aggravating factors and increased penalties to 16 to 20 years' imprisonment for sex trafficking or forced armed fighting and between 20 to 30 years' if the victim forced to fight died while subjected to trafficking. While the 2018 penal code also specifically criminalized more crimes related to *bacha bazı*, some of which would constitute trafficking offenses, it also prescribed lower penalties for certain acts constituting *bacha bazı* than those prescribed under Article 510. Most of these penalties were not sufficiently stringent, nor commensurate with the penalties prescribed for other serious crimes, such as rape. The government also used the 2009 Law on the Elimination of Violence Against Women (EVAW) to prosecute and convict sex traffickers.

The government's lack of resources and lack of political will to hold perpetrators accountable diminished enforcement of anti-trafficking laws. The judiciary remained underfunded, understaffed, undertrained, and in some cases ineffective, and judicial officials were often intimidated by perpetrators or corrupt. In urban areas, if judges or prosecutors did not assess that a clearly defined legal statute applied, or they were unaware of the statutory law, then they enforced customary law, which often resulted in outcomes that discriminated against women. While the EVAW law expressly prohibits mediation, and other Afghan laws neither permit nor prescribe mediation in criminal cases, police

and judges often referred trafficking victims to mediation. In some areas, anti-government forces, such as the Taliban, instituted their own justice systems, including for trafficking victims.

As in the previous year, ministries provided conflicting data, which called into question its validity and made it difficult to compare to previous years. Under the 2017 anti-trafficking law, MOI reported investigation and prosecution of 16 suspects in 14 trafficking-related cases. The judiciary convicted seven traffickers. Judges acquitted four suspects and continued prosecution in five cases, although it was unclear if the cases were human trafficking, kidnapping, or migrant smuggling. This was a significant decrease from the investigation of 138 alleged traffickers, prosecution of 64 suspects, and conviction of 34 traffickers under the anti-trafficking and EVAW laws in the previous reporting period. Despite laws explicitly criminalizing *bacha bazı*, the government demonstrated little political will to combat it. Most often, MOI either refused to investigate *bacha bazı* cases or investigated them as other crimes such as kidnapping. In addition to the trafficking cases filed under the 2017 anti-trafficking law, during the reporting period, the judiciary notably convicted five civilian perpetrators of *bacha bazı* in three cases and indicted four others in one ongoing case. However, the government did not use the anti-trafficking law or the *bacha bazı* law in any of the cases.

The government did not report any investigations, prosecutions, or convictions of any allegedly complicit officials for trafficking offenses. Disregard for the rule of law and widespread official complicity in trafficking, especially *bacha bazı*, overwhelmingly impeded efforts to address these crimes. Afghan security forces, in particular the ANP and ALP, recruited boys for *bacha bazı* in every province of the country. While some high-level officials and provincial authorities continued to deny the existence of *bacha bazı*, and MOI denied any police perpetrated *bacha bazı*, local authorities overwhelmingly acknowledged that many police, especially checkpoint commanders, recruited boys for sex trafficking in *bacha bazı*. Particularly in Kandahar province, local police and elder community members openly exploited boys in *bacha bazı* on a large scale without fear of reprisal. The government has never prosecuted a police officer for *bacha bazı*. In rare cases, officials sometimes issued arrest warrants for government perpetrators of *bacha bazı* but did not enforce the warrants. Some Afghan security forces and pro-government militias—some of whom may have received direct financial support from the government—recruited boys specifically for use in *bacha bazı*. In some instances, ANA officials reportedly used promises of food and money to entice boys into *bacha bazı*. International organizations verified three cases of *bacha bazı* perpetrated by the ANP and ALP during the reporting period but cautioned such figures remained an extreme underrepresentation of the problem. Police did not arrest any perpetrators reported during the reporting period, nor did it arrest any of the 10 ANP or ALP officials whom an international organization had referred to police in 2018 for *bacha bazı*. The government did not report updates on its investigations into 13 ANA officers for crimes related to *bacha bazı*, including witnessing and failure to report *bacha bazı*.

Afghan security forces, including the ANA, ANP, ALP, and NDS, continued to recruit and use children in combat and non-combat roles with impunity. An international organization verified at least three cases of recruitment by the ANP, one by the ALP, and one case by both the ALP and a pro-government militia. This is similar to previous years; however, experts stressed recruitment and use of child soldiers remained underreported, often due to safety concerns. Despite consistent identification of child soldiers among Afghan security forces for several years, MOI, MOD, and NDS denied all allegations. The government has never prosecuted any military or police official for recruitment or use of child soldiers. Pro-government militias that may have received direct financial support from the Afghan government reportedly recruited and used child soldiers, primarily in non-combat roles. The government denied and did not investigate such claims. Some officials accepted bribes to produce identity documents for boys stating they were at least 18 years old.

Widespread official complicity in human trafficking continued outside of the Afghan security forces, also with impunity. Observers noted perpetrators of *bacha bazı* often paid bribes to, or had relationships with, law enforcement, prosecutors, or judges that protected them from prosecution. A public health official who conducted forensic exams for criminal cases reported state prosecutors pressured him not to report confirmed evidence of abuse, including in cases of *bacha bazı*. In 2019, activists spent six months investigating and interviewing hundreds of boys aged 14 to 20 in Logar province across three high schools, and found evidence that at least 165 were sexually abused by teachers, principals, vice-principals, fellow students, and at least one local law enforcement official. Some youth were required to have sex in exchange for passing grades. Officials removed from his job one school manager accused of *bacha bazı* but later gave him a job at Logar's provincial Education Department. After local authorities refused to take action on the allegations of abuse, activists reported the allegations to international media in November 2019. After an international outcry, several government bodies, including the AGO, Afghanistan Independent Human Rights Commission (AIHRC), Ministry of Education, Parliament, and the Logar provincial government, investigated the allegations, but the quality and thoroughness of the investigations varied, and the results were inconsistent with victim reports. The AGO investigation identified 20 perpetrators, nine of whom authorities had arrested as of March 2020. In contradiction with victims' reports, the government did not identify a single government educator or law enforcement officer as a suspect. Although activists said victims had identified many public high school teachers and other educators as perpetrators, the AGO failed to find any link between the Logar child sexual abuse and the Logar public school system. Separately, many female sex trafficking victims alleged prosecutors and judicial officials sought sexual favors in exchange for continuing investigations and prosecutions of their cases. The government did not report an update on its investigation into two police officers accused of facilitating the sex trafficking of an adult woman. Indian authorities arrested an Afghan official for purchasing sex from two potential sex trafficking victims.

Law enforcement and judicial officials continued to have a limited understanding of trafficking. While the 2017 law used separate terms and definitions for trafficking and smuggling, Dari, the most widely spoken language in Afghanistan, historically used the same word for human trafficking and migrant smuggling, and officials conflated the two crimes. MOI organized and conducted four regional training sessions for approximately 590 provincial anti-trafficking unit officers, Afghan Border Police, and police Criminal Investigation Department officers in four provinces. MOI continued to operate dedicated trafficking/smuggling units in each of the 34 provinces and in Kabul, with two officers in each province. NDS, the ABP, and a Kabul-based INTERPOL unit also had mandates to address human trafficking. The agencies did not have a clear delineation of responsibilities, so NDS investigated most human trafficking cases. While ABP was best-positioned to identify and investigate trafficking at the borders, and some of its officers received anti-trafficking training during the reporting period, many officials still lacked anti-trafficking training. In addition, the force as a whole lacked the resources to identify and investigate trafficking. Officials acknowledged personnel, resources, and knowledge of trafficking remained inadequate across all units. Law enforcement lacked cooperation with neighboring countries, which impeded investigation of transnational trafficking cases.

PROTECTION

The government maintained inadequate protection efforts and continued to penalize and abuse trafficking victims. The High Commission reported identifying 493 potential trafficking victims in 2019, compared to 434 in 2018, although in both years NGOs expressed concern about the validity of the figures. The government did not use systematic victim identification procedures, and district and provincial-level officials continued to conflate trafficking and smuggling. An international organization continued to train officials on a victim identification manual and national referral mechanism to connect trafficking victims with care, which it had developed with the High Commission the previous year. However, implementation awaited approval from the Ministry of Justice (MOJ) for the second consecutive year. Police did not consistently refer trafficking victims to shelters, and the dearth of shelters impeded victim protection.

International donors and NGOs provided nearly all victim care. NGOs operated, and international donors funded, approximately 27 women's shelters in 20 provinces that provided protection, legal, medical, and social services to female victims of violence, including trafficking. The shelters did not report how many trafficking victims they assisted. NGOs operated two shelters for boy victims of crime that could assist male trafficking victims younger than 18. No government or NGO shelter could accommodate adult male trafficking victims. At times, the government placed child trafficking victims in orphanages, and some orphanages subjected children to trafficking. Authorities sometimes placed male and female victims in prison if they could not accommodate them in shelters. In theory, the Ministry of Women's Affairs (MOWA) would provide services for female trafficking victims and the Ministry of Labor and Social Affairs (MOLSA) would provide services for boy trafficking victims; in practice, neither MOWA nor MOLSA offered victims much support. Family guidance centers in 19 provinces provided non-residential legal and social services for women and children, including trafficking victims. The government also hired additional social workers, including those specifically trained to assist child victims of crime, bringing its total number of social workers to 250. The Child Protection Action Network (CPAN), a conglomerate of NGOs, civil society, and government entities overseen by MOLSA, was active in 170 districts—an increase from 151 districts the previous year—and could provide shelter and some services to child victims of crime. CPAN was the only entity that addressed child protection issues, including child trafficking, outside of Kabul.

The government took some steps to enhance child protection mechanisms, which could assist child trafficking victims. The President ordered several ministries to create a National Child Protection Committee to address *bacha bazı* with representatives from AGO, AIHRC, the Ministry of Education, and other bodies. The Ministry of Education developed terms of reference for its new child protection units, focused on prevention and response to sexual violence at schools. These units will operate at the central and provincial Ministry of Education departments, as well as at the school level.

Afghans continued to both voluntarily return and be deported from Iran and Pakistan, and traffickers abroad forced some Afghans into labor prior to their return or deportation. The government did not screen returnees for trafficking or refer them to services. In cases of parental complicity in child trafficking, authorities often returned children to their parents without sufficient efforts to ensure parents would not subject their children to trafficking again.

Government investigators did not always interview suspected victims of trafficking and, in some cases, did not provide adequate support or security for victims to safely speak about what had happened. Victims, especially of *bacha bazı*, feared abuse and penalization by law enforcement, threats of retaliation from traffickers and one's community, and even for their lives. The stigma associated with trafficking also prevented the vast majority of trafficking victims from bringing cases forward to law enforcement or seeking care. Multiple *bacha bazı* victims reported police sexually abused them when they tried to report their exploitation and then treated them as criminals, sometimes detaining and penalizing them. In two high-profile investigations into sex trafficking by a high-ranking sports official and Afghan school teachers and police in Logar state, victims reported widespread retaliation from alleged perpetrators and, due to a lack of victim protection, fled Afghanistan. Due to a lack of victim protection, family members and the Taliban murdered at least eight child sex trafficking victims, including some as young as 13 years old, for dishonor. Observers reported they did not recommend trafficking victims report their traffickers to law enforcement or participate in trials due to the significant risk of threats and reprisals and complete lack of protection. Afghan law allows prosecutors to seek restitution for trafficking victims, but there were no reports any prosecutors did so. Foreign victims had the same limited access to services as Afghan victims, and Afghan law allows foreign victims to remain in Afghanistan for at least six months. The High Commission did not report if it identified any foreign victims.

The penal code explicitly prohibited penalization of trafficking victims for unlawful acts their traffickers compelled them to commit. Nevertheless, the government's formal justice system, informal justice system in rural areas, and the justice system administered by the Taliban all routinely arrested, imprisoned, and penalized adult and child trafficking victims. Some female trafficking victims could not access the formal justice system because cultural norms precluded their engagement with male law enforcement and judicial officials. When female sex trafficking victims did access formal justice, officials penalized some of them for "moral crimes" such as sex outside of marriage. In rural areas, the lack of access to formal justice systems also disproportionately affected females. Male community leaders in some cases settled both criminal and civil disputes and penalized female sex trafficking victims for "moral crimes." Through its justice system, the Taliban detained and forced into labor some child and adult sex trafficking victims charged with "moral crimes." Authorities equally penalized male sex trafficking victims. Authorities prosecuted *bacha bazı* victims as equally responsible "criminals" as their adult traffickers. Authorities remanded boy sex trafficking victims to Juvenile Rehabilitation Centers (JRCs) on criminal charges and detained them for several years. Multiple organizations reported JRCs lacked adequate food and education and reported allegations of sexual violence, including against child sex trafficking victims and child soldiers. JRC authorities reportedly presumed detained children to be guilty and did not provide them with knowledge of the charges against them or access to lawyers. Officials sometimes prosecuted victims for possessing forged identity documents. The government did not demobilize child soldiers associated with governmental or non-state armed groups or refer such children to reintegration support. It arrested, detained, and prosecuted for terrorism-related crimes children younger than 12 years old that non-state armed groups had forcibly recruited.

PREVENTION

The government made inadequate efforts to prevent trafficking. The High Commission, the government's autonomous inter-ministerial anti-trafficking committee under the Ministry of Justice, did not demonstrate a strong willingness to address trafficking. Scheduled to meet quarterly, it only met once in 2019, the same as in 2018, and key ministries failed to attend. The High Commission's working-level committee lacked resources and

influence over member ministries and relied heavily on NGOs to coordinate and fund meetings. The High Commission had some provincial commissions to implement national anti-trafficking policy at the local level, although the majority did not meet. The government had an anti-trafficking national action plan that covered 2018-2021. The MOJ continued to refuse to share data with an international organization to publish an annual national report on human trafficking. The High Commission, in partnership with international organizations and NGOs, continued public awareness programs. NDS inappropriately detained and mistreated two human rights defenders who reported on official complicity in *bacha bazı*, and the defenders fled the country. In March 2020, MOD, MOI, and NDS began the process of drafting a common child-protection policy for their forces in the field. The government had some existing migrant labor agreements with Gulf countries but did not implement them during the reporting period.

The government established seven additional CPUs during the reporting period, compared to establishing five the previous reporting period. As a result, MOI operated CPUs in all 34 provinces to prevent the recruitment of children into the ANP, an increase from 27 CPUs in the previous reporting period. According to an international organization, the CPUs prevented the recruitment of 357 children during this reporting period. However, some NGOs reported CPUs were not sufficiently equipped, staffed, or trained to provide adequate oversight and noted they did not oversee ALP recruitment centers, which also recruited children. The government did not have a sufficient referral pathway for children identified by CPUs and prevented them from joining the security forces to provide shelter, services, and family reintegration; thus, the children remained highly vulnerable to recruitment and use, as well as other forms of forced labor. The government did not make efforts to reduce the demand for commercial sex acts or provide anti-trafficking training for diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Afghanistan, and traffickers exploit victims from Afghanistan abroad. Internal trafficking is more prevalent than transnational trafficking. Traffickers exploit men, women, and children in bonded labor, a form of forced labor by which traffickers offer loans and manipulate the debts to coerce workers into continued employment. Traffickers compel entire families to work in bonded labor in the brick-making industry, predominately in eastern Afghanistan and in carpet weaving countrywide. Most Afghan trafficking victims are children forced to work in carpet making, brick kilns, domestic servitude, commercial sex, begging, poppy cultivation and harvesting, salt mining, transnational drug smuggling, and truck driving. Some Afghan families force their children into labor with physical violence or knowingly sell their children into sex trafficking, including *bacha bazı*. Opium-farming families sometimes sell their children to settle debts with opium traffickers, and some drug-addicted parents subject their children to sex trafficking or force them into labor, including begging. Some orphanages run by NGOs and overseen by the government subjected children to trafficking. During the reporting period, multiple former government officials alleged high-level officials forced women to have sex in exchange for jobs and promotions. Victims alleged some law enforcement and judiciary officials requested sexual favors in exchange for pursuing cases. In 2019, 165 boys in Logar province reported widespread sexual abuse by government teachers, principals, and local law enforcement, including requiring children to have sex in exchange for passing grades and subjecting boys to sex trafficking in *bacha bazı*. Some boys who reported sexual abuse and sex trafficking to police reported police officers then raped them.

Afghan security forces and non-state armed groups continue to unlawfully recruit and use children in combat and non-combat roles. Insurgent groups, including the Taliban and the Islamic State in Khorasan Province, use children in direct hostilities, to plant and detonate improvised explosive devices (IEDs), carry weapons, spy, and guard bases. The Taliban recruits child soldiers from its *madrassa*s in Afghanistan and Pakistan that provide military training and religious indoctrination, and it sometimes provides families cash payments or protection in exchange for sending their children to these schools. Armed groups target children from impoverished and rural areas, particularly those under Taliban control. The Taliban abducted and forced adult women into labor. The Taliban maintained illegal detention facilities in which it forced detainees, including child and adult sex trafficking victims charged with "moral crimes," into labor. ANP and ALP use children in combat and non-combat roles, including to carry weapons and as personal servants, support staff, bodyguards, and sex slaves in *bacha bazı*. ANA, NDS, and ABP recruit and use children in combat and, to a lesser extent, non-combat roles. Taliban insurgents killed, wounded, and captured ANA soldiers as young as 13. Pro-government militias that may receive direct financial support from the government recruited and used child soldiers, primarily in support roles and for *bacha bazı*.

Traffickers', including government and military officials', exploitation of children as young as nine in *bacha bazı* remained pervasive nationwide. In the northern provinces, many *bacha bazı* traffickers were community elders or private citizens. In southern provinces, by contrast, *bacha bazı* perpetrators were more commonly police, military, and local government officials. Local authorities overwhelmingly acknowledged many police, especially checkpoint commanders, recruited boys for sex trafficking in *bacha bazı* nationwide but especially in Kandahar province. *Bacha bazı* survivors reported to NGOs an "overwhelming understanding that *bacha bazı* is committed by the powerful," including military commanders and community leaders. International organizations reported cases of *bacha bazı* by nearly all groups. ALP, ANA, and pro-government militias reportedly recruited some children specifically for *bacha bazı*. Perpetrators of *bacha bazı* sometimes offer bribes or use relationships with law enforcement, prosecutors, and judges to evade punishment.

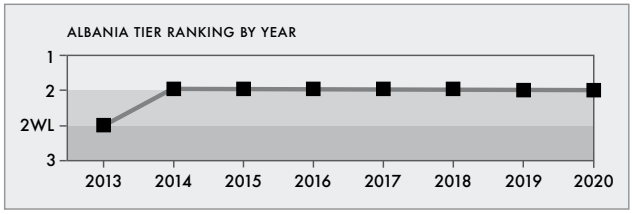
In 2019, Afghanistan received approximately 504,977 returns of undocumented Afghan migrant workers from Iran and Pakistan, including unaccompanied children. Traffickers specifically targeted returnees for forced labor in agriculture, brick kilns, and carpet weaving. In 2019, Turkey deported nearly 24,000 Afghans; while most were migrant smuggling victims, traffickers had previously forced some to work in Iran or to fight in militias in Syria. Traffickers targeted Afghans residing in Pakistan—including 1.4 million Afghan Proof of Registration card holders, 878,000 Afghan Citizen Card holders, and an unknown number of undocumented Afghans. International organizations documented cases of IDPs selling their children to local shopkeepers in servitude to repay debts. Some traffickers targeted indebted IDPs for forced labor and sex trafficking.

Afghan men, women, and children pay intermediaries to assist them in finding employment abroad, primarily in Iran, Pakistan, and Europe; some intermediaries and employers force Afghans into labor or sex trafficking. Some Afghan women and girls who are sold to husbands in Afghanistan, Pakistan, Iran, and India are exploited in sex trafficking and domestic servitude by their new husbands. Some Afghan parents forcibly send boys to Iran to work to pay for their dowry in an arranged marriage. Afghan boys and men are subjected to forced labor and debt bondage in agriculture and construction, primarily in Iran, Pakistan, Greece, Turkey, and the Gulf states. Traffickers in Iran, including Iranian criminal groups, exploit Afghan children in forced labor as beggars and street vendors and forced criminality, including

drug trafficking and smuggling of fuel and tobacco. Iranian police sometimes detain, torture, and extort Afghan child trafficking victims before deportation. The Iranian government and the Islamic Revolutionary Guards Corps continue to force and coerce Afghan migrants, including children as young as 12 years old, to fight in Iranian-led and -funded Shia militias deployed to Syria by threatening them with arrest and deportation to Afghanistan. Trafficking networks smuggle Afghan nationals living in Iran to Europe and subject them to sex trafficking and force them to work in restaurants to pay off debts incurred by smuggling fees. Some Afghan traffickers subjected Afghan boys to *bacha bazı* in Germany, Hungary, Macedonia, and Serbia. Traffickers have subjected women and girls from China, Iran, Pakistan, Philippines, Sri Lanka, and Tajikistan to sex trafficking in Afghanistan. Under the pretense of high-paying employment opportunities, some labor recruiting agencies lure foreign workers to Afghanistan from South and Central Asia and subject them to forced labor after arrival.

ALBANIA: TIER 2

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Albania remained on Tier 2. These efforts included sentencing convicted traffickers to significant prison terms, identifying more victims, and providing robust training for relevant officials. The government, in cooperation with civil society, also set up the Advisory Board of Victims of Trafficking, consisting of three survivors, and increased victim assistance in criminal proceedings by establishing the Development Center for Criminal Justice for Minors and hiring additional victim assistance coordinators. However, the government did not meet the minimum standards in several key areas. The government convicted five traffickers in both 2018 and 2019, the lowest number of convictions since 2014. The government lacked screening efforts for vulnerable populations—particularly migrants, asylum-seekers, individuals in commercial sex, and children—and authorities did not consistently participate in mobile victim identification units. The government continued to delay funding for NGO-run shelters, and social services lacked resources for long-term care and reintegration efforts, particularly for child victims and victims with children.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers—including complicit officials—under Articles 110(a) and 128(b) of the criminal code. • Increase efforts to screen vulnerable populations and train police, labor inspectors, and other front-line officials on proactive identification of victims. • Institutionalize and provide training for law enforcement, prosecutors, and judicial officials, particularly district prosecutors, on investigating and prosecuting trafficking cases, including guidance on issues of consent and coercion in the context of labor and sex trafficking. • Create funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the government-run and NGO-run shelters for trafficking victims. • Expand the jurisdiction of labor inspectors to inspect businesses that are not legally registered. • Improve the sustainability of, and law enforcement participation in, mobile trafficking victim identification units. • Increase reintegration services, including access to education for child victims. • Implement victim-centered approaches and victim-witness protection measures during investigation, prosecution, and court proceedings.

PROSECUTION

The government maintained law enforcement efforts. Articles 110(a) and 128(b) of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for a trafficking offense involving an adult victim, and 10 to 20 years' imprisonment for an offense involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Albanian State Police (ASP) investigated 41 cases with 62 suspects (38 cases with 51 suspects in 2018) —34 cases with 45 suspects for adult trafficking (30 cases with 42 suspects in 2018) and seven cases with 17 suspects for child trafficking (eight cases with nine suspects in 2018). The ASP also investigated two suspects for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act (three in 2018). The General Prosecution Office (GPO) investigated 19 new cases with eight defendants for adult trafficking (17 new cases with five defendants in 2018) and six new cases for child trafficking (12 cases in 2018). GPO prosecuted three cases with three defendants (two cases with six defendants in 2018), one defendant for adult trafficking (three in 2018) and two defendants for child trafficking (three in 2018). Courts convicted five traffickers (five in 2018), three for adult trafficking (one in 2018) and two for child trafficking (four in 2018). Judges sentenced three traffickers convicted of adult trafficking to seven years and six months' imprisonment, 10 years' imprisonment, and 17 years' imprisonment, respectively; two child traffickers were sentenced to 15 years' imprisonment. In 2018, one trafficker received two years and eight months' imprisonment for adult trafficking, and four traffickers received sentences from six years and eight months to 18 years for child trafficking. The appeals court reviewed and confirmed decisions on three traffickers (five in 2018).

ASP maintained an Anti-Trafficking Unit, which investigated trafficking in persons in addition to drug and contraband trafficking. The government continued judicial reforms that changed prosecutorial jurisdiction for trafficking cases; the Special Anticorruption Prosecution (SPAK) and the Special Court of Appeals on Corruption and Organized Crime acquired jurisdiction over trafficking cases related to organized crime, while district courts prosecuted trafficking cases without an organized crime nexus. However, prosecutors and observers reported district prosecutors did not have the specialized experience and capacity to prosecute trafficking cases successfully. Authorities reported confusion between overlapping elements of exploitation of prostitution and trafficking and at times applied the lesser charge, because it required less specialization and time, or due to the false belief that trafficking crimes required a transnational element. Limited resources and constant turnover within law enforcement created additional obstacles to maintaining capacity to investigate trafficking. The government, at times in cooperation with NGOs and international organizations, trained police officers, judges, district prosecutors, and victim coordinators on various anti-trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, NGOs reported some instances of official complicity and corruption. ASP arrested 12 suspected sex traffickers on the behalf of French, German, Greek, and Italian authorities. The government received four suspects extradited

from Germany, Greece, Italy, and the Netherlands and continued a joint investigation with Italian authorities.

PROTECTION

The government increased victim protection efforts. The government and NGOs identified 96 potential victims and seven officially recognized victims (93 potential victims and two officially recognized victims in 2018). Of these, 36 were adults and 67 were minors (28 adults and 67 minors in 2018); 80 were female and 23 were male (60 females and 35 males in 2018); six were foreign victims (one in 2018); and 65 were victims of sex trafficking, 37 of forced labor, and one of forced marriage for the purpose of domestic servitude. In 2018, the government did not provide details about the type of exploitation for all officially recognized and potential victims, but at least 36 were subjected to sex trafficking, 25 to forced labor, 27 to forced begging, and three to forced marriage for the purpose of domestic servitude in 2018. The government maintained a multidisciplinary national referral mechanism (NRM) and updated standard operating procedures (SOPs) for identifying and referring victims to services. First responders referred potential victims to law enforcement and state social services, which conducted joint interviews to determine officially recognized victim status. The law provided equal services for both potential and officially recognized victims. NGOs identified the majority of victims; the government identified 43 of the 103 officially recognized and potential victims (33 in 2018), including 42 identified by officials participating in mobile identification units. NGOs, with the support of the government, maintained mobile victim identification units consisting of social workers and police in three regions, but the units' sustainability was uncertain due to the lack of permanent staff, formalization, and resources. Mobile victim identification units identified 42 potential victims (51 potential victims in 2018). Experts reported police did not participate consistently in the mobile victim identification units despite signing a memorandum of understanding that formalized their participation. Experts also stated that law enforcement rarely initiated cases when civil society identified a potential victim, but ASP noted that definitional differences with civil society on what constituted trafficking caused obstacles in identification. Observers continued to report that authorities did not consistently screen or implement SOPs for migrants and asylum-seekers and that police did not screen individuals in commercial sex for indicators of trafficking during raids and investigations of commercial sex establishments. The Labor Inspectorate lacked the training to identify victims of forced labor, and identification of forced begging remained inadequate, particularly among unaccompanied children, street children, and children crossing borders for begging.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 21.5 million leks ($184,630) to NGO-run shelters to support 29 staff salaries, compared with 21.6 million leks ($185,490) to support 29 staff salaries in 2018. The government provided an additional 6.8 million leks ($58,390) for food support to NGO-run shelters, compared with 5.2 million leks ($44,650) in 2018. The government allocated 20.9 million leks ($179,480) to the government-run shelter, compared with 22.5 million leks ($193,220) in 2018. The government did not transfer resources to a fund of seized criminal assets for victim support services in 2018 or 2019. Funding for NGO-run shelters steadily increased over the past four years, but NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. Additionally, funding delays hindered shelter operations, and the government decentralized funding mechanisms for all social programs to municipal governments in 2019. Municipality grants prioritized NGOs that provided local assistance rather than the national scope needed for trafficking shelters, and experts alleged solicitation and bidding procedures at the municipal level were rife with corruption. The four shelters constituted the National Coalition of Anti-Trafficking Shelters (NCATS); victims who required services not available in one shelter were referred to another shelter within the coalition. NCATS and the government provided assistance to 115 officially recognized and potential victims (78 in 2018), including food, mental health counseling, legal assistance, health care, educational services, employment services, assistance to victims' children, financial support, long-term accommodation, social activities, vocational training, and post-reintegration follow-up. The government provided vocational training for 45 officially recognized and potential victims; however, experts reported a lack of resources for long-term care and reintegration efforts, particularly for child victims and victims with children. For example, the Ministry of Health and Social Protection did not approve funds for the government-run shelter to hire a part-time teacher for victims unable to attend school. Similarly, the government provided free textbooks to children in "social economic difficulties," but the definition of that phrase did not explicitly include trafficking victims, and some regional directorates of the Ministry of Education used that omission to exclude child victims from receiving free textbooks. NGO-run shelters allowed adult victims to leave the shelter voluntarily; the state-run shelter required victims to receive permission from the shelter director for their security. One NGO-run shelter provided specialized services for victims under the age of 18 and rented apartments for male victims, where they received assistance from NGOs. Observers reported the shelters in the NCATS had professional staff and good quality of care. Experts reported first responders referred some individuals who were not trafficking victims to the government-run shelter, including individuals with mental health issues, migrants, and victims of other crimes. Foreign victims had access to the same services as domestic victims; the law provided foreign victims a three-month "reflection period" with temporary residency status and authorization to work for up to two years. The government granted or renewed residency to one foreign victim (seven in 2018).

Unlike previous years, the government did not knowingly penalize victims, but it may have penalized some trafficking victims unknowingly due to inadequate identification efforts. Fourteen victims cooperated with law enforcement in investigations and prosecutions (five in 2017); however, the government did not consistently apply a victim-centered approach in investigations and prosecutions. In previous years, law enforcement did not consistently offer sufficient security and support, and victims and their families received threats during court proceedings. SPAK possessed equipment that allowed testimony via video conferences, which was used in one case (the Serious Crimes Court used one in 2018). Victims who testified against traffickers had access to the witness protection program; one victim participated in the program (none in 2018). The government established the Development Center for Criminal Justice for Minors with four part-time prosecutors and a judicial police officer responsible for child protection in criminal proceedings. The government hired an additional 19 victim assistance coordinators for a total of 24, who provided legal assistance and guided victims in accessing services. Prosecutors did not seek restitution in criminal cases; no victims received restitution. Applicable law allowed victims to pursue compensation through civil suits. Authorities assisted in the voluntary repatriation of six Albanian victims (three in 2018). The government also repatriated a foreign victim to Kosovo (two in 2018).

PREVENTION

The government increased efforts to prevent trafficking. The government continued implementation of the 2018-2020 national action plan and allocated 488.9 million leks ($4.2 million) for

its implementation. The government allocated 9.5 million leks ($81,580) to the Office of the National Anti-Trafficking Coordinator (ONAC), compared with 11.9 million leks ($102,190) in 2018. ONAC, in cooperation with an international organization, produced a report assessing anti-trafficking efforts in Albania and published periodic reports on its website. The government maintained a multidisciplinary working group and a separate task force to develop and monitor anti-trafficking policies. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on prevention and victim assistance. NCATS and ONAC signed a memorandum of understanding, which set up the Advisory Board of Victims of Trafficking consisting of three survivors; the board met twice in 2019. ONAC held four meetings with stakeholders involved in the NRM but, as in previous years, observers reported prosecutors rarely attended NRM meetings.

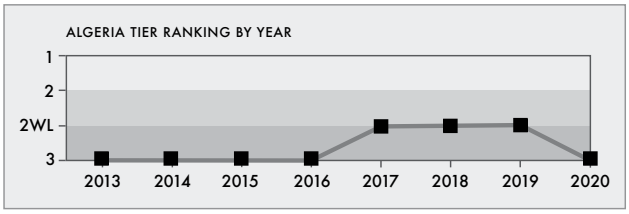
ONAC, in cooperation with civil society, conducted awareness campaigns for students, teachers, and the general public. The government also conducted informational meetings with representatives from the Romani and Balkan Egyptian communities. The government did not make efforts to regulate or punish labor recruiters for illegal practices that increased migrants' vulnerability to exploitation abroad. Labor inspectors did not have authority to inspect informal work activities, including unregistered businesses. The government drafted amendments to the law on public procurement to disqualify companies—including administrative personnel, leadership, or supervisory bodies—convicted of trafficking or exploitation of children from the competition for public contracts. The State Police Directorate's hotline received 11 calls but none were trafficking-related calls (three trafficking-related calls in 2018). The government did not take steps to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Albania, and traffickers exploit victims from Albania abroad. Traffickers exploit Albanian women and children in sex trafficking and forced labor within the country, especially during tourist season. Traffickers use false promises such as marriage or employment offers to force victims into sex trafficking. Children are commonly forced to beg or perform other types of compelled labor, such as selling small items. Traffickers exploit Albanian children, mainly from the Romani and Balkan-Egyptian communities, for seasonal work and forced begging. Isolated reports stated that traffickers exploit children through forced labor in cannabis fields in Albania, and some traffickers are likely involved in drug trafficking. Traffickers exploit Albanian victims in sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, Belgium, Germany, Switzerland, North Macedonia, Norway, the Netherlands, and the UK. Albanian migrants who seek employment in Western Europe face forced labor and forced criminality, particularly in the UK. Foreign victims from European countries and the Philippines are exploited in sex trafficking and forced labor in Albania. Irregular migrants from Asia are employed as domestic workers by wealthy families and are vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking.

ALGERIA: TIER 3

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Algeria was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including prosecuting some traffickers, identifying some victims, and continuing to implement its 2019-2021 national anti-trafficking action plan. The government also cooperated with an international organization to develop a draft anti-trafficking law and a draft national victim referral mechanism. However, the government prosecuted and convicted fewer traffickers and identified fewer victims in comparison to last year. The government remained without effective procedures and mechanisms to appropriately and proactively screen for, identify, and refer potential victims to protection services. Due to the government's ineffective screening measures for trafficking victims among vulnerable populations, such as African migrants, refugees, asylum-seekers, and individuals in commercial sex, authorities continued to punish some victims for unlawful acts traffickers compelled them to commit. The government's ongoing measures to deport undocumented migrants deterred some victims among this population from reporting trafficking crimes to the police or seeking much-needed assistance. Furthermore, the government did not provide protection services appropriate for the needs of trafficking victims, and it did not report how many victims received assistance.



PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of sex and labor trafficking offenders and punish them with adequate penalties, which should involve significant prison terms. • Amend the trafficking provision of the penal code to remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses. • Finalize and implement standardized procedures for victim identification and screening for use by border, security, and law enforcement officials who come in contact with vulnerable populations, such as undocumented foreign migrants, asylum-seekers, refugees, and persons in commercial sex. • Finalize and implement a formal national victim referral mechanism to refer victims to appropriate care. • Train law enforcement, judicial, labor inspectorate, health care officials, and social workers on victim identification and referral procedures. • Create a mechanism to identify trafficking victims among vulnerable populations for unlawful acts traffickers compelled them to commit before arresting, prosecuting, deporting, or otherwise punishing them. • Ensure victims of all forms of trafficking are referred to and receive protection services, including shelter appropriate for the needs of trafficking victims, adequate medical and psycho-social care, legal aid, and repatriation assistance. • Ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship. • Continue efforts to raise public awareness on the indicators and risks of trafficking. • Dedicate sufficient resources to and carry out implementation of the national anti-trafficking action plan.

PROSECUTION

The government prosecuted and convicted fewer traffickers compared to the previous year. Algeria criminalized most forms of sex trafficking and all forms of labor trafficking under Section 5 of its penal code and prescribed penalties of three to 10 years' imprisonment and fines of 300,000 to one million Algerian dinar

($2,530-$8,420). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 5 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Article 143 of Law 12-15 stated that crimes committed against children, including those involving sexual exploitation, would be vigorously penalized; it generally referenced other penal code provisions that could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. Law No.14-01, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of three to 20 years' imprisonment for individuals and groups convicted of committing or attempting to commit this crime; however, this law could be interpreted to include such non-trafficking crimes as migrant smuggling or illegal adoption.

The General Directorate of National Security (DGSN) maintained ten police brigades to combat human trafficking and illegal immigration. The DGSN and Gendarmerie also maintained special brigades dedicated to managing children's issues, including child trafficking. In 2019, the Gendarmerie and the DGSN dismantled more than 100 human smuggling groups and networks, but the ministries reported there were no incidents of human trafficking crimes allegedly committed by these groups. Furthermore, the government did not report how many alleged trafficking cases it investigated during the reporting period. In 2019, the government reported it prosecuted three cases involving 13 alleged traffickers; of these cases, two involved sexual exploitation and one involved both sexual exploitation and forced labor. The government did not convict any traffickers. This represented a decrease in comparison to 2018 when the government investigated and prosecuted 16 alleged perpetrators and convicted two traffickers. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during this reporting period. The government maintained four courts—based in Algiers, Constantine, Oran, and Ouargla—dedicated to cases involving transnational organized crime, under which trafficking was classified within the Algerian judicial system; however, the government did not report if any trafficking cases were tried in these courts during the reporting period. Government officials acknowledged that the biggest challenges for investigators and prosecutors were lack of highly qualified and well-trained investigators; difficulty understanding and identifying a trafficking crime; and inability to obtain victim statements, especially among African migrants.

The government reported it conducted two anti-trafficking trainings for judicial officials during the reporting period. Government officials also participated in several international and multilateral training sessions on human trafficking. The government continued to contribute to INTERPOL's databases on organized crime and human trafficking. The government also reportedly prioritized building police-to-police cooperation with other countries in Africa, including through AFRIPOL, to combat all crimes including human trafficking.

PROTECTION

The government identified fewer trafficking victims. Authorities continued to penalize unidentified victims and protection services specifically catered to the needs of trafficking victims remained lacking. Government officials and civil society partners acknowledged that authorities' lack of understanding about the crime of trafficking continued to be a challenge for victim identification efforts throughout the reporting period. Authorities did not consistently distinguish trafficking victims from irregular migrants and identifying trafficking victims among ethnically cohesive migrant communities. While NGOs and international organizations reported identifying several potential trafficking victims during the reporting period, the government did not report proactively identifying any victims other than those involved in active court cases. Fourteen victims were involved in cases in 2019, including one Algerian and three foreign children, and two Algerian and six foreign adults, compared with 34 victims the government identified in 2018. Likewise, the government did not report systematically screening for trafficking among vulnerable migrants, including those that it deported throughout the year, nor among individuals in commercial sex, refugees, or asylum-seekers—populations highly vulnerable to trafficking. The government did not have standard operating procedures (SOPs) or a formal mechanism to identify and refer victims to protection services. The government reported that judicial police, ministries, and local governors used an informal referral system to ensure victims received access to medical and psychological services and shelter; however, the government did not report how often relevant authorities used this system during the reporting period. Recognizing this deficiency, the government cooperated with an international organization to develop a formal national victim referral mechanism and, in June 2019, created an inter-ministerial working group dedicated to creating this mechanism. Separately, the DGSN reported that it drafted victim identification and referral SOPs for police officers. The government did not finalize the referral mechanism or the SOPs at the end of the reporting period.

Unidentified victims continued to face punishment—such as arrest, detention, prosecution, and deportation—for illegal migration, prostitution, and other unlawful acts traffickers compelled them to commit. For example, border and other security authorities continued to regularly deport African migrants—a highly vulnerable population to trafficking—and they lacked the manpower and capability to systematically screen each migrant for trafficking indicators. According to an international organization, authorities also deported some refugees and asylum-seekers, some of whom were trafficking victims, due to a lack of effective screening measures. Officials continued to rely on victims to report abuses to authorities, yet civil society groups observed that most trafficking victims in Algeria were undocumented migrants who typically did not report trafficking crimes to the police or file lawsuits against their traffickers. Although public services, such as healthcare and education, were available and free for foreigners in Algeria, many undocumented migrants avoided seeking public services out of fear of deportation. The government's deportation operations further discouraged foreign trafficking victims from making their presence known to authorities.

Victim protection services remained inadequate. The government did not provide shelter or other protection services specifically tailored to the needs of trafficking victims, nor did it track the specific resources it allocated to protection services during the reporting period. However, the government continued to report the Ministries of Health and Solidarity, as well as other ministries, could provide foreign and domestic trafficking victims with free services as needed, to include shelter, food, medical services, interpretation services, legal consultations, psychological counseling, and repatriation assistance. The government did not report how many victims received these services, nor did it report if any of the 14 identified victims, who were involved in court cases during the year, received services. The government reported it allowed relief from deportation for identified trafficking victims for an indefinite period of time and allowed all foreign victims to stay in Algeria temporarily; however, it did not grant work permits to trafficking victims while under temporary residency status. The government did not report encouraging victims to participate in the investigation and prosecution of traffickers; however, it

reported it could provide victims with access to a lawyer, police protection, and video testimony during trial. Trafficking victims were legally entitled to file civil suits against their offenders, but the government did not report cases in which victims did so during the reporting period. The government reported it would provide restitution to victims if the courts found the perpetrator guilty, but it did not provide an instance in which this occurred during the reporting period. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship during the reporting period.

PREVENTION

The government maintained efforts to prevent human trafficking. Popular protests that began in February 2019 and lasted throughout the reporting period stalled government progress on a range of governance initiatives, including anti-trafficking efforts. Nevertheless, the government continued to implement its national anti-trafficking action plan for 2019-2021, but it did not provide a breakdown of resource allocation for implementation of the plan. Since 2018, and throughout this reporting period, the national inter-ministerial anti-trafficking committee cooperated with an international organization to develop a stand-alone anti-trafficking law; however, the draft legislation was not finalized by the end of the reporting period. The presidential decree that formally institutionalized the committee required it to submit a report to the president on the situation of trafficking in Algeria; however, it did not provide a report in 2019. Throughout the reporting period, the government initiated several awareness-raising initiatives, and the anti-trafficking committee launched a website dedicated to human trafficking issues in July 2019. The National Council on Human Rights, which monitored and evaluated human rights issues in Algeria, continued to lead a sub-committee dedicated to human trafficking issues. The government continued to operate three hotlines, which were operational 24 hours a day, and a public website to report abuse and other crimes, including potential trafficking crimes; none of the hotlines reported receiving trafficking allegations in 2019. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Algeria. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Burkina Faso, Cameroon, Guinea, Liberia, and Nigeria are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and in some cases language barriers. Unaccompanied women and women traveling with children are also particularly vulnerable to sex trafficking and forced domestic work. Refugees and asylum-seekers are also vulnerable to trafficking either before or during their migration to Algeria. In some instances, traffickers use false promises of work, such as that in a beauty salon or restaurant, to recruit migrants to Algeria where they ultimately exploit them in sex trafficking or forced labor. More often, Sub-Saharan African men and women, often en route to Europe or in search of employment, enter Algeria voluntarily but illegally, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria until they can continue their journey and work in Algeria's informal job market. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in commercial sex acts to earn money to pay for their onward journey to Europe, which puts them at high risk of sex trafficking and debt bondage. Traffickers often use restaurants, houses, or informal worksites to exploit victims, making it difficult for authorities to locate traffickers and their victims. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, some employers reportedly force adult male and child migrants to work in the construction sector to pay for smuggling fees for onward migration, where employers restrict migrants' movement and withhold their salaries; some migrants on these construction sites report being afraid to seek medical assistance for fear of arrest by Algerian authorities. Female migrants in the southern city of Tamanrasset—the main transit point into Algeria for migrants—are exploited in debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and sex trafficking. Some migrants also fall into debt to fellow nationals who control segregated ethnic neighborhoods in Tamanrasset; these individuals pay migrants' debts to smugglers and then force the migrants into bonded labor or commercial sex. Tuareg and Maure smugglers and traffickers in northern Mali and southern Algeria force or coerce men to work as masons or mechanics; women to wash dishes, clothes, and cars; and children to draw water from wells in southern Algeria. Victims also report experiencing physical and sexual abuse at the hands of smugglers and traffickers. Civil society and international organizations reported in 2019 that migrant women pay smuggling networks to transport them internally within the country from Tamanrasset to Algiers where they sometimes experience sexual violence during the journey; in some cases, once arriving in Algiers, the networks force the women into domestic servitude or commercial sex in informal brothels in order to pay the smuggling fees.

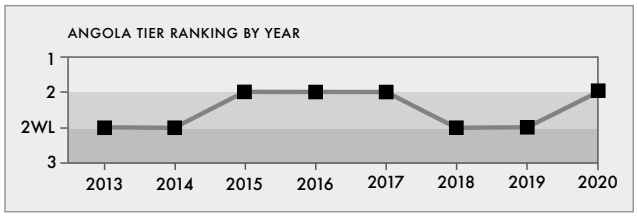
Foreign women and girls, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities nationwide, including in cities such as Tamanrasset and Algiers. In 2019, civil society organizations reported anecdotal reports that criminal networks exploit young adult women from sub-Saharan Africa, aged 18-19, in sex trafficking in Algeria. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to provide basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances of women prevented from leaving the home and raped by their "partner." In 2019, an NGO reported that Algerian women and girls are also vulnerable to sex trafficking rings, often as a result of financial difficulties or after running away from their homes; these incidents are reportedly clandestine in nature and therefore difficult for authorities and civil society actors to identify.

Criminal begging rings are common and were reportedly increasing in Algeria over the past several years. Media sources suggest leaders of begging networks coerce or force Sub-Saharan African migrant children to beg through the use of punishment. Local leaders suggest migrant children may also be coerced into work by their parents as a result of extreme economic pressures. According to credible sources in 2017, Nigerien female migrants begging in Algeria, who often carry children—sometimes rented from their mothers in Niger—may be forced labor victims. Furthermore, according to observers in 2017, Nigerien children, ranging from four- to eight-years-old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger.

ANGOLA: TIER 2

The government of Angola does not fully meet the minimum standards for the elimination of trafficking but is making significant

efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Angola was upgraded to Tier 2. These efforts included prosecuting more than four times the number of traffickers, taking law enforcement action against one official allegedly complicit in trafficking crimes and investigating another, and significantly increasing cross-border law enforcement cooperation. Law enforcement and social services implemented the standardized mechanism for victim identification and referred all victims to protective services—a notable increase from referring only half of identified victims to care last year. The government also passed a law expanding protective services, including immigration relief, for foreign victims and victim witnesses. The anti-trafficking commission finalized and launched a five-year national action plan and devoted resources to its implementation, including creating new line items in the national budget. However, the government did not meet the minimum standards in several key areas. Social services officials did not screen vulnerable populations, especially migrants along the border with the Democratic Republic of Congo (DRC) and individuals in commercial sex in Luanda. In addition, the government did not have procedures in place to oversee and regulate labor recruitment beyond periodic labor inspections.



PRIORITIZED RECOMMENDATIONS:

Implement and train front-line officials on standardized procedures for the proactive identification of victims among vulnerable groups, including foreign nationals such as Congolese, Namibians, and North Koreans, and refer victims to appropriate services. • Sentence convicted traffickers to significant prison terms. • Increase efforts to investigate and prosecute trafficking crimes, especially sex trafficking and labor trafficking in the construction sector and in animal herding. • Utilize the Southern African Development Community (SADC) data collection tool to improve efforts to collect, synthesize, and analyze nationwide law enforcement and victim protection data. • Increase efforts to provide shelter, counseling, and medical care for trafficking victims either directly or in partnership with NGOs. • Increase proactive engagement of the inter-ministerial commission to engage on anti-trafficking efforts. • Train law enforcement officials on the 2014 money laundering law's anti trafficking provisions.

PROSECUTION

The government increased law enforcement efforts. The 2014 Law on the Criminalization of Infractions Surrounding Money Laundering criminalized sex trafficking and labor trafficking. Article 18 criminalized slavery and servitude, as well as the buying and selling of a child under 14 years of age for adoption or for slavery, with a penalty of seven to 15 years' imprisonment. Article 19 criminalized the trafficking of adults and children for the purpose of sexual exploitation, forced labor, or trafficking in organs and prescribed penalties of eight to 12 years' imprisonment. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with the penalties for other serious crimes, such as rape. Additional provisions in the law also criminalized forms of sex trafficking. Article 20 criminalized enticing or forcing a person to practice prostitution in a foreign country, with a penalty of two to 10 years' imprisonment. Article 21 criminalized pimping using force, fraud, or coercion of adults and prescribed penalties of one to 6 years' imprisonment. Article 22 criminalized "pimping of minors" under the age of 18 and prescribed penalties of two to 10 years' imprisonment; if force, fraud or coercion was used or the child was less than 14 years old, the penalties were increased to five to 12 years' imprisonment. Article 23 made it a crime to entice children to engage in prostitution in a foreign country, with sentences of three to 12 years' imprisonment; with force, fraud or coercion, the sentence was increased to three to 15 years' imprisonment.

The government investigated 15 potential trafficking cases, 13 for forced labor, one for sex trafficking, and one for an unknown type of trafficking, compared with 23 investigations in the previous reporting period. Eleven of the cases originated in Cunene Province, which borders Namibia, two cases were in Zaire province, and the provinces of Huila and Luanda each had one case. The investigations involved at least 70 potential child and adult victims, primarily Angolan, and at least 21 perpetrators, primarily from Angola, Namibia, or the DRC. The government prosecuted 27 potential traffickers, a significant increase compared with prosecuting five alleged traffickers in the previous reporting period. The government convicted 10 traffickers—one more than during the previous reporting period. Nine of the 10 convictions were for an unknown type of trafficking that occurred in Cunene province and one conviction was for child sex trafficking in Luanda; sentences ranged from nine months to three years' imprisonment. In one child sex trafficking case involving a 16-year-old girl, the court sentenced the trafficker to only one year. The government charged an Angolan border guard in Cunene province for allegedly conspiring with a citizen of Namibia to force a woman and five boys into exploitative labor. In February, the government charged an Angolan army officer with smuggling and an investigation into a potential trafficking nexus was ongoing at the close of the reporting period. In March, the government charged five police officers with trafficking in persons, forced labor, organized crime, and falsification of documents for allegedly conspiring to force six Angolan minors to beg in Portugal, Italy, and France. The Angolan government cooperated with European authorities to share evidence and in order to locate one victim. The other five children were in protective care in Angola.

In coordination with international organizations, the government led training for front-line responders on all aspects of combating human trafficking, including for border guard and migration officers, investigative police, prosecutors, judges, and NGO legal counsel. In partnership with an international organization, the government trained 157 officials on the SADC data collection tool, which resulted in more comprehensive reporting of law enforcement data during the reporting period. The Ministry of Justice and Human Rights (MJHR) conducted three workshops on victim identification for Ministry of Interior (MOI) officers. The MJHR also trained 298 police officers at the police institute, and the National Police Academy continued to train officers on human trafficking provisions in the anti-trafficking law. In partnership with an international organization, MOI conducted a workshop for 25 interagency participants for the harmonization of the national referral mechanism. The MJHR trained 50 officials at the international airport in Luanda. The government increased joint law enforcement cooperation during the reporting period, actively engaging with authorities in Brazil, DRC, France, Namibia, Portugal, South Africa, and Zambia on investigations of potential trafficking cases. Angolan and Portuguese officials used their judicial cooperation agreement to facilitate the return of three Angolan children from Portugal; a second investigation was ongoing at the close of the reporting period. The government worked with international experts to improve law enforcement cooperation with regard to transnational criminal networks.

PROTECTION

The government increased protection efforts. The government identified and referred to care 36 trafficking victims, compared to 35 victims during the previous reporting period. Of those identified, 34 were children, including 17 girls and 17 boys, and two were sex trafficking victims of unknown age and gender. The government provided protective services for all victims, including foster care and family tracing services, an increase compared with providing only half of identified victims with care during the previous reporting period. The government increased funding across the national budget, including creating a separate line item for anti-trafficking activities. The government continued to widely distribute and use anti-trafficking manuals for law enforcement and civil society on the proactive identification of victims, which included procedures and best practices for interviewing potential victims, screening vulnerable groups, assessing risk, referring victims to protective services, and victim-centered protection guidelines. The government continued to report it had formal guidelines in six of Angola's 18 provinces to refer trafficking victims to care.

The National Institute of Children (INAC) received referrals of child victims and managed child support centers in all 18 provinces that provided food, shelter, basic education, and family reunification for crime victims younger than age 18. The Ministry of Social Action, Family and the Promotion of Women managed a national network of safe houses for women, counseling centers, and children's centers, which trafficking victims could access. The anti-trafficking commission completed a rapid assessment of protection resources available for trafficking victims, including the mapping of 114 counseling centers and residential shelters for child and adult trafficking victims throughout the country, and worked closely with civil society actors to strengthen cooperation. The government coordinated with the government of the DRC and partially funded the repatriation of a Congolese child trafficking victim. The government also cooperated with the government of Portugal to facilitate the return of three Angolan children to Angola. Upon their arrival, the government placed the children in a shelter while MJHR and INAC officials assessed the possibility of family reunification, ultimately placing them with their families and carrying out regular home visits to ensure the children received proper care. The government increased protections for foreign victims and witnesses by passing a law providing both groups, regardless of nationality, with access to immigration relief including residency, the right to seek asylum, government-provided legal representation, immunity from trafficking crimes, medical and mental health services, as well as financial support. The law provided child victims with family tracing assistance and access to education while in Angola. It also ensured that victims were only repatriated when their safety could be assured and allowed victims the choice to return to their home country independent of court proceedings. The government encouraged victim cooperation in the investigation and prosecution of trafficking cases and the new law admitted live teleconference testimony in court, providing victims the option to testify remotely in order to avoid interacting with their traffickers. In the absence of screening for indicators of trafficking, particularly on Angola's border with the DRC, authorities may have penalized victims for unlawful acts traffickers compelled them to commit.

PREVENTION

The government increased efforts to prevent human trafficking. The inter-ministerial commission—established in 2014 under the direction of the MJHR and the Ministry of Social Assistance and Reintegration—finalized and launched a comprehensive five-year national action plan to prevent and combat trafficking in persons and secured funding to implement activities within the plan. The Inter-Ministerial Commission to Combat Trafficking in Persons met internally. The MJHR organized four lectures to raise awareness among students and civil society of the dangers of trafficking. INAC conducted several trainings to raise awareness about child trafficking and distributed thousands of brochures in schools, children's shelters, and bus stations. The national police service sent text messages to citizens to raise awareness of the risk and vulnerabilities of traffickers utilizing telephonic messaging services. The MJHR gave an anti-trafficking lecture to 153 university students, spoke about trafficking in a radio broadcast and trained members of the community at youth community centers throughout the country. In February, following a speech by the Secretary of State for Human Rights, a state-owned newspaper published an article highlighting trafficking cases that had occurred within Angolan borders, raising awareness of widely-accepted exploitative practices like non- or under-payment of agricultural workers and the exploitation of rural youth in domestic servitude and alerting readers to the dangers of sex trafficking. The government entered its first three cases into the SADC regional data collection tool, which was launched during the previous reporting period, and coordinated closely with an international organization to report and resolve technical issues. In coordination with international organizations, the government continued to implement the Blue Heart Campaign to raise awareness about trafficking among the general public. The government did not have procedures in place to oversee and regulate labor recruitment beyond periodic labor inspections and reported it conducted 5,461 general labor inspections during the reporting period. The government closed informal diamond trading houses and unlicensed artisanal mine operations, and continued to implement new regulations to license artisanal mines where individuals were vulnerable to trafficking. The government opened civil registry offices in maternity hospitals throughout Angola's 18 provinces to facilitate issuance of temporary identification documents and launched a mobile campaign to rapidly issue identification documents in specific pilot areas. The MJHR operated a hotline for potential victims and for the public to report suspected trafficking cases, but it did not report how many calls it received or whether the government identified any victims via the hotline. The government did not report any efforts to reduce the demand for commercial sex. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

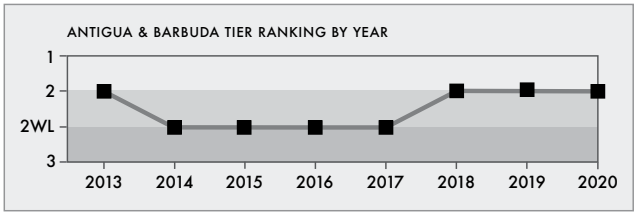
As reported over the past five years, human traffickers exploit domestic and foreign victims in Angola, and traffickers exploit victims from Angola abroad. Traffickers exploit Angolans, including minors, in forced labor in the brick-making, domestic service, construction, agriculture, and artisanal diamond mining sectors within the country. Angolan girls as young as 13 years old are victims of sex trafficking. Angolan adults use children younger than age 12 for forced criminal activity, because children cannot be criminally prosecuted. The provinces of Luanda, Benguela, and the border provinces of Cunene, Lunda Norte, Namibe, Uige, and Zaire are the most high-threat areas for trafficking activities. Traffickers take some Angolan boys to Namibia for forced labor in cattle herding, and force others to serve as couriers to transport illicit goods as part of a scheme to skirt import fees in cross-border trade with Namibia. Traffickers exploit Angolan women and children in forced labor in domestic service and sex trafficking in South Africa, Namibia, and European countries, including the Netherlands and Portugal.

Women from Brazil, Cuba, DRC, Namibia, and Vietnam engaged in commercial sex in Angola may be victims of sex trafficking. Traffickers exploit Brazilian, Chinese, Kenyan, Namibian, Southeast Asian, and possibly Congolese migrants in forced labor in Angola's construction industry; traffickers may withhold passports, threaten violence, deny food, and confine victims. Traffickers

coerce workers to continue work in unsafe conditions, which at times reportedly resulted in death. Chinese companies that have large construction or mining contracts bring Chinese workers to Angola; some companies do not disclose the terms and conditions of the work at the time of recruitment. North Koreans and Cubans working in Angola may have been forced to work by the North Korean and Cuban governments respectively. Undocumented Congolese migrants, including children, enter Angola for work in diamond-mining districts, where traffickers exploit some in forced labor or sex trafficking in mining camps. Trafficking networks recruit and transport Congolese girls as young as 12 years old from Kasai Occidental in the DRC to Angola for labor and sex trafficking.

ANTIGUA AND BARBUDA: TIER 2

The Government of Antigua and Barbuda does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Antigua and Barbuda remained on Tier 2. These efforts included increasing investigations and prosecutions, stronger international cooperation on trafficking case investigations, dedicating funding to victim protection, and increasing anti-trafficking law enforcement training and awareness raising. However, the government did not meet the minimum standards in key areas. The government identified and protected fewer victims, and the government has never convicted a trafficker.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, convict, and punish traffickers, including complicit officials. • Increase efforts to identify victims through proactive screening of vulnerable populations, such as migrants and individuals in commercial sex. • Implement standard operating procedures government-wide on proactive identification and referral of victims and train front-line agencies in indicators of forced labor and sex trafficking. • Increase trauma-informed training on trafficking for NGO, shelter, and social services staff to improve their ability to care for potential trafficking victims. • Target police, prosecutor, and judicial training on improved trafficking case evidence collection that is acceptable in court and police hearings. • Provide adequate funding to implement the national action plan across all agencies. • Develop formal agreements with international organizations and countries for cooperation and information sharing, including on evidence and data collection, as well as victim assistance. • Conduct and publish analysis of government anti-trafficking efforts and accomplishments.

PROSECUTION

The government increased prosecution efforts. The 2010 Trafficking In Persons (Prevention) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment and a fine of up to 400,000 Eastern Caribbean dollars ($148,150) for offenses involving an adult victim and up to 25 years' imprisonment and a fine of up to 600,000 Eastern Caribbean dollars ($222,220) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

Authorities investigated 10 cases of potential trafficking during the reporting period, compared with seven cases in 2018 and eight in 2017. Prosecutors determined two of the original 10 cases were trafficking, one sex trafficking, and the other domestic servitude. Out of the eight remaining cases, the police prevented a third potential labor trafficking case at the airport and referred the other seven cases to other authorities. The government did not report whether investigations for children reported to be at risk in the domestic service and retail sectors took place during the reporting period. Prosecutors charged three suspected traffickers from 2018 investigations during the reporting period. The government reported one trafficking prosecution is assigned to the high court, but the trial date will be delayed during a high court suspension of all trials due to the COVID-19 pandemic; the second trafficking prosecution was delayed while the government worked with INTERPOL to locate a repatriated victim. The government has never reported any trafficking convictions. In December 2019, the government amended the Trafficking In Persons Act to formally establish the Trafficking In Persons Prevention Committee (TPPC) under the Ministry of Public Safety and Labor with enforcement, research and victim advocacy functions, as well as staff accountability. The enforcement unit includes officers from police, immigration, Coast Guard, and the Office of National Drug Control Policy offices and reports to the TPPC. TPPC conducted a number of anti-trafficking trainings during the reporting year, reaching 92 police recruits and officers at the police academy and 25 police stationed at the dockyard in trafficking indicators. The task force also conducted trafficking awareness sessions for 118 customs officers, 18 taxi drivers, and 23 new airport staff.

The government reported the outcome of a 2018 police standards committee hearing with three police officers suspected of indirect involvement in a 2015 trafficking crimes case; the officers were found to be not guilty due to lack of sufficient evidence to prove the case. The police force typically chose administrative sanctions for officers suspected or implicated in trafficking rather than charging them with a crime under the country's trafficking laws. The government did not report any other investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The government is cooperating with the Governments of Guyana and Jamaica to investigate both current trafficking cases initiated in the reporting period.

PROTECTION

The government maintained minimal protection efforts. The government identified two victims, both adult females, one from Guyana for domestic servitude, and the other from Jamaica for sex trafficking, compared with five victims identified in 2018 and nine in 2017. There were anecdotal reports of parents and caregivers exploiting children in sex trafficking, but the government did not report investigating them. The government had formal written procedures to guide law enforcement, immigration, and social services officials in screening and identification of potential victims, although observers noted these were used inconsistently with forced labor victims. The Cases Task Force under the TPPC was responsible for screening and identifying victims of human trafficking and referring victims to an assigned victim care officer for care and protection. Both victims received medical care, lodging, clothing, and repatriation assistance and had the option of participating in an international agency reintegration program. The government provided 78,610 Eastern Caribbean dollars ($29,110) to the gender affairs department for victim care and support;

each victim also received contributions donated from businesses.

TPPC provided an on-call consultant physician to provide medical care to victims; the gender affairs division coordinated shelter on an ad-hoc basis. The victim care infrastructure consists of a network of providers coordinated by the gender affairs division under the TPPC. The government has a crisis center for trafficking victims, which includes victims of domestic violence and has a long-term shelter through an informal network organized by the Ministry of Public Safety. Both identified victims cooperated with law enforcement investigations. The government could provide temporary residency status as an alternative to their removal to countries where they may face hardship or retribution by traffickers; this assistance was not contingent on assisting law enforcement. The government allowed testimony via video or written statement, although it had not reported using these methods in court to date. In December 2019, child protection officers participated in a Caribbean conference to enhance professional knowledge and skills in child protection, including child trafficking.

PREVENTION

The government increased prevention efforts. The Permanent Secretary of the Ministry of National Security and Labor chaired the TPPC, which is the coordinating body for anti-trafficking efforts. The TPPC, which included representatives from various government agencies and one NGO, continued implementing the 2019-2021 national action plan. The government increased the total 2019 budget for anti-trafficking efforts to 452,150 Eastern Caribbean dollars ($167,460), including designated broadcasting funds, compared with the 2018 budget of 424,370 Eastern Caribbean dollars ($157,180). Although government agencies cited lack of funding as a key deficiency in increasing anti-trafficking efforts, the TPPC noted they had adequate funding during the reporting period.

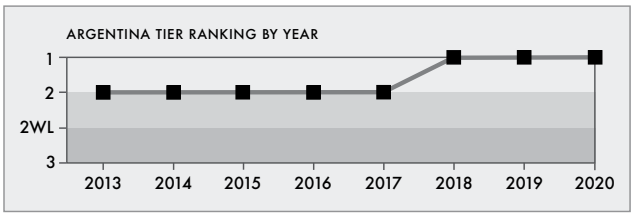
The working-level anti-trafficking unit within the Ministry of National Security worked under the TPPC on the coordination of anti-trafficking training and hosted a variety of anti-trafficking activities around the country. The TPPC made awareness presentations to schools, reaching more than 800 school and work-life students, teachers, and parents. For the third year, the government held a weeklong anti-trafficking fair and awareness walk, including more than 400 church members, hosted online chats on social media, produced public service announcements on four radio stations and a television station, and placed billboards around the country. The government also conducted anti-trafficking training with labor inspectors and immigration officials. The government disseminated a report from an internationally funded project to build capacity for anti-trafficking training and awareness activities and for strengthening regional cooperation. The government did not report any trafficking calls to the hotline, explaining that people prefer to call other emergency numbers or individual members of the TPPC with whom they are familiar; no calls of this nature were reported. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Antigua and Barbuda, and traffickers exploit victims from Antigua and Barbuda abroad. Documented and undocumented immigrants from the Caribbean region, notably Jamaica, Guyana, and the Dominican Republic, were identified as victims of sex trafficking and forced labor. Authorities reported an increased number of trafficking victims in multiple-destination trafficking, arriving in Antigua and Barbuda for a few months before their traffickers exploited them in other Caribbean countries, such as St. Kitts and Nevis and Barbados. Sex trafficking occurs in bars, taverns, and brothels, including with minor girls. There are anecdotal reports of parents and caregivers subjecting children to sex trafficking. Forced labor, including of children, occurs in domestic service and the retail sector, particularly in family-owned businesses. There were reports of trafficking-related complicity by police officers who tend to receive administrative sanctions instead of being tried under the trafficking law.

ARGENTINA: TIER 1

The Government of Argentina fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Argentina remained on Tier 1. These efforts included passing a new law to mandate and fund victim restitution in criminal cases and expanding a trafficking investigations database to include provincial data. Although the government meets the minimum standards, it investigated, prosecuted, and convicted fewer traffickers in 2019. Official complicity in trafficking crimes remained a concern, including within the witness protection program serving trafficking victims. The government did not allocate a dedicated budget to anti-trafficking efforts or provide dedicated housing for male victims, and the national anti-trafficking law considered force, fraud, or coercion to be aggravating factors rather than essential elements of the crime.



PRIORITIZED RECOMMENDATIONS:

Strengthen efforts to investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Document and address official complicity in trafficking through prosecution and conviction. • Revive efforts to address labor trafficking, including holding labor traffickers accountable and proactively identifying victims. • Revise the human trafficking law to make force, fraud, or coercion essential elements of the crime, rather than aggravating factors, as established under the 2000 UN TIP Protocol. • Provide dedicated and adequate funding to fully implement the national action plan. • Restructure the witness protection program to prevent abuse by agents and encompass trafficking victims' needs. • Improve victim assistance to include more specialized shelters and dedicated shelters for male victims. • Increase availability of mid- to long-term assistance for victims, including legal, medical, and employment services. • Increase the number of labor inspections and ensure that inspections are conducted in informal sectors and rural areas. • Strengthen coordination among the federal and provincial governments and NGOs. • Consistently implement victim restitution procedures. • Improve efforts to collect and integrate data on law enforcement statistics and victim assistance.

PROSECUTION

The government decreased law enforcement efforts. Law 26.842 of 2012 criminalized labor trafficking and sex trafficking and

prescribed punishments of four to eight years' imprisonment for offenses involving an adult victim, and 10 to 15 years for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime; penalties were increased to five to 10 years' imprisonment if such factors were involved. The law also defined trafficking broadly to include facilitating or profiting from the prostitution of others and the illegal sale of organs without the use of force, fraud, or coercion. Due to these inclusions, it was unknown how many of the cases prosecuted under Law 26.842 involved trafficking offenses as defined by international law.

Argentina's federal and provincial governments continued to compile law enforcement statistics separately, making it difficult to obtain comprehensive data and analyze trends across reporting periods. The Ministry of Security cooperated with judicial authorities on preliminary trafficking investigations. The special prosecutor's Human Trafficking and Exploitation Unit (PROTEX) opened 252 preliminary trafficking investigations in 2019. The government prosecuted 78 suspected traffickers in 41 cases (32 for sex trafficking, eight for labor trafficking, and one for both sex and labor trafficking) under the trafficking law, compared with 106 traffickers prosecuted in 2018 and 63 in 2017. The government convicted 53 traffickers in 29 cases (23 cases for sex trafficking, and four for labor trafficking), compared with 71 traffickers in 48 cases (30 cases for sex trafficking, 18 cases for labor trafficking) in 2018 and 38 traffickers in 32 cases in 2017. Half of mandatory prison terms exceeded five years. Nine convicted individuals did not serve time in prison or received suspended sentences during the reporting period. In some of these cases, the courts applied lesser penalties in sentencing defendants who committed trafficking crimes before the passage of the 2012 trafficking law. Other traffickers' sentences reflected accessory convictions or reductions through appeal. The federal government expanded its Federal Criminal Information System for the Crime of Trafficking in Persons, also referred to as SISTRATA, a trafficking investigations database, to include input from 92 percent of provincial governments. The government hosted one training session to familiarize provincial security forces with the system.

Corruption and official complicity in trafficking crimes remained significant obstacles to anti-trafficking efforts; although prosecutors opened at least four new trafficking cases involving current or former public officials, the government did not report any convictions. Courts in Buenos Aires province convicted two public officials accused of trafficking as accessories to related charges. In one case, the Federal Prosecutor's office requested the trial of a former police chief accused of exploiting women and transgender women in sex trafficking at brothels along a provincial route within his jurisdiction. In a second case, a Federal Lower Court indicted a First Sergeant for sex trafficking. In a third case, prosecutors initiated a criminal probe for seven accused traffickers who benefitted from police protection and political connections in the management of two Buenos Aires brothels. A fourth case, the result of investigations dating to 2010, centered on trafficking charges brought against two public officials connected to the commercial sexual exploitation of victims in private residences. Only a small share of cases involving complicity in trafficking received media coverage or resulted in prosecution and conviction. The government provided numerous anti-trafficking trainings to law enforcement, prosecutors, and judicial officials, among others. PROTEX cooperated in 18 international trafficking investigations during the year and requested the extradition of one trafficker facing multiple criminal charges, including sex trafficking.

PROTECTION

The government maintained protection efforts. The Rescue Program was the government office responsible for coordinating short-term emergency victim services; a separate entity, the National Secretariat for Childhood, Adolescence, and Family (SENAF), assisted foreign victims and victims identified in the autonomous city of Buenos Aires. In 2019, the Rescue Program reported assisting 1,438 victims compared to 1,501 victims in 2018 and 1,107 victims in 2017. The government did not report how many were victims of sex trafficking as opposed to labor trafficking, how many were foreign nationals, which agencies identified these victims, or whether this victim count was comprehensive. The government did not report whether SENAF coordinated any repatriations of foreign victims during the reporting period. During the reporting period, the government announced the development of a new virtual platform to compile victim assistance data from both the national and provincial levels; the database recorded victims' biographical information and their use of applicable services.

Federal officials had formal procedures for victim identification and assistance; however, in practice, the procedures to identify victims among vulnerable populations varied by province. Some front-line responders had limited understanding of trafficking. Law 27.362 provided a legal framework and more public defenders to secure rights and guarantees for victims of crimes, but victims and prosecutors did not utilize this law in any trafficking cases in the reporting period. SENAF and each provincial government were responsible for mid- and long-term assistance for foreign and domestic victims; experts noted the need for more integrated and comprehensive victim assistance. Regional governments in 10 provinces operated anti-trafficking centers that provided psychological, social, medical, and judicial assistance to trafficking victims. The government reportedly had 10 shelters spread across various provinces that trafficking victims could access; however, only two were specialized shelters. SENAF reported operating one shelter specifically for foreign victims, regardless of gender or age. The government did not operate or fund specialized trafficking shelters for male victims; consequently, the government often placed male victims in other government-funded shelters or in hotels for temporary housing. NGOs reported a need for specialized shelters, long-term housing, skills training and employment, childcare, legal assistance, and financial assistance for victims after testifying in court cases. NGOs also emphasized the need for improved implementation of a witness protection program that provided for victims' security and safety during trials. Some government officials acknowledged that the witness protection program, which was primarily designed for witnesses of drug trafficking, terrorism, and extortive kidnapping, was ill-suited to the needs of human trafficking victims. According to media, PROTEX was investigating a witness protection program agent accused of harassing program participants and forcing a participant's child into commercial sex. Foreign victims had the same access to care as Argentine nationals; however, foreign victims were sometimes unaware of available services. The government did not report funding allocations to support victim assistance.

The government encouraged victim participation in trafficking trials through an assistance framework whereby victims had access to psychological and legal support while preparing to testify. The Rescue Program provided tribunals with reports on the psychological state of victims and what requirements they might have to assist in the prosecution of their traffickers. Other support for victim testimony included the possibility of video testimony and the use of recorded testimony. Victims had limited success in securing compensation through civil suits against their traffickers. In July 2019, Law 27.508 established a trust fund for trafficking victims comprised of traffickers' forfeited assets and

began requiring criminal courts to award victim restitution at the time of traffickers' convictions. Under the new law, victims could also file civil suits to receive additional restitution. Courts applied Law 27.508 to grant victim restitution in seven cases in 2019.

PREVENTION

The government maintained prevention efforts. The Federal Council for Human Trafficking and the Executive Committee oversaw the implementation of the 2018-2020 national action plan. The government reported it had implemented 59 percent of the national anti-trafficking action plan. However, the government did not allocate a specific budget for the plan and observers remained concerned about the government's ability to fund its anti-trafficking programs. Observers noted the required steps to join the Federal Council limited NGO participation in the government's anti-trafficking efforts. In contrast with previous reporting periods, the government did not report efforts to combat labor trafficking in 2019. Authorities had the ability to penalize foreign labor recruiters for fraudulent recruiting, but it was not clear whether any penalties were assessed during the reporting period.

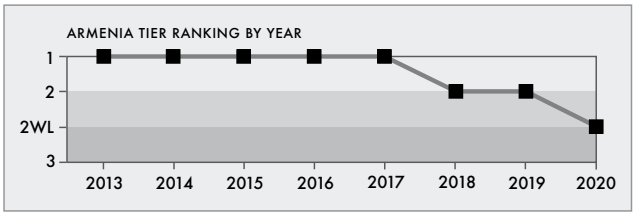
The government produced several new trafficking awareness campaigns at the federal, provincial, and municipal level, which it distributed to NGOs, civil society groups, and high school and university students. NGOs and experts continued to express concern about child sex tourism, although there were no reported investigations or prosecutions in the reporting period related to this crime. The Secretariat of Tourism hosted specialized workshops and distributed flyers amongst tourism professionals to increase awareness and prevent child sex trafficking. The Ministry of Justice and Human Rights operated the nationwide 1-4-5 trafficking hotline with response assistance from the Rescue Program. There were 1,809 trafficking-related calls during the year; of these, authorities referred 376 to the federal courts and 295 to the provincial courts. In November 2019, the Federal Council for Human Trafficking released the second edition of its Annual Report, which assessed the country's progress based on indicators laid out in the national action plan. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Argentina and, to a more limited extent, Argentine men, women, and children are victims of sex and labor trafficking in other countries. Traffickers exploit victims from other Latin American countries in Argentina, particularly the Dominican Republic, Paraguay, Peru, Bolivia, Uruguay, Venezuela, and Brazil. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Men, women, and children from Argentina, particularly the northern provinces; Bolivia; Paraguay; Peru; and other countries are exploited in forced labor in a variety of sectors, including the garment sector, agriculture, street vending, charcoal and brick production, domestic work, and small businesses. Traffickers exploit minors participating in domestic youth sports clubs in sex trafficking. Traffickers exploit Chinese citizens working in supermarkets to debt bondage. Traffickers compel trafficking victims to transport drugs through the country's borders. Official complicity, mainly at the sub-national level, is pervasive and continues to hinder the government's efforts to combat trafficking. Revelations in 2018 of an active child sex trafficking ring in Argentina's soccer minor league that victimized youth athletes raised concerns about child sex trafficking in domestic sports and athletic clubs.

ARMENIA: TIER 2 WATCH LIST

The Government of Armenia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made legislative amendments and regulations to strengthen the health and labor inspection body (HLIB) and provided training to law enforcement officials. Authorities increased the number of investigations and prosecutions and the Victim Identification Commission continued to function well with participants reporting good cooperation between government and civil society. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government had no convictions for the second year and has not had a forced labor conviction since 2014. The government identified eight victims, the fewest since 2012, and first responders continued to rely on victims to self-identify due to a lack of proactive identification efforts, such as standard indicators to screen vulnerable populations. Trafficking victims, like victims of other crimes, faced low access to justice, including an absence of victim-centered procedures and formal victim-witness protection measures. Therefore Armenia was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Articles 132 and 132-2. • Increase proactive identification efforts, such as developing standard operating procedures for screening trafficking victims and training officials on screening for trafficking among individuals in commercial sex, migrants, refugees, and other at-risk populations. • Provide advanced training on trafficking investigations and prosecutions. • Establish and implement preventative measures for child labor and potential child trafficking in state childcare institutions. • Adopt a national action plan and monitor and evaluate the implementation of anti-trafficking efforts. • Train investigators, prosecutors, and judges on victim-centered approaches, including for children. • Implement legal authorities for labor inspectors to conduct regular inspections and identify victims through unannounced visits. • Increase resources for reintegration services for victims. • Establish formal procedures for repatriating trafficking victims from abroad, including measures to cover logistical costs. • License, regulate, and educate local employment agencies and agents so they can help prevent the forced labor of Armenians abroad.

PROSECUTION

The government maintained law enforcement efforts. Articles 132 and 132-2 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government investigated 11 cases (nine in 2018). Of these, eight were forced labor cases and three were sex trafficking (five cases of forced labor and one case of both sex trafficking and forced labor in 2018). The government prosecuted three defendants for forced labor and one defendant for sex trafficking (one for forced labor in 2018). Courts did not

issue any convictions for sex trafficking in 2019 or 2018 and have not issued a forced labor conviction since 2014.

The Armenian police maintained an Anti-Trafficking Unit (ATU) that conducted an initial investigation and referred cases to the Investigative Committee (IC) for an in-depth investigation. Local police units continued to designate an officer as the main point of contact for trafficking within their jurisdiction. Civil society reported good cooperation with ATU and IC investigators; however, law enforcement authorities did not conduct proactive investigations and relied on victims to self-identify. The government reorganized ATU from the Organized Crime Department to the Department of Crimes against Human Beings and Property, which some experts feared may reduce ATU's time for proactive investigations, if they were called to assist in non-trafficking cases. Observers continued to report an absence of victim-centered approaches within law enforcement. Although the IC maintained 20 child-friendly interview rooms in five regional divisions, local investigators lacked the skills to properly interview victims, including children, resulting in inadmissible evidence and dropped prosecutions. Guidelines restricted interviews to four hours for adults and two hours for children, but observers reported cases in previous years where police repeatedly interrogated victims for long hours, including children up to 10 hours, increasing the risk of re-victimization. Additionally, investigations did not incorporate gender-sensitive approaches, such as the use of female medical professionals for invasive examinations on female victims. The IC or Prosecutor General's Office often dropped or reclassified cases categorized as trafficking by local police due to initial police incorrect categorization or lack of evidence. In 2019, one sex trafficking case was reclassified, four labor cases were dropped due to lack of evidence, and one was suspended due to the failure to identify the alleged traffickers; authorities referred the other six cases for prosecution (two cases were dropped and one reclassified in 2018).

The government trained 146 police officers, 54 judges, 86 investigators, 96 prosecutors, and 540 employees from penitentiary institutions on trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government did not conduct any international investigations or extraditions in 2019. Prosecution of forced labor cases involving Russia, where Armenian investigators continued to face difficulties collaborating with law enforcement, remained limited. Similarly, the absence of diplomatic relations with Turkey continued to hinder law enforcement and victim protection efforts for cases involving Turkey.

PROTECTION

The government maintained weak protection efforts. The government identified eight victims (nine in 2018). Of these, five were subjected to forced labor and three to sex trafficking (eight were subjected to forced labor and one to both sex trafficking and forced labor in 2018); two were children in both 2019 and 2018; four were male and four female (eight were males and one female in 2018); two victims were from Tajikistan and one from Iran (four foreign victims from India in 2018). The 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation prescribed identification, referral, and assistance procedures for relevant actors; however, experts continued to report a lack of proactive identification efforts and a reliance on victims to self-identify. The government did not provide standard indicators, and first responders did not screen vulnerable populations for trafficking indicators, including individuals in commercial sex and foreign migrant workers. The government provided temporary shelter, emergency medical aid, and psychological aid to potential trafficking victims during the "pre-identification stage," a stage where the government collected information on a potential victim within a maximum of 10 days. The Victim Identification Commission, which consisted of representatives from the Ministry of Labor and Social Affairs (MOLSA), the Prosecutor General's office, police, and NGOs, officially recognized victims based on information collected during the "pre-identification stage." Civil society continued to report the referral procedures functioned well, and they had positive cooperation with the government.

The government allocated 19 million drams ($40,000) in both 2019 and 2018 for victim protection efforts, including operational costs for an NGO-run shelter. The government and local NGOs jointly provided legal, medical, and psychological assistance; housing; a one-time monetary compensation of 250,000 drams ($530); and access to social, educational, and employment projects. The government offered free health care but relied on NGOs to provide legal assistance, including the cost for attorneys. Three victims received health care (three in 2018), and six victims received the one-time monetary compensation (six in 2018). The government amended the law to allow legal guardians of child victims to receive the one-time monetary compensation. The government maintained a cooperation agreement and partially funded one specialized NGO-run shelter to provide services to victims; the NGO-run shelter assisted four newly identified victims (three in 2018). The NGO-run shelter required adult victims to notify staff when they left shelters unescorted, but victims were free to leave if they no longer wanted assistance. Authorities afforded foreign victims the same rights and services as Armenian citizens. Male victims had access to the shelter and NGOs rented apartments; no male victims required accommodation (four in 2018). The government provided vocational training classes to victims, but civil society continued to provide the bulk of reintegration and long-term support services without government funding. Additionally, the government did not include trafficking victims in the list of vulnerable people eligible for state housing. The NGO-run shelter and childcare institutions accommodated child victims, but experts reported a shortage in accommodation and foster families for children, which resulted in some cases where authorities returned children to family members who were involved in their exploitation. GRETA and OSCE reported in 2017 cases of child labor and child abuse in state childcare institutions. The government did not provide training to social workers, compared to training 64 social workers on trafficking issues in 2018. The law designated the Ministry of Foreign Affairs (MFA) to coordinate repatriation of Armenian victims from abroad, but there was an absence of established procedures or funds to cover logistical costs; no victims required repatriation in 2019 or 2018. The law entitled foreign victims to a 30-day reflection period in which victims can recover before deciding whether to cooperate with law enforcement. The law also entitled foreign victims to receive a permanent residence permit, but applications required evidence of employment; one foreign victim received a permit.

In previous years, observers reported authorities may have penalized some sex trafficking victims with administrative fines due to inadequate identification. According to some non-governmental experts, law enforcement officers in some remote areas may lack information and training to inform victims of their rights to protection or assistance. Victims hesitated to assist in prosecutions due to a lack of confidentiality in public testimonies creating a fear of retaliation from traffickers and stigmatization from their family and community. Authorities did not fully protect victims' rights during court proceedings and victims, including children, appeared in front of their traffickers in court, risking re-traumatization. The government continued to lack a formal victim-witness protection program. The criminal procedure code and a 2016 decree mandated some victim-witness protection measures but none were used in 2019 and 2018. Victims were legally entitled to obtain restitution during criminal proceedings or through a separate civil suit. In previous years, judges had

not issued damages in civil suits, asserting that victims did not substantiate the financial damages they had suffered. The law allowed investigators to place defendants' property in custody to fund potential civil claims, but this rarely occurred in practice.

PREVENTION

The government decreased prevention efforts during the year. The Anti-trafficking Ministerial Council and the Inter-Agency Working Group against Trafficking in Persons (IWGTP) did not monitor or carry out anti-trafficking efforts during the reporting period as the government reorganized, absorbed, or eliminated entities previously responsible for many of the relevant actions. The MFA transferred the mandate of coordinating the IWGTP to MOLSA. The government drafted a 2019-2021 national action plan (NAP), but did not adopt the NAP and observers reported it did not assess the impact and outcomes of the 2016-2018 NAP. The Ministry of Education, Science, Culture, and Sports funded an anti-trafficking website and hosted an annual award ceremony for journalists publishing trafficking stories. Military and law enforcement officials conducted awareness campaigns for staff and students. MOLSA also allocated 786,000 drams ($1,650) to produce a public service announcement on trafficking.

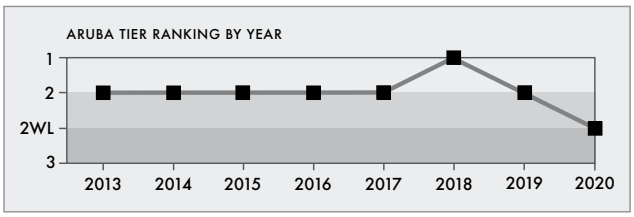
There was no mechanism for oversight and regulation of labor recruitment agencies. The Ministry of Health formed the Health Inspection Body (HIB) in 2017, but its mandate was limited to workplace health and safety inspections and it did not have authority to conduct unannounced inspections. However, the government passed legislative amendments in December 2019 to reform the HIB as the HLIB with a strengthened authority and mandate, including the authority to conduct labor inspections with risk assessment methodologies and inspection checklists. Government agencies posted trafficking information on their websites, including information on hotlines operated by police and NGOs; the government did not report the number of calls. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Armenia, as well as victims from Armenia abroad. Some of the Armenian migrants who seek employment in Russia, the United Arab Emirates (UAE), and Turkey face forced labor, often following recruitment fraud and exorbitant recruitment fees charged by labor brokers; Armenian women and children may also be exploited in sex trafficking in the UAE and Turkey. Armenian women and children may be exploited in sex and labor trafficking and forced begging within the country. Some children work in agriculture, construction, and service provision within the country, where they are vulnerable to labor trafficking. Ukrainian, Belarusian, and Russian women working as dancers in nightclubs are vulnerable to sex trafficking. Traffickers may target an increasing number of Indian migrants who willingly seek employment in the informal sector and face forced labor. Men in rural areas with little education and children staying in childcare institutions remain highly vulnerable to trafficking.

ARUBA: TIER 2 WATCH LIST

The Government of Aruba does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included providing anti-trafficking training for officials and continuing an awareness campaign. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Officials investigated fewer trafficking cases, did not report identifying any victims, and did not report prosecuting or convicting any trafficking cases in 2019. Authorities reported the influx of Venezuelan migrants and refugees continued to impact Aruba's efforts to combat trafficking; however, Venezuelans were also particularly vulnerable to trafficking, and authorities did not identify any victims and did not investigate trafficking crimes against them. In addition, officials conflated trafficking in persons with migrant smuggling, hindering the effectiveness of prosecution, prevention, and protection efforts. Therefore Aruba was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to significant prison terms. • Amend existing legislation to ensure penalties prescribed for sex trafficking offenses are commensurate with those prescribed for other serious crimes, such as rape. • Proactively identify victims among all vulnerable groups, including women in commercial sex, those who hold "adult entertainment" visas, domestic workers, and migrants working in construction, supermarkets, and retail. • Implement guidelines for proactive victim identification and increase referral of possible trafficking victims among Venezuelan migrants and refugees. • Train law enforcement officials, coast guard, labor inspectors, prosecutors, and judges on victim-centered approaches to trafficking cases. • Provide information to all migrant workers and tourists arriving in Aruba on their rights and resources for assistance, including Venezuelans. • Formalize agreements with local NGOs and private sector accommodations to shelter adult and child victims. • Implement the strategy for the construction of the multifaceted shelter for victims of crimes, including trafficking.

PROSECUTION

The government decreased prosecution efforts. Article 2:239 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment or a fine for offenses involving a victim 16 years of age or older and up to 12 years' imprisonment or a fine for those involving a victim under the age of 16. These penalties were sufficiently stringent and, with respect to sex trafficking of victims under the age of 16, commensurate with those prescribed for other serious crimes, such as rape. However, for sex trafficking offenses involving victims 16 years of age or older, these penalties were not commensurate with those prescribed for other serious crimes, such as rape.

Officials reported Venezuelan-related smuggling cases overwhelmed the country's ability to investigate trafficking crimes commensurate with the likely scale of the phenomenon. Authorities reported investigating one potential trafficking case, compared to three investigations in 2018 and seven in 2017. Officials did not report prosecuting or convicting any trafficking

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

cases in 2019, compared with one prosecution and one conviction under smuggling charges in 2018. The government did not report investigating, prosecuting, or convicting any government employees complicit in trafficking offenses.

The government provided anti-trafficking training to an unknown number of law enforcement officials through the Academy for Justice and Security. Following the training's conclusion, officials issued graduates "Quick Reference Cards" (QRCs) that included relevant criminal articles; a list of trafficking indicators; standard operating procedures to use following identification of a potential trafficking case; and contact information to use when referring victims.

PROTECTION

The government decreased protection efforts. Multi-disciplinary teams consisting of police, labor, and immigration officials continued to operate; however, the government did not report identifying any victims in 2019, compared with two in 2018, 71 in 2017, and nine in 2016. The anti-trafficking task force continued to provide law enforcement and social services officials with a checklist of the most common signs of trafficking, which was used in concert with the government's QRCs. Authorities reported the influx of Venezuelan migrants and refugees overstaying their visas and working illegally—beginning in 2018—continued to impact Aruba's efforts to combat trafficking. Although authorities reported screening illegal migrants for trafficking indicators ahead of deportation, some members of civil society claimed to have seen an increase of trafficking victims seeking assistance. The government had a formal victim referral mechanism to guide officials; however, the government did not report referring victims using this mechanism.

The government maintained informal verbal agreements with local NGOs and private sector accommodations to shelter adult and child victims of trafficking. Authorities placed unaccompanied child victims in foster care centers, foster homes, or local churches. Officials conducted risk assessments before deciding whether victims could leave shelters unchaperoned; authorities restricted victims' movement if their lives were threatened. The government reported finalizing a plan for the development of a multifunctional shelter with the capacity to house 20 victims in the Dutch Caribbean; officials stated the government will implement the plan in 2020. Authorities did not report whether any victims assisted the government in the prosecution of their traffickers during the reporting period.

Although foreign victims were entitled to the same rights and protection as Arubans, the government did not report how many received benefits. The law authorized the extension of temporary immigration relief for foreign victims for three to six months on a case-by-case basis and allowed foreign victims to change employers if they were suspected of exploiting workers. Authorities did not report whether any victims received these benefits. The criminal code enabled victims to file civil suits against traffickers and if the trial resulted from a criminal investigation, the victim could seek compensation not to exceed 50,000 florin ($28,090) for financial and emotional damages. The Bureau of Victim Assistance operated a hotline for potential victims of all crimes, including trafficking; however, the government did not identify any victims using the hotline for the second consecutive year.

PREVENTION

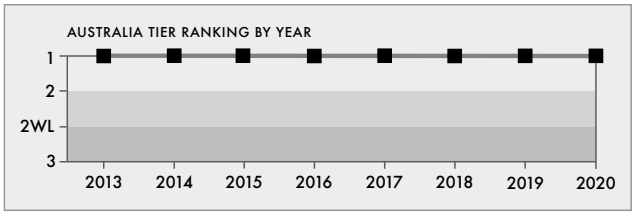
The government maintained minimal prevention efforts. Authorities continued to implement the 2018-2022 national action plan and made a request to parliament for an annual budget. Officials continued to raise awareness of trafficking and the hotline via social media, posters, and flyers in four languages. Authorities disseminated a 2018 documentary on trafficking, which was produced and financed by a local TV station. The government reported using the content of the video to train local officials; however, authorities did not report how many officials were trained. Officials continued procedures to screen and inform adult entertainers from Colombia, who were required to meet with consular officers to ensure the applicants knew their rights and work agreement before picking up their in-flight letter at the Kingdom of the Netherlands embassy in Colombia. Upon arrival, such visa recipients received information about their rights, risks, and resources. The government did not report efforts to reduce the demand for commercial sex. In 2019, the Netherlands reportedly revoked its administrative support for the Counter Trafficking and Smuggling Taskforce and the National Counter Trafficking and Smuggling Coordinator.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Aruba. Traffickers exploit Venezuelan women in sex trafficking and foreign men and women in forced labor in Aruba's service and construction industries. Due to the deteriorating situation in Venezuela, the number of Venezuelans overstaying their visas continued to increase, leaving many with expired documentation and a corresponding increased risk for trafficking. Families, business owners, and criminals exploit some of these Venezuelans in forced labor in domestic service, construction, and commercial sex, respectively. Supermarket managers subject Chinese men and women to forced labor in grocery stores; business owners and families subject Indian men to forced labor in the retail sector and domestic service, respectively; and Arubans force Caribbean and South American women into domestic servitude. Women in regulated and unregulated commercial sex, domestic workers, and employees of small retail shops are most at risk of trafficking. Managers of Chinese-owned supermarkets and restaurants may subject children to sex trafficking and forced labor. There were reports foreigners visited Aruba to exploit minors in sex tourism.

AUSTRALIA: TIER 1

The Government of Australia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Australia remained on Tier 1. These efforts included increasing investigations, prosecutions, and convictions for trafficking offenses, increasing staffing and funding levels in the Witness Assistance Service to provide support to victims of trafficking testifying against their traffickers, and increasing efforts to combat child sex trafficking by Australians overseas. Although the government meets the minimum standards, it did not adequately screen several vulnerable groups traffickers may target, including domestic workers and migrant workers, which at times possibly resulted in the penalization of unidentified victims. The government also did not publish its annual assessment of progress implementing the National Action Plan for a second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Significantly strengthen efforts to investigate and prosecute trafficking offenses pursuant to trafficking laws, with increased focus on pursuing labor trafficking crimes instead of labor or employment violations, and sentence convicted traffickers to significant prison terms. • Significantly strengthen efforts to proactively identify trafficking victims among vulnerable groups, such as undocumented migrants, agricultural and hospitality industry workers, and domestic workers, and to refer those victims to appropriate government authorities. • De-link the provision of services from participation in the criminal justice process and increase services available to victims who are unable or unwilling to participate in the criminal justice process. • Ensure that the statutory definition of trafficking under the criminal code does not require movement of the victim as an element of the crime. • Increase efforts to train police, immigration officials, and other front-line officers, both offshore and onshore, to recognize indicators of trafficking and respond to suspected cases of both sex and labor trafficking. • Establish the National Labour Hire Registration Scheme with sufficient compliance tools. • Increase training for prosecutors and judges on Australian trafficking laws. • Conduct initial screening interviews with potential victims in a safe and neutral location and in the presence of a social service professional. • Consider establishing a national compensation scheme for trafficking victims. • Implement or fund awareness campaigns, particularly among rural communities and migrant populations, including international students, vulnerable to forced labor. • Strengthen efforts to prosecute and convict Australian child sex tourists. • Increase efforts to investigate and hold accountable foreign diplomats posted in Australia suspected of complicity in trafficking. • Resume publication of the government's annual assessment of progress implementing its National Action Plan.

PROSECUTION

The government increased law enforcement efforts. Divisions 270 and 271 of the Commonwealth Criminal Code, when read together, criminalized sex trafficking and labor trafficking. Inconsistent with international law, the definition of "trafficking" under Division 271 required the element of movement of a victim. However, Division 270, which criminalized "slavery," "servitude," and "forced labor" offenses, could be utilized to prosecute trafficking offenses that did not involve victim movement. Division 271 prescribed penalties of up to 12 years' imprisonment for offenses involving an adult victim and up to 25 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Division 270 prescribed penalties of up to 25 years' imprisonment for slavery, up to 15 years' imprisonment for servitude, and up to nine years' imprisonment for forced labor. These penalties were all sufficiently stringent.

In 2019, the government referred 213 suspected cases of trafficking for possible investigation, an increase compared with 179 in 2018 and 166 in 2017, and initiated prosecutions against nine defendants, also an increase compared with two in 2018 and six in 2017. Authorities continued prosecutions from previous reporting periods against 12 defendants. The government secured convictions in two cases against three defendants under the trafficking provisions of the criminal code, compared with zero convictions in 2018 and five in 2017. One case involved two defendants for forced labor of a Fijian domestic worker; courts sentenced the traffickers to five and six years' imprisonment. Courts convicted the other defendant for sex trafficking of two Thai migrants and sentenced her to eight years' imprisonment. The government also prosecuted 30 defendants for engaging in, or planning, sexual activity with children overseas (some of these cases were initiated in the previous reporting period); efforts led to 10 convictions (11 prosecutions with no convictions reported in 2018, four prosecutions in 2017). Authorities often opted to pursue labor or employment violations in lieu of trafficking charges, resulting in potential labor traffickers receiving only fines and other civil penalties that were inadequate to deter trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government funded and facilitated training on trafficking investigations, legal provisions, and victim support for approximately 170 Australian Federal Police (AFP), prosecutors, and other law enforcement officers and approximately 400 immigration officials. In September 2019, the government enacted new amendments to combat further child sex trafficking within Australia, overseas, and online, and initiated prosecutions for the new offense of possessing child sex abuse material sourced by a communications carriage service.

PROTECTION

The government increased efforts to protect victims. Authorities identified 84 potential victims, including 54 for sex trafficking and/or forced labor—an increase compared with 41 sex trafficking and/or forced labor victims identified in 2018 and 38 in 2017; for the remainder of victims, the form of exploitation was unclear. Seventeen of the potential victims were younger than 18 years old. Authorities referred all 84 potential victims to the Australian government's NGO-implemented Support for Trafficked People Program (support program). The government also assisted 17 potential Australian trafficking victims abroad (25 in 2018 and 21 in 2017); however, it was not clear how many of these individuals were victims of trafficking compared to victims of forced marriage or individuals vulnerable to forced marriage. Authorities identified most victims through the efforts of joint agencies, task forces, and cooperative action with foreign governments. Authorities utilized a list of indicators to identify trafficking victims and refer them to services; however, authorities did not routinely screen for indicators of trafficking among offshore migrants and onshore agricultural, hospitality industry, and domestic workers, and authorities often linked trafficking to migration. The government did not report screening for trafficking indicators among individuals smuggled via sea before forcing intercepted boats back outside of Australian territorial waters, or among refugees and asylum-seekers held in offshore detention centers. Due to a lack of formal identification procedures for this offshore population, some victims may have remained unidentified. Immigration authorities forcibly deported some asylum-seekers who may have been vulnerable to traffickers upon their return to their home countries. Government policy sought to prevent victims from being held in immigration detention or otherwise penalized for actions taken solely as a result of their exploitation, and the government provided temporary visas to identified and eligible victims. Civil society previously reported some victims may have been reluctant to communicate with law enforcement officers due to fear of detainment and deportation.

Authorities provided formally identified trafficking victims with accommodation, living expenses, legal advice, health services, vocational training, and counseling through the support program. The government allocated 2.25 million Australian dollars ($1.58 million) to the support program in the 2019-2020 funding year (2.22 million Australian dollars ($1.56 million) during the 2018-2019 funding year). Only the AFP had the legal authority to refer victims to the support program; experts reported this requirement prevented some victims from accessing needed support services. The government expanded the support program to include a fifth support stream; however, the new stream targeted victims of forced marriage who may or may not have been victims of trafficking. The assessment and intensive support stream assisted victims for up to 45 days irrespective of whether they were willing or able to assist with the investigation or prosecution of a human

trafficking or slavery-related offense. The extended intensive support stream allowed for an additional 45 days of access to the program on a case-by-case basis for victims willing to assist with investigation or prosecution but not yet able to do so due to age, ill health, trauma, or a practical impediment. Minors were automatically entitled to the extended support program, if in their best interests. The justice support stream aided victims until the finalization of their case investigation and/or prosecution. The temporary trial support stream assisted victims giving evidence pertaining to a human trafficking-related prosecution. The new forced marriage support stream provided those in or at risk of forced marriage—who may or may not have been trafficking victims—with up to 200 days of support without being required to participate in a criminal investigation or prosecution against perpetrators. NGOs previously reported the government denied access to or ceased provision of services to some victims who were unable or unwilling to participate in law enforcement investigations, or when investigation of their case ended. The government did not report on how it provided services to adults unable or unwilling to participate in law enforcement investigations. In 2019, the government provided 75 temporary stay visas to an unspecified number of foreign trafficking victims, and several victims received more than one visa (12 victims in 2018, 13 in 2017). It also granted permanent "referred stay" visas to fewer than five individuals (fewer than five in 2018, eight in 2017), including victims and their immediate family members, although some of these cases may have been forced marriage rather than trafficking. The government increased funding and staffing levels within the Commonwealth Director of Public Prosecutions' (CDPP) Witness Assistance Service, which provided support to victims of human trafficking during the court process. The government did not report whether prosecutors requested or courts provided restitution for victims. The government did not have a centralized victim compensation system, and victims relied on civil proceedings to access compensation.

PREVENTION

The government maintained efforts to prevent trafficking. The Australian Interdepartmental Committee on Human Trafficking and Slavery coordinated the government's anti-trafficking efforts. The government continued implementation of its five-year national action plan to combat trafficking. Launched in 2014, the plan funded research projects and facilitated awareness sessions for government agencies and civil society groups. The government also submitted its annual report to Parliament (but did not publicize the report for a second consecutive year) on progress implementing the action plan and invited public consultation on development of its next five-year action plan. The government established a Modern Slavery and Human Trafficking Branch within the Australian Border Force to lead the government's response to trafficking domestically within Australia. In July 2019, the government announced availability of almost 400,000 Australian dollars ($280,700) for NGOs to implement a community prevention program in Australia, a reduction from the prior period (500,000 Australian dollars ($350,880) for 2018-2019). NGOs implementing this program in 2019 focused on forced labor and forced marriage. The government, through the AFP, continued to operate a national hotline to report victims of trafficking.

The Modern Slavery Act, which required businesses and entities with annual revenue of 100 million Australian dollars ($70.18 million) or greater to publish an annual modern slavery statement detailing their efforts to combat modern slavery in their supply chains and operations, among other provisions, entered into force in January 2019. The government published final, detailed guidance to assist businesses with implementation of the act's requirements in September 2019. The Fair Work Ombudsman continued to prioritize prevention of potential labor exploitation—including human trafficking—amongst migrant workers, focusing on awareness in the horticulture and hospitality industries and among international students. An NGO reported that traffickers threatened to report to authorities some international students working hours in excess of mandatory limits as a means to exploit the students in forced labor. The government established a Migrant Workers' Interagency Group to implement recommendations from the February 2019 Migrant Workers Taskforce Report. One recommendation was to create a national Labour Hire Registration Scheme to require recruitment agencies in designated high-risk industries to register with the government and employers to use only these registered agencies. While this recommendation had not been implemented nationally at the close of the reporting period, similar registration schemes had been implemented in Queensland and South Australia in 2018 and in Victoria in 2019. An NGO reported severe lack of monitoring and enforcement of labor laws in rural parts of Australia, heightening risks of forced labor. Domestic workers within Australia, especially in the state of Western Australia, those lacking a contract, or residing within diplomatic households remained extremely vulnerable to exploitation due to the lack of clear protective oversight mechanisms relevant to these populations. However, an NGO reported that Western Australia authorities began reviewing its industrial relations framework to consider including domestic work in the definition of "employee" to bring such work under state regulation.

The government made efforts to reduce the demand for participation in international sex tourism of its citizens. It did so by continuing to publish materials for passport applicants outlining the application of Australian child sex trafficking laws to Australians overseas. The government cancelled 180 passports and denied 20 to registered child sex offenders during the reporting period (88 cancelled and 2,028 denied during the last reporting period, the first year these authorities were implemented) and provided 347 notifications to foreign law enforcement regarding traveling Australian child sex offenders (723 notifications last reporting period). The government did not make efforts to reduce the demand for commercial sex within Australia. The Department of Foreign Affairs and Trade conditioned the departure of diplomatic personnel to overseas posts on compliance with Australia's anti-trafficking legislation, and Home Affairs distributed a training package to its overseas staff and visa service providers. The government also trained peacekeepers on human trafficking prior to their deployments, although it provided few details on the content or results of such trainings.

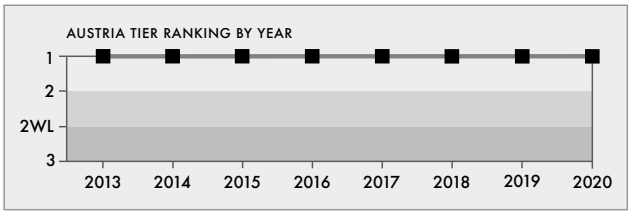
TRAFFICKING PROFILE

As reported over the last five years, human traffickers exploit domestic and foreign victims in every state and territory in Australia. Traffickers primarily exploit women and men in forced labor, and to a lesser extent, women and girls in sex trafficking. Traffickers exploit a small number of children, primarily teenage Australian and foreign girls, in sex trafficking within the country. Some women from Asia and, to a lesser extent, Eastern Europe and Africa, migrate to Australia to work legally or illegally in a number of sectors, including commercial sex. After their arrival, traffickers compel some of these women to enter or remain in commercial sex in both legal and illegal brothels, as well as massage parlors and private apartments. Traffickers hold some foreign women—and sometimes girls—in captivity, subject them to physical and sexual violence and intimidation, manipulate them through illegal drugs, and force them to pay off unexpected or inflated debts. Traffickers attempt to evade authorities by allowing victims to carry their passports while in brothels and frequently move the victims to different locations to prevent them from establishing relationships with civil society or other victims. Some victims of sex trafficking and some women who migrate to Australia for arranged or forced

marriages are exploited by their husbands or families in domestic servitude. Unscrupulous employers and labor agencies subject some men and women from Asia and several Pacific Islands who are recruited to work temporarily in Australia to forced labor in agriculture, cleaning, construction, hospitality and tourism, and domestic service. An investigation by the Fair Work Ombudsman found some fraudulent foreign contracting companies exploit farm workers in bonded labor. There are reported cases of forced labor and other forms of exploitation in the agriculture and horticulture sectors, where victims (often foreign migrants and often from Asia) are threatened against leaving their jobs or seeking help. Traffickers may exploit temporary migrants and international students in forced labor, especially when based in remote regions with limited access to support. Some identified victims are foreign citizens on student visas who pay significant placement and academic fees. Unscrupulous employers coerce students to work in excess of the terms of their visas, making them vulnerable to trafficking by exploiting fears of deportation for immigration violations. Some foreign diplomats allegedly subject domestic workers to forced labor in Australia. Recent changes to entitlements for diplomats in Australia may reduce slightly the overall number of foreign domestic workers in the country; however, instances of forced labor in domestic service are frequently undetected or unacknowledged by authorities and thus not captured in official statistics. Victims of domestic servitude in Australia work in extremely isolated circumstances with little to no oversight or regulation.

AUSTRIA: TIER 1

The Government of Austria fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Austria remained on Tier 1. These efforts included prosecuting and convicting more traffickers and sentencing more traffickers to significant prison terms. The government continued to implement a national referral mechanism and trained judges and prosecutors on victim restitution in criminal cases. Although the government meets the minimum standards, there were some gaps in the assistance referral process for potential victims of trafficking among migrants and asylum-seekers. The government identified relatively few child and labor trafficking victims and has not identified any Austrian trafficking victims in recent years.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify victims among vulnerable groups—including children, asylum-seekers, and individuals in commercial sex—and ensure all victims have access to services. • Increase efforts to identify victims of labor trafficking, such as by training front-line responders to recognize indicators of labor trafficking, including subtle means of fraud or coercion. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms, consistent with those imposed for other serious crimes, such as rape. • Continue to strengthen cooperation with source country governments to promote awareness of trafficking among potential victims and to prosecute transnational trafficking rings. • Increase efforts to identify potential victims among Austrian citizens. • Increase the level of detail contained in the government law enforcement database on investigations, prosecutions, convictions, and sentencing to include all cases of trafficking and disaggregate information on convictions and sentencing where defendants have committed multiple crimes. • Appoint an independent national anti-trafficking rapporteur.

PROSECUTION

The government modestly increased law enforcement efforts. Article 104a of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of six months' to five years' imprisonment for offenses involving an adult victim, and one to 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Authorities also prosecuted sex trafficking under Article 217, which criminalized all transnational prostitution and prescribed penalties of one to 10 years' imprisonment when a trafficker induced a foreign individual to engage in prostitution by force, fraud, or coercion.

The Federal Crime Office's (FCO) human trafficking and smuggling service led the government's efforts to investigate trafficking crimes and coordinated joint investigations with foreign law enforcement when necessary. Many public prosecutors' offices had specialized anti-trafficking divisions and some courts had specialized judges. The government conducted 66 investigations involving at least 102 suspects under Article 104a, compared with 71 investigations of 129 suspects in 2018 and 94 investigations of 144 suspects in 2017. The government initiated prosecutions against eight defendants and continued 13 ongoing prosecutions in 2019, compared with 16 total prosecutions in 2018 and 19 in 2017. Courts convicted 10 traffickers under Article 104a, compared with eight in 2018 and three in 2017. The government prosecuted 22 defendants and convicted nine under Article 217, but it did not specify how many involved trafficking offenses. The government statistics agency published comprehensive data on criminal cases, including convictions and sentences, but it classified multi-offense convictions by the crime that carried the most severe punishment; some trafficking crimes may have been recorded as other offenses. The most recent data the agency published on prison sentences was from 2018, when courts sentenced five traffickers under Article 104a. One received a prison term of three to five years, two received terms of one to three years, one received a partially suspended sentence of two to three years, and one received a suspended sentence of three to six months. Additionally, one individual convicted under Article 217 received a partially suspended sentence of one to two years. Despite the lack of comprehensive data for 2019, individual case reports provided some sentencing information. In one case, from June 2019, a Vienna court convicted five traffickers; the court issued one prison sentence of five years, three sentences of four to six years, and one partially suspended three-year sentence. In a July 2019 case, courts sentenced one trafficker to a 42-month prison term and another to a partially suspended two-year sentence. An international organization expressed concern that authorities were sometimes confused about whether to charge a suspected trafficker under Article 104a or Article 217, as the transnational prostitution statute pre-dated the trafficking law but still applied to trafficking crimes. The international organization noted this confusion could lead to gaps in data collection, including with respect to data on victim identification.

The government, assisted by an NGO, provided specialized training to authorities, including law enforcement, border control, labor inspectors, prosecutors, and judicial personnel. Law enforcement officials received mandatory training on trafficking as part of their

basic training and had opportunities for additional training and seminars throughout their careers. The FCO increased efforts to train law enforcement on digital methods of combating trafficking in response to a rising trend in traffickers' use of social media and online recruitment. National and provincial governments cooperated with authorities from other countries, including neighboring EU countries, to investigate and prosecute trafficking cases. Authorities reported a case of forced labor in a diplomatic household; the case was ongoing at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained protection efforts. The government continued to implement a national referral mechanism, launched in November 2018, to identify adult victims and refer them to care. Authorities used guidelines and checklists to screen potential victims for indicators of trafficking and referred identified victims to NGOs for assistance. Government-funded NGOs provided shelter, medical and psychological care, legal assistance, and German language classes to adult victims, including specialized services for victims with disabilities. A separate referral mechanism for children guided local authorities in identifying and providing services to child victims. One government-funded NGO reported it provided services to 336 female victims and their children in 2019 (339 in 2018 and 327 in 2017), of whom police referred 109 and other government agencies referred 46. Some of these victims may have been children, as the organization provided assistance to women and girls age 15 years and older. Another NGO, which provided government-funded services for male victims, reported assisting 65 victims in 2019, although it did not specify how many of these were government referrals. As in previous years, the government did not identify any victims of Austrian citizenship. Although identification statistics did not disaggregate labor and sex trafficking cases, the majority of identified victims were exploited in sex trafficking. Experts noted, however, that the relatively low number of identified forced labor cases could be attributed to authorities' failure to recognize labor trafficking indicators rather than to low prevalence.

The government allocated €988,110 ($1.1 million) to specialized anti-trafficking NGOs to provide shelter, services, and legal support to victims in 2019, compared to €944,750 ($1.06 million) in 2018; it also allocated €274,590 ($308,530) to an NGO providing specialized services for male victims between April 2018 and December 2019. The Ministry of Labor provided an additional €410,000 ($460,670) for support of NGO-run counseling centers for male trafficking victims and undocumented migrants for the period from June 2018 to December 2019. Government funding comprised the bulk of support for these organizations. The city of Vienna funded a government-run center for unaccompanied minors, including child trafficking victims, offering legal, medical, psychological, social, and language assistance; the center reported it did not provide assistance to any child trafficking victims in 2019. The government provided training to NGOs working with migrants and asylum-seekers to help them identify trafficking victims among these groups. Law enforcement personnel screened individuals in commercial sex, including in brothels and massage parlors, for indicators of trafficking and monitored websites selling commercial sex to identify victims. The government funded NGOs to provide training on victim identification for law enforcement, labor inspectors, detention and asylum center authorities, border control, revenue officials, and military and diplomatic personnel.

The law provided for the protection of victims' rights during criminal proceedings. NGOs were permitted to accompany victims to hearings and interviews. Courts provided trauma-informed methods for presenting evidence and testimony when victims needed protection from traffickers during the investigation and prosecution phases. Victim protection procedures granted victims a 30-day reflection period to decide whether to assist in the prosecution of their traffickers; some NGOs reported concerns about inconsistencies in the reflection period and noted that victims were not always informed of this right. Victims' access to services was not dependent on their willingness to participate in the criminal process. The Ministry of Justice reported providing, via NGOs, psycho-social and legal assistance during criminal proceedings to 150 trafficking victims in 2019. Foreign trafficking victims from outside the EU had the right to temporary residency, with possible annual extensions, which allowed access to employment; victims from EU member states did not require residence permits. The government granted 13 residence permits and extended 24 permits to trafficking victims in 2019. Victims who chose to return to their country of origin received repatriation assistance from government-funded NGOs.

Victims could file civil suits against traffickers for damages and compensation, even in the absence of a criminal prosecution, and could still pursue civil suits in the event of an acquittal in the criminal case. Courts could award restitution upon criminal conviction; in 2019, courts awarded restitution to 25 victims in trafficking cases. The government organized training seminars for prosecutors and judges on victim compensation and the criminal process. The Ministry of Justice published guidelines for the non-punishment of victims for unlawful acts traffickers compelled them to commit. Administrative fines for illegal commercial sex or immigration violations were forgiven if the individual was found to be a victim of trafficking. However, gaps in victim identification may have left some victims unidentified in the law enforcement system. In one case in 2019, a victim was convicted for presenting fake identification to police during a brothel inspection; an appellate court overturned the conviction. Experts noted gaps in the government's referral process for suspected cases of exploitation among asylum-seekers; some migrants who showed signs of trafficking may have been sent to other countries in the EU without receiving services due to the government's enforcement of EU regulations on asylum-seekers.

PREVENTION

The government maintained efforts to prevent trafficking. A national anti-trafficking task force led the government's efforts and included representatives from federal ministries, provincial governments, NGOs, industry, and civil society. The task force included working groups to address issues of particular concern, including child sex trafficking and non-punishment of victims, and led the drafting and implementation of the National Action Plan for 2018-2020; the plan called for expanded training for officers in detention centers and staff of asylum centers, with a focus on victim identification. The government published an implementation report assessing its progress in combating trafficking under the previous national action plan, which covered the period from 2015-2017. A senior foreign ministry official headed the task force and served as the national anti-trafficking coordinator; Austria did not have an independent anti-trafficking rapporteur to evaluate the effectiveness of government efforts.

The government organized and funded public awareness events and programs, including a conference for approximately 400 participants from civil society, international organizations, and members of the diplomatic corps. It also continued its program to raise awareness in schools, subsidized anti-trafficking publications and television programming, and funded outreach activities to individuals in commercial sex. The ministry of labor provided an online resource for migrant workers that was available in seven languages and included information on labor laws, minimum

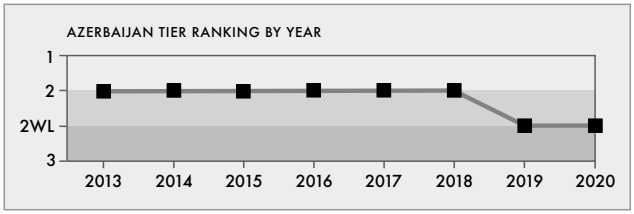
wage standards, collective agreements, and rights of workers; it also funded a counseling center for undocumented workers to inform them of their rights and assist those workers in exploitative situations. The government trained labor inspectors to identify trafficking victims using a set of guidelines developed by the national task force's labor trafficking working group and worked with business and labor organizations to raise awareness among seasonal agricultural workers. However, observers noted the labor inspectorate's mandate was limited to addressing health and safety conditions, which hindered inspectors' ability to respond to other exploitative work conditions. Austrian embassies and consulates in source countries informed visa applicants of the potential dangers of trafficking. The FCO operated a 24-hour trafficking hotline that received 500-600 calls and emails annually, with translation available in multiple languages. The foreign ministry continued efforts to prevent trafficking among employees of diplomatic households by holding events to inform them of their rights and by requiring them to obtain identification cards in person. The government partnered with neighboring governments and regional organizations to combat transnational trafficking; the FCO continued programs with China and Nigeria to combat cross-border trafficking and improve and expand joint investigations. The government made efforts to reduce the demand for commercial sex acts, including by distributing awareness materials on the possibility of sex trafficking in commercial sex and by regularly screening individuals in commercial sex for trafficking indicators. The government made efforts to reduce the demand for participation in international sex tourism by its citizens, including by airing an awareness video in places such as airports and hotels, as well as on outbound flights, and by raising awareness within the tourism industry. The government continued to enforce public procurement guidelines for the elimination of labor trafficking in the purchase of goods and services; the national action plan for 2018-2020 contained measures to address human trafficking in supply chains.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Austria. Traffickers exploit women and girls from Eastern Europe (especially Bulgaria, Hungary, Romania, and Slovakia), Southeast Asia, China, Nigeria, and South America in sex trafficking. More than 95 percent of identified victims are foreign women subjected to sex trafficking, and approximately 65 percent of trafficking victims come from EU member states. Traffickers exploit women from Nigeria and China in sex trafficking in massage parlors and brothels; many Nigerian victims arrive in Austria as asylum-seekers. Although no Austrian citizens have been identified as victims of trafficking in recent years, some Austrian women engage in activities such as commercial sex, which leave them vulnerable to trafficking. Sex trafficking is concentrated in urban areas but also occurs in smaller towns. Traffickers working in well-developed networks recruit sex trafficking victims with fraudulent offers of employment in restaurants and domestic service or by posing as potential romantic partners. Most traffickers are Austrian men or men from the same country as their victim; many are members of international organized crime groups. Observers note an increasing trend in labor trafficking. Traffickers exploit men and women from Eastern Europe, Southeast Asia, and China in forced labor, primarily in restaurants, construction, agriculture, health care, and domestic service, including in diplomatic households. Seasonal migrants are especially vulnerable to labor trafficking, particularly during the harvest seasons. Traffickers exploit children, physically and mentally disabled persons, and Roma in forced begging. Children, especially Romani girls, are also exploited in forced criminality. Traffickers use Austria as a transit point in moving victims to other European countries.

AZERBAIJAN: TIER 2 WATCH LIST

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting more traffickers and providing guidance to judges to issue stricter sentences for traffickers. The government established grants for civil society, significantly increased overall funding for victim protection, and recognized NGO leaders for their anti-trafficking efforts. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government identified fewer victims, did not regularly screen vulnerable populations, and continued to lack proactive identification efforts, particularly for Azerbaijani victims of internal trafficking. As a result, the government penalized victims due to inadequate identification. The government did not adopt the 2019-2023 national action plan. Therefore Azerbaijan remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Increase proactive identification efforts, particularly for internal trafficking, forced labor, and child trafficking. • Develop standard operating procedures (SOPs) and indicators for screening trafficking victims and train officials on screening for trafficking among individuals in commercial sex, migrants, children begging, and other at-risk populations. • Train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including for children, and provide advanced training on trafficking investigations and prosecutions. • Allocate adequate funding to NGO-run shelters providing victim support services. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. • Adopt specific procedures for children, including identification and referral procedures, indicators, and interview questions. • Adopt the 2019-2023 national action plan.

PROSECUTION

The government increased law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and Article 144 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment for offenses involving adult victims and eight to 10 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 25 cases with 27 suspects (28 cases with 34 suspects in 2018); 23 cases were for sex trafficking and two for forced labor (26 were for sex trafficking and two for forced labor in 2018). The government prosecuted 30 defendants (34 in 2018). Courts convicted 42 traffickers (23 in 2018); 38 were for sex trafficking and four for forced labor (21 for sex trafficking and two for forced labor in 2018). Four traffickers received one to four years' imprisonment, seven traffickers received five to eight years' imprisonment, and three traffickers received

eight and half years' to ten and half years' imprisonment (one trafficker received eight years' imprisonment and another received four years' imprisonment in 2018). However, judges continued to issue suspended sentences, with 28 traffickers receiving suspended sentences (20 traffickers in 2018). Officials reported the increase in suspended sentences was due to the "2018 decree on humanization of punishment," which required judges to issue more alternative punishments to imprisonment; however, the government disseminated additional guidelines clarifying the decree did not cover trafficking.

The Ministry of Internal Affairs (MIA) maintained an Anti-Trafficking Department (ATD) that investigated most trafficking cases. Authorities often failed to recognize psychological coercion as a means of control or required a transnational element for trafficking, which led to internal sex trafficking cases reclassified as lesser offenses. In previous years, GRETA and international organizations reported most investigations were reactive and lacking corroborative evidence for victim testimony; law enforcement noted standard procedures requiring a complaint from a victim to initiate an investigation hindered conducting proactive investigations. Observers reported low-level police solicited bribes from individuals in commercial sex and brothels operated under the purview of district police chiefs. In 2018, ATD detained a youth activist, who was a legal minor, and held her incommunicado for five days during which ATD officers assaulted and threatened to rape her if she did not sign a document acknowledging involvement in prostitution offenses. Observers continued to report an absence of victim-centered approaches within law enforcement, including local police insulting and dismissing a potential trafficking victim who attempted to self-identify. The government trained police, prosecutors, judges, MIA officials, advocates, and State Migration Service (SMS) officials. The government did not provide information on international investigations or extraditions.

PROTECTION

The government increased victim protection efforts. The government officially identified 91 victims (98 in 2018); 85 were female sex trafficking victims and six were male forced labor victims (82 female victims of sex trafficking and 16 male victims of forced labor in 2018); two were foreign victims (none in 2018); and one child victim (none in 2018). Observers reported officials did not acknowledge the existence of internal trafficking and highlighted a complete absence of efforts to proactively identify Azerbaijani victims of internal trafficking, including children. As a result, most officially identified victims were Azerbaijani victims identified in destination countries or foreign victims exploited in Azerbaijan; officials identified one Azerbaijani victim of internal trafficking in both 2018 and 2019. The government did not report information on identified children and parents "involved in begging for the purpose of helping their parents," (450 children and 207 parents in 2018) but observers reported police declined to investigate potential forced child begging cases and returned most children to their parents without investigating the role of the family in the children's exploitation leaving these children vulnerable to further harm.

The government had SOPs for victim identification but first responders, including law enforcement, immigration, and social services personnel, were either unaware of the procedures or did not consistently follow or understand them. Observers continued to report the lack of screening of vulnerable populations for trafficking indicators, including women, children, LGBTI persons in commercial sex, and foreign migrant workers. Additionally, the government lacked policies tailored to children, such as interview questions, indicators, and referral procedures. SOPs required first responders to refer potential victims within 24 hours to ATD, who officially recognized victims based on an investigation. NGOs and the government provided support services to some potential victims; however, individuals without official recognition did not receive the one-time government-provided allowance and did not have the ability to bring a civil claim against the alleged traffickers. The government did not provide data on the number of potential trafficking victims referred by civil society to ATD (57 in 2018) and the number of those victims ATD determined to be victims (two in 2018).

The government increased assistance for victim protection significantly, allocating 194,700 manat ($114,530), including operation costs for the MIA-run shelter for trafficking victims, compared to 147,490 manat ($86,760) in 2018. In addition, the government created grants for victim assistance and awareness campaigns and awarded NGOs a total of 209,000 manat ($122,940). In 2018, the government allocated 125,650 manat ($73,910) to civil society for awareness campaigns and raised 13,000 manat ($7,650) from private donors to support potential and official victims. The MIA operated a shelter for trafficking victims, which provided accommodation, financial assistance, legal assistance, and medical and psycho-social support; 78 officially recognized victims received support at the shelter (95 officially recognized victims and three potential victims in 2018). The MIA-run shelter had separate areas for women, men, and children but limited freedom of movement and required victims to submit an application to leave the shelter. The MIA-run shelter accommodated potential victims for up to one month but longer stays required victims to cooperate with law enforcement. The MIA-run shelter provided the only accommodation for male victims. The government allocated a resettlement allowance of 700 manat ($410) from an assistance fund for officially recognized victims; all victims received the resettlement allowance in 2018 and 2019. The Victim Assistance Centers (VAC) in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims; VACs assisted 85 victims (92 in 2018). VACs provided 19 officially recognized victims with medical aid (28 in 2018), 36 with psychological assistance (47 in 2018), and 21 with legal aid (32 in 2018). Additionally, the government did not provide data on the number of potential victims who received medical aid from VACs (25 in 2018), the number of victims who received psychological assistance (17 in 2018), and the number of victims who received legal aid (nine in 2018). The government aided 14 officially recognized victims to find employment (20 in 2018) and 45 victims with vocational training (23 in 2018). The government provided in-kind support and assistance to children of victims; 56 children received school supplies, 14 children received identity documents, and 22 children were enrolled in pre-school education. Observers reported low pay for VAC employees led to high staff turnover and decreased service quality due to inexperienced staff assisting victims. Additionally, the government awarded some contracts to organizations with no experience and jeopardized victim safety and assistance quality. The government referred 67 victims to NGO-run shelters (47 in 2018). NGOs remained severely underfunded and restrictive legislation governing foreign grants limited NGOs' ability to receive funding from foreign donors. Most NGO-run shelter staff who provided support services worked on a voluntary basis. The SMS did not report data on the number of temporary residence permits issued to foreign victims (none in 2018).

The government likely penalized unidentified victims for unlawful acts traffickers compelled them to commit. Experts reported authorities may have penalized sex trafficking victims with administrative fines for prostitution due to an absence of screening efforts. In previous years, an international organization referred foreign migrant workers who displayed indicators of trafficking, but ATD did not recognize any as a victim and authorities subsequently deported some. Authorities did not use legally mandated victim-

witness protection measures for trafficking victims. In previous years, GRETA and other international organizations reported prosecutors believed such measures were unnecessary for trafficking victims and noted the lack of licensed attorneys providing legal assistance to victims due to low pay. Children testified without a child psychologist or attorney to communicate legal terminology in a child-friendly manner, which may have caused further trauma to these children.

PREVENTION

The government maintained prevention efforts. The national coordinator led government-wide anti-trafficking efforts but the lack of cooperation between agencies hindered interagency coordination. In 2018, the government drafted the 2019-2023 national action plan but failed to adopt the plan. The ATD recognized 18 NGO leaders with monetary awards of 1,000 manat ($590) for their anti-trafficking efforts. The government conducted awareness campaigns targeting youth, students, families, and the general public. SMS organized seminars for migrants coming to Azerbaijan and MIA, in cooperation with an international organization, coordinated a television campaign and disseminated posters. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts. ATD operated the "152" hotline; the hotline received 6,845 calls (6,310 calls in 2018), 12 of which were related to trafficking (24 in 2018). The government did not reduce the demand for commercial sex acts. A presidential decree in 2015 prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive investigations and victim identification efforts. In 2017, the government extended the suspension period of spontaneous labor inspections until 2021, making the identification of potential victims extremely unlikely.

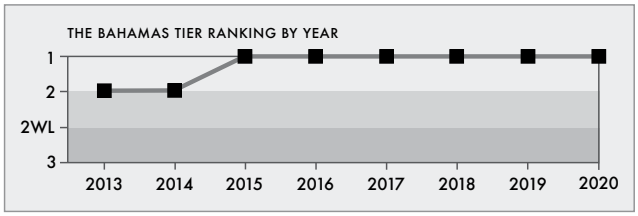
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Azerbaijan, and traffickers exploit victims from Azerbaijan abroad. Traffickers exploit Azerbaijani men and boys in forced labor within the country and in Qatar, Russia, Turkey, and the United Arab Emirates (UAE). Traffickers exploit women and children from Azerbaijan in sex trafficking within the country and in Iran, Malaysia, Pakistan, Qatar, Russia, Turkey, and the UAE. Azerbaijan is a destination country for sex and labor trafficking victims from China, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to Iran, Turkey, and the UAE. Within the country, some children are exploited in forced begging and forced labor as roadside vendors and at tea houses and wedding facilities.

Civil society and government officials reported no instances of forced labor in the 2019 cotton harvest due to widespread use of affordable harvesting machinery. In 2018, there were isolated reports that local officials mobilized and forced some public-sector employees to participate in the autumn cotton harvest.

THE BAHAMAS: TIER 1

The Government of The Bahamas fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore The Bahamas remained on Tier 1. These efforts included significantly increased investigations of traffickers, increased identification of victims, implementing the national action plan, and continuing anti-trafficking training for 239 officials despite widespread destruction from a Category 5 hurricane hitting the islands in September 2019. Although the government meets the minimum standards, it did not convict any traffickers; court proceedings continued to face delays; authorities inconsistently applied screening procedures to vulnerable populations, in particular to hundreds of Haitians deported after the hurricane; and funding for victim services decreased.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute, convict, and sentence convicted traffickers, including officials complicit in sex or labor trafficking. • Comprehensively train officials to implement the victim identification and referral protocol to identify victims of sex trafficking and forced labor, especially among vulnerable groups including residents and migrants from Haiti, Venezuela, and other countries. • Provide a dedicated shelter for trafficking victims and continue funding comprehensive victim services. • Train judges at all levels of the judiciary in trafficking and the trafficking law and sensitize judges and prosecutors on trauma. • Reduce delays in court proceedings. • Provide vulnerable individuals with trauma-informed assistance and interpretation in their language prior to, during, and after screening for trafficking. • Take steps to eliminate recruitment fees charged to workers in The Bahamas by labor recruiters and ban employee paid recruitment fees. • Strengthen the capacity of labor inspectors to identify and refer victims of labor trafficking. • Increase grassroots outreach to potential trafficking victims among vulnerable groups in partnership with NGOs. • Develop, execute, and publish a robust monitoring and evaluation framework for anti-trafficking policies and efforts. • Engage further with officials involved in anti-trafficking activities in other countries in the region to exchange best practices in trafficking investigation and screening.

PROSECUTION

The government maintained law enforcement efforts. The Trafficking in Persons (Prevention and Suppression) Act 2008 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from three years' to life imprisonment. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 16 potential traffickers, 11 for sex trafficking investigations and five for labor trafficking, compared to two new investigations in 2018 and 11 to 15 investigations annually in the preceding six years. Authorities reported initiating two prosecutions for sex trafficking during the reporting period, compared to one initiated in 2018. The government did not convict any traffickers during the reporting period, compared to one convicted trafficker in 2018 and one in 2017. The government updated three pending prosecutions; one with a Dominican defendant and another with a Jamaican defendant were originally scheduled for March 2020, but all court trials in The Bahamas were postponed due to the government's reallocation of resources as part of its response to COVID-19. The third prosecution with two Bahamian defendants was rescheduled to January 18, 2021. The lack of judges and prosecutors in the country contributed to significant backlogs in all cases, and the government did not report whether all judges, prosecutors, and other law enforcement officials received training on the Trafficking

in Persons Act. Experts reported concerns about excessive pretrial detention due to criminal justice system delays preventing even the most serious criminal cases from advancing in a timely manner. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, including reports made by Haitian migrants of being solicited by immigration officials for bribes to prevent detention. The National Trafficking in Persons Committee (TIP Committee) determined there is a need to evaluate anti-trafficking policies, staffing, and efforts in order to ascertain that investigations are appropriately targeted. The Royal Bahamas Defence Force (RBDF) delivered basic trafficking training to 100 new recruits and police detectives and training in indicators, victim medical care, and legal information to 118 RBDF candidates and government agency representatives during the reporting period. The Ministry of National Security with the Department of Labour conducted a trafficking training for 20 labor inspectors. The Department of Immigration sent 21 immigration officers overseas for training on recognizing trafficking and child abuse and trained 39 diplomats in human trafficking indicators. The government did not report whether prosecutors and judges have participated in training on the trafficking law and victim-centered prosecution, despite the national action plan mandating such training. The Trafficking In Persons Task Force (TIP Task Force) drafted two bilateral memoranda of understanding, one with Colombia and another with Mexico, to assist with human trafficking investigations and information sharing.

PROTECTION

The government maintained efforts to protect victims. Authorities continued to implement a formal victim-centered protocol to guide front-line responders in identifying both sex and labor trafficking victims and referring them to services. However, concerns remained on the thoroughness of their application, especially with vulnerable populations such as undocumented migrants and stateless children. The TIP Committee funded and trained member agencies and ministries in their roles in identifying and protecting victims and making referrals. During the reporting period, the government reported screening 965 vulnerable individuals, including 151 Haitians in addition to individuals from Brazil, China, Colombia, Ecuador, Jamaica, and Venezuela, and identified five victims of trafficking, an increase compared with two victims identified out of 28 individuals screened in 2018. All identified victims were adult females, two from Jamaica, two from The Bahamas, and one from Venezuela. The TIP committee referred a total of six victims, including a victim from a prior year, for government assistance for food, clothing, payment of utilities, stipend, living accommodations, appliances, furniture, employment, shelter, and medical care. The government initially implemented a universal policy of providing emergency humanitarian assistance and social services to all after Hurricane Dorian, regardless of immigration status, including access to schooling for displaced children. The government did not report the results of screening eight minors of Haitian descent for trafficking. The government reported that there were no referrals from non-governmental or faith-based organizations during the reporting period, a change from the past during a time when many individuals were referred by civil society. Although the government reported it has a formal process to guide officials in transferring victims to institutions that provide short- or long-term care, experts reported authorities did not use formal protocols to screen all migrants, and continued reports of abuse of migrants by officials and widespread bias against migrants, particularly those of Haitian descent, are causes of concern. Foreign victims all chose to return home after short-term assistance by the government. Reports of inconsistent training of staff in screening for trafficking, and lack of implementation of identification protocols in migrant languages indicated that authorities did not screen all potential trafficking victims, consequently penalizing vulnerable individuals.

The government reported decreasing spending on trafficking victims' care and prevention activities to 95,000 Bahamian dollars ($95,000), compared to 125,710 Bahamian dollars ($125,710) in 2018. The government also provided 69,509 Bahamian dollars ($69,509) to four NGOs that provide services to trafficking victims, among other vulnerable groups, compared to 240,000 Bahamian dollars ($240,000) in 2018 and 2017; both decreases were due to emergency costs incurred by the destruction of Hurricane Dorian. Authorities continued to encourage identified trafficking victims to assist in prosecutions by providing them with lodging, food, a stipend, clothing, medical assistance and psychological counseling, immigration relief, legal and transportation assistance, support during court proceedings, and witness protection, including a constant presence of police or Royal Bahamas Defense Force as escort or protection outside shelters. The government did not provide a dedicated shelter for trafficking victims, and authorities continued to place victims in NGO-managed shelters shared with domestic violence victims. The government sent a victim care officer to work full-time with TIP Committee leadership during the reporting year, although it did not report whether this officer worked with shelter staff or whether shelter staff were trained in trauma-informed practices. Initially, the TIP Committee provided short-term lodging and, later, long-term lodging. Victims could choose to reside independently elsewhere, although the government did not report providing lodging assistance in such cases. Government assistance was not contingent upon cooperation by victims, and the Department of Immigration (DOI) could provide a certificate allowing the holder to remain in country and to work. While there were no certificates issued during the reporting year, the DOI did provide extensions to victims enabling them to remain in The Bahamas during investigative stages of trafficking cases. Three Jamaican victims identified during the reporting period voluntarily participated in investigations, and a foreign victim identified in 2018 provided evidence in an ongoing trial during the current reporting period. Bahamian law permitted victim testimony via live television links and for the reading of written statements to be included as evidence. The anti-trafficking act authorized the court to order convicted defendants to pay restitution to victims; no court has requested this since 2015, at which time it was denied.

PREVENTION

The government increased prevention efforts overall. The TIP Committee briefed the Minister of National Security weekly on anti-trafficking developments, while the TIP Committee itself met every other week. Ministry of National Security officials led the government's overall efforts to combat trafficking and served as chair of the TIP Committee. Committee membership included a victim care officer from the Ministry of Social Services, a representative of civil society to oversee policy issues, and the TIP Task Force, which responded to individual cases. The government continued to implement the national action plan through campaigns, public events, media, and print information, although overall funding for anti-trafficking activities decreased due in part to the necessary humanitarian response to and the budgetary impact of a major hurricane. The government did not report on the status of an evidence-based research plan or a monitoring and evaluation framework for anti-trafficking efforts, although these are in the national action plan. The TIP Committee organized a World Anti-Trafficking Day commemoration in July, and the Prime Minister signed a proclamation on trafficking, which was published in the newspapers. Committee members and 100 police force cadets handed out trafficking brochures in the streets of the capital for a second consecutive year. The government screened a film on trafficking in August with the Red Cross and led a sixth

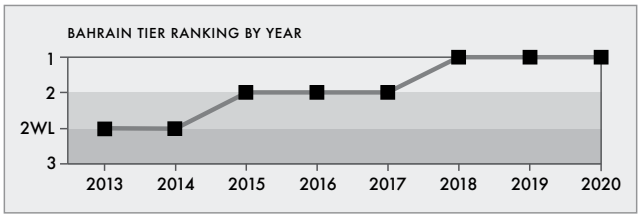
grade trafficking awareness session in October, both of which were featured in local media. The Department of Gender-Based Violence hosted a one-day seminar for 24 Bahamian government officials on preventing sexual exploitation and trafficking in persons. The Ministry of National Security collaborated with civil society organizations on a variety of anti-trafficking campaigns, including three radio broadcasts, a television interview, conference presentations, speaking engagements with more than 900 summer camp participants, school awareness campaigns for 3,000 students from grades three through 12, and hosted a summer camp for 100 children. The TIP Committee also distributed more than 30,000 TIP brochures. The Bahamas Red Cross and other civil society organizations actively participated in the anti-trafficking campaign throughout the reporting period. The Department of Labour did not train labor inspectors in trafficking or report whether surprise inspections resulted in trafficking investigations. The government made efforts to reduce the demand for commercial sex acts, including by awareness campaigns directed at purchasers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Bahamas, and traffickers exploit victims from The Bahamas in country and abroad. Traffickers recruit migrant workers, especially those from Haiti, Jamaica, the Dominican Republic, China, Costa Rica, Cuba, Colombia, Venezuela, the Philippines, and the United States through false offers of employment, both through advertisements in foreign newspapers and social media; upon arrival, traffickers subject them to sex trafficking and forced labor, including in domestic service and in sectors with low-skilled labor. The profile of human traffickers prosecuted for human trafficking have been primarily female in the past four years. Individuals born to a non-Bahamian father in The Bahamas, to a female citizen, or to foreign-born parents, do not automatically receive Bahamian citizenship or documentation and are at heightened risk of trafficking. Unaccompanied migrant children, individuals lured for employment, those involved in commercial sex and exotic dancing, illegal migrants, stateless persons, and migrants displaced by Hurricane Dorian have been exploited in trafficking and are particularly vulnerable to trafficking.

BAHRAIN: TIER 1

The Government of Bahrain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Bahrain remained on Tier 1. The government increased overall trafficking investigations and prosecutions (including for forced labor), created labor trafficking-focused directorates, and investigated a Bahraini official allegedly complicit in a trafficking crime. Additionally, the government protected more victims and established a Center of Excellence for trafficking that aims to serve as a regional hub for expertise and training to combat the crime. The government allowed more workers to self-sponsor independent of an employer, and convened, organized, and funded a regional forum on trafficking that brought together high-level delegations from across the Middle East to share best practices and commit to specific anti-trafficking initiatives germane to the region. Although the government meets the minimum standards, it did not regularly investigate as potential trafficking crimes cases of unpaid or withheld wages, passport retention, and related abuses—all potential indicators of forced labor—but rather handled such matters administratively as labor law violations. Although vastly improved in the investigative and prosecution phases, the government's overall law enforcement efforts remained chiefly focused on sex trafficking; it did not achieve any convictions of forced labor. Incomplete legal authorities and limited access of labor inspectors and other relevant authorities to domestic worksites hindered implementation of existing laws governing the sector.



PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to investigate, prosecute, and convict traffickers, particularly suspects of labor trafficking, including domestic servitude, and allegedly complicit officials. • Expand and actively enforce labor law protections for domestic workers. • Increase investigations and prosecutions of potential forced labor cases involving passport retention, non-payment of wages, and other indicators, as trafficking crimes. • Strengthen and expand efforts to reform the sponsorship system by extending labor law protections to all workers in Bahrain, including domestic workers and all workers holding flexible work permits. • Develop and implement a wage protection system covering all migrant workers. • Increase proactive identification of trafficking victims among vulnerable groups, such as domestic workers, migrant workers, and individuals in commercial sex. • Routinely require the use of tripartite labor contracts for domestic workers. • Train officials on and routinely use the two new labor trafficking-focused directorates to identify labor trafficking victims and investigate labor traffickers. • Continue to train officials, particularly police, on the anti-trafficking law and victim identification. • Continue to conduct national anti-trafficking awareness campaigns, strategically targeting migrant and domestic workers.

PROSECUTION

The government continued to strengthen its law enforcement efforts, with increased focus on forced labor. The anti-trafficking law, No.1 of 2008, criminalized sex trafficking and labor trafficking. It prescribed penalties ranging from three to 15 years' imprisonment, plus a fine of between 2,000 and 10,000 Bahraini dinar ($5,310-$26,530), and the cost of repatriating the victim(s), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government maintained a police unit dedicated to investigations of trafficking crimes but did not have a designated court or division for prosecuting these offenses. The Ministry of Interior (MOI) reported investigating 41 potential trafficking cases (60 individual arrests) during the reporting period, of which 29 were for sex trafficking and 12 for forced labor, marking an overall increase compared with 16 and three, respectively, during the previous period. It is also indicative of a more balanced law enforcement approach to sex and labor trafficking investigations. Calls to the government-run national trafficking hotline resulted in five of these investigations, as staff alerted the police who subsequently investigated the allegations. Officials prosecuted 53 alleged sex traffickers and seven individuals for alleged forced labor crimes, up from nine and zero, respectively, the year prior. The government convicted 14 individuals for sex trafficking under the anti-trafficking law and sentenced them to between three and 15 years' imprisonment, plus a fine, in accordance with the law; it convicted 23 sex traffickers and administered similar sentences the previous reporting cycle. On trend with previous

years, officials did not achieve any forced labor convictions. As a supplemental penalty, the traffickers paid all costs associated with funding the repatriation of the victims to their respective home countries. The government planned to deport all non-Bahraini trafficking offenders upon the completion of their sentences. During the reporting period, authorities criminally investigated one Bahraini police officer for alleged complicity in a potential trafficking crime; the prosecution was ongoing at the conclusion of the reporting period, and the officer remained in custody pending trial. Two notable cases during the year highlighted international cooperation with the Government of the Philippines: one case involved two Philippine nationals who arrived in Bahrain under false pretenses of improved pay, but traffickers subsequently forced them into sex trafficking. After the two Filipinas returned to their home country and contacted legal authorities, Filipino officials in Manama alerted the Bahraini authorities who immediately launched an investigation that resulted in six arrests, one of which included the aforementioned police officer. The government requested judicial assistance from its counterpart in Manila in order to allow the two victims to provide remote statements for ongoing court proceedings in Bahrain. The second case involved government cooperation with both the Kazakh and Saudi Arabian governments on a potential sex trafficking case; it remained in the preliminary investigative stage at the close of the current reporting period.

The government typically treated forced labor—cases of unpaid or withheld wages, passport retention, and related abuses—as administrative labor law violations resolved through arbitration rather than as trafficking crimes. Workers could file a grievance against the employer in a labor court if arbitration was unsuccessful. In a purported procedural shift intended to improve prospects for criminal prosecution of labor trafficking cases, in February 2020 the Ministry of Justice ceded authority to the Labor Market Regulatory Authority (LMRA) to prepare such cases for trial or arbitration and make recommendations to the judiciary. The LMRA established two directorates that are now housed under the Ministry of Justice's (MOJ) newly launched Labor Case Coordination section, which effectively serves as the MOJ's sole front-line agent for labor trafficking cases. The first (Protective Inspection Directorate) has the mandate to identify, investigate, and document all forms of labor exploitation with a focus on those with a prospective nexus to trafficking; it is staffed by 30 labor inspection officers trained by two international organizations. The second (Grievances and Protections Directorate) intends to receive, register, and document all labor-related criminal cases and serve as a pro bono legal clinic for migrant workers in Bahrain, complete with 10 language translators. The government incorporated both directorates into the government's broader national referral mechanism (NRM) with the end-goal of increasing ease of access for laborers to the justice system, reducing the time courts need to render an official decision, and examining labor disputes from a trafficking, with a victim-centered lens. During the year, the government also fully funded anti-trafficking trainings for a total of 230 Bahraini officials on targeted topics, such as legal analysis of the anti-trafficking law, labor inspection procedures, and victim-centered confidentiality issues.

PROTECTION

The government maintained strong efforts to protect victims. The government identified and provided robust protective services for 39 adult female trafficking victims (one of whom was a victim of forced labor), markedly up from the 12 total it assisted during the previous reporting period; all the victims were from Indonesia, India, Thailand, Kazakhstan, Russia, Egypt, and the Philippines. Many individuals who received assistance were not confirmed trafficking victims, but rather vulnerable workers involved in labor disputes and employees requiring temporary shelter prior to repatriation. The government continued to employ its NRM designed to proactively identify trafficking victims, ensure proper documentation of cases, refer cases to the MOI and public prosecutor's office for an official determination as a trafficking case, and provide adequate protective provisions to victims until case resolution or voluntary repatriation. Officials provided 30-page, bilingual English-Arabic NRM booklets to all relevant ministries and nongovernmental stakeholders. The LMRA's digitized case management process of the NRM continued to increase in speed and effectiveness and resulted in better documentation of cases, which in turn improved processing of cases in the judicial sector. Police stations, other government entities, NGOs, and foreign embassies provided direct referrals to the LMRA. The LMRA's Expatriate Protection Unit (EPU) provided all 39 trafficking victims with shelter, food, clothing, medical care, religious support, psycho-social counseling, rehabilitation, transportation, familial reunification, translation assistance, legal counsel, and repatriation or job placement in Bahrain. In addition, the government provided all confirmed trafficking victims with monthly financial compensation—93 Bahraini dinar ($250) for those who remained in Bahrain for the duration of trial— via its Victim Assistance Fund, and additional funding was available through the LMRA's budget to cover the costs of victim repatriation and daily EPU expenditures. The EPU continued to make services available to both male and female workers, regardless of their legal status in Bahrain. It also maintained onsite offices for medical and mental health professionals and a representative from the police anti-trafficking unit and provided a room for training shelter residents and a conference space for the national anti-trafficking committee. Embassies of labor-sending countries reported providing housing on a temporary basis for some potential victims involved in labor disputes or abusive situations who refused to go to the EPU or were unable to reach it.

Articles 19 and 40 of the Labor Law established some protections for domestic workers, requiring employers to provide a labor contract specifying working hours, annual leave, and bonuses, and that such workers must be paid at least monthly. However, Article 22, which prohibits contract switching or changes to preset work conditions outlined in the contract, was not applicable to domestic workers, effectively increasing the potential vulnerability to forced labor. Labor inspectors faced difficulties conducting unannounced inspections of domestic worker accommodations and investigating allegations of abuse in the absence of an official complaint due to cultural norms surrounding privacy in homes, which may have left some victims at risk of exploitation and without protection. The LMRA continued to disseminate to all registered recruitment agencies in Bahrain copies of the standard tripartite labor contract, which required domestic workers to sign, prior to their arrival, a comprehensive work agreement that outlined labor rights and employment obligations. The contract aimed to strengthen protections for domestic workers by requiring employers to disclose the nature of the job, hours to be worked, and salary, among other information. Domestic workers brought in to Bahrain by recruitment agencies are able to accept or reject an employment contract in their respective countries of origin, and the LMRA maintained copies of signed contracts to assist in any future labor disputes. During the previous year, the LMRA announced streamlined processes for obtaining initial visas and visa renewals for domestic workers. The inclusion of domestic workers in the Expatriate Management System, along with all other expatriate workers, increased visibility through standardizing the application process and retaining all worker-employee documents on the LMRA's electronic systems. The government mandated that all applications for domestic workers, whether received through a licensed recruitment office or directly from the employer, must be accompanied by the standard tripartite labor contract.

There were no reports the government penalized victims for

unlawful acts traffickers compelled them to commit; however, it did not universally employ its proactive identification mechanism among vulnerable groups, such as domestic workers, migrant workers who fled employers, and individuals in commercial sex, meaning some potential victims may have remained unidentified and unprotected. Bahraini officials provided comprehensive protective assistance to trafficking victims regardless of their willingness to participate in investigations and court proceedings of their traffickers and relieved them from all legal and financial penalties related to unlawful acts traffickers compelled them to commit. The government reported it shared with all victims a full evaluation of their cases and their legal right to restitution in the event of a conviction. Two foreign national victims were permitted to testify via written correspondence, video recording, a closed-circuit live video, or in private. During the reporting period, two trafficking victims assisted with law enforcement investigations, compared with 12 who did so during the previous reporting period. Some migrant workers who fled abusive situations chose not to contact police to report the abuse due to being a "free visa" holder—laborers in violation of the local labor law because they work for a non-sponsor employer after leaving the employment of the sponsor that facilitated their entry into the country. The labor law allowed foreign workers to change sponsors during investigations and court proceedings, and roughly eight to nine percent of Bahrain's total expatriate worker populace did so during the year. Workers infrequently filed complaints against employers due to distrust of the legal system, protracted court processes, inability to afford legal representation, lack of interpretation and translation services, concern over potential loss of residence permits during proceedings, and fear of additional mistreatment due to employer reprisal. During the reporting period, per the victims' request, the government repatriated at least two third-country national trafficking victims to their countries of origin.

PREVENTION

The government increased efforts to prevent trafficking. The LMRA, with senior government support, convened, hosted, and fully funded the region's first anti-trafficking forum —with participation of high-level delegations from across the Middle East—to share best practices, discuss challenges to curbing the crime, and commit to regionally-specific efforts to combat trafficking to include the notorious *kafala* system. Since its inception in July 2017, the LMRA's "flexible (or flexi) work permit" program has served to regularize thousands of undocumented workers, while simultaneously permitting previously exploited and irregular laborers to sponsor themselves independent of an employer. During the reporting period, the number of "flexi" permit holders increased from just under 24,000 to 27,660 comprised of more than 50 different nationalities. Nearly 5,500 "flexi" permit holders renewed their permit during this time. Under the "flexi" permit, expatriates can reside and work in Bahrain without a sponsor, thereby reducing trafficking vulnerabilities inherent in the *kafala* or sponsorship-based employment system. Successful applicants can work any full- or part-time job with any chosen employer—including multiple jobs concurrently with various employers—and are able to directly negotiate wages and working hours. To address concerns of NGOs and source country embassies regarding equity in coverage, in November 2018, the government temporarily extended eligibility to non-domestics and domestic workers who absconded from their employers; however, the government did not renew this expansion during the current reporting period, rendering domestic employees vulnerable to the plight of the *kafala* system. Legal workers were eligible to enroll in the program without the consent of their employer after the termination or expiry of their work permit. The "flexi" permit—one-year permit cost of 427 Bahraini dinar ($1,130)—included a work permit, health care coverage, a refundable deposit for travel tickets, an extension of residency timeframes, and waived immigration fines incurred while in irregular status. Some NGOs and labor rights organizations continued to express concerns that the "flexi" program created a system of day laborers, shifted legal responsibilities to the employees, and amounted to economic coercion given the associated monetary costs of eligibility.

Passport retention was a crime punishable under Article 395 of the Bahraini penal code, although it remained a common practice by employers of unskilled laborers and domestic workers. However, unskilled and domestic laborers feared reporting their employers and refusing to hand over their passports. It was a crime to limit or otherwise control any person's freedom of movement in accordance with Article 19(b) of the constitution of Bahrain. Laborers could file a grievance for passport withholding with the police, the Ministry of Labor, or LMRA; a worker could also register a complaint to the court directly if the employer refuses to return the passport. Labor authorities did not report referring any cases of passport retention to the police or investigating any such cases as potential trafficking crimes. The government required all recruitment agencies to submit a security deposit equivalent of 10,000 Bahraini dinar ($26,530) to safeguard employees' rights. During the reporting period, the government permanently shut down one recruitment agency and revoked its license for contravening Bahraini labor law; in 2018 it similarly closed two agencies. It cancelled the licenses of seven additional recruitment firms due to noncompliance with LMRA regulations. The LMRA's Enforcement and Inspection Department employed 70 inspectors responsible for enforcement of employment violations, immigration violations, and worksite inspections; the inspectorate body conducted quarterly visits to all recruitment agencies.

The National Committee for Combating Trafficking in Persons' budget increased to 984,000 Bahraini dinar ($2.6 million), which included 534,000 Bahraini dinar ($1.42 million) for operations and 376,000 Bahraini dinar ($997,350) for anti-trafficking outreach programming. Earmarked in the previous reporting period, the government allocated 250,000 Bahraini dinar ($663,130) during the current year to officially inaugurate a Center of Excellence, in partnership with two international organizations, for the purposes of capacity building for victim assistance among government and regional stakeholders. The government expanded its anti-trafficking awareness campaigns in both local and expatriate communities in Bahrain, involving youth of various nationalities, schools, social groups, religious institutions, NGOs, and foreign embassies. Additionally, it used mobile phones to proactively engage with migrant labor populations, sending out more than 400,000 text messages with the trafficking hotline information, labor rights facts, and police station locations. The LMRA launched a new website during the reporting period (endtrafficking.bh) with a wide range of information on trafficking and myriad resources readily accessible for foreign workers. In partnership with an international organization, the national committee held a workshop targeting media personnel to enhance their understanding of trafficking, more accurately report on such issues, and improve the overall role of the media in combating the crime. During the reporting period, the government regularly hosted students from the University of Bahrain's legal clinic to enrich their understanding of trafficking, in addition to the protective services officials provide to foreign and domestic laborers. The LMRA continued to provide booklets outlining labor rights in 13 languages common among expatriate and migrant worker populations and distributed them to such populations upon their arrival at the Bahrain International Airport and at LMRA when applying for initial or renewed residency cards. The LMRA's hotline was active to both collect reports and serve as a resource to educate workers about their rights and available services in Arabic, English, Hindi, Malayalam, Sinhalese, Tagalog, Tamil, Telugu, and Urdu. The government reported receiving a 14 percent increase in the number of calls during the reporting

period (6,444, up from 5,654 such calls the previous year), most of which pertained to labor rights, advice on workplace situations, and miscellaneous requests. Officials did not identify any victims through this hotline. The government concluded memoranda of understanding with several labor exporting countries, including Pakistan and India, which focused on oversight of recruitment agencies and protection of migrant workers in Bahrain. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

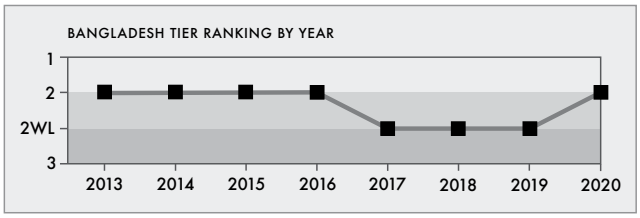
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Bahrain. Men and women, primarily from India, Bangladesh, Pakistan, Philippines, Ethiopia, Nepal, Egypt, Jordan, Yemen, Thailand, Syria, and Kenya, among other countries, migrate voluntarily to Bahrain to work as semi-skilled or unskilled laborers in the construction and service industries. The number of migrant workers from African states, such as Senegal, Cameroon, and The Gambia, is increasing. During the reporting period, approximately 80 percent of the total Bahraini workforce was comprised of foreigners, the majority being unskilled construction workers. Bahrain is home to roughly 84,000 domestic workers, nearly 61,000 of whom are female, predominantly from Ethiopia, India, the Philippines, Bangladesh, Kenya, and Indonesia. This category of employee includes agricultural workers, security house-guards, nannies, drivers, and cooks. Men from India and Bangladesh account for almost 79 percent of Bahrain's 23,000 male domestic workers. Domestic workers from African nations are increasingly susceptible to labor exploitation and arrive in Bahrain via direct recruitment from local employers. Some employers subject migrant workers to forced labor in Bahrain; indicators include passport retention, strict confinement, contract substitution, non-payment of wages, debt bondage, threats or intimidation, and physical or sexual abuse. NGOs and labor-sending countries report an uptick in incidents of unpaid wages, especially for construction and unskilled workers. Some migrant workers are not given or in possession of their employment contracts and are generally unfamiliar with the employment terms contained therein. Nationals of countries without diplomatic presence in Bahrain, most significantly from African countries, are particularly vulnerable to trafficking, as are domestic workers, who are only partially protected under Bahraini labor law, and cultural norms and existing legal infrastructure avert private home inspection. Government and NGO representatives report physical abuse and sexual assault of female domestic workers are significant problems in Bahrain; controlled freedom of movement, withholding of workers' identity cards and passports, and employer coercion constrain employees from reporting such instances of exploitation.

While the government maintained regulatory authority over recruitment agencies, some migrant workers arrive in Bahrain independent of regulated agencies. Many laborers are paired with employers through intermediaries in Bahrain and unlicensed recruiters in their respective countries of origin; back-and-forth movement between Saudi Arabia and Bahrain via the King Fahad Causeway also contributes to this vulnerability, as Saudi nationals are able to sponsor foreign workers in Bahrain. Local press report traffickers recruit women to Bahrain via social media platforms or Bahrain-based acquaintances under false pretenses of high-paying jobs in the hospitality and domestic sectors and subsequently force them into sex trafficking. Traffickers also convince other women, mostly domestic workers already in Bahrain, to abscond from their employers with false promises of higher paying jobs; after being recruited, traffickers exploit some women in commercial sex through physical threats and debt-related coercion. Some unscrupulous employers continue to lure migrant workers to Bahrain and release them illegally in the labor market under the "free visa" scheme—laborers who pay an employer a recurring fee to sponsor a work visa while performing work for other employers in violation of local labor law—which can render them vulnerable to trafficking due to their illegal working status. Although notable reforms are underway, Bahrain's sponsorship-based employment system continues to put some workers, particularly domestic workers, at risk of trafficking by limiting their ability to change employers or leave the country and by giving employers the unilateral power to control the status of residency permits.

BANGLADESH: TIER 2

The Government of Bangladesh does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bangladesh was upgraded to Tier 2. These efforts included convicting more traffickers, modestly increasing the number of victims identified, acceding to the 2000 UN TIP Protocol, and at the close of the reporting period establishing seven anti-trafficking tribunals as stipulated in Bangladesh's anti-trafficking law. In addition, the government continued to allow humanitarian access to the Rohingya camps. However, the government did not meet the minimum standards in several key areas. Law enforcement decreased investigations into trafficking cases, continued to deny credible reports of official complicity in trafficking, and, despite hundreds of credible reports of forced labor and sex trafficking of Rohingya, did not open investigations to verify these reports. Despite widespread reports of child sex trafficking, including in licensed brothels, the government did not make efforts to identify victims or investigate the persistent reports. While international organizations identified more than 1,000 potential Bangladeshi forced labor victims in Saudi Arabia during the reporting period, the government did not report efforts to provide the majority with services or criminally investigate allegations of forced labor. Moreover, the agency charged with certifying citizens for work abroad, the Bureau of Manpower and Employment Training (BMET), allowed recruitment agencies to exclude from required pre-departure trainings information on human trafficking, specifically how to file a complaint against one's employer or recruitment agency. BMET also forced some migrant workers to arbitrate labor violations with their exploitative recruitment agencies without representation. The government continued to allow employers to charge high recruitment fees to migrant workers and did not consistently address illegally operating recruitment sub-agents, which left workers vulnerable to traffickers. Victim care remained insufficient; officials did not consistently implement victim identification procedures or refer identified victims to care; foreign trafficking victims could not access protective services; and the government did not have shelter for adult male victims.



PRIORITIZED RECOMMENDATIONS:

Significantly increase prosecutions and convictions for trafficking offenses, particularly of labor traffickers and complicit government officials, while strictly respecting due process. • Take steps to

eliminate recruitment fees charged to workers by licensed labor recruiters and ensure employers pay recruitment fees. • Increase investigations and prosecutions of credible allegations of trafficking of Rohingya, including cases that do not involve movement. • Establish and disseminate guidelines for provision of adequate victim care and standard operating procedures (SOPs) for the referral of victims to such services. • Expand services for trafficking victims, especially adult male victims, foreign victims, and victims exploited abroad. • Allow NGOs to provide services to trafficking victims in government shelters without a court order. • Cease requiring adult trafficking victims to obtain a family member's consent before leaving government shelters. • Enhance collaboration with the Inter-Sector Coordination Group and implement measures that protect Rohingya from traffickers. • Enhance training for officials, including law enforcement, labor inspectors, and immigration officers, on identification of trafficking cases and victim referrals to services. • Fully implement and monitor for compliance the registration requirements for recruitment agents and *dalals*. • Improve quality of pre-departure trainings, including sessions on labor rights, labor laws, and access to justice and assistance. • Establish clear procedures for Rohingya to file complaints in the legal system, and train law enforcement and camp management on the procedures. • Improve collaboration with NGOs and civil society for more effective partnership on anti-trafficking efforts, specifically through allowing service providers increased access to assist victims. • Fully implement the 2018-2020 National Plan of Action, including enhancing victim care and operating the anti-trafficking tribunals.

PROSECUTION

The government increased convictions of traffickers but decreased investigations and did not take adequate steps to address internal sex trafficking or official complicity in trafficking, both of which remained pervasive. The 2012 Prevention and Suppression of Human Trafficking Act (PSHTA) criminalized sex trafficking and labor trafficking and prescribed penalties of five years to life imprisonment and a fine of not less than 50,000 Bangladeshi Taka (BDT) ($590). Bonded labor was treated as a separate offense and prescribed lesser penalties of five to 12 years' imprisonment and a fine of not less than 50,000 BDT ($590). These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to train police officers through an anti-trafficking module at the police academy. The government also trained and provided in-kind support to international- and NGO-run trainings for judicial, immigration, and border officials. The government did not report if police and other relevant officials received training on the PSHTA implementing rules, which it disseminated in 2017.

The government investigated 403 cases under the PSHTA (including 29 investigations continued from previous years), prosecuted 312 suspects (256 for sex trafficking and 56 for forced labor), and convicted 25 individuals in nine trafficking-related cases. However, at least one reported conviction was for baby selling, which is not a human trafficking crime under international law. This is a decrease in investigations but increase in convictions from the previous reporting period, when the government investigated 592 cases, prosecuted an unknown number of suspects, and convicted eight traffickers in five cases. The judiciary completed prosecution in 39 cases. Judges acquitted 68 traffickers in 30 cases, convicted 25 traffickers in nine cases, and sentenced 17 of those convicted to life imprisonment. The judiciary did not report the sentences of the other eight convicted. This sentencing is similar to the previous reporting period, when the judiciary imposed life imprisonment in seven of the eight convictions. The government reported 4,407 trafficking cases remained pending investigation or prosecution as of December 2019. In the previous reporting period, the vast majority of cases involved migrant smuggling of Rohingya and Bangladeshis without clear indicators of crimes of trafficking in persons. This year, media continued to report police filed cases under the PSHTA with clear elements of migrant smuggling and without indicators of exploitation in labor or commercial sex. The government acknowledged investigations, prosecutions, and convictions for trafficking remained inadequate compared to the scale of the problem; the conviction rate for suspected traffickers arrested under the PSHTA was 1.7 percent.

Many officials did not understand human trafficking and at times conflated it with migrant smuggling. Some officials continued to deny the existence of internal trafficking, especially child sex trafficking, despite observers recording multiple cases of child sex trafficking in licensed brothels each month. Police and prosecutors did not collaborate during the law enforcement process, which led to delays and the formation of weak cases for prosecution. In cross-border cases, Bangladeshi officials often did not travel abroad to collect evidence and did not have sufficient agreements to receive evidence from foreign governments. Some observers noted it could take police up to eight years after receiving a complaint of trafficking to file the charge sheet necessary to refer the case for prosecution, and trafficking cases took on average 11 years from first report to adjudication. NGOs reported the substantial delay contributed to the dearth of successful investigations and prosecutions because most suspects remained out of jail and could bribe or threaten victims not to testify. The government took steps to establish seven anti-trafficking tribunals stipulated in the PSHTA to exclusively hear human trafficking cases, including appointing seven judges. The women and children's tribunal continued to hear trafficking cases but had insufficient staff and resources to handle the caseloads, and prosecutors lacked expertise in trafficking. Observers stated the government generally did not dedicate sufficient resources to pre-trial investigations and prosecutors persisted with trials to meet the statutorily required timeline of 180 working days for the disposal of cases, even if inadequately prepared. The Bangladeshi High Commission collaborated with the Government of Brunei to revoke the passports of suspected Bangladeshi labor traffickers and deport them to Bangladesh for criminal prosecution. The government continued to allow mobile courts, established under the executive branch, to adjudicate labor violations, human trafficking cases, and migrant smuggling cases. Mobile courts could only prescribe penalties of up to three years' imprisonment—less than the minimum penalty of five years' imprisonment for trafficking offenses under the PSHTA. An NGO expressed concern that some village courts, five-person panels of local government officials and villagers, adjudicated trafficking cases but could only administer financial penalties, and the courts may have subjected victims to intimidation, fraud, and corruption.

Despite continued reports of traffickers exploiting hundreds of Rohingya in forced labor and sex trafficking within Bangladesh, the only Rohingya-related cases reported by law enforcement involved movement via boat—cases that might have been migrant smuggling without elements of trafficking. The government did not establish clear legal reporting mechanisms within the camps, which impeded Rohingyas' access to justice and increased impunity for offenders. Police and international humanitarian actors maintained multiple help desks in several refugee camps to provide legal assistance to female and child refugee victims of crime, but public distrust of police and security services deterred many victims of crime, including trafficking, from approaching law enforcement for assistance. The Bangladeshi High Court did not entertain anti-trafficking cases filed by Rohingya, despite the law allowing Rohingya to file trafficking cases in Bangladeshi courts. International organizations alleged some Bangladeshi officials facilitated trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps.

Official complicity in human trafficking, trafficking-related corruption, and impunity for offenders remained serious concerns, inhibiting law enforcement action during the year. The government was reluctant to acknowledge or investigate such claims. In registered brothels, some police charged bribes to ignore abuse within the establishments, to not check for the required documentation that each worker was older than 18, and to procure fraudulent documents for workers as young as 10 years old. Some labor attachés, local politicians, judges, and police requested bribes from victims and their families to pursue cases. Observers alleged some officials from district employment and manpower offices allegedly facilitated human trafficking, and some traffickers in rural areas had political connections that enabled them to operate with impunity. According to NGOs, some local politicians convinced victims to accept payment from recruitment sub-agents to not report fraudulent or exploitative labor recruitment actions to police. Other observers reported some police conducted slow and flawed investigations to allow traffickers to evade punishment, including when suspects were fellow officers. During the previous reporting period, police reported arresting a law enforcement officer for allegedly forcing two 12-year-old girls into drug trafficking and exploiting them in commercial sex. The government subsequently denied the case.

Because a number of government officials, including parliamentarians, maintained close ties to foreign employment agencies, there were concerns such officials had conflicts of interest in approving migrant-friendly practices, such as prosecution of abusive recruitment agencies and increasing protections for migrant workers. In February 2020, media reported a Bangladeshi parliamentarian bribed Kuwaiti officials to bring more than 20,000 Bangladeshi migrant workers abroad on work visas that stipulated a different job and lower salaries than their contracts, and the parliamentarian then paid the workers the lesser wages or not at all. Media reported that from 2015-2018, Malaysian employment agencies and 10 Bangladeshi recruitment agencies bribed officials and politicians in both countries to create a monopoly on recruitment of Bangladeshi workers. The monopoly increased the recruitment fees charged to workers from 37,000 BDT ($440) to more than 400,000 BDT ($4,710) per person—higher than the government's legal maximum—which increased Bangladeshi migrant workers' vulnerability to debt-based coercion. After two warnings from the Dhaka High Court, the government submitted its investigative report in November 2019, where it awaited hearing. In September 2016, a federal court in New York entered a default judgment against a former Bangladeshi consular officer and his wife and ordered them to pay approximately $920,000 to a Bangladeshi citizen in a civil suit in which the plaintiff alleged violations of the TVPA, as well as federal and state labor laws. The consular officer left the United States and remained in the Bangladesh foreign service as an ambassador. Following an appeal, a revised judgment was issued in May 2018 for approximately $850,000. Parties reached a settlement in May 2019 and voluntarily dismissed the case in June 2019. The plaintiff had alleged experiencing retaliatory actions by the Bangladesh Consulate in New York prior to the settlement. The government did not report taking any action during the reporting period to hold the consular officer accountable.

PROTECTION

The government modestly increased the number of victims identified but maintained severely inadequate victim protection, especially for Bangladesh trafficking victims identified overseas. The government identified 585 potential trafficking victims, an increase from 419 in the previous reporting period but still much lower than the 770 victims identified in 2017. Traffickers exploited the majority of victims identified in forced labor. Organizations identified and provided support to at least an additional 1,456 trafficking victims, including 543 Rohingya identified between December 2018-2019. The Ministry of Home Affairs (MHA), the government's lead agency for combating trafficking, had SOPs for proactive trafficking victim identification; however, the government did not report how widely officials disseminated or used these SOPs. Some police officers used a checklist to proactively identify victims when they came into contact in commercial sex establishments; however, the government did not formally adopt or disseminate the checklist, and its use was inconsistent.

The government did not have a standard, adopted policy to refer victims to services, although it retained a court-order mechanism to do so, and some officials followed an NGO's written guidelines for referral to and provision of care. Authorities could refer trafficking victims to government or NGO shelters. The government referred 74 victims to government or NGO-run shelters and 84 to NGOs for other services, an increase from approximately 25 victims referred in the previous reporting period. NGOs assisted additional trafficking victims. While the government did not provide trafficking-specific services, police operated multiple centers for women and child victims of violence, including trafficking, in each of Bangladesh's eight divisions that offered short-term shelter, medical, and psychological care. With partial funding from a foreign government, the Ministry of Social Welfare (MSW) operated some longer-term shelters for women and child victims of violence, including trafficking victims, which could provide similar care. MSW shelters, however, required a court order referral, and victims could not leave without a family member's consent. The government also required NGOs and international organizations to obtain a court order to contact victims in government shelters to provide further rehabilitation services. Some victims reported abuse within the shelters. Authorities forced some victims who could not obtain family consent to remain in the shelters for as long as 10 years; some victims referred to these homes as "jails." The government did not report how many trafficking victims its police and MSW shelters assisted during the reporting period. Government-run hospitals also had one-stop centers that could assist female victims of crime, although it was unclear if and how officials referred women to these centers. The government generally did not view adult men as trafficking victims. Neither government nor NGO shelters could accommodate male victims, although most NGOs could provide non-shelter services to adult male victims

The government did not allow foreign victims to access government services. NGOs could care for foreign trafficking victims. NGOs could provide two or three days of temporary care to Rohingya trafficking victims in safe homes but then had to return them to refugee camps, where they remained vulnerable to traffickers. The government's NGO Affairs Bureau continued to withhold approval for foreign funding to some NGOs working on some human rights or humanitarian issues, which may have affected provision of services to vulnerable populations, including trafficking victims. The PSHTA entitled victims to protection during judicial proceedings, including police security and allowing victims to provide testimony via video conference. While some victims participated in the investigation and prosecution of their traffickers, the government and NGOs noted insufficient implementation of this provision caused the vast majority of trafficking victims not to participate. While the PSHTA mandated creation of a fund to assist victims in seeking compensation from their traffickers, the government had not created the fund. All trafficking victims could file civil suits seeking compensation. The government reportedly screened for trafficking among individuals before arrest; however, because law enforcement did not uniformly employ SOPs to identify trafficking victims among vulnerable populations, including women in commercial sex, law enforcement may have penalized sex trafficking victims for unlawful acts their traffickers compelled them to commit. For example, NGOs reported law enforcement

raided brothels and arrested foreign women in commercial sex for violation of their visas without efforts to screen for trafficking. NGOs reported some authorities detained and fined trafficking victims in transit for failure to carry a passport and may have deported some victims without screening for trafficking. The government did not provide legal alternatives to the removal of foreign trafficking victims to countries where they might face hardship or retribution.

The government made minimal efforts to assist Bangladeshi sex and labor trafficking victims abroad. MHA and the Government of India continued to revise its 2015 memorandum of understanding (MOU) on trafficking victim identification and repatriation to streamline the process. The governments facilitated, and NGOs funded, repatriation of an additional 100 trafficking victims from India, but the lengthy and complex approval system resulted in some Bangladeshi victims languishing in Indian shelters for up to six years. The Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) maintained 29 labor offices in embassies and consulates overseas to provide welfare services to Bangladeshi migrant workers. International organizations continued to report the labor wings had neither the staffing nor the resources to assist the large number of migrant workers, especially at embassies in the Gulf. MEWOE operated four safe houses abroad for female workers with strong indicators of trafficking who fled abusive employers but did not report how many individuals the shelters assisted. While the government could fund some trafficking victim repatriation, it often took so long that victims funded it themselves and incurred additional debt. MEWOE opened a desk at the airport that provided up to 5,000 BDT ($59) and information on available NGO services to returning female migrant workers, including trafficking victims.

Between January and November 2019, an international organization reported 1,250 female migrant workers returned to Bangladesh from Saudi Arabia, many of whom reported indicators of labor trafficking. Bangladeshi embassies abroad did not identify any as labor trafficking victims, but authorities and NGOs identified some as trafficking victims upon repatriation, as reflected in the total number of victims identified. In addition, the organization repatriated 129 deceased Bangladeshi domestic workers from Saudi Arabia in 2019; the women reportedly died in employment, including 24 cases of suicide. While MEWOE confirmed approximately 2,400 Bangladeshi domestic workers returned from Saudi Arabia during the reporting period alleging numerous indicators of trafficking, including physical and sexual abuse, contract switching, restricted movement, and non-payment of wages, the government only reported assisting 121 total Bangladeshi nationals with repatriation. Additionally, at least 425 Bangladeshi migrant workers from other countries returned with substantial indicators of trafficking during the reporting period. The government occasionally required victims of labor exploitation, including labor trafficking, to remain at embassies overseas to pursue a civil case against their employer; many victims wanted to return home and thus could not pursue cases. The government did not file any trafficking cases in destination countries. Some officials blamed victims for their own labor trafficking, claiming workers were "unprepared." The government relied on NGOs to support victims upon repatriation. Overseas Bangladeshi workers who secured their employment through MEWOE could lodge complaints with MEWOE to seek restitution for labor and recruitment violations, including allegations of forced labor, through an arbitration process. However, trafficking-related corruption impeded the process, and it often yielded minimal awards. At least one NGO reported BMET, which facilitated the arbitration, prohibited NGO advocates from accompanying migrant workers, which forced workers to arbitrate claims alone against both powerful recruitment agencies and BMET. MEWOE reported it settled complaints against 214 recruitment agents in 2019 that compelled them to pay 34.4 million BDT ($404,710) total to 352 migrant workers, compared to settlement of 660 cases that awarded 25.7 million BDT ($302,350) in compensation to workers in 2018; it did not report if any complaints involved forced labor. Because the government did not initiate criminal investigations into migrant workers exploited abroad and civil remedies remained inadequate, civil society organizations ran alternate dispute resolution systems to assist labor trafficking victims in obtaining some financial remedies.

PREVENTION

The government maintained efforts to prevent trafficking. The government continued implementing its 2018-2022 anti-trafficking national action plan. While it increased collaboration with civil society, it also relied on civil society to fund and implement large portions of the plan, including broader development objectives. MHA continued to lead the inter-ministerial anti-trafficking committee, which met bi-monthly. Contacts reported interagency collaboration remained weak between ministries and suggested, as provided for in the PSHTA, creation of a standing national authority to coordinate anti-trafficking efforts. In contrast with previous years, MHA no longer made publicly available its anti-trafficking law enforcement data or annual report on human trafficking. In September 2019, Bangladesh acceded to the 2000 UN TIP Protocol.

The 2013 Overseas Employment and Migrants Act (OEMA) criminalized fraudulent recruitment and unlawful recruitment fees; however, these provisions still permitted the government to set legal recruitment fees at rates between 85,000 and 262,000 BDT ($1,000 and $3,080), high enough to render many migrant workers indebted and vulnerable to trafficking through debt-based coercion. A research organization reported that in 2018, Bangladeshi migrant workers traveling to Saudi Arabia on average paid more than 450 percent of the government's fixed recruitment price for the total labor migration process. According to the research, the government's fixed recruitment fee for Saudi Arabia was equivalent to a Bangladeshi worker's salary for five-and-a-half-months, and workers in reality paid fees equivalent to more than two years of salary. During the reporting period, MEWOE began discussions with the Government of Saudi Arabia to increase the number of Bangladeshi migrant workers in the Kingdom. The Bangladesh Association of International Recruiting Agencies (BAIRA) oversaw 1,186 licensed labor recruitment agencies. Its vigilance task force continued operations against corrupt recruitment agencies, travel agencies, and illegal and unregulated sub-agents who operated in rural locations and connected prospective migrant workers to licensed employment agencies. MEWOE suspended 162 recruitment agencies for operating in violation of the law, including breach of employment contracts and recruitment regulations. Authorities referred some of the recruitment agents to mobile courts, which convicted 28 individuals for labor trafficking-related offenses under the 2013 OEMA, including sending migrant workers abroad unlawfully, charging unlawful recruitment fees, and fraudulent recruitment. Mobile courts prescribed fines or imprisonment; fines were inadequate penalties to deter the crime. In 2018, mobile courts convicted 11 individuals, although it was unclear in both years how many cases contained elements of trafficking in persons.

In February 2020, in acknowledgement of the absence of a legal framework to regulate , including those who fraudulently recruited migrant workers for exploitation or used unlawful recruitment fees, the government began requiring all recruitment agents to request permission from MEWOE before appointing any . It was unclear how MEWOE would monitor existing or new agents for compliance. BAIRA acknowledged migrant workers frequently paid fees in addition to the legal amount BAIRA agents charged

before the worker began the formal recruitment process. *Dalals* also also directly connected workers to overseas jobs by providing fake visas and other documentation, and in some cases, incorrect information about the migration process and the job in the destination country. Observers stated a migrant worker's financial situation often determined job placement, not his skills or abilities, and migrant workers frequently paid as much as five times more than the government's maximum fee level. The government continued to have a number of bilateral labor agreements, in part intended to protect Bangladeshi workers abroad, although there was no evidence the government enforced the MOUs. The government continued to require pre-departure training, including safe migration and anti-trafficking components, for some migrant workers, including a 30-day pre-departure training course for female domestic workers. The government offered safe migration information through numerous district employment and manpower offices and training centers. However, it was unclear how many migrants were aware of these services and accessed them before traveling abroad. BMET, the government agency responsible for preparing and certifying outbound Bangladeshi workers, allowed some recruitment agencies to prohibit briefings on topics "against recruiting agencies' interests."

Labor inspectors had responsibility for monitoring workplaces and reporting allegations of forced and child labor to police for criminal investigation. While international organizations estimated 93 percent of child labor—including forced child labor—took place in the informal sector, inspectors did not monitor the informal sector. Staffing and resources to inspect for labor violations, including forced and child labor, remained severely inadequate, and inspectors exclusively conducted announced inspections, which gave employers time to hide children or exploitative conditions. In 2018 and 2019, inspectors filed 42 cases against employers for the worst forms of child labor; they did not report if they also referred these cases to police for criminal investigation. The government continued to conduct national awareness campaigns through print media, television, and text messages, and through its local counter-trafficking committees, at times in partnership with NGOs. The government maintained several helplines to report crime; during the reporting period, the helplines received and police identified trafficking victims in 27 cases.

The government continued to allow international organizations and NGOs to provide some assistance to refugees. Notably, in January 2020 the government endorsed an international organization's pilot program to introduce the Burmese national curriculum to some Rohingya aged 11-13 in refugee camps, allowing them access to some schooling. However, it continued to bar Rohingya from formal schools, working legally, and restricted their movement. In addition, it continued to suspend birth registration for both Bangladeshis and Rohingya in four municipalities, all of which increased vulnerability to trafficking. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers and provided anti-trafficking training for its diplomatic personnel. The government began criminally investigating one repatriated peacekeeper for alleged child sexual exploitation in Haiti in 2017, which the UN had substantiated in the previous reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The government did not make efforts to reduce the demand for child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, traffickers exploit domestic and foreign victims in Bangladesh, and traffickers exploit victims from Bangladesh abroad. Traffickers exploit some Bangladeshi men, women, and children who migrate willingly to work in the Middle East and Southeast Asia, especially Brunei, Malaysia, and the Maldives, in forced labor. Traffickers also exploit Bangladeshis in forced labor in South Asia, Southern and Eastern Africa, Europe, and the United States. Many Bangladeshis migrate for work each year through illegal channels and traffickers target them. Before departure, many workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to BAIRA and illegally by unlicensed sub-agents; this places workers at risk of debt-based coercion. Some recruitment agencies, agents, and employers also commit recruitment fraud, including contract switching; this includes promising women and children jobs and exploiting them in sex trafficking upon arrival. In recent years, authorities identified more than 100 Bangladeshi male forced labor victims in construction in Vanuatu, and officials received thousands of complaints of non-payment of wages and contract switching among the 30,000 Bangladeshi migrant workers in Brunei. More than 69,000 of the 234,000 Bangladeshi workers in Maldives are undocumented, and some report passport retention, underpayment or non-payment of wages, and fraudulent recruitment. In Saudi Arabia, traffickers exploit in labor trafficking a substantial number of the hundreds of thousands of Bangladeshi female domestic workers. Officials report that recently approximately 200 domestic workers return to Bangladesh from Saudi Arabia each month with indicators of forced labor.

Traffickers exploit Bangladeshi women and girls in sex trafficking abroad, including in India, Pakistan, and Gulf countries. Traffickers have sold some women who migrated through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work into forced labor and sex trafficking in Syria. Some Chinese traffickers force Bangladeshi women, specifically indigenous women from Chittagong Hill Tracts, into sex trafficking and labor in domestic work through arranged marriages. Some traffickers falsify identity documents to make children appear older than age 18 to send them abroad. Gulf countries, including Saudi Arabia and Kuwait, deported hundreds of undocumented Bangladeshi workers during the reporting period, some of whom employers had coerced into forced labor and caused their documents to expire.

Traffickers continue to exploit adults and children from all regions of the country in Bangladesh's legal brothels, many illegal brothels, and private hotels. Traffickers use false promises of work to lure poor women and children into sex trafficking and fabricate exorbitant debts the women and girls as young as 10 must work to repay. Child sex trafficking remained widespread; experts estimate 20,000 children are both growing up in and exploited in commercial sex in Bangladeshi brothels. Many women and girls reported it was after they had fled abusive child marriages between the ages of 12 and 14 that traffickers preyed on them and sold them to brothels. Other women reported they had grown up in brothels because their mothers had worked in commercial sex, and the brothel owners had put them in commercial sex when they were children. In some registered brothels, owners force children to take steroids to appear older. In legal brothels, some police charge bribes to ignore abuse within the establishment, to not check for the required documentation that each worker is older than 18, and to procure fraudulent documentation for minors as young as 10 years old. Some traffickers force sex trafficking victims to become addicted to drugs and use addiction to keep them in sex trafficking and forced criminality. Traffickers sexually exploit street children in exchange for food, shelter, protection, and money.

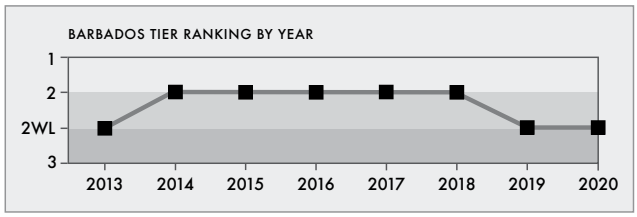
Traffickers often used debt-based coercion to compel workers into labor, exploiting an initial debt assumed by a worker as part of the employment terms. Traffickers force adults and children to labor in the shrimp and fish processing industries, aluminum and garment factories, brick kilns, dry fish production, and

shipbreaking. Traffickers force children younger than 14 into labor in domestic work, including through restricting their movement and torture. In 2018, a survey by an international organization found more than 400,000 children in domestic work in Bangladesh. Bangladeshi children are at risk for forced labor in tanneries. Traffickers coerce street children into criminality or force them to beg, and begging ringmasters sometimes maim children to increase earnings. Traffickers force children, especially in border areas, to produce and transport drugs, especially *yaba*. Traffickers use coercive debts to force Bangladeshi families and Indian migrant workers to labor in brick kilns, shrimp farming, and on tea estates. Some kiln owners sell bonded females into prostitution purportedly to recoup the families' debts. NGOs allege some officials allow human traffickers to operate at India-Bangladesh border crossings and maritime embarkation points. The North Korean government may have forced North Koreans to work in Bangladesh.

Bangladesh hosts more than one million undocumented Rohingya in refugee camps and host communities in Cox's Bazar near the Burmese border and other parts of the country, approximately 700,000 of whom arrived after August 2017. Traffickers exploit Rohingya men, women, and children from refugee camps in sex and labor trafficking both within Bangladesh and transnationally. Traffickers transport Rohingya girls within Bangladesh to Chittagong and Dhaka and transnationally to India, Malaysia, and Nepal for sex trafficking, sometimes using false promises of jobs or marriage; some traffickers "trade" these girls over the internet. Local criminal networks take Rohingya women from refugee camps at night, exploit them in sex trafficking, and bring them back to the camps during the day. International organizations allege some Bangladeshi officials facilitate trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps. Rohingya girls and boys are recruited from camps and forced to labor as shop hands, fishermen, rickshaw pullers, and domestic workers. Some Bangladeshi fishermen use debt-based coercion to exploit Rohingya men if they place their shelter on the fishermen's land. Some Rohingya men who fled to Bangladesh from Burma decades ago have been trapped in forced labor through debt-based coercion to Bangladeshi fishermen for decades. In the recent past, some traffickers sold into forced labor Rohingya and Bangladeshi migrants, who traveled by boat to Southeast Asia and could not pay ransoms. Multiple NGOs and humanitarian officials assess Rohingyas' statelessness and inability to receive formal schooling or work legally has increased their vulnerability to traffickers. International organizations allege some Bangladeshi officials facilitate trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps. Foreigners create demand for child sex tourism, including exploitation of Rohingya girls near Cox's Bazar.

BARBADOS: TIER 2 WATCH LIST

The Government of Barbados does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included completing an anti-trafficking manual on assisting and interviewing victims, formally reinstating the anti-trafficking task force, and increasing training for law enforcement and child care officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not identify any victims in the past three reporting periods, reported no new prosecutions since the enactment of the 2016 anti-trafficking law, and has never secured a trafficking conviction. The government did not complete the national action plan begun in 2016. The government's anti-trafficking law did not provide penalties that were commensurate with other serious crimes. Therefore Barbados remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Institutionalize victim identification and referral training for law enforcement officials, prosecutors, and judges to recognize trafficking indicators and implement the anti-trafficking law. • Proactively screen vulnerable groups, including children and migrants, for trafficking indicators and identify victims among these populations. • Vigorously investigate, prosecute, and convict traffickers with adequate sentences, including substantial imprisonment. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Allocate adequate funding to support government agencies' anti-trafficking activities. • Implement the anti-trafficking manual and train law enforcement on identifying, referring, and protecting potential trafficking victims. • Develop, fund, and implement a national action plan for 2020 onwards to combat trafficking. • Increase the transparency of government efforts to combat trafficking, including by sharing relevant data with international partners. • Ensure that the anti-trafficking task force resumes active meetings and that recommendations are disseminated to governmental and civil society leadership. • Provide trafficking victims, including potential victims, with adequate accommodations and access to trauma-informed service providers. • Increase awareness of human trafficking among the public. • Approve and implement the Mandatory Reporting Protocol on Child Abuse. • Amend the Recruiting of Workers Act to specify the government agency responsible for enforcement functions. • Systematically monitor and assess national anti-trafficking efforts, making public the results.

PROSECUTION

The government decreased prosecution efforts. The Trafficking in Persons Prevention Act (TIPPA) criminalized sex trafficking and labor trafficking. The penalties prescribed for adult trafficking were up to 25 years' imprisonment, a fine of up to one million Barbados dollars (BDS) ($495,050), or both. The penalties prescribed for child trafficking were up to life imprisonment, a fine of up to two million BDS ($990,100), or both. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the prescribed punishment for sex trafficking was not commensurate with those for other serious crimes, such as rape. Immigration and police officials jointly investigated two individuals, one from Sri Lanka and one from Canada, at the international airport, compared with two investigations in 2018, five in 2017, and three in 2016. The government did not report initiating prosecutions under the TIPPA during the reporting period; the government has not reported initiating any prosecutions since a case begun in 2013, which is still pending. The government has never convicted a trafficker. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The government previously acknowledged limited instances of men purchasing children for commercial sex, which is a form of sex trafficking; however, it did not report investigating any such cases as trafficking crimes. The police Sex Crimes and Trafficking Unit trained 100 front-line officers and 30

police recruits at the police training center with the assistance of an international organization during the reporting period. In March, 40 officials from immigration, police, customs and excise, prison, the Barbados Defense Force, Coast Guard, the Director of Public Prosecutions, and the Office of the Attorney General participated in a five-day training on trafficking in persons hosted by an international organization.

PROTECTION

The government maintained minimal efforts to protect victims. The government did not identify a single trafficking victim, compared with no victims identified in 2017 and 2018, eight victims identified in 2016, and 12 in 2015. Officials reported screening 30 vulnerable individuals for trafficking during the reporting year; this was a decrease from 60 individuals screened in 2018. The government did not report wider attempts to screen vulnerable individuals, including children, for trafficking indicators. An expert from the UN Committee on the Rights of the Child noted in 2017 that Barbados was a transit country for trafficked exploited children, and the government was doing little to address the problem; there was no indication this situation had changed. The government did not report any activities of the National Committee for Monitoring the Rights of the Child, which was responsible for outreach on protections for children, including against sex trafficking.

Both the police and immigration use standard operating procedures (SOPs) to interview potential victims. The government reported that the SOPs were updated during the reporting period to take into account changing trafficking modes; the revised SOPs were pending government approval at the end of the reporting period. Officials reported ongoing monitoring of the international airport for vulnerable individuals displaying trafficking indicators during the reporting period. A formal referral process for government authorities and NGOs existed for victim care, as required by law, and the Gender Affairs Bureau was the designated government coordinator for local NGO assistance to victims. There was no specialized shelter for trafficking victims on Barbados. Female trafficking victims and their dependents could reside at an NGO-operated women's domestic shelter; however, this shelter did not have the resources for, and previously struggled to assist, trafficking victims. The government had a separate agreement with an NGO to provide accommodations to male victims. The children's care board could provide care for any identified child victims.

The government maintained an informal policy allowing foreign victims to receive temporary legal status as an alternative to their removal to countries where they face hardship or retribution by traffickers. The Minister of National Security could authorize victims, on a case-by-case basis, to remain and work in the country; however, the government did not report granting this status during the reporting period, as it identified no victims. The TIPPA authorized the government to provide safeguards for victims' identities and those of their families, issue work permits, and provide transportation and security during legal proceedings. Government policy permitted victims to leave the country and return for hearings; it was not clear when these policies were last used to encourage victim testimony. The TIPPA allowed courts to order restitution from a trafficker after a conviction; however, no victims received restitution during the reporting period. The government completed an anti-trafficking manual outlining procedures for law enforcement or immigration to use when interviewing and assisting suspected trafficking victims. The Sex Crimes and Trafficking Unit led human trafficking sensitization training for 15 child care officers.

PREVENTION

The government maintained minimal prevention efforts. The government formally reinstated the National Task Force On Human Trafficking (task force) in January. The attorney general led the restored task force, composed of heads of 10 government ministries and civil society representatives. According to government reports, the task force did not hold regular meetings during the reporting period, although it coordinated trainings and lectures with the public. The task force reported that it was drafting the 2016-2020 national action plan—a process that began in 2016. The government conducted human trafficking sensitization lectures to 40 staff members of a major hotel group and 50 female members of a local NGO from two towns during the reporting period. Officials conducted a sensitization session for 30 children in aspects of child trafficking in an educational holiday camp. The labor department regulated recruitment agencies under the Recruiting of Workers Act; however, the law did not identify the responsible agency for the associated enforcement functions.

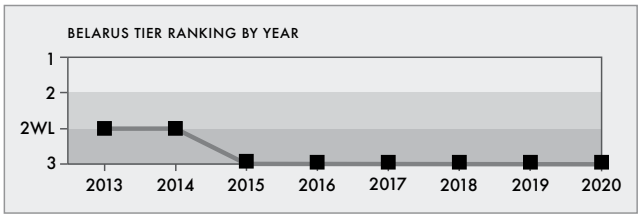
Officials coordinated public awareness sessions, although budget constraints may have hampered efforts. The government did not report whether it had approved the Mandatory Reporting Protocol on Child Abuse, which addresses child labor conditions, employers' legal responsibilities, and employee rights. The government did not report whether the labor department monitored vulnerable workers, including migrants frequently hired in the construction and agriculture sectors, for trafficking indicators. Government agencies conducted trafficking awareness seminars for 110 members of the public during the reporting period. The government did not report continuing its anti-trafficking training for its diplomats, first instituted in 2018. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Barbados. Observers report traffickers exploit foreign women in sex trafficking in Barbados. Documented and undocumented migrants from Guyana, Haiti, Jamaica, and Venezuela are at high risk for trafficking, although individuals from Colombia, the Dominican Republic, and St. Vincent and the Grenadines are increasingly vulnerable. There are anecdotal reports of parents and caregivers exploiting children in sex trafficking. Previously, traffickers operated as part of an organization; more recently, they appear to operate individually. Authorities have noted an increase in use of social media as a means of recruiting victims.

BELARUS: TIER 3

The Government of Belarus does not fully meet the minimum standards for the elimination of trafficking because of a government policy or government pattern of government-sponsored forced labor in public works projects and the agricultural sector; therefore Belarus remained on Tier 3. However, the government increased efforts to address trafficking, including convicting traffickers under its trafficking statute for the first time in eight years, increasing training for law enforcement, and confirming significantly more victims. The government continued to require the participation of factory workers, civil servants, and students in harvesting on state-owned farms or in street cleaning. University students were threatened with the loss of subsidized housing for non-participation.



PRIORITIZED RECOMMENDATIONS:

Reform government policies to end all forms of state-sponsored forced labor that result in civil servants, students, and citizens being subjected to forced labor. • Amend or repeal the penal provisions in sections 193(1), 339, 342, 367, 368 and 369(2) of the criminal code to clarify that no penalties involving compulsory labor may be imposed for the peaceful expression of political views. • Continue to increase efforts to investigate and prosecute cases of forced labor and sex trafficking and forced labor under Articles 181 and 181-1. • Increase resources devoted to trafficking victim assistance and protection within Belarus in such a manner that improves effectiveness, including for state-owned territorial centers for social services and for NGOs. • Increase funding for services that provide child sex trafficking victims with services specialized to their needs and continue to refer all identified victims to care facilities. • Continue to expand trainings for all relevant officials on the national identification and referral mechanism. • Continue to proactively screen all vulnerable groups, including migrants and individuals in commercial sex, for indicators of trafficking. • Increase labor inspections to identify internal forced labor. • Allocate sufficient resources for the full implementation of the national referral mechanism.

PROSECUTION

The government increased law enforcement efforts. Article 181 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from five to seven years' imprisonment and forfeiture of assets for offenses involving adult victims and seven to 15 years' imprisonment and forfeiture of assets for those involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government reported four trafficking investigations in 2019 under Article 181, compared with six in 2018, and one per year from 2014 to 2017. Authorities did not initiate any investigations under Article 181-1, which criminalized the use of forced labor, compared with four cases in 2018 and one case in 2017. The government initiated four trafficking prosecutions under Article 181, compared with six in 2018, and one each year from 2015 to 2017. The government convicted three traffickers under Article 181; the last conviction was in 2012. Courts sentenced each of the three convicted traffickers to 20 years' imprisonment. The government reported details of one additional conviction for sexual exploitation under Articles 171 and 171-1; the trafficker received five years and six months' imprisonment plus a fine. The government reported investigations and convictions under other articles that contained elements of trafficking, but it did not provide sufficient details to determine if the reported statistics related to sexual exploitation met the definition of trafficking under the TVPA. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The Main Department for Drug Control and Combating Trafficking in Human Beings led law enforcement efforts. The government increased law enforcement training during the reporting period. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement, which utilized the International Training Center for Migration and Combating Trafficking in Human Beings, a joint effort between the Government of Belarus and an international organization.

PROTECTION

The government increased victim protection efforts in some areas. The government identified 128 confirmed trafficking victims and nine potential victims, compared with 142 confirmed victims in 2018 and 131 in 2017. Of the 128 confirmed victims the government identified in 2019, 125 victims, including 30 children, were exploited in sex trafficking and three victims exploited in forced labor. Traffickers exploited 105 of the confirmed victims in sex trafficking or forced labor in Belarus and 23 abroad. The government reported referring 48 victims to NGOs for reintegration services, compared with 54 in 2018 and 60 in 2017.

The Ministry of Interior initiated amendments to the national referral mechanism, which will formally establish a multidisciplinary approach to victim rehabilitation. The government reported law enforcement officials referred 54 confirmed and potential victims to international organizations and NGOs for care, compared with 68 in 2018. The government reported 251 potential victims formally applied for victim status with law enforcement or NGOs, and it approved 128 applications. The government reported increased screening of individuals arrested for commercial sex for trafficking indicators and exempting them from any legal liability; the government identified 101 individuals forced into commercial sex in 2019.

The government provided in-kind assistance to anti-trafficking NGOs in the form of facilities for seminars, conferences, and training; expedited approval of projects and grants; and tax-exempt status. NGOs and an international organization provided the majority of victim assistance; however, the government did not provide financial support for NGOs. The government's assistance mechanism continued to be underutilized and suffered from burdensome bureaucratic requirements, delays in service delivery, and inconsistent quality of service. NGOs identified and assisted 91 trafficking victims in 2019, compared with 130 in 2018; 33 victims were female and 58 were male, 59 were trafficked for forced labor, 21 were sex trafficked, and the remainder unspecified. The majority of the victims (52) were exploited in Russia, while 30 were exploited internally in Belarus. NGOs reported a variance in the degree of cooperation with regional law enforcement. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 136 "crisis rooms" (132 rooms in 2018) that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of trafficking, regardless of nationality; the government reported one trafficking victim used these facilities. Observers continued to report most victims sought assistance at private shelters because the government's centers were poorly equipped and lacked qualified caregivers trained in trafficking. The education ministry maintained at least 138 centers that could provide vulnerable children with shelter and basic provisions, including 103 orphanages. An NGO continued to assist with operating child friendly rooms for interviews, the provision of assistance, and reintegration services at 18 of these centers; however, similar to past years, no child trafficking victims received services at these facilities, despite the government identifying child sex trafficking victims.

PREVENTION

The government maintained efforts to prevent trafficking. The minister of interior served as the national rapporteur on trafficking issues and coordinated implementation of the 2017-2019 State Program on Countering Crime and Corruption, which included anti-trafficking activities. Interdisciplinary bodies, composed of

representatives from law enforcement, education, healthcare, labor, and social welfare sectors, judiciary, media, clergy, and civil society, met on an annual basis to discuss implementation of the national referral mechanism. Anti-trafficking cooperation at the regional level was established through memoranda of cooperation with each region; regional interdisciplinary working groups convened and included representation from government agencies, NGOs, an international organization, media, attorneys, and religious groups (as observers). The government adopted a national action plan for the protection of minors from sexual violence and exploitation; implementation began in the first quarter of 2020. The activities in the action plan were also included in the 2020-2022 Program to Combat Crime and Corruption. The government conducted public awareness campaigns through television, radio, and print media and provided in-kind assistance to NGOs' campaigns in the form of advertising hotlines, production assistance, and placement of awareness-raising materials on state-owned television, radio, and billboards. MOI continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices and routed trafficking calls to specialized NGOs. For the third consecutive year, the government did not investigate or file charges related to illegal recruitment in 2019, compared with 50 companies charged in 2016. The authorities did not conduct labor inspections; efforts remained inadequate to enforce and deter violations. The government continued to lead and participate in multilateral anti-trafficking activities to include coordinating the Group of Friends United against Human Trafficking at the UN, which included 23 participating countries and drafting the unanimously adopted general assembly resolution on "Improving the coordination of efforts against trafficking in persons." The government continued to report efforts to reduce the demand for commercial sex acts.

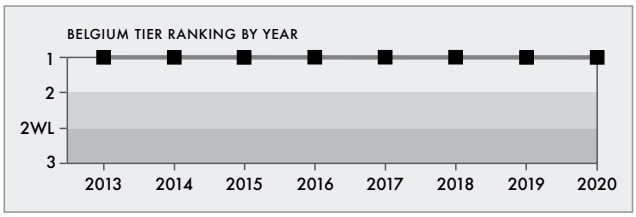
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Belarus, and traffickers exploit victims from Belarus abroad. Data collected by NGOs suggests the majority of trafficking victims are men subjected to labor exploitation, primarily in Russia. Belarusian victims are trafficked primarily in Belarus and Russia, as well as in Poland, Turkey, and other countries in Eurasia and the Middle East. Some Belarusian women traveling for foreign employment in the adult entertainment and hotel industries are subjected to sex trafficking. The government has identified Belarusian, Moldovan, Russian, Ukrainian, and Vietnamese victims exploited in Belarus.

A government policy or government pattern of state-sponsored forced labor continued during the reporting period. The government continued the practice of *subbotnik*s, which the law mandates to be voluntary service days. The government called for a national-level *subbotnik* during the reporting period; regional authorities organized as least one *subbotnik*; in lieu of payment to employees for work performed, the government allocated their wages to finance government projects. In 2018, the UN Special Rapporteur on the Situation of Human Rights in Belarus, in his report to the Human Rights Council, reported authorities disguise as strong encouragement, an obligation for factory workers, civil servants, and school children to participate in harvesting on state-owned farms or in street cleaning. The UN Special Rapporteur did not report on *subbotnik*s in his 2019 report. Experts have reported authorities threatened individuals who refused to work with fines or unpaid premium compensation. Authorities have required university and high school students to participate, without compensation, in public works projects; in rural areas, they may also help farmers during the harvest season. University students who fail to participate risk the loss of housing in subsidized dormitories or penalization during exams. The ILO Committee of Experts noted its continued concern in 2019 that, although there have been no recently reported cases, some provisions of the Belarusian criminal code, which included forced labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government.

BELGIUM: TIER 1

The Government of Belgium fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Belgium remained on Tier 1. These efforts included investigating, prosecuting, and convicting traffickers; identifying significantly more victims; approving a new shelter for child sex trafficking victims; cooperating with foreign governments to prosecute suspected traffickers; and drafting a new national action plan. Although the government meets the minimum standards, authorities did not always follow the referral protocol for child victims, and identifying child victims remained a persistent weakness. The government continued to report inconsistent law enforcement data.



PRIORITIZED RECOMMENDATIONS:

Train first responders on the child victim identification and referral protocol. • Continue to approve and fund the creation of new dedicated shelters for child trafficking victims. • Allocate regular and timely funding for NGO-run shelters for trafficking victims and increase resources to assist unaccompanied child victims. • Investigate and prosecute traffickers, sentence convicted traffickers to significant prison terms, and ensure convicted traffickers serve those terms in practice. • Implement trauma-informed and victim-centered procedures during trial proceedings to minimize the risk of re-traumatization and ensure all victims, not just those under threat of physical violence, have access to witness protection services. • Separate participation in the criminal justice process from receipt of victim services. • Coordinate and centralize the collection of timely trafficking data across the government to effectively analyze efforts. • Increase legal representation for victims and expand access to victim compensation to include those victims exploited by means other than physical violence. • Revise the definition of human trafficking under Belgian law to more closely align with the definition in the 2000 UN TIP Protocol.

PROSECUTION

The government maintained law enforcement efforts. Belgium criminalized sex and labor trafficking through a 2005 amendment to the 1995 Act Containing Measures to Repress Trafficking in Persons, which prescribed penalties of one to 15 years' imprisonment and a fine of €500 to €50,000 ($560 to $56,180) for offenses involving adult victims, and 10 to 20 years' imprisonment and a fine of €1,000 to €100,000 ($1,120 to $112,360) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as kidnapping. Belgium's definition of trafficking in persons was broader than the definition in the 2000 UN TIP Protocol. Inconsistent with the definition of trafficking

under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. Additionally, the failure of an employer to meet the prevailing wage and working conditions can constitute "exploitation" under Belgian law, and the government included these cases in its prosecution data. GRETA reported the overly broad definition could lead to confusion between trafficking and other criminal offenses and possible difficulties in mutual legal assistance with foreign governments that used a definition more consistent with the UN TIP Protocol.

The government did not report law enforcement data consistently from year to year, making it difficult to assess its law enforcement efforts. Authorities investigated 374 cases in 2019, compared to 309 cases in 2018 and 326 in 2017. The government prosecuted an unknown number of defendants in 73 cases in 2019; it prosecuted 339 defendants in an unknown number of cases in the first six months of 2018. Authorities reported 126 convictions in 2018, the most recent year for which data was available, compared with 93 in 2017. The government reported it sentenced 118 convicted traffickers to prison terms ranging from one to 10 years in 2018; of these, 53 were suspended or partially suspended sentences. Of the prison sentences issued, including those that were suspended or partially suspended, 13 were for less than one year, 58 were for one to three years, 30 were for three to five years, and 17 were for five to 10 years. Despite recommendations from GRETA in both of its evaluation reports, in 2013 and 2017, the government continued to lack a coherent system to collect law enforcement and victim data for trafficking cases, which hindered its ability to track and evaluate law enforcement and victim protection efforts. Each judicial district appointed a magistrate to specialize in trafficking and serve as a resource to the district. The government's national training center provided basic trafficking training to federal police officers, as well as advanced training for officers specializing in cases of labor and sexual exploitation. The government mandated trafficking trainings for judicial officials who were on the career track to become magistrates and who may eventually become judges. Social security inspectors and social and housing inspectors in Brussels received trafficking training. The government participated in international investigations, including a joint investigation with Romanian and Dutch authorities that led to the arrest of two traffickers (one in Belgium and one in Romania) for exploiting women in sex trafficking in the Netherlands. Authorities also cooperated with Swiss authorities to extradite a suspected sex trafficker from Switzerland to Belgium. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government increased efforts to protect victims. In 2019, the government identified and assisted 265 victims (including 143 victims of labor exploitation, 92 victims of sexual exploitation, and 30 victims of other forms of exploitation), a significant increase compared to 139 victims in 2018 (including 80 victims of labor exploitation, 38 victims of sex exploitation, and 21 victims of other forms of exploitation). Due to the broad definition of labor exploitation under Belgium's anti-trafficking law, data on the identification of labor trafficking victims may have included cases that do not constitute trafficking crimes under international law. First responders followed a national victim referral protocol to identify victims and refer them to care, and the government distributed victim identification guidelines to relevant stakeholders across the government and NGO community. Law enforcement identified the majority of victims during inspections, although social workers, immigration officials, and NGOs also referred victims to government-funded shelters for assistance. The national rapporteur, however, reported persistent challenges in accurately identifying child victims. Many authorities who did not specialize in trafficking cases reportedly could not recognize trafficking indicators and confused child trafficking with other crimes such as smuggling and child abuse. Authorities sometimes failed to follow the victim referral protocol and did not properly notify child protective services when they identified an unaccompanied child victim. In one case, police informed local authorities in Brussels about a possible case of child sex trafficking; however, despite knowing the location of the victim, several months passed before they arrested the traffickers and protected the victims. The government did not report providing training to authorities on victim identification.

The government funded three specialized NGO-run shelters and allocated approximately €427,000 ($479,780) for each shelter in 2019, compared with €426,000 ($478,650) in 2018; the shelters also received funding from regional and local governments. NGO-run shelters provided psycho-social, medical, and legal care, and were open to all adult victims regardless of gender, immigration status, or nationality. The independent Federal Migration Centre (Myria), in its capacity as the national rapporteur, provided oversight and coordination for the shelters. Authorities placed child trafficking victims in government-funded shelters for unaccompanied minors or in facilities with victims of other crimes. In December 2019, the government announced it had approved an NGO proposal to open a shelter specifically for female child sex trafficking victims, which the organization expected would open in 2021. GRETA reported the government's child safety services lacked sufficient capacity to accommodate unaccompanied child victims. Shelters for unaccompanied minors reported many children went missing from the shelters each year, some of whom may have been victims of trafficking; in 2019, the agency responsible for these shelters reported 1,072 children as missing.

The government conditioned its victim assistance services on three criteria: victims had to break off all contact with their trafficker, agree to counseling at a specialized shelter, and assist in the prosecution of their trafficker. During criminal proceedings, witness protection laws provided only those victims under the physical threat of violence or living abroad options to testify via video. Child victims had a specific provision that allowed courts to permit video testimony. Identified victims were eligible for a 45-day reflection period during which they could decide whether to assist law enforcement; foreign victims who did not agree to these conditions must return to their country of origin. The government granted foreign victims who participated in investigations and prosecutions three-month residence and employment permits and protective services. If a public prosecutor confirmed the individuals were trafficking victims, they could receive a six-month residence and work permit, renewable until the end of the criminal case. Victims who were not citizens of EU member states could obtain permanent residency only upon the successful prosecution and sentencing of traffickers. Observers noted the conditions the government attached to victim assistance were difficult for many victims to meet, especially in the case of child victims. Few child victims received residence permits, and GRETA expressed concern that residency for non-EU child victims was contingent upon cooperation with law enforcement instead of factors relating to the best interest of the child. The government did not report how many residence permits it issued or renewed for trafficking victims in 2019, compared with 248 in 2018 and 235 in 2017. Victims could claim compensation at local courts, but many victims found it difficult to prove their case involved the required intentional act of physical violence. The high costs of legal representation discouraged victim cooperation in criminal and civil proceedings. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, gaps in identification efforts, such as with child victims, made these victims vulnerable to such penalization. Additionally,

foreign victims were only granted relief from deportation or other penalties if they assisted in the prosecution of their trafficker.

PREVENTION

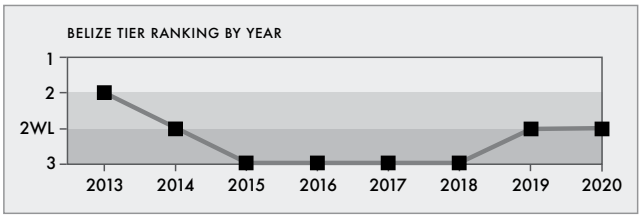
The government maintained efforts to prevent trafficking. The Interdepartmental Coordination Unit coordinated government-wide anti-trafficking efforts and monitored the implementation of the national action plan for 2015-2019. The Ministry of Justice chaired the unit, which included key government ministries and agencies, as well as representatives of the three government-funded shelters and Myria. Myria served as the secretariat for the unit and as the independent national rapporteur, and it produced its own annual report on governmental anti-trafficking efforts. The government drafted a new national action plan, but the caretaker government lacked the authority to release it by the end of the reporting period. The government conducted several awareness campaigns aimed at front-line professionals such as hospital staff and social workers and participated in international awareness campaigns organized by regional and international organizations. The government continued a widely used program that subsidized the wages of maids and domestic workers and criminalized exploitative practices such as the confiscation of passports and contract switching. The government maintained a system to prevent the exploitation of domestic employees of foreign diplomats. Awareness-raising flyers were available in the consular sections of Belgian embassies and consulates abroad. The government did not make efforts to reduce the demand for commercial sex acts; the government made efforts to reduce the demand for participation in international sex tourism by its citizens, including by prosecuting its citizens for participating in child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, sex and labor traffickers exploit foreign and domestic victims in Belgium. Foreign victims come primarily from Asia (including China, India, and Thailand), Eastern Europe (especially Albania, Hungary, Romania, and Ukraine), and North and Sub-Saharan Africa (primarily Morocco and Nigeria). Sex traffickers exploit Belgian girls, some of whom are recruited by local traffickers, and foreign children including Roma and Nigerian girls, who are recruited through extensive trafficking networks in Nigeria. Traffickers recruit girls from Eastern Europe on social media by posing as potential romantic partners. Belgian citizens participate in international child sex tourism. Labor traffickers exploit male victims in restaurants, bars, sweatshops, horticulture, fruit farms, construction, cleaning businesses, and retail shops; they exploit men and women in domestic service, including in the diplomatic community. Within the Romani community, traffickers exploit Roma children in forced begging and forced criminality. Asylum-seekers who have their applications for legal status denied and migrants transiting through Belgium to the United Kingdom are highly vulnerable to trafficking.

BELIZE: TIER 2 WATCH LIST

The Government of Belize does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included initiating more trafficking investigations, convicting a trafficker, and screening for potential trafficking victims during joint labor inspections. However, the government did not demonstrate overall increasing efforts from the previous reporting period. The government did not initiate any new prosecutions against traffickers and continued to apply victim identification procedures inconsistently, despite improvement in this area. Although reports of official complicity were common, the government did not investigate any instances of official complicity in trafficking-related offenses. Therefore Belize remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law by vigorously prosecuting traffickers and imposing strong prison sentences upon those convicted. • Consistently apply formal procedures to identify victims of sex and labor trafficking among vulnerable groups and refer identified victims to services. • Actively investigate reports of potential trafficking crimes and official complicity. • Investigate and prosecute child sex tourists. • Hold complicit officials, including those who attempt to shield traffickers from prosecution, accountable through prosecution and conviction. • Provide adequate funding for specialized victim services for all victims, including men and minors, directly and by funding NGOs. • Thoroughly enforce the prohibition on off-duty police officers providing security for bars and restaurants where commercial sex acts occur. • Continue to ensure victims are not penalized for unlawful acts, including immigration violations, their traffickers compelled them to commit. • Implement the national anti-trafficking plan in accordance with its agreed timeline and disburse resources to its implementation. • Increase efforts to identify forced labor through recruiter participation in the national labor recruiter registry and prevention programs with migrant workers.

PROSECUTION

The government increased prosecution efforts. The 2013 Trafficking in Persons (Prohibition) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for offenses involving adult victims, and up to 12 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as rape. Additionally, the 2013 Commercial Sexual Exploitation of Children (Prohibition) Act criminalized various offenses relating to the prostitution of anyone younger than 18.

The government opened 10 new trafficking investigations—three for forced labor and seven for sex trafficking—compared to three new investigations in 2018 and nine in 2017. There were no ongoing trafficking investigations from previous years. The government did not initiate any trafficking prosecutions in 2019, but there were ongoing cases from previous reporting periods against four accused traffickers, all of whom awaited trial on bail. The government reported convicting one trafficker on two counts of sex trafficking in March 2020. This was Belize's second conviction under the 2013 trafficking law; the first occurred in early 2016. A dedicated police unit of five officers conducted trafficking investigations and operations. The judiciary designated a Supreme Court Justice and a Magistrate judge to provide specialized attention to trafficking cases, who along with other justices and judges received anti-trafficking training. Observers reported greater recognition amongst government officials of staffing and funding gaps in the anti-trafficking unit during the reporting period, although the government still had an inconsistent and insufficient police response and investigative capacity. Others noted a slow and cumbersome justice system, a lack of accountability at all levels,

and an overall lack of resources, which affected the government's ability to address crime, including trafficking.

The government continued to cooperate with foreign governments on international trafficking cases. In one instance, the Belizean government collaborated with officials in Honduras to repatriate victims and exchange information, leading to the convictions of two sex traffickers in Honduras in January 2019. The government provided or collaborated with NGOs and international donors to provide anti-trafficking training, including on victim identification and referral, to the anti-trafficking police unit, immigration officers, prosecutors, judges, prison officials, and social workers. However, limited intelligence gathering, inconsistent application of formal victim identification procedures, and suspected complicity among some law enforcement officials hampered the identification of trafficking crimes. During the reporting period, the government reprimanded two officers for violating a policy instituted in 2018 prohibiting off-duty police officers from providing security for bars and restaurants where commercial sex acts frequently occurred. The government did not disclose the extent of the reprimand, and observers were concerned that inconsistent enforcement of the prohibition would diminish its efficacy. During the reporting period, officers violating the policy without reprimand may have inhibited police from investigating allegations of trafficking and dissuaded victims from reporting trafficking. Observers decried indicators of slow official responsiveness to reports of potential trafficking and complicity. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action.

PROTECTION

The government maintained efforts to protect victims. Authorities identified 24 potential victims in 2019—all foreign nationals—compared to 17 potential victims in 2018 and 17 potential victims in 2017. Seventeen of the 24 victims, including one child, were exploited in labor trafficking, while the remaining seven, four of whom were children, were identified as victims of sex trafficking. While a majority of victims were Central American, there were also five victims of Indian nationality and one Mexican victim. The government employed a procedure to screen for potential victims among vulnerable groups, such as individuals in commercial sex and migrants, but also worked to draft an updated procedure. Observers reported more consistency in victim identification but stated gaps still existed, such as authorities who rarely took action in response to credible reports of potential trafficking victims by NGOs, possibly leading to fewer victim identifications and weak victim protection. Although Belize's anti-trafficking law exempted victims from punishment for unlawful acts traffickers compelled them to commit, gaps in identification procedures may have left mis- or unidentified victims vulnerable to punishment for unlawful acts traffickers compelled them to commit. Observers reported otherwise-improved adherence to this policy, with anecdotally fewer instances of authorities arresting or jailing victims due to immigration violations during raids. During the reporting period, the anti-trafficking council collaborated with an international organization to draft a victim identification and assistance protocol specific to migrant children. The national anti-trafficking council ensured social workers accompanied the anti-trafficking police unit on operations and raids conducted by the council's operations subcommittee to screen, identify, and assist victims. However, social workers were not routinely present when other law enforcement units conducted operations and raids on commercial sex establishments. Victims' fear of detention or deportation may have contributed to their reluctance to report trafficking to law enforcement officers.

The government reported providing services to all 24 potential victims, including food, clothing, medical care, and housing. The Department of Human Services referred two of the 24 victims to an NGO-run shelter at the government's expense. The government coordinated and funded shelter, medical care, and psychological services to adult victims through the Alternative Care Unit and to child victims through the Child Protection System and foster care. The government trained and partnered with domestic violence NGOs to provide shelter and services to adult female trafficking victims. There were no shelters accessible to male victims; instead, the government arranged to rent lodging for any male victims identified. Service providers developed victim care plans with victim participation with the goal of encouraging independence, and these plans included presenting adult victims with the option of staying in shelters, safe houses, or independent living and placing minors in the child protection system or in kinship care and independent living upon reaching adulthood.

Government social workers monitored foster care placements for child victims and developed individual case plans for each child, which included a home study to determine if placement was in the best interest of the child. The government noted the support offered by foster families empowered victims and led to the country's first trafficking conviction under the new law, in 2016. Experts expressed concerns about the lack of education about trafficking for some foster parents, uneven coordination and communication between government agencies and foster parents, and limited availability of psycho-social care in general, including for trafficking victims. As in the previous year, the government allocated 200,000 Belizean dollars ($100,000) to anti-trafficking efforts, some of which it dedicated to victim services. In total, the government dedicated 109,000 Belizean dollars ($54,500) to victim services in 2019, which included food, clothing, medical expenses, counseling, stipends, and repatriation expenses.

Victims had the right to testify remotely by video feed; because the courts lacked video testimony capabilities, victim-witnesses were instead given the option to testify in court behind an opaque screen. The government allowed foreign national victims to submit written testimony after returning to their home countries. In past years, the government conducted risk assessments to determine the safety of victims participating in trials against their traffickers, but did not report doing so in 2019. Court delays affecting the justice system as a whole and fear of retaliation by traffickers may have led foreign national victims to decline or withdraw cooperation with law enforcement and return to their home countries. Per government policy, foreign victims identified in potential trafficking cases could be granted temporary residency status regardless of their cooperation with investigations or prosecutions; the government assigned a social worker to assist all 19 foreign national victims in obtaining immigration relief, housing, and medical services. The government reported repatriating seven victims in 2019; at least one of these repatriations was facilitated by an international organization. The government issued no-cost residency permits to three victims. Victims could apply for work permits free of cost, and the government received one such application in 2019. Courts could order victim restitution upon a trafficker's conviction but did not do so in 2019.

PREVENTION

The government slightly increased its prevention efforts. The government continued to implement a 2018-2020 national anti-trafficking action plan, which designated various government entities as responsible for the plan's activities. Under the national action plan, the government committed to reduce vulnerability to and the demand for trafficking, generate national research and data on trafficking, monitor and evaluate the implementation of policies and programs, create a comprehensive and integrated

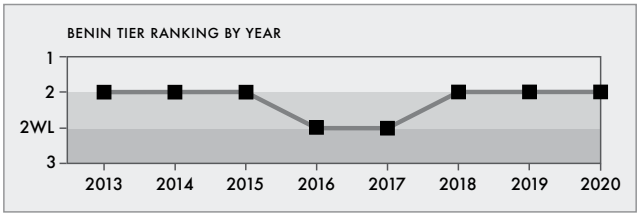
system of victim services and assistance, and strengthen mechanisms for investigating and prosecuting trafficking using a victim-centered approach. The national anti-trafficking council established a trafficking information kiosk at an international airport, which included resources for potential victims in multiple languages. The government also funded awareness-raising efforts, including billboards in English and Spanish and public service announcements in English, Spanish, and Hindi with a "crime stoppers" hotline number. An NGO operated the "crime stoppers" hotline; it did not report receiving any trafficking-related calls during the reporting period. The government made efforts to reduce the demand for child sex tourism, including by continuing to disseminate public service announcements on the penalties for sex with minors and the links between tourism and the demand for commercial sex. The government did not, however, investigate or prosecute any child sex tourists. The government cooperated with the United States to deny or otherwise prevent entry to 12 convicted sex offenders. The government continued to distribute brochures on labor rights to foreign workers applying for work permits. The labor code required labor recruiters to register, but the government reported that none did so. Labor inspectors adopted a new policy of joint inspections with immigration and social security officers; these officials received training in victim identification and referral. The government provided an anti-trafficking handbook and training to all heads of diplomatic missions and consulates.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Belize, and traffickers exploit victims from Belize abroad. Groups considered most at risk for trafficking in Belize include women, men, children, LGBTI persons, and migrants. Sex traffickers exploit Belizean and foreign women, men, and girls and LGBTI persons, primarily from Central America, in bars, nightclubs, hotels, and brothels. Family members facilitate the sex trafficking of Belizean women and girls. Foreign men, women, and children—particularly from Central America, Mexico, and Asia—migrate voluntarily to Belize in search of work, and traffickers often exploit victims using false promises of relatively high-paying jobs or take advantage of migrants' illegal status and exploit them in forced labor in restaurants, shops, domestic work, and agriculture. In tourist regions, foreign child sex tourists, primarily from the United States, exploit child sex trafficking victims. Alleged trafficking-related complicity by government officials remains a problem. NGOs reported police and immigration officers took bribes in return for ignoring trafficking, facilitating illegal entries, failing to report suspected victims and perpetrators, and failing to act on reported cases under their jurisdiction.

BENIN: TIER 2

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Benin remained on Tier 2. These efforts included convicting more traffickers, identifying more potential child trafficking victims, and expanding proactive child victim identification and awareness measures at markets. The government also increased training for law enforcement officials as well as first responders and finalized its anti-trafficking agreement with Burkina Faso and Togo to facilitate law enforcement data sharing and coordination on repatriation in transnational trafficking cases. However, the government did not meet the minimum standards in several key areas. Authorities failed to sanction convicted traffickers with sentences corresponding to the designated penalties under the country's revised penal code and did not report investigating fraudulent labor recruiters. Although the government's efforts to identify adult victims of trafficking improved, they remained inadequate compared with the estimated magnitude of the issue.



PRIORITIZED RECOMMENDATIONS:

Expand training for law enforcement, prosecutors, judges, and judicial staff on the 2018 penal code articles 499-504 to increase their ability to effectively investigate, prosecute, convict, and sentence traffickers in accordance with the law. • Increase efforts to investigate, prosecute, convict, and sentence offenders of sex and labor trafficking of adults as well as children, including fraudulent labor recruiters, to significant prison terms. • Develop and disseminate systematic procedures for proactive identification of adult victims and their subsequent referral to care. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and services to more trafficking victims, including adults. • Use the 2011 bilateral anti-trafficking agreement with the Republic of Congo and the multilateral agreement with Burkina Faso and Togo to increase law enforcement coordination and investigate, prosecute, and convict perpetrators of transnational trafficking cases, while respecting due process. • Finalize the multilateral agreement with Togo and Nigeria to increase information sharing and cooperation on transnational trafficking investigations.

PROSECUTION

The government increased its overall law enforcement efforts to address trafficking. Existing laws criminalized sex trafficking and labor trafficking. Articles 499-504 of the Penal Code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 10 to 20 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes, such as rape. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (Act 2006-2004) criminalized all forms of child sex trafficking as well as labor trafficking and prescribed penalties of 10 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

In 2019, the government reported investigating 117 cases involving 117 suspects (114 for sexual exploitation and three for forced labor), compared with investigating 188 child trafficking cases of unknown exploitation in 2018. Authorities reported prosecuting 42 suspected traffickers under a variety of statutes in 2019: 28 for child trafficking; 13 for forced begging; and one for pimping. In 2018, officials reported prosecuting 44 cases of child trafficking and one case of adult trafficking. Following the Ministry of Justice's increased efforts to collect nationwide data in 2019, authorities reported convicting 140 traffickers under a variety of laws during the reporting period, compared with convicting 11 traffickers in 2018. Courts reportedly sentenced 117 traffickers to imprisonment ranging from one month to four years, with 23 receiving suspended sentences of two to 30 months; these penalties did not correspond with the 10-20 years' imprisonment required by Benin's Penal

Code for trafficking. The majority of arrests occurred along Benin's southern corridor in the cities of Abomey-Calavi, Port Novo, and Cotonou. Authorities did not take action against informal employment agents who facilitated trafficking, although some illicit recruiters continued to lure Beninese victims abroad with fraudulent employment promises during the reporting period. The government did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses, although some civil servants may have exploited children through the traditional practice of *vidomegan*. Officials partnered with international organizations in February 2020 to train 70 police officers, prosecutors, and juvenile court judges in key trafficking cities of Parakou, Dassa, and Bohicon on combating human trafficking.

The government reported Beninese honorary consulates in Brazzaville and Pointe Noire in the Republic of the Congo assisted with the identification of eight Beninese girls whom traffickers exploited in domestic servitude in Brazzaville. Congolese law enforcement officers arrested the suspects, who were awaiting trial in the Republic of the Congo at the end of the reporting period. As of February 2020, Beninese officials were working with their Congolese counterparts to repatriate the victims and assist with the investigation. The government finalized its anti-trafficking cooperation agreement with Burkina Faso and Togo in December 2019 to facilitate law enforcement data sharing and repatriation coordination; however, it did not finalize its cooperation agreement with Togo and Nigeria to increase law enforcement coordination on transnational trafficking cases. In January 2020, 14 law enforcement and government officials from Benin and Togo held a two-day session in Grand-Popo, Benin, to increase anti-trafficking coordination between the two countries with the support of international partners. Participants developed a Joint Strategic Actions Paper to strengthen the mechanism for combating cross border human trafficking.

PROTECTION

The government increased overall efforts to protect child trafficking victims and improved its efforts to identify adult victims, which historically have been a deficiency for Benin. In 2019, officials reported proactively identifying 309 trafficking victims between the ages of four and 35 (248 females and 61 males), compared with identifying 565 child victims of forced labor in 2018. Officials from the Central Office for the Protection of Minors (OCPM) continued to patrol borders, bus stations, and large markets to proactively detect child trafficking victims, identifying and referring 1,387 potential child trafficking victims to temporary shelter and services in 2019, compared with identifying and referring 1,214 potential child victims to care in 2018. The Ministry of Health's standard operating procedures for providing health services to individuals in commercial sex included a presumption that any minor involved in commercial sex was a victim of sex trafficking. The government has not developed a corresponding directive or procedure for the identification of adult trafficking victims.

The Ministry of Social Affairs and Microfinance, OCPM, Ministry of Justice, Ministry of Foreign Affairs, and various international donors and NGOs coordinated during the reporting period to identify, assist, repatriate, and reintegrate victims of child trafficking. The process involved OCPM taking initial custody of victims in Benin and providing them temporary shelter in its Cotonou facility with a capacity of 160 (80 boys and 80 girls). After an OCPM interview and assessment, officials referred victims to a network of NGO shelters. OCPM officers then referred cases to court when there was sufficient evidence following investigations. Ministry of Social Affairs and Microfinance representatives coordinated with NGOs and civil society to reunite children with their families. Observers described the government's referral process as adequate; however, they noted limited shelter capacity hindered the country's service provision for some victims. The OCPM shelter offered child victims legal, medical, and psychological assistance and served as a transit facility for potential child trafficking victims while officials worked to place the children in long-term NGO shelters.

The Ministry of Social Affairs and Microfinance's network of Social Promotion Centers (*Centres de promotion sociale*) continued to provide basic services for adult and child trafficking victims in all of Benin's 77 communes. Each commune had a service center staffed with a local representative and a social protection committee who could refer child trafficking victims to NGO housing or foster families with the approval of a juvenile court judge.

The Ministry of Social Affairs and Microfinance continued to assist foreign trafficking victims, predominantly minors, before repatriating them to their home countries. The government repatriated 50 Beninese child trafficking victims (44 girls and six boys) from Gabon, Niger, and Nigeria in partnership with an international organization and with the assistance of embassies or consulates of victims' countries of origin. Separately, OCPM reported assisting in the return of 20 Beninese victims from: Mali (two girls and one boy), the Republic of the Congo (two girls and one boy), Algeria (one boy), Lebanon (one woman), Saudi Arabia (one woman), and Kuwait (11 women). The government did not report the number of victims it repatriated to their home countries in 2019.

The government coordinated with partners in 2019 to provide anti-trafficking training for 487 judges, social workers, police, and labor inspectors (compared with 486 officials in 2018) focused on increasing their knowledge of child trafficking, in addition to broader child protection issues. Officials reported increasing funding for OCPM for the second consecutive year, from 52 million to 70 million West African CFA franc ($89,350 to $120,270). Beninese law did not provide legal alternatives to the removal of trafficking victims to countries in which victims would face retribution or hardship, although cases involving foreign child trafficking victims were considered for immigration relief on an ad hoc basis. While there were no reports the government penalized any trafficking victims for unlawful acts traffickers compelled them to commit, some adult victims may have remained unidentified in the law enforcement system due to authorities' limited but increasing awareness and understanding of adult trafficking.

PREVENTION

The government increased efforts to prevent trafficking in persons and periodically convened its inter-ministerial committee (IMC) during the reporting period. The IMC—chaired by the Chief of Staff of the Minister of Planning and Development—was composed of directors of offices from across the government, as well as partners from key NGOs and international organizations. Observers reported the government partially implemented and funded its 2020-2024 anti-trafficking national action plan.

The government conducted 746 inspections and identified approximately 1,040 vulnerable children in 2019 through its victim identification program at the primary markets in Dantokpa (Cotonou), Ouando (Porto-Novo), and Arzeke (Parakou) under its 2019-2023 Action Plan to Eradicate Child Exploitation in Markets. In 2019, officials expanded the scope of their inspections to include workshops, bars, restaurants, and other businesses with a higher prevalence of child exploitation. The government complemented the inspections with direct outreach to approximately 1,272 artisans on child exploitation issues. To reduce the demand for commercial sex, the Republican Police, in conjunction with the General Directorate of Labor, held awareness sessions on the risks of the practice with owners of bars, hotels, and restaurants

in 2019 in the communes of Malanville, Parakou, Bohicon, and Cotonou. The Ministry of Labor failed to conduct inspections in sectors known to employ forced child labor, notably the quarry and agricultural sectors.

The government continued its Administrative Census for the Identification of the Population during the reporting period, resulting in officials retroactively registering the births of more than one million children in 2019. A lack of identity documentation contributed to increased vulnerability to trafficking in Benin. The Ministry of Foreign Affairs used a code of conduct for diplomats that prohibited Beninese nationals deployed abroad from engaging in or facilitating trafficking in persons; however, it did not report providing training on the subject to officials. The OCPM maintained its database—"*Enfants du Benin*"—to organize information related to child trafficking cases.

The Ministry of Planning and Development chairs the government's IMC. In 2019, the IMC drafted a plan for the collection of comprehensive statistics to research and assess the human trafficking problem in Benin, with the National Institute of Statistics and Economic Analysis and the Ministry of Justice compiling nationwide prosecution statistics. The Family and Child Monitoring Office at the Ministry of Social Affairs and Microfinance also maintained a database on child trafficking statistics (Child Pro). Apart from the OCPM, many police stations lacked the computers and reliable electricity supply necessary to maintain electronic databases on human trafficking; judicial personnel and most courts continue to record cases on paper, creating challenges in compiling and sharing law enforcement statistics. While the OCPM managed a hotline number for individuals to identify potential trafficking cases, it was not operational during the reporting period. Officials, with foreign donor support, continued to provide anti-trafficking training to approximately 500 Beninese troops prior to their deployment on international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Benin, and traffickers exploit victims from Benin abroad. Trafficking in the country is predominantly internal and involves Beninese children from low-income families. Vulnerable populations most at risk of trafficking frequently lack formal education or basic identity documents, including birth certificates and national identification. Some community members and relatives use the promise of education or employment to recruit Beninese children from northern rural areas to the more urban southern corridor and exploit them in forced labor in domestic servitude, markets, farming, and in handicraft manufacturing. Beninese traffickers include farmers, traders, artisans, small factory owners, and civil servants; some belong to criminal networks.

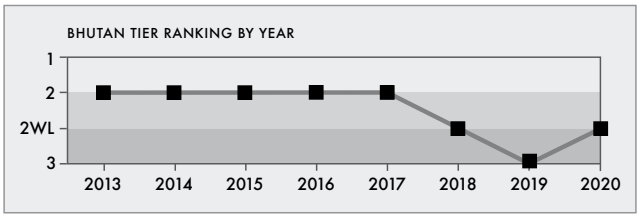
The government reported traffickers exploit children living in the lakeside areas of Benin—including the commune of So Ava in southeast Benin—in debt bondage. Criminal elements operate in urban areas under the guise of informal employment agents and recruit children for domestic work in private residences, where house managers and families exploit the minors in domestic servitude. Some parents follow a traditional practice known as *vidomegan*, which involves sending children to wealthier families for educational or vocational opportunities; some of these more affluent families then subject the children to forced labor in various sectors, including in domestic service and open-air markets. The government reported criminals exploit girls in sex trafficking in Cotonou and Malanville. Officials reported traffickers exploit boys, girls, and women from Djougou and Bassila in the northwest of the country; Parakou in the northeast; Zakpota, Djida, and Agbaizoun in the central region; Adja and Lobogo in the southwest; and Pobe and Sakete in the southeast. Traffickers exploit these groups in labor and sex trafficking.

Cross-border criminal groups subject Beninese children to domestic servitude and other forms of forced labor in Nigeria, Gabon, the Republic of the Congo, and other West and Central African countries. Benin has been the largest source country for trafficking victims in the Republic of the Congo, with the department of Oueme in southeast Benin historically an area traffickers used to recruit child victims. Child, early, and forced marriage remains a nationwide problem, with some families forcing some girls into marriages as a result of generational poverty; husbands and their families may then subject these girls to sexual slavery or domestic servitude.

Reports indicate criminal groups fraudulently recruit young Beninese women for domestic work in Kuwait, Saudi Arabia, Lebanon, and Algeria and subsequently exploit them in forced labor or sex trafficking. Traffickers and their accomplices continue to send child victims to their destinations alone and then meet the victims upon arrival, increasing the challenges for law enforcement to investigate these crimes. International organizations report some adult labor migrants use airports in Togo, Burkina Faso, and Nigeria to circumnavigate anti-trafficking screening procedures put in place by the government at Cotonou's international airport, increasing the migrants' vulnerability to human trafficking. Experts highlighted the commune of Djougou in northwestern Benin as an area of origin for women whom traffickers subject to forced labor and potentially sexual exploitation in Persian Gulf countries, Lebanon, and the Maghreb.

BHUTAN: TIER 2 WATCH LIST

The Government of Bhutan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Bhutan was upgraded to Tier 2 Watch List. These achievements included convicting one individual under the human trafficking statute, appealing the dismissal of trafficking charges in a second trafficking case, finalizing and disseminating standard operating procedures (SOPs) for victim identification and referral, and initiating an investigation into reports of labor exploitation, including forced labor, among Bhutanese workers abroad. In addition, the government continued to work with an international organization on anti-trafficking trainings and public awareness events. Despite these achievements, due to Bhutanese law's inconsistencies with international law, courts continued to dismiss trafficking charges in cases that met the international definition of trafficking, including one case in which a court convicted an alleged trafficker with a fine in lieu of imprisonment. Officials did not identify any trafficking victims during the reporting period. The government did not provide protective services to Bhutanese labor trafficking victims identified abroad, and the government continued to rely on civil society leadership for some anti-trafficking efforts.



PRIORITIZED RECOMMENDATIONS:

Amend Penal Code Sections 154 and 227 and Section 224 of the Child Care and Protection Act to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Vigorously investigate, prosecute, and convict traffickers with significant terms of imprisonment. • Increase proactive trafficking victim identification, including by training officials on, and implementing, the SOPs. • Train officials on the international definition of trafficking, including transnational trafficking, and implementation of anti-trafficking laws. • Train and instruct labor inspectors to screen cases of labor violations for indicators of forced labor, including non-payment of wages, and refer to police for criminal investigation. • Finalize and implement guidelines to oversee *drayangs* (karaoke bars), including ensuring workers have access to contracts. • Take steps to eliminate all recruitment fees charged to workers by recruitment agents and investigate claims of non-payment of wages, contract switching, and illegal fees charged by agents. • Undertake and publish a comprehensive assessment of all forms of human trafficking in Bhutan. • Increase funding to NGOs that provide shelter and services to trafficking victims. • Increase awareness of human trafficking, including forced labor of Bhutanese students abroad. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The law criminalized some forms of sex trafficking and labor trafficking. Section 154 of the penal code criminalized "trafficking in persons," which was defined as a person who "recruits, transports, sells or buys, harbors or receives a person through the use of threat or force or deception within, into, or outside of Bhutan for any illegal purpose." Inconsistent with international law, this definition required the purpose of the human trafficking crime to be "illegal" rather than specifically for an exploitative purpose. Section 227 of the penal code defined "trafficking of a child" to include buying, selling, or transporting a child for any illegal purpose. Section 379 of the penal code defined "trafficking a person for prostitution" as selling, buying, or transporting a person into or outside of Bhutan for the purposes of prostitution. Section 224 of The Child Care and Protection Act (CCPA) criminalized child trafficking but, inconsistent with international law, required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Section 154 of the Penal Code prescribed punishment ranging from three to five years' imprisonment; Section 227 from five to nine years' imprisonment; Section 379 from five years' to life imprisonment; and Section 224 of the CCPA from five to nine years' imprisonment. These punishments were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The Labor and Employment Act criminalized forced labor with sufficiently stringent penalties ranging from three to five years' imprisonment. The judiciary continued to dismiss and refile on lesser charges suspected human trafficking cases due to inconsistencies between Bhutanese law and the international definition of trafficking. During the reporting period, Parliament reviewed and held initial votes on a penal code amendment that would more closely align the penal code's definition of human trafficking with international standards.

Law enforcement investigated four potential trafficking cases, prosecuted three, and convicted two individuals in two cases, compared to three investigations and one prosecution the previous reporting period. Of the four investigations, the government continued three from previous reporting periods (one sex trafficking and two labor trafficking). In one investigation initiated in 2017, the judiciary sentenced one trafficker to two years' imprisonment under Section 154 for attempting to send two Bhutanese women abroad for sex trafficking. In another case from 2018, the Office of the Attorney General (OAG) charged a woman with child trafficking for forced labor of an 8-year-old girl in domestic work. Despite indicators of trafficking, including severe physical abuse that required hospitalization and amputations, the court dropped the trafficking charges, convicted the employer for illegal transportation of a child, and penalized her with a 9,900 Bhutanese ngultrum (Nu) ($139) fine and 180,000 Nu ($2,540) in victim compensation. The OAG appealed the dismissal of the trafficking charges.

In mid-2018, several hundred Bhutanese participants in a government-approved work-study program in Japan reported indicators of forced labor. The government dismissed the allegations for nearly one year, but after a lawyer representing a group of students filed a criminal complaint against the recruitment agency, the government investigated the case. The lawyer alleged forgery, deceptive practices, harassment, abandonment of a person in danger, and human trafficking. The OAG reportedly could not bring trafficking charges due to lack of evidence of human trafficking as defined in Bhutanese law but charged the agency with 2,887 counts of forgery and 730 counts of larceny by deception. The government also charged the Director-General of Ministry of Labor and Human Resources with four criminal offenses, including illegal issuance of a certificate of registration to an employment agency without required documentation. The prosecution was ongoing at the close of the reporting period.

Many officials continued to lack an understanding of human trafficking, especially internal and transnational forced labor. Additionally, limited police resources hindered thorough investigations, and a lack of training for law enforcement on victim-centered questioning impeded formation of strong cases. Persistent individual officers largely accounted for successful anti-trafficking law enforcement efforts. In partnership with an international organization, the Department of Law and Order (DLO) continued to support anti-trafficking trainings for law enforcement and prosecutors. The lack of diplomatic relationships or mutual law enforcement agreements with destination countries hindered Royal Bhutan Police (RBP) efforts to investigate some potential trafficking cases. Nevertheless, the government continued to coordinate with Indian authorities to extradite a suspected Bhutanese trafficker and assisted French authorities with investigation of an alleged trafficker who had forced a Bhutanese woman into commercial sex in France.

PROTECTION

The government maintained minimal victim identification and protection efforts. The government did not identify any trafficking victims during the reporting period, compared to one victim identified in the previous reporting period. With support from an international organization, the government finalized, published, and disseminated SOPs on trafficking victim identification and referral. In partnership with an international organization, the government conducted a two-day training on the SOPs for government officials. RBP maintained Women and Child Protection Units located at three police stations, which consisted of a female police officer assigned to crimes against women and children. Ten Women and Child Desks at other police stations had a police officer assigned to these crimes. RBP reportedly screened for trafficking among women in commercial sex, including in *drayangs* and border areas, and did not identify any trafficking victims.

When the government identified trafficking victims, RBP and other agencies could refer them to the National Commission for Women and Children (NCWC) or an NGO for care. NCWC and NGOs could refer female and child victims to an NGO-run facility that provided counseling, medical services, and long-term shelter to women and child victims of crime. The government funded a full-time nurse, security guards, and some operating costs. No

shelter could accommodate male trafficking victims. During the reporting period, the shelter continued to care for one trafficking victim identified in 2018. There were no shelters for victims of crime outside of the capital area. The shelter had the ability to assign counselors to visit victims of crime outside the capital on an ad hoc basis. Ministries did not have dedicated budgets they could use to support trafficking victims, which created gaps in services in some reported cases. NCWC maintained a budget to assist women in difficult circumstances, which it could use for female and child trafficking victims. NCWC could also provide case management assistance and legal aid.

In December 2019, an international organization identified approximately 140 Bhutanese women in forced labor in domestic work in Iraq, and the Ministry of Foreign Affairs began assisting the organization and the Iraqi government in screening the women for trafficking and facilitation repatriation. Some Bhutanese students who went to Japan through a placement program currently under investigation for labor exploitation contracted serious illnesses due to the squalid living conditions, and several died. At the close of the reporting period, many participants in the program, including some suspected trafficking victims, remained in Japan due to debt incurred in the fraudulent recruitment process. The government established additional communication with the students who remained in Japan but did not report efforts to assist or repatriate victims. The immigration department mandated authorities report suspected foreign trafficking victims identified within Bhutan to NCWC before initiating deportation for immigration violations. It is unclear if similar policies existed for potential foreign male trafficking victims in Bhutan. Bhutanese law did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

PREVENTION

The government maintained efforts to prevent human trafficking. DLO, the interagency lead on anti-trafficking efforts, continued to convene regular meetings of an anti-trafficking taskforce, composed of government and civil society. Senior officials increasingly attended task force meetings. With an international organization, DLO began developing an anti-trafficking national action plan. The government assisted an international organization in conducting an assessment of trafficking in Bhutan, and the government funded a separate parliamentary study on national trafficking trends to inform current and future anti-trafficking legislation. A lack of training on trafficking and a dedicated anti-trafficking budget hampered DLO's implementation of its anti-trafficking mandate. In partnership with an international organization, DLO continued to support public awareness events on human trafficking for groups including students, airport officials, taxi drivers, local government officials, and *drayang* employees. The government and media reported cases of girls younger than 18 working in *drayangs*, a violation of the minimum age requirement of 18. The Ministry of Economic Affairs began drafting new guidelines to review and oversee *drayangs*, including mandating investigations into potentially exploitative working conditions. During the reporting period, the Ministry of Labor and Human Resources (MoLHR) inspected all 23 *drayangs* in Thimphu and reported some did not comply with labor regulations. The government issued closure warnings for failure to comply with labor regulations but did not report levying any civil or criminal penalties against the establishments. During the reporting period, OAG charged one *drayang* owner with employing a minor.

MoLHR registered foreign migrant workers in Bhutan, monitored working conditions, and produced and disseminated pamphlets advising workers of their rights. The Department of Labor (DOL), within MoLHR, hired 11 new labor inspectors, bringing its total to 35. Inspectors lacked adequate training. The July 2018 – June 2019 DOL annual report documented 147 complaints of non-payment of wages, compared to 211 in the previous reporting period, and eight violations of overseas recruitment procedures. As in the previous reporting period, the government did not report the disposition of these cases, including whether it levied civil or criminal penalties. DOL generally mediated claims of non-payment of wages, and it did not report violators to police for criminal investigation of potential forced labor offenses or penalize employers if they paid the outstanding wages. MoLHR did not have the ability to inspect private homes for labor violations and relied on potential victims to self-identify.

Government regulations on overseas employment allowed most agents to charge Bhutanese migrant workers a recruitment fee of one month's salary and recruitment expenses, except for costs associated with a visa or work permit. Individual police officers continued to educate migrant workers about trafficking when they applied for the mandatory police clearance. MoLHR continued to monitor recruitment agencies that assisted Bhutanese citizens older than age 21 seeking work overseas. During the reporting period, it suspended one recruitment agency, fined one agency for operating without a license, and continued to monitor five licensed agencies, compared to terminating one licensed agency in the previous reporting period. The government did not report whether it levied civil or criminal penalties against a recruitment agency it had terminated in the previous reporting period for fraudulent recruitment of Bhutanese to Malaysia through a work-study program. During the reporting period, the government suspended registration of all new labor recruitment agencies and agents. MoLHR posted online announcements to warn potential migrant workers of false advertising and to encourage applicants to verify overseas job advertisements with the ministry. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Bhutan is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

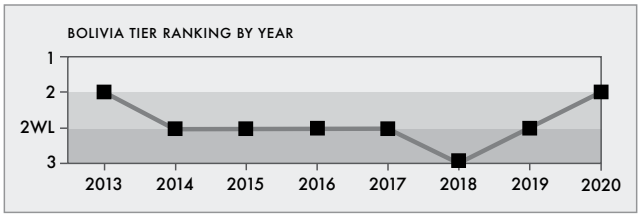
As reported over the past five years, human traffickers exploit domestic victims in Bhutan, Bhutanese abroad, and foreigners in Bhutan. Unregistered and unscrupulous foreign employment recruitment agencies and sub-agents increasingly operate through social media. Some traffickers posing as recruiters offer ostensibly well-paying jobs overseas but exploit Bhutanese in forced labor. Some agencies have subjected Bhutanese students in work-study programs in Japan and Malaysia to indicators of forced labor, including fraudulent contracts, non-payment of wages, and passport retention. Bhutanese citizens continued to work in the hospitality, retail, and service sectors in the Gulf, including in Bahrain, Kuwait, Qatar, and UAE, and in India, Thailand, and the United Kingdom through global training and placement academies. Some participants reported indicators of trafficking, including illegal recruitment fees and wage deductions, restricted movement, passport retention, and non-payment of wages. Media outlets reported traffickers have exploited Bhutanese women in sex trafficking in India. In recent years, including 2019, traffickers sent approximately 140 Bhutanese women to Iraq for forced labor in domestic work.

Traffickers have exploited Bhutanese women and girls working in domestic labor, caregiving, and in sex and labor trafficking, including through debt bondage and threats of physical abuse. Bhutanese women and girls who work as entertainers in *drayangs* are vulnerable to labor and sex traffickers. *Drayang* workers often come from rural areas and sign contracts they later cannot access, that can give more than half of their income to the *drayang* owners. Additionally, some female *drayang* entertainers reportedly work in commercial sex after the *drayangs* close, some of which

traffickers might facilitate. Relatives transport rural Bhutanese to urban areas for employment in domestic work, which at times may involve forced labor. Media outlets have reported instances of child labor within Bhutan's restaurant and automobile workshop industries, some of which had indicators of forced labor. Traffickers may target LGBTI individuals. An expanding construction sector continues to increase the demand for low-skilled foreign labor. Male Indian migrant workers—including in the construction and hydropower sectors—often receive advances before beginning work in Bhutan. Some workers subsequently report unauthorized deductions and non-payment of wages. Traffickers have exploited Indian child domestic workers in Bhutan. Media outlets and NGOs report an increase in commercial sex by Bhutanese and Indian women in the Bhutanese-Indian border's growing hospitality and entertainment districts—including hotels, massage parlors, and nightclubs—some of which might be forced. Bhutan's small stateless persons population's lack of access to documentation necessary to attend school renders stateless children vulnerable to traffickers.

BOLIVIA: TIER 2

The Government of Bolivia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bolivia was upgraded to Tier 2. These efforts included investigating and convicting more traffickers, identifying and referring more victims, increasing capacity building opportunities for law enforcement officials, increasing cooperation with civil society organizations, and conducting labor inspections in areas of high-risk for forced labor. However, the government did not meet the minimum standards in several key areas. It did not prosecute any traffickers, care provided to victims was inconsistent, cases involving complicit officials remained open, and for the second year in a row, it did not report identifying any victims of forced labor exploited within the country.



PRIORITIZED RECOMMENDATIONS:

Prosecute and convict traffickers, including perpetrators of labor trafficking and complicit officials. • Fund and collaborate with civil society organizations to provide specialized services and to increase the availability of services nationwide. • Identify victims of forced labor and criminality and refer them to services. • Expand training of officials on the use of established protocols for the proactive identification of trafficking victims among vulnerable populations and for the referral of victims to care services. • Improve interagency coordination, including data sharing and data collection of all anti-trafficking efforts, distinguishing human trafficking from other crimes. • Screen displaced Venezuelan migrants for trafficking indicators, including individuals in commercial sex and those working in high-risk sectors. • Direct Ministry of Health staff to screen vulnerable populations for trafficking indicators when conducting medical screenings. • Provide interpreters to assist law enforcement officials in the investigation of child sex tourism cases in popular tourist locations. • Adopt a database to monitor and disaggregate trafficking cases nationwide. • Increase the time law enforcement officials serve in anti-trafficking units to preserve institutional knowledge. • Amend the anti-trafficking law to ensure that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense. • Expedite the issuance of humanitarian visas for victims of trafficking. • Increase awareness of "Triple Seal" certification among businesses to reduce the demand for forced labor. • Train officials on the difference between human smuggling and human trafficking.

PROSECUTION

The government increased overall law enforcement efforts but did not prosecute any traffickers in 2019. Law 263 of 2012—the Comprehensive Law against Trafficking and Smuggling of Persons—criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years' imprisonment for adult trafficking, and 15 to 20 years' imprisonment for child trafficking. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the definition of trafficking under Article 281bis of the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, Article 322 of the law criminalized all commercial sex acts involving children, thereby addressing this gap. Article 322 prescribed penalties of eight to 12 years' imprisonment, which were also sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes, such as rape. Article 281bis defined trafficking broadly to include illegal adoption without the purpose of exploitation, the sale of organs, and unlawful biomedical research. In addition, Article 321 of Law 2033, which criminalized pimping using force, fraud, or coercion, was used to prosecute sex trafficking crimes. The law prescribed significantly lower penalties of three to seven years' imprisonment for adults, and four to 10 years' imprisonment for offenses involving children. While Law 263 created separate criminal offenses for trafficking in persons and migrant smuggling, one government agency was responsible for both crimes; that agency often conflated the two crimes in its collection of data and response to perpetrators and potential victims of trafficking.

The government reported investigating 393 cases of trafficking, involving 422 victims, but did not indicate how many of those cases led to prosecutions in 2019, compared with the prosecution of 55 trafficking cases, including nine for pimping in 2018. Authorities did not specify how many of these cases were labor or sex trafficking, and these cases likely included other crimes not considered trafficking under international law. Authorities convicted five sex traffickers in 2019, compared with two in 2018. While authorities charged all traffickers with trafficking crimes, four pled guilty to lesser offenses and only one trafficker was convicted under the anti-trafficking law, receiving a punishment of 18 years in prison. The other four traffickers received sentences ranging from eight months to three years' imprisonment. Historically, observers have noted that the vast majority of arrested suspects, including traffickers, served time in pre-trial detention without ever receiving a final sentence and often avoiding justice by paying bribes to corrupt officials to avoid prosecution. General backlogs in the judiciary, insufficient resources and personnel, and poor training of law enforcement officials impeded law enforcement efforts. Observers reported each prosecutor was responsible for 800 to 1,000 cases, leading to a slow administration of justice. In November, a transitional government was appointed, and some judicial reforms were immediately adopted; however, it was unclear if these provisions changed any of the observations noted. Corruption and official complicity in trafficking crimes

remained significant concerns, inhibiting law enforcement action during the year. The government did not report investigating, prosecuting, or convicting any new cases of official complicity. In the notable 2016 case involving sex trafficking allegations and official complicity at two popular nightclubs, authorities either postponed or adjourned multiple hearings during 2019; however, civil society contacts expressed confidence that authorities would make progress in the case in the coming year.

In January, the Ministry of Justice (MOJ) trained 350 officials from the judicial sector, including judges and prosecutors, on specialized techniques to investigate and prosecute trafficking crimes. Separately, authorities trained law enforcement officials, including highway patrol, community police, rural and border police, the special force against violence, and transit police on victim identification, investigative techniques, and to recognize the difference between human trafficking crimes and migrant smuggling. The La Paz police department's anti-trafficking unit maintained 18 police investigators and other departments' anti-trafficking units allotted three to five investigators. Police officials rotated into new positions every three months to one year, resulting in a cyclical loss of institutional knowledge and impeding specialization in trafficking crimes. The Ministry of Labor (MOL) provided basic training to newly hired labor inspectors on child labor, including indicators of forced labor. In 2019, authorities reported labor inspectors conducted 145 inspections in areas of high-risk for forced labor, including the Amazon region, areas in the northern Santa Cruz Department, and the Chaco, compared with zero inspections specifically for trafficking in 2018. Officials did not report the outcome of those inspections. In June, authorities signed a bilateral cooperation agreement with Paraguay to increase cooperation in cases of trafficking. Civil society organizations indicated that government authorities coordinated with the governments of Paraguay and Peru on cases involving victims from those countries.

PROTECTION

The government increased protection efforts. Authorities reported identifying 422 victims (compared with 15 in 2018), of which 289 were female, 113 were male, and 20 unknown; 250 were underage, 121 were adults, and 51 unknown. Separately, the Office of the Ombudsman identified and referred 63 victims, including 44 from La Paz department, to shelters around the country (compared with 15 referred to shelters in 2018). Authorities did not indicate why there was such a significant increase in the number of victims identified; however, given Bolivia's overlapping legal framework and understanding of human trafficking and related crimes, it was possible that these cases included individuals who were subjected to other offenses often confused with human trafficking, such as child pornography, general labor exploitation, sexual abuse, and migrant smuggling. Authorities used the newly adopted victim identification handbook for law enforcement and the victim identification referral mechanism. In 2019, the national police organized eight training sessions reaching more than 400 police officers from around the country on the use of the police victim identification manual (compared with 74 in 2018). The Ministry of Health continued to administer periodic medical tests to individuals in commercial sex, but it did not screen for trafficking indicators. In August, authorities trained 35 health officials on trafficking indicators. The MOL employed 14 labor inspectors charged explicitly with investigating cases of child labor and forced labor and an additional 102 labor inspectors, who had the authority to investigate potential forced labor cases. In 2019, authorities conducted 145 inspections in areas with a high prevalence of trafficking but did not report identifying any victims.

Authorities used a referral mechanism to route victims to care; however, due to the small number of shelters available, police were often unable to secure safe accommodation for trafficking victims. While the government provided in-kind support and relied on private organizations, faith-based groups, foreign donors, and NGOs to fund and provide victim services, in some cases police officers gave victims money for hotel rooms for the night in the hope that victims could seek greater support from local government authorities or get back in touch with family members. The government did not provide specialized shelters for victims; however, six out of nine department governments had multi-use shelters for victims of domestic violence that accepted female trafficking victims, each reportedly underfunded. The government did not provide any specialized services to adult male victims but could provide basic assistance at migrant shelters. Authorities referred underage male trafficking victims to NGOs, private shelters, and religious organizations for assistance.

Foreign victims who assisted in the case against their traffickers could receive a humanitarian visa, but the process often took years and victims were unable to work during that time. While authorities did not report how many victims of trafficking received humanitarian visas, NGOs reported authorities treated foreign victims of trafficking fairly, following legal standards, and that government officials worked with their foreign counterparts to facilitate repatriation in a timely fashion when victims sought that remedy. The government had a protocol for the repatriation of victims identified abroad, and in 2019, authorities provided consular assistance, repatriation, and protection services for 22 victims, compared with 20 in 2018. Of those identified abroad, 13 were female, nine were male; 18 were victims of forced labor, and four unknown. The government allowed the use of Gesell chambers in every department (compared to seven out of nine departments in 2018), and in lieu of testifying in person, victims could provide recorded testimony or submit a written statement to the court. The government did not report using these provisions to encourage victims to cooperate in the case against their traffickers. Under Bolivian law, victims and their prosecutors could request restitution for damages from the sentencing judge. When victims did not participate in the case against their traffickers, they or their prosecutors could still file restitution claims within three months of sentencing. The government did not report whether any victim or prosecutor sought restitution in trafficking cases.

PREVENTION

The government maintained prevention efforts. The Plurinational Council against Human Trafficking and Smuggling, chaired by the MOJ, was the entity responsible for coordinating anti-trafficking efforts at the national level. Two sub-ministerial units were responsible for coordinating anti-trafficking efforts at the technical level. Observers noted a lack of interagency coordination, in part due to overlapping mandates. In 2019, authorities used the 2016-2020 national action plan and began a needs assessment for the development of the 2021-2025 national action plan. In 2018, the government, jointly with an international organization, began the development of a database to consolidate trafficking cases. Authorities did not report if any progress was made in 2019. Under the transitional government, civil society organizations noted increased cooperation with government officials on trafficking issues.

In previous years, traffickers exploited the absence of a national registry of employment agencies to establish or abuse existing informal temporary employment agencies, through which they identified and recruited potential victims. In 2018, the government adopted a federal registry requiring all employment agencies to register and provide the MOL all recruitment and job placement records. During the reporting period, the MOL reviewed 42 applications, granted five permits, and denied 37 requests. While not all applications were denied due to trafficking concerns,

authorities reported that one of the main considerations when making a final decision for approval was limiting employment opportunities that increased vulnerability to trafficking.

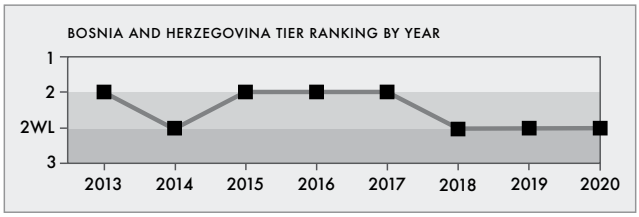
Authorities conducted numerous awareness-raising campaigns during the year. The Human Rights Ombudsman's Office launched an awareness campaign focused on educating students nationwide on trafficking; it conducted seminars, workshops, and held discussion groups in five cities, including in El Alto where there are vulnerable communities and a high prevalence of trafficking. In addition, it trained 40 percent of its staff on trafficking prevention, and facilitated 21 awareness workshops for drivers and bus terminal employees, reaching more than 9,600 individuals. The national police organized a march for World Day Against Trafficking raising awareness in four departments around the country where 27,000 students participated. In addition, it conducted courses on trafficking awareness targeting students, parents, school administrators, and teachers. However, officials did not report how many people they reached. The MOJ and the MOL also conducted campaigns reaching 3,000 students around the La Paz department and 588 university students around the country, respectively. One of the sub-ministerial entities charged with combating trafficking conducted mandatory training for 5,000 small-business operators that sought to participate in a month-long public cultural fair. The government did not make efforts to reduce the demand for commercial sex acts. The Institute for Normalization of Quality, a semi-autonomous government agency, operated a "triple seal" certification program for sugar producers whose final products were certified to be free of child and forced labor, which could reduce the demand for forced labor. Officials did not report how many new companies obtained the seal in 2019. In 2019, civil society organizations noted an increase in child sex tourism near tourist areas of the La Paz and Beni Departments. Despite the concerns and willingness of the tourism police to investigate, authorities were allegedly limited in their ability to do so given language barriers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bolivia. Traffickers exploit Bolivian men, women, and children in sex trafficking and forced labor within the country and abroad. To a more limited extent, traffickers exploited women from neighboring countries, including Brazil, Colombia, and Paraguay, in sex trafficking in Bolivia. Traffickers exploited an increased number of Venezuelan victims in sex trafficking and forced labor within the country. Traffickers subject some migrants from Africa, Chile, and the Caribbean traveling to or through Bolivia to sex trafficking and forced labor. Traffickers exploited children in sex tourism in the departments of La Paz and Beni, openly advertising to tourists speaking Hebrew and Arabic. Rural and poor Bolivians, most of whom are indigenous, and LGBTI youth are particularly at risk for sex and labor trafficking. Bolivian women and girls are exploited in sex trafficking within Bolivia and neighboring countries such as Argentina, Brazil, Chile, Panama, and Peru. Within the country, traffickers exploit Bolivian men, women, and children in forced labor in domestic work, mining, ranching, and agriculture. Forced criminality continues to be a problem; media outlets report cases of children forced to commit crimes, such as robbery and drug production, and others exploited in forced begging. In 2019, traffickers forced a Bolivian victim into criminality by compelling her to smuggle drugs into Malaysia. Traffickers exploit a significant number of Bolivians in forced labor in Argentina, Brazil, and Chile in sweatshops, agriculture, brick-making, domestic work, textile factories, and the informal sector. Traffickers continued to use social media as the primary recruitment tool, luring vulnerable individuals with fraudulent employment opportunities later to exploit them in forced labor or sex trafficking. Civil society organizations noted a pattern of exploitation in which older trafficking victims became recruiters of younger victims.

BOSNIA AND HERZEGOVINA: TIER 2 WATCH LIST

The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the State Coordinator organizing working groups with government and civil society representatives to draft the national strategy, which the government adopted in January 2020. The government identified more victims and the State Prosecutor's Office (SPO) appointed a prosecutor to the anti-trafficking strike force—the only mechanism to coordinate law enforcement efforts across entities. The government revised the structure and guidelines of regional coordinating teams to increase effectiveness. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not have an approved state budget, which delayed funding to anti-trafficking efforts. Law enforcement continued to regularly investigate trafficking under lesser offenses, while judges continued to issue sentences below minimum penalties, as they tend to do in all criminal cases in Bosnia and Herzegovina. Law enforcement lacked victim-centered investigations and prosecutions, and the anti-trafficking strike force remained ineffective. In addition, the government continued to penalize victims and did not disburse annual funds to NGOs for victim protection efforts, while victim assistance providers continued to lack resources and could not assist all domestic victims. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Bosnia and Herzegovina was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Bosnia and Herzegovina remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including any complicit officials, and impose sentences that reflect the serious nature of the crime. • Implement the law that exempts victims from penalties for unlawful acts their traffickers compel them to commit, particularly victims of sex trafficking, forced begging, and forced criminality. • Train first responders on victim identification and referral and increase proactive identification efforts. • Allocate sufficient funding for NGO-run shelters and develop financial policies that effectively allocate funding for victim assistance. • Improve cooperation and coordination among state and sub-state actors, including allocating adequate resources and assigning personnel to the anti-trafficking strike force. • Formally disconnect identification procedures and official victim status from cooperation on investigations and prosecutions. • Increase law enforcement capacity and training to investigate complex cases. • Train judges to understand the severity of trafficking when issuing sentences and sensitize prosecutors and judges to the issues of secondary trauma and victim-centered

approaches. • Standardize victim assistance throughout the country, including the ability to access assistance and support outside of shelters and specialized assistance for male victims. • Integrate Romani groups into decision-making processes regarding victim protection.

PROSECUTION

The government maintained law enforcement efforts. Bosnia and Herzegovina (BiH) consisted of two entities within the state—the Federation of Bosnia and Herzegovina (Federation) and Republika Srpska (RS). Each entity has political, legislative, and judicial authority. The Brcko District (BD) was a self-governing area under the jurisdiction of the state. Entity-level authorities addressed domestic trafficking offenses internal to their territories, and state-level authorities addressed cases with international aspects. Article 186 of the state-level criminal code criminalized sex trafficking and labor trafficking only in cases where the victim was exploited in a country in which he or she did not reside or have citizenship; it prescribed penalties of one to 10 years' imprisonment. Articles 210a and 210b of the Federation's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of five years' imprisonment. Article 145 of RS's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of three years' imprisonment. Article 207a of BD criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of five years' imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape.

SPO initiated one investigation (none in 2018). SPO did not issue any indictments (nine defendants in 2018). State courts did not convict any traffickers and acquitted two persons (none in 2018). Federation authorities initiated investigations on 16 suspects (four in 2018) and continued to investigate 13 suspects. Federation prosecutors did not issue any indictments (two in 2018), and Federation courts convicted 12 traffickers (11 in 2018). Federation judges sentenced five traffickers to imprisonment between 12 and 22 months and one trafficker to four years and nine months. Federation courts only seized the assets of one trafficker and did not provide sentencing information for the other five traffickers. RS authorities investigated seven suspects (one in 2018) and an additional three suspects for "enticement of a child to prostitution." RS prosecutors indicted two defendants (one in 2018) and indicted one defendant for "enticement of a child to prostitution." RS courts convicted one trafficker (none in 2018) and sentenced the trafficker to five years' imprisonment. BD authorities did not initiate any investigations (none in 2018) or any prosecutions (none in 2018). BD lower courts did not convict any traffickers (one in 2018), but a BD appellate court upheld a conviction and sentenced a trafficker to one year imprisonment. Court proceedings lasted many years and judges continued to issue sentences below minimum penalties, including the trafficking statutes, while often citing unreasonable "mitigating circumstances" to decrease further the sentences. Additionally, the government reported traffickers avoided imprisonment by utilizing a law that allowed convicted perpetrators to buy their way out of up to one year of imprisonment for 100 convertible marks ($57) a day.

The State Investigation and Protection Agency (SIPA) maintained 12 specialized officers, and Tuzla Canton in the Federation operated a specialized trafficking unit in addition to trafficking liaison officers in all police units within the canton. RS, BD, and other Federation cantons did not have specialized officers, although organized crime and corruption units were designated to investigate trafficking. Law enforcement reported the lack of capacity and technical knowledge hindered their ability to conduct effective investigations. Authorities continued to regularly investigate and prosecute sex trafficking, forced begging, and trafficking cases involving family members under lesser offenses, including "enticement to prostitution," "child negligence," and "enticement to child prostitution." In some cases, authorities pursued trafficking-related cases under lesser offenses due to the unwillingness of some victims, particularly from the Roma community, to cooperate. Law enforcement reported difficulties in investigating trafficking offenses involving multiple cantons or entities, due to a lack of communication and coordination with cantonal prosecutors. The standing anti-trafficking strike force remained the only mechanism to coordinate law enforcement efforts across entities on trafficking cases. The strike force was largely ineffective, with the state failing to disburse operational funds and the Federation failing to appoint representatives. However, SIPA increased its participation, the state appointed a prosecutor, and SPO and the Ministry of Security agreed to resolve legal issues to disburse funds.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government continued the first joint international investigation with French authorities initiated in 2015 of a Bosnian and Croatian married couple alleged to have forced six Roma children to pickpocket in France; SPO indicted eight defendants in May 2018, but the court did not order authorities to place defendants in custody during court proceedings, and officials reported one defendant was in Turkey likely involved in another forced begging case. In June 2014, SPO issued the biggest indictment for trafficking in BiH's history against 13 Bosnian nationals accused of exploiting 672 individuals, almost all of whom were Bosnian nationals, in forced labor in the construction industry in Azerbaijan in 2009; however, Judges acquitted all defendants involved in the case in December 2019. The government did not enter any new bilateral agreements; the lack of bilateral agreements regarding witness protection created obstacles for witnesses and victims to participate effectively in international investigations. Police academies maintained basic and advanced courses on trafficking, and the government, with financial and technical assistance from an international organization, trained police, border police, prosecutors, and judges on various trafficking issues

PROTECTION

The government maintained victim protection efforts. The government identified 61 potential trafficking victims (36 in 2018). Of these, 19 were victims of sex trafficking, 36 of forced begging, three of forced marriage for the purpose of forced begging and sexual exploitation, and three of multiple types of exploitation (17 were victims of sex trafficking, 19 were victims of labor trafficking, including 18 for forced begging in 2018); 49 victims were female and 12 were male (21 victims were female and 15 were male in 2018); 36 were children (12 in 2018) and six were foreign victims (eight in 2018). Two bylaws provided standard operating procedures (SOPs) for identifying and referring victims to services, including a list of general indicators, but observers reported first responders did not know or consistently use the guidelines and lacked the knowledge to accurately identify trafficking victims. The government operated seven drop-in centers for children and a mobile team for street children in Sarajevo that conducted outreach work. The mobile team identified 160 street children (510 in 2018) and drop-in centers provided 163 children with academic tutoring, hot meals, and laundry services, including 17 who were accommodated in shelters. Drop-in centers lacked resources, capacity, and staff, and could only provide basic food, workshops, and short-term accommodation for a small number of children. Observers reported mobile team members were attacked, threatened, and intimidated by traffickers and perpetrators during their outreach efforts, but law enforcement

did not investigate. International organizations reported law enforcement and social workers at centers for social welfare (CSW) justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs and sometimes returned children to their families even when parents were involved in their exploitation. In addition, a report from an international organization indicated first responders, including Border Police, local police, Service for Foreigners' Affairs, and CSW, lacked standard guidelines and trafficking indicators for migration flows, interview questions and interpreters, and general capacity to screen the large influx of migrants and refugees. First responders referred potential trafficking victims to law enforcement, which conducted an interview and had authority to officially recognize victims. However, international organizations reported the interview and identification procedures lacked transparency, and some authorities required victims to cooperate with investigations and prosecutions to receive assistance and support. SIPA did not interview potential victims in migrant flows, according to observers, who noted SIPA lacked translators required to communicate with foreign victims and relied on NGOs.

The government partly funded four NGO-run shelters, but government-funded assistance programs required victims to obtain official recognition to access care, and potential victims received assistance only when an NGO had funds from other sources; authorities referred 42 victims to NGO-run shelters (10 in 2018). The Ministry of Human Rights and Refugees allocated 60,000 convertible marks ($34,460) to NGOs assisting domestic trafficking victims in both 2019 and 2018, and the Ministry of Security allocated 70,000 convertible marks ($40,210) to NGOs assisting foreign victims in both 2019 and 2018. However, the government did not disburse these funds to NGOs in 2019 due to the absence of a state government and budget. Funding for victim assistance was disproportionately lower for domestic victims, although they constituted the majority of identified victims. The government did not combine domestic and foreign assistance funds and returned unused funds allocated to assist foreign victims to the state budget instead of reallocating those funds for domestic victim assistance. As a result, some domestic victims did not have access to assistance. The government, in cooperation with NGOs, provided accommodation, psycho-social support, medical assistance, legal assistance, and guardianship for children. However, access to care was not standardized and was based on bylaws that were not legally binding; RS law entitled trafficking victims to social assistance, but Federation and BD laws did not. NGO-run shelters allowed victims to leave voluntarily after informing the staff, but no mechanisms were in place to assist victims outside of shelters, including at CSW. One NGO-run shelter accommodated male trafficking victims but did not offer specialized services. Authorities reported developing a reintegration plan for each victim, including vocational training, but the government did not provide funding for reintegration programs, and observers reported victims spent, at times, multiple years at shelters due to slow court proceedings and a lack of reintegration opportunities. The law provided repatriation assistance to in country citizen victims identified abroad and foreign national victims identified in country; no victims required repatriation assistance in 2019 and 2018. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in BiH, and victims were permitted a 30-day reflection period to determine whether they wanted to request a visa; three foreign victims received humanitarian visas.

The government penalized victims for unlawful acts traffickers compelled them to commit due to inadequate identification efforts; authorities penalized victims of sex trafficking, forced begging, and forced criminality with misdemeanor charges for petty crimes with some victims owing 10,000 to 15,000 convertible marks ($5,740 to $8,620) after receiving multiple fines. The government reported SOPs incorporated non-penalization standards but acknowledged authorities still penalized victims due to a lack of knowledge of the SOPs exacerbated by frequent rotations and turnover. Sub-state laws against "enticement to prostitution" permitted law enforcement to treat children 14 years and older as juveniles willingly engaged in commercial sex instead of victims of rape or sex trafficking; no prosecutions were reported. The law provided witness protection and free legal aid; the government did not report the number of victims in witness protection and relied mainly on NGOs to provide free legal aid. The government did not consistently conduct victim-centered investigations and prosecutions. For example, prosecutors did not need certification to work with children and often interrogated child victims without a psychologist or social worker present. Authorities also repeatedly interviewed adult victims, and courts did not offer victims any accommodation inside courthouses to prevent re-traumatization. Police did not consistently notify victims' lawyers when conducting interviews, and some courts required victims to testify with no prior notification or preparation. Victims could obtain restitution through criminal proceedings or compensation through civil suits; a district court awarded a victim 7,500 convertible marks ($4,310), but the victim never received the restitution due to issues in seizing assets. Judges generally rejected restitution in criminal proceedings and encouraged victims to seek compensation by filing civil suits, according to observers, who noted civil suits required victims to submit new testimonies and medical examinations, causing re-traumatization, despite the government convicting their trafficker in criminal proceedings.

PREVENTION

The government increased efforts to prevent trafficking. The government continued to implement the 2016-2019 national strategy and the State Coordinator continued to produce its annual report. The State Coordinator organized meetings with government and civil society representatives to inform the national strategy and drafted the 2020-2023 national strategy, which the government adopted in January 2020. Additionally, the State Coordinator organized meetings to solicit feedback on regional coordinating teams (RCT) and accordingly changed the structure from four to 18 RCTs: 10 in the Federation; six in the RS; one in BD; and one overarching team at the state level. The government, with financial and technical assistance from an international organization, organized trainings for the RCTs. The government continued to allocate 10,000 convertible marks ($5,740) to seven NGOs to conduct awareness raising activities. The government did not make efforts to include Romani communities in discussions on anti-trafficking issues. Federation and RS laws required recruitment agencies to obtain a license and register with the Ministry of Labor, but labor inspectors lacked resources to adequately inspect recruitment agencies. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel.

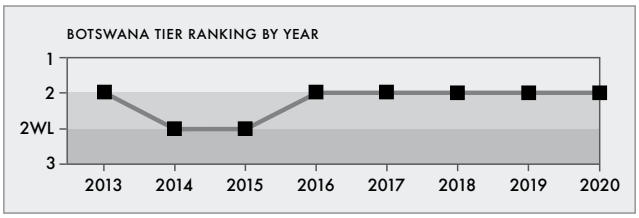
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in BiH, and traffickers exploit victims from BiH abroad. In 2019, traffickers exploited foreign victims from Sri Lanka (2), Serbia (2), and Afghanistan (2). In previous years, victims from Afghanistan, Cuba, The Gambia, Libya, and Serbia, Sri Lanka, and neighboring Balkan countries were exploited in Bosnia and Herzegovina. Traffickers exploit Bosnian women and girls in sex trafficking within the country in private residences and motels. Marginalized Romani children are exploited in forced begging, sex trafficking, and domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable to sex trafficking within the country. Traffickers exploit Bosnian victims in sex trafficking and

forced labor in construction and other sectors in neighboring Balkan countries and other countries across Europe. Thousands of migrants and refugees from Afghanistan, Bangladesh, Iraq, Morocco, Syria, and neighboring countries traveling through, stranded in, or being smuggled through BiH are vulnerable to trafficking, particularly women and unaccompanied minors.

BOTSWANA: TIER 2

The Government of Botswana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Botswana remained on Tier 2. The government prosecuted more traffickers and increased funding for victim protection services. However, the government did not meet the minimum standards in several key areas. The government did not convict a trafficker for the second consecutive year, did not amend its law to eliminate the option of a fine in lieu of imprisonment, and reported identifying fewer victims of trafficking.



PRIORITIZED RECOMMENDATIONS:

Formalize the system to refer trafficking victims to social services and ensure all victims receive protective services. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment. • Increase training for prosecutors and judges on Botswana's 2014 anti-trafficking law so they can more effectively try trafficking cases. • Disallow suspended sentences for convicted traffickers. • Implement the newly adopted anti-trafficking national action plan. • Increase efforts to investigate, prosecute, and convict traffickers. • Implement formal victim identification procedures for use by all stakeholders, including law enforcement and immigration officials, and train officials on the procedures. • Continue to encourage victims to participate in the investigation and prosecution of traffickers through formal procedures. • Develop guidelines for front-line officials to identify potential victims of trafficking, to be provided either directly or in partnership with NGOs. • Continue to conduct public awareness campaigns, particularly in rural areas.

PROSECUTION

The government increased anti-trafficking law enforcement efforts, but officials noted the judiciary's lack of familiarity with the Anti-Human Trafficking Act impeded its ability to effectively prosecute suspected traffickers. The 2014 Anti-Human Trafficking Act criminalized sex trafficking and labor trafficking, and defined trafficking broadly to include all child labor. The law prescribed penalties of up to 25 years' imprisonment, a fine of 500,000 *pula* ($46,900), or both, which were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, with regard to sex trafficking, these penalties were not commensurate with those for other serious crimes, such as rape. Sections 57 of the 2009 Children's Act criminalized inducing, coercing or encouraging a child to engage in prostitution, and prescribed penalties of two to five years' imprisonment a fine of 50,000 *pula* ($4,690), or both, penalties which were significantly lower than those prescribed under the 2014 anti-trafficking act.

The government initiated investigations of six trafficking cases involving an unknown number of suspects during the reporting period and continued investigations of four cases from the previous reporting period, compared with investigating six cases in 2017. Officials prosecuted 11 suspected traffickers in 2018, compared with prosecuting eight suspects in 2017. Authorities reported continuing eight separate prosecutions from previous years; experts noted judicial processes in Botswana are generally protracted. The government did not convict a trafficker for the second consecutive year, although authorities appealed and sought a stricter sentence during the reporting period for a trafficker convicted in 2016.

The Directorate of Public Prosecution (DPP) continued supporting specialized anti-trafficking units and monitored the investigation and prosecution of trafficking cases. Officials reported coordinating with the governments of Malawi, Nigeria, South Africa, and Zimbabwe on multiple transnational trafficking cases, although they did not report details of the investigations. The government investigated one Motswana diplomat for potential trafficking before determining the case was a labor dispute. Officials did not report prosecuting or convicting officials complicit in human trafficking offenses, although authorities acknowledged corruption as a general impediment for effective law enforcement in Botswana. The slow pace of Botswana's judicial system and the lack of qualified interpreters adversely impacted authorities' ability to prosecute trafficking crimes.

During the reporting period, the Ministry of Defense, Justice and Security (MDJS) reported partnering with the DPP to train 36 officials from all six DPP offices on the Anti-Human Trafficking Act, victim identification, and trafficking indicators. The MDJS and DPP coordinated with an international organization and the Southern African Development Community (SADC) to provide training for immigration officials, first responders, social workers, law enforcement officers, and local elected officials in the North Eastern District of Botswana on trafficking data collection. Additionally, the police service continued to include a human trafficking module in its curriculum to educate recruits and in its in-service training for officers on the anti-trafficking law, victim identification, and investigation of human trafficking cases.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. The government reported identifying 13 potential victims in 2018; nine adult males exploited in forced labor, three Batswana women exploited in sex trafficking in neighboring countries, and one woman exploited in sex trafficking within the country. For comparison, in 2017, the government reported identifying 19 trafficking victims; three adult and 16 child victims. Officials reported coordinating with NGOs to refer all identified victims to facilities providing shelter, medical care, and other services. The government identified 31 foreign victims during the reporting period, including from Ethiopia, Tanzania, Zambia, and Zimbabwe; the majority of whom were young women and men in transit to neighboring countries. The government reported spending 3.69 million *pula* ($346,100) on services for victims of trafficking, repatriations, and staff training, compared with spending 447,000 *pula* ($41,930) in 2017.

Officials reported providing shelter and other support to 31 foreign victims currently in Botswana; however, the government did not report repatriating foreign victims to their countries of origin, compared with assisting 10 foreign victims return to their countries of origin in 2017. The government did not provide formal

written procedures to guide social service, law enforcement, or immigration officials in proactively identifying victims of trafficking and did not fully operationalize the victim referral measures detailed in the 2014 anti-trafficking act. There were no reports officials penalized victims for unlawful acts committed as a result of being trafficked; however, some victims may have remained unidentified and subsequently penalized due to the government's failure to employ systematic measures to identify trafficking victims among vulnerable populations.

PREVENTION

The government maintained prevention efforts. The Anti-Human Trafficking Committee, established under the MDJS in the previous reporting period in accordance with the 2014 anti-trafficking act, met at least once during the reporting period, compared with convening four times during the previous reporting period. Officials updated the government's 2017 National Action Plan to combat trafficking. The MDJS held a national commemoration of the World Day Against Trafficking in Persons in July 2018 to raise awareness among the general public, featuring the MDJS Minister, senior government officials, members of the international diplomatic corps, civil society representatives, senior diplomats, as well as a victim of trafficking.

Officials conducted 11 anti-trafficking workshops for social workers from all 26 public hospitals, Industrial Court staff, elected officials, first responders and students, compared with holding 13 anti-trafficking workshops in 2017. The Botswana Police Service also conducted awareness raising sessions with secondary school students at various locations. The government continued to participate in the SADC regional data collection tool by uploading information about trafficking cases, victim and trafficker profiles, and sharing information with countries in the region.

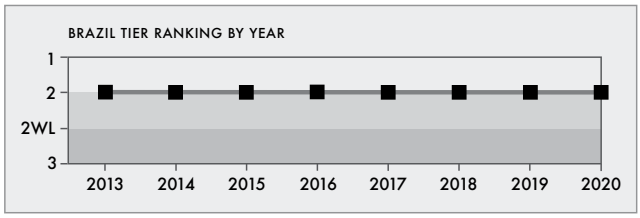
The government reported it regularly conducted labor inspections throughout the country, but did not report sanctioning individuals or firms who may have subjected individuals to trafficking. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts or forced labor during the year.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Botswana and traffickers exploit victims from Botswana abroad. Residents of Botswana most vulnerable to trafficking are unemployed women, the rural poor, agricultural workers, and children. Some parents in poor rural communities send their children to work for wealthier families as domestic servants in cities or in agriculture and cattle farming in remote areas, increasing their vulnerability to forced labor. Traffickers may exploit young Batswana serving as domestic workers for extended family who may be denied access to education and basic necessities or subjected to confinement or verbal, physical, or sexual abuse—conditions indicative of forced labor. Criminals exploit some Batswana girls and women in prostitution within the country, including in bars and along major highways. Organized trafficking rings subject some Batswana women to trafficking internally or transport women from neighboring countries such as South Africa and Zimbabwe and subject them to sexual exploitation. The government reported some traffickers targeted potential victims via social media, including through advertising fake employment opportunities, with the purpose of exploiting victims in forced labor or sex trafficking. Officials stated traffickers subject adults and children of the San ethnic minority group to labor conditions on private farms and cattle posts in Botswana's rural west that may rise to the level of forced labor. Traffickers likely subject some undocumented migrant Zimbabwean children to sex trafficking or forced labor in Botswana.

BRAZIL: TIER 2

The Government of Brazil does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Brazil remained on Tier 2. These efforts included increasing investigations and prosecutions of traffickers, identification of more victims, increased interagency cooperation to improve data sharing, and creating a new list to make public the name of convicted labor traffickers. However, the government did not meet the minimum standards in several key areas, protection mechanisms for victims of trafficking remained disjointed and inadequate, authorities did not report the final number of convictions, and officials continued to punish the majority of labor traffickers with administrative penalties instead of jail time. The government penalized victims of trafficking for crimes committed as a result of their trafficking situation, and authorities in populous states did not proactively identify victims of sex trafficking, including among highly vulnerable populations, such as children and LGBTI persons.



PRIORITIZED RECOMMENDATIONS:

Provide shelter and specialized assistance to victims of sex trafficking and forced labor. • Proactively identify and vigorously investigate cases of sex trafficking, including child sex tourism. • Prosecute and convict labor traffickers in criminal courts and end the use of low impact remedies for human trafficking offenses by punishing traffickers with significant prison terms. • Train law enforcement officials on victim identification to prevent the penalization of victims for unlawful acts that traffickers compelled them to commit. • Increase the number of anti-trafficking offices, mainly in states where vulnerabilities are high and trafficking is prevalent or increasing, such as Mato Grosso do Sul, Piaui, Rondônia, Roraima, and Santa Catarina. • Prosecute and convict officials complicit in trafficking. • Improve interagency, federal, and state coordination efforts to combat trafficking, including among law enforcement. • Amend the 2016 anti-trafficking law to criminalize child sex trafficking without elements of force, fraud, or coercion in accordance with the 2000 UN TIP Protocol. • Allocate resources to local guardianship councils to increase specialized services for child trafficking victims, including case management assistance. • Develop a victim identification protocol for law enforcement officials on trafficking indicators and proactive identification of victims and train them on its use. • Increase and fund efforts to raise awareness of trafficking on television, social media, and in print form, as well as campaigns including child sex tourism along highways where any human trafficking is prevalent. • Compile comprehensive data on the identification of victims, the assistance provided, investigations, prosecutions, and convictions at the federal and state level, disaggregated between sex and labor trafficking cases. • Implement the third national action plan. • Strengthen the mandate of the National Committee to Combat Human Trafficking (CONATRAP) to assist in the development of anti-trafficking offices in every state, including those with limited funding and high prevalence of trafficking. • Update referral mechanism guidance to reflect the provisions

covered under the 2016 trafficking law.

The government maintained mixed law enforcement efforts. Law 13.344 criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed penalties of four to eight years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 149a of Law 13.344 required force, fraud, or coercion for child sex trafficking cases and therefore did not criminalize all forms of child sex trafficking. However, Article 244a of the child and adolescent statute criminalized inducing a child to engage in sexual exploitation without the need to prove the use of force, fraud, or coercion and prescribed penalties of four to 10 years' imprisonment and a fine, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 149 of Law 13.344 prescribed penalties of two to eight years' imprisonment and a fine. It prohibited slave labor, or reducing a person to a condition analogous to slavery, defining forced labor to include degrading work conditions and exhausting work hours, going beyond situations in which people are held in service through force, fraud, or coercion.

Law enforcement data provided by the government reflected efforts made under federal jurisdiction. Authorities reported initiating 296 new investigations (40 for sex trafficking and 256 for slave labor), compared with 273 investigations in 2018 (32 for sex trafficking and 241for slave labor). The government prosecuted 56 new cases of suspected trafficking in lower courts (four for sex trafficking and 52 for slave labor), compared with 47 new prosecutions in 2018 (one for sex trafficking and 46 for slave labor). The government did not report the final number of convictions or provide details on the length of sentences traffickers received. Many sex and labor traffickers convicted by lower courts appealed their convictions; authorities reported 320 cases under appeal courts in 2019 (44 for sex trafficking and 276 for slave labor), compared with 212 in 2018 (12 for sex trafficking and 200 for slave labor). Media reports showed that adjudication of cases could take anywhere from four to 10 years. Brazil allowed lengthy appeals in criminal cases, including trafficking, before a final conviction and sentence could be issued. Traffickers sometimes served their sentence under house arrest or in prison work release programs, working during the day and spending nights in prison; punishments that were not commensurate with the seriousness of the crime and likely led to impunity in cases of trafficking. In one instance, a federal judge ordered traffickers to pay compensation to a seven-year-old victim in lieu of criminal charges, despite evidence that traffickers exploited the child into domestic service by forcing her to work for no pay, prohibiting her from attending school, and making her carry debts. While in another case of slave labor, courts sentenced a trafficker to five years and six months in prison for subjecting victims to exhausting workdays, withholding their documentation, restricting their freedom, housing them in precarious and unhealthy conditions, and not providing them with proper pay. In a notable case of sex trafficking involving vulnerable transgender women, press reports indicated that traffickers were ordered to pay fines and indemnities to 13 victims after forcing them into commercial sex when they were unable to pay debts they had incurred for surgical procedures using low quality or second hand implants injected with industrial grade silicone not suitable for human use. Authorities indicated that criminal charges were moving forward at the end of the reporting period.

The government treated forced labor as a distinct crime from human trafficking. Labor inspectors and labor prosecutors could apply civil penalties while the federal police and public ministry had the authority to pursue criminal charges. Authorities in populous states, such as Rio de Janeiro, had a limited understanding of sex trafficking and mostly focused on cases of transnational sex trafficking. Law enforcement officials in the state did not have a protocol to help them identify victims and did not receive any training on proactive identification. Many of this state's government authorities had difficulty conceptualizing individuals in commercial sex as potential trafficking victims, a concept that inhibited law enforcement action against traffickers and likely led to authorities overlooking potential victims. In some cases, when authorities identified exploitation of individuals in commercial sex, some who may have been victims of sex trafficking, they sometimes considered them victims of slave labor, and referred them to the Public Labor Ministry (MPT) or the Special Secretariat for Social Security and Labor. Labor inspectors handled administrative cases of slave labor, and the federal police and public ministry handled the investigation and prosecution of cases with evidence of serious violations. According to some government officials, judges did not identify some individuals as trafficking victims who had initially consented to perform a certain job or service in which they were later coerced or forced to provide labor or services against their will.

In 2019, authorities conducted 45 labor inspections and identified 1,054 victims of slave labor, including 20 child victims of slave labor, compared with 44 labor inspections, the identification of 1,745 victims of slave labor, including 28 child victims of slave labor in 2018. Officials issued administrative penalties to 106 employers guilty of slave labor, compared with 100 employers in 2018. The government did not report the total number of cases of forced labor as defined under international law.

Interagency coordination and data collection efforts were inadequate. Data remained spread across multiple databases at the federal and state level, making it difficult to obtain and analyze comprehensive data. The Brazilian Federal Police (PF) had a unit in every state and was involved in the investigation of most trafficking crimes; however, in states like Rio de Janeiro, law enforcement cooperation and communication among the PF and state and municipal entities was generally insufficient. Observers reported trafficking cases were often under-reported and, in some instances, misclassified by police as other crimes. Law enforcement units at all levels had insufficient funding, expertise, and staff to investigate trafficking. The government did not report any new investigations, prosecutions, or convictions of complicit officials; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Cases of official complicity from previous years remained open, including the October 2016 investigation of an elected official who was arrested and removed from his position in Parana state after allegations surfaced of his involvement in a child sex trafficking ring. Similarly, there were no updates on the prosecution's appeal of an inadequate sentence given to a civil police investigator in 2016 for his involvement in a sex trafficking ring involving children. During the reporting period, 76 new labor judges received training on ways to identify slave labor and human trafficking. Authorities participated in a bilateral meeting with Bolivia to strengthen anti-trafficking cooperation and signed an agreement with the state of Mato Grosso on law enforcement cooperation, awareness raising, and victim protection.

PROTECTION

The government maintained protection efforts. According to the Ministry of Justice and Public Security (MOJPS), authorities continued to use the victim identification guidance created in 2013 for all federal, state, and local governments to aid victim identification and assistance. However, government officials did not receive training on the use of such guidance, and there was no indication that authorities in most states proactively or consistently identified victims of sex trafficking, forced criminality,

or child sex tourism. Officials from the labor inspector's office identified victims of slave labor while conducting impromptu inspections into businesses or employers suspected of using slave labor. The MOJPS maintained nine posts at airports and bus stations where authorities could encounter potential victims, a decrease from 12 advanced posts in 2019. Several government agencies at various levels provided data on victim identification and assistance; however, lack of a centralized database and inconsistent reporting made year-to-year comparisons difficult. In 2019, authorities in 10 states reported identifying 217 victims, of which 105 were victims of sex trafficking, 85 were victims of slave labor, 12 were victims of forced criminality, and 15 unknown. Identification efforts varied greatly from state-to-state. Nearly 50 percent of the victims reported in 2019 were identified in the tri-border State of Parana, including 89 of the 105 victims of sex trafficking, 20 of the 85 victims of slave labor, and three of the 12 victims of forced criminality, while more populous states, such as Rio de Janeiro, identified only three victims—two for sex trafficking and one for forced labor. Labor inspectors at the federal level indicated that all 1,054 victims of slave labor received information on basic resources available to them and confirmed that 787 possible victims received unemployment insurance. The government did not report what other services victims received.

Law 13.344 mandated the government provide victims with temporary shelter; legal, social, and health assistance; and protection against re-victimization; however, implementation of the law was inconsistent across states. Authorities continued to operate 16 state-level and one municipal level anti-trafficking offices (NETPs). NETPs operated interagency networks that could serve as the first point of contact for victims who have been identified by any means, including NGOs. Most agencies with equities participated in the network, and NETPs could refer victims of adult sex trafficking to Specialized Social Service Centers (CREAS), victims of forced labor to the Secretariat of Labor Inspections (SIT), and child victims of trafficking to guardianship councils. In 2019, ten of the NETPs reported assisting 129 possible victims. Adult victims referred to CREAS could receive assistance from non-specialized psychologists and social workers for the third year in a row; authorities did not report what kind of assistance was provided or how many victims received assistance through these centers. A government official indicated that the NETPs were not distributed in a balanced way across the country. In wealthier states, such as Sao Paulo, the NETP had effective assistance and coordination teams that comprised police officers, prosecutors, labor inspectors, labor prosecutors, and mental health professionals. In contrast, other NETPs were not as well-funded or equipped to refer and assist victims. Many states where trafficking was prevalent and vulnerabilities were high did not have NETPs or CREAS, including many located in border states, where the need was great. In 2019, authorities launched a new initiative to increase the protection of transgender trafficking victims. Federal and labor prosecutors in Sao Paulo state conducted at least two operations accompanied by a civil society organization focused on the protection of transgender rights. According to media reports, authorities identified 30 victims, of which 10 received shelter and assistance by the same NGO that collaborated with law enforcement.

The federal government did not fund specialized or long-term shelters for trafficking victims. Some states placed victims in shelters for migrants, the homeless, or victims of domestic violence. States did not have specialized shelters for child sex trafficking victims, and guardianship councils often lacked the expertise and resources to adequately identify, refer, and support child victims. The state of Sao Paulo had two main shelters where trafficking victims could receive assistance— one was a state government-funded shelter where female victims and their children could receive health benefits, education, food, and housing for three to six months; and the other was an NGO-operated shelter that provided temporary assistance for refugees and trafficking victims. Both shelters were occupied by displaced Venezuelans during the reporting period, and state authorities did not report how many victims of trafficking received assistance. There were no specialized shelters for male victims of trafficking. In addition, authorities indicated there were 87 non-specialized shelters where vulnerable populations, including LGBTI individuals, homeless people, victims of domestic violence, and trafficking victims could receive assistance. It was unclear how many trafficking victims were assisted in those shelters during the reporting period. Despite being the second most populous city in the country, Rio de Janeiro did not have any specialized shelters for victims of sex trafficking, and officials from the MPT used assets forfeited from traffickers to provide care to victims of slave labor. To increase and expedite access to care, some state governments, through MPT, adopted an integrated approach that sought restitution from traffickers for damages caused, assistance with vocational training, and job placements. In 2019, the state governments of Bahia, Ceará, Mato Grosso, and Rio de Janeiro sought to complement assistance for victims of slave labor through this program. MPT officials in Rio de Janeiro State assisted 12 of the victims identified through the program, but authorities at the federal level did not report what services the remaining 215 victims received. Authorities provided training for 242 guardianship council social workers on the worst forms of child labor, including trafficking.

Authorities penalized victims for unlawful acts that traffickers forced them to commit. Due to a lack of formal identification and screening, officials arrested some foreign women for drug trafficking crimes committed under coercion and as a result of their trafficking situation. The government had measures to encourage victims to testify in the case against their traffickers, including allowing remote live video testimony. However, authorities have never reported using these measures for trafficking cases. Observers continued to express concern about the under-reporting of trafficking crimes, attributing it in part to victims' lack of awareness of protection services and fear that filing complaints will lead to further exploitation, deportation, or other harm. Foreign trafficking victims were entitled to permanent visa status, but for the fourth consecutive year authorities did not report how many victims received it. The government could assist victims of trafficking with repatriation, but authorities have not reported assisting any victims since 2017.

PREVENTION

The government increased efforts to prevent trafficking. The MOJPS continued to oversee the inter-ministerial group responsible for the implementation of the 2016-2022 Third National Action Plan, which received 639,250 reais ($159,020) for its operations. The MOJPS also funded CONATRAP, which included representatives from federal government agencies and NGOs. In 2019, CONATRAP continued to operate; however, following a presidential executive order, it significantly reduced the number of representatives from 26 to seven. Coordination between agencies at the national and state level remained uneven and varied in efficacy. At the state government level, officials from different agencies in 16 states continued to convene and address trafficking unilaterally and in a decentralized manner through the state NETPs. At the national level, the MOJPS made efforts to increase interagency cooperation by signing a technical agreement on information sharing with the Ministry of Women, Family, and Human Rights and one with MPT. In July, the MPT signed a three-year technical cooperation agreement with the PF focused on increasing information sharing on cases of child labor and slave labor.

Most awareness raising efforts focused on combating child or slave labor more broadly, while efforts to raise awareness of sex

trafficking and child sex tourism were deficient. Throughout the year and to commemorate World Day against Trafficking, municipal and state governments hosted workshops, training, art installations, performances, and roundtable discussions. In Sao Paulo, the Department of Justice and Citizenship hosted an anti-trafficking event to educate students on the threat of false employment opportunities, reaching 230 individuals. In Alagoas state, officials from the Federal Highway Police (PRF) held lectures educating 165 people on ways to identify forced labor and where to report it. Together with an NGO, the SIT hosted an event bringing together representatives from the banking and financial sectors, companies, and public authorities to educate on the role of the financial community in the fight against slave labor. In Amazonas, several state agencies initiated a project to map incidents of child labor among the displaced Venezuelan population to connect these communities that are vulnerable to trafficking to social assistance services. PRF officials continued to operate a database to identify critical locations along highways where the commercial sexual exploitation of children was prevalent. In 2019, highway patrol officers increased inspections in areas where there was a high incidence of exploitation. In the first half of 2019, government-operated human rights hotlines received 46 calls for trafficking in persons, 61 calls for slave labor of adults, 1,971 calls involving minors victims of slave labor, and seven calls reporting child sex tourism, compared with 159 reports of trafficking in persons, 156 reports of slave labor, and eight calls reporting child sex tourism in 2018. Hotline operators could refer victims to local resources including but not limited to police, state prosecutor's offices, social workers, guardianship councils, CRAS, CREAS, and the labor inspectorate. The government did not indicate whether it initiated any investigations from calls to the hotlines.

Authorities did not make efforts to reduce the demand for commercial sex acts. However, authorities made efforts to reduce the demand for forced labor. The SIT published the dirty list or *lista suja*, which made public the names of individuals and businesses found guilty of using slave labor. In 2019, the dirty list included 69 new employers, compared with 78 in 2018. While individuals and companies listed are prohibited from accessing credit by public or private financial institutions, in May, the MPT filed civil lawsuits against seven banks that continued extending credit to businesses included on the dirty list. At the end of 2019, the dirty list had 190 employers, including two that were listed in 2018. While the dirty list remains one of Brazil's most effective tools to reduce the demand for slave labor, the inadequate criminalization of these crimes has hindered progress in the fight against labor trafficking. At the end of June, the MPT approved a resolution to create a public list of employers convicted of slave labor. According to the resolution, the MPT had to release the public list 180 days from its approval; however, the government did not release the list by the end of the reporting period. Authorities did not report any new investigations, prosecutions, or convictions of child sex tourists in 2019.

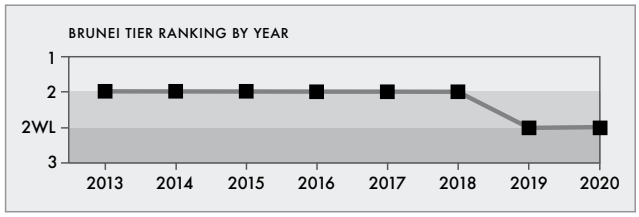
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Brazil, and traffickers exploit victims from Brazil abroad. Traffickers exploit Brazilian women and children in sex trafficking within the country. Traffickers exploit Brazilian women in sex trafficking abroad, especially in Western Europe and China. Traffickers exploit women and girls from other South American countries, especially Paraguay, in sex trafficking in Brazil. Migrants and people living near any of Brazil's border areas are vulnerable to trafficking. Gangs and organized criminal groups subjected women and girls to sex trafficking in Rio Grande do Sul and Santa Catarina. Venezuelan migrants in border cities within Brazil and those who have relocated to other parts of the country were highly vulnerable to sex trafficking and forced labor. Traffickers recruited Venezuelans living in Brazil and those still in Venezuela via online advertisements and social media platforms offering fraudulent job opportunities, later exploiting them in sex trafficking in major cities like Sao Paulo and Rio de Janeiro. Transgender Brazilian women are one of the most vulnerable populations in the country. According to a study conducted in 2019, 90 percent of transgender women in Brazil are in commercial sex, and of those in Rio de Janeiro, more than half are in some situation of vulnerability that may amount to trafficking. Transgender women often pay traffickers for protection and daily housing fees. When they are unable to pay they are beaten, starved, and forced into commercial sex. Traffickers exploit transgender Brazilian women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they are unable to repay the cost of the procedure. Traffickers have exploited Brazilian men and transgender Brazilians in sex trafficking in Spain and Italy. Child sex tourism remains a problem, particularly in resort and coastal areas; many child sex tourists are from Europe and the United States. Traffickers exploited children in sex trafficking along Brazil's highways, including BR-386, BR-116, and BR-285. Traffickers exploit Brazilian men, notably Afro-Brazilian and to a lesser extent women and children, in situations that could amount to labor trafficking, in rural areas (including in ranching, agriculture, charcoal production, salt industries, logging, and mining) and cities (construction, factories, restaurants, and hospitality). Traffickers exploit Chinese women in sex trafficking in Rio de Janeiro. Traffickers exploit Brazilians in forced labor for some producers of sugar, coffee, and carnauba wax. Traffickers exploit Brazilian women and children, as well as girls from other countries in the region, in forced labor for domestic servitude. Traffickers force some Brazilian victims to engage in criminal activity, including drug trafficking, in Brazil and neighboring countries. Traffickers exploited South African, Venezuelan, and Bolivian victims in forced criminality, including drug trafficking. Traffickers lure Brazilian women to South Korea using false promises of becoming music stars. In 2018, the Cuban government ended its medical missions to Brazil after Brazilian authorities raised significant concerns of exploitation and forced labor associated with these missions. Cuban medical professionals who participated in medical missions in Brazil may have been exploited and forced to work by the Cuban government. Traffickers exploit Brazilians in forced labor in other countries, including in Europe. Traffickers exploit men, women, and children from other countries—including Bolivia, Paraguay, Haiti, and China—in forced labor and debt-based coercion in many sectors, including construction, the textile industry (particularly in Sao Paulo), and small businesses. NGOs and officials report some police officers ignore the exploitation of children in sex trafficking, patronize brothels, and rob and assault women in prostitution, impeding identification of sex trafficking victims.

BRUNEI: TIER 2 WATCH LIST

The Government of Brunei does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included passing the 2019 Anti-Trafficking in Persons Order, which separated the crimes of migrant smuggling and human trafficking; formalizing the government's interagency anti-trafficking in persons committee within the prime minister's office; instituting a committee to review foreign worker recruitment practices; ratifying the ASEAN Convention against Trafficking in Persons in January 2020; acceding to the UN TIP Protocol in March 2020; and continuing awareness-raising campaigns for employers of foreign workers. However, the government did not demonstrate overall increasing efforts

compared to the previous reporting period. Despite a significant number of migrant workers in Brunei who exhibit multiple trafficking indicators, the government did not formally identify any cases of trafficking. The government did not prosecute or convict any traffickers for the third consecutive year. While the 2019 Anti-Trafficking in Persons Order upheld a fund created in 2004 for victim compensation and repatriation, the government has never allocated funding to it. The government continued to detain, deport, and charge potential victims for crimes without employing a victim-centered approach to discern if traffickers compelled the victims to engage in the unlawful acts. The government continued not to provide shelter or services for adult male trafficking victims. Therefore Brunei remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, convict, and punish both sex and labor traffickers, including complicit government officials, with strong penalties. • Widely disseminate standard operating procedures for victim identification and train all front-line police, immigration, and labor officials on the procedures. • Finalize, approve, and implement the national action plan. • Cease the arrest, deportation, and punishment of trafficking victims for unlawful acts their trafficker compelled them to commit. • Increase protective services to provide incentives for victims to participate in investigations and prosecutions, including by providing shelter to adult male victims, allowing adult victims in government shelters to move freely, allowing at-will communication with people outside shelter facilities, and issuing work permits to all victims. • Ensure migrant worker contracts and information on their rights and obligations under Brunei law are available in migrant workers' primary language and that workers can retain a copy. • Issue guidelines on the prohibition of recruitment agencies charging or receiving worker-funded fees and enforce the prohibition. • Allocate resources for the completion of the pending dedicated trafficking victims' shelter. • Train judges on accurate and effective implementation of trafficking laws. • Allocate government resources to the victims' fund and allow those funds to be paid directly to victims as compensation. • Strengthen efforts to enforce laws prohibiting acts that facilitate trafficking, such as retention or confiscation of migrant workers' identity documents and partial or full withholding of wages. • Offer foreign victims long-term alternatives to removal from the country. • Expand comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and buyers of commercial sex.

PROSECUTION

The government demonstrated mixed law enforcement efforts. During the reporting period, the government enacted the 2019 Anti-Trafficking in Persons Order, which criminalized sex trafficking and labor trafficking and prescribed penalties of four to 30 years' imprisonment and fines of between 10,000 and one million Brunei dollars ($7,430 and $743,490), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. While the passage of this law did not substantively change the trafficking in persons criminal provisions under the pre-existing 2004 law, it successfully separated trafficking crimes from migrant smuggling crimes, which are now addressed under a separate law and had been frequently conflated. The penal code also criminalized travel outside the country for commercial sex with children, prescribing a punishment of up to 10 years' imprisonment, a fine, or both.

Royal Brunei Police Force (RBPF), labor, and immigration officers referred cases of suspected trafficking to the human trafficking unit (HTU) for further investigation. The HTU also reviewed case reports from other RBPF units to look for trafficking indicators, particularly in cases involving commercial sex, unpaid wages, workers fleeing their place of employment, or physical abuse of workers. The HTU reported it screened 90 cases in 2019 for trafficking indicators compared with 46 cases in 2018. Separately, the labor department screened 16 cases of domestic workers who reported unpaid wages and other issues for trafficking indicators. The government conducted one potential sex trafficking investigation of three defendants that resulted in non-trafficking charges. Authorities did not refer any cases to the attorney general's chambers (AGC) for prosecution; the most recent cases that authorities identified and referred to the AGC were two cases in 2017. For the third consecutive year, the AGC did not initiate any new trafficking prosecutions and the courts did not convict any traffickers. The government's most recent trafficking convictions were of three traffickers in 2016. Law enforcement officials charged a Department of Immigration officer, in addition to two Bruneian labor recruiters, under the Prevention of Corruption Act for knowingly committing visa application fraud in connection with an illegal operation to bring Bangladeshi workers to Brunei on false visa applications although the jobs did not exist; the case was ongoing at the close of the reporting period. Related to the same allegations, in November 2019, authorities cooperated with the Government of Bangladesh to detain and deport 11 Bangladeshi nationals accused of exploiting Bangladeshi migrant workers; however, the government did not report investigating or prosecuting these cases for labor trafficking. The HTU continued to train RBPF, immigration, labor, and anti-vice officers on trafficking and victim identification.

PROTECTION

The government maintained inadequate efforts to protect victims. The government identified seven potential sex trafficking victims in a case that resulted in non-trafficking charges against the perpetrators, compared with two potential victims identified in 2018. The HTU continued to report it employed standard operating procedures (SOPs) to identify potential trafficking victims when apprehending persons in commercial sex and when accompanying immigration and labor officials on operations where trafficking was suspected. Police, immigration, and labor officers, who would be most likely to encounter potential trafficking victims, reported they also used these SOPs. According to past reports, in some cases, authorities employed identification measures only after detaining victims during law enforcement operations, such as raids in which police arrested foreign women for prostitution crimes. Officials may have also detained and deported unidentified trafficking victims for labor or immigration violations. Foreign government officials continued to report Bruneian authorities deported several of their citizens after their Bruneian employers withheld wages or medical care and then reported to immigration officials that the migrant workers had run away. According to observers, the practice of detention and deportation perpetuated victims' fear of communicating with law enforcement officers, exacerbating significant identification and service provision gaps.

The government maintained a secure, general-purpose shelter and provided medical care, counseling, psychological assessment, clothing, meals, and access to vocational training programs and recreational activities to all female trafficking victims and male trafficking victims under the age of 18. The government required victims to apply to leave the shelter and permitted movement

only when the victim was accompanied by a chaperone. Shelter officials permitted victims to make calls home in the presence of an official from their embassy who could translate the conversation for authorities. Shelter officials reported housing seven female potential trafficking victims from Thailand for one month before they were repatriated. The government did not provide shelter or services to adult male victims. For the fourth consecutive year, the government reported budget constraints delayed its ongoing renovation of a dedicated trafficking shelter.

The 2019 law maintained a fund, previously established in 2004, to compensate victims and cover repatriation costs. However, the government's decision to not allocate money to the fund and convicted traffickers' ability to elect additional prison time in lieu of paying fines resulted in the fund's continued lack of resources. The departments of labor and immigration could grant victims temporary work passes on an ad hoc basis; the government did not report granting any victims work passes during the reporting period. The government did not have legal alternatives to removal for victims who may face hardship or retribution upon return to their home countries.

PREVENTION

The government maintained limited efforts to prevent trafficking. The government's anti-trafficking interagency committee regularly met to review government efforts. After approving the 2019 Anti-Trafficking in Persons Order, the sultan formalized the interagency committee and appointed a senior prime minister's office official to lead it. The sultan also raised concerns about trafficking and labor issues during publicized inspections of several government ministries and agencies, and the government subsequently instituted a new, high-level committee to review foreign worker recruitment processes. For the sixth consecutive year, the government did not complete its draft national action plan to combat trafficking. The government continued its public awareness campaign with printed materials in English and Malay.

Brunei's 2004 Employment Agencies Order (EAO) mandated licensing and regulation of recruitment agents. The EAO prohibited agencies from charging or receiving any form of fees, remuneration, profit, or compensation; however, since the labor department had not yet issued guidelines on this prohibition, authorities had not implemented oversight of this provision. The labor department required foreign workers to sign their contracts in the presence of a labor officer to prevent forgery and enable the labor official to provide information to the worker on their rights and obligations; however, many workers' lack of literacy or fluency in local languages hindered disseminating information to and capturing information from workers. Brunei did not have a minimum wage; salary payments were negotiated in individual contracts. Without legal guidance, labor officials could not determine the fairness of the contracts. The 2009 Employment Order did not require employers to provide a written record of terms to employees not covered under the order, namely domestic workers and fishing crews.

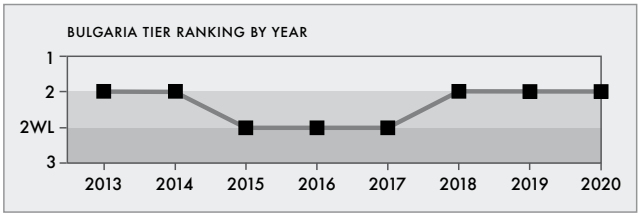
Although Bruneian law prohibited employers from withholding wages more than seven days or retaining employees' passports, foreign embassies continued to report their citizens commonly experienced both practices. The labor department provided workers with business cards containing the department's hotline for reporting labor violations and continued its awareness roadshow to educate the public on labor laws, including on passport retention. However, when labor officials inspected worksites they only required migrant workers to show a copy of their passport and visa, and the government did not report taking administrative or legal action against employers for passport retention during the reporting period. The government did not make efforts to decrease the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Brunei. There are approximately 100,000 foreign workers in Brunei. Men and women migrate to Brunei primarily for domestic, retail, and construction work. Upon arrival, traffickers exploit some migrant workers through involuntary servitude, debt-based coercion, contract switching, non-payment of wages, passport confiscation, physical abuse, or confinement. Although it is illegal for employers to withhold the wages from their employees for more than seven days, some employers withhold wages to recoup labor broker or recruitment fees or to compel the continued service of workers. Retention of migrant workers' travel documents by employers or agencies remains a widespread practice, although the law prohibits it. Traffickers may force some female migrants who arrive in Brunei on tourist visas into prostitution. Some traffickers who exploit migrants in Malaysia or Indonesia for sex or labor trafficking use Brunei to transit victims.

BULGARIA: TIER 2

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bulgaria remained on Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers, extraditing more suspected traffickers, and increasing prevention projects targeting vulnerable groups, such as members of the Roma community and children. However, the government did not meet the minimum standards in several key areas. Courts continued to issue suspended sentences for most convicted traffickers. Officials' lack of knowledge of trafficking indicators hindered effective victim identification, resulting in the government identifying fewer victims. Corruption in law enforcement and the judiciary continued to hinder progress, and investigations into complicit officials rarely led to prison sentences.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict sex trafficking and labor trafficking cases, and sentence traffickers, including complicit government officials, to significant prison terms. • Proactively identify potential trafficking victims, and provide training for officials on victim identification. • Introduce a sustainable financial mechanism for victim services, and allocate adequate funding for anti-trafficking activities and programs, including the implementation of objectives in the national strategy and national program. • Enhance efforts to train law enforcement officials, prosecutors, and judges to understand the severity of sex trafficking and labor trafficking crimes and their impact on victims. • Establish a dedicated unit of prosecutors specializing in trafficking issues. • Increase the number of police officers investigating trafficking crimes. • Establish a database on investigations, prosecutions, and convictions, including prison sentence data categorized by type of trafficking. • Appoint an

executive secretary to the National Commission for Combatting Trafficking in Human Beings to lead anti-trafficking efforts, and fill the remaining vacancies in the executive secretariat. • Provide additional dedicated shelters for trafficking victims. • Reform the victim compensation process to make it accessible to trafficking victims, and increase the number of victims receiving compensation.

PROSECUTION

The government increased law enforcement efforts. Articles 159a-159d of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of two to eight years' imprisonment and a fine of 3,000 to 12,000 lev ($1,720 to $6,890) for offenses involving adult victims, and three to 10 years' imprisonment and a fine of 10,000 to 20,000 lev ($5,740 to $11,490) for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 84 cases, an increase from 59 cases in 2018 and 81 cases in 2017. Authorities prosecuted 73 defendants, compared with 68 in 2018 and 80 in 2017. Courts convicted 61 traffickers (59 in both 2018 and 2017) and acquitted nine (two in 2018). Of the 61 convicted traffickers, only 28 received a prison sentence that was not suspended. As in previous years, the government did not report the range of prison sentences imposed on convicted traffickers. In order to clear case backlogs, prosecutors often agreed to plea bargains with traffickers, and courts approved ensuing settlements as a cost-effective alternative to a full trial. Guilty pleas reduced traffickers' sentences by one-third and led to a majority of lenient or suspended sentences. The General Directorate for Combating Organized Crime (GDBOP) maintained a specialized police unit for investigating international trafficking cases. In 2019, GDBOP investigated eight cases, including via a joint investigation team with Swiss authorities, involving 23 Bulgarian women exploited in sex trafficking in Switzerland; the investigation resulted in six arrests. In 2019, authorities extradited 18 suspected traffickers, compared to 13 in 2018.

Corruption in law enforcement and the judiciary, lack of meaningful sentences for complicit officials, high turnover within the police, and the absence of specialized prosecutors impeded progress. Authorities investigated five officials complicit in trafficking-related crimes, but there were no prosecutions of any complicit officials. Courts issued a suspended sentence to one police officer, whom authorities charged for obstructing a 2016 investigation, and acquitted another officer on the same charges. The government noted that changes to the structure and function of law enforcement caused significant turnover in police staff and a subsequent loss of knowledge and expertise in investigating trafficking cases. Reports indicated prosecutors continued to lack sensitivity toward trafficking victims and expertise in handling trafficking cases.

During the reporting year, the government conducted multiple trainings on trafficking. More than 300 law enforcement officials, prosecutors, social workers, and asylum specialists attended trainings organized by the National Commission for Combatting Trafficking in Human Beings; the trainings covered victim identification, application of the national referral mechanism, and new trends and best practices in trafficking. The National Institute of Justice trained 105 judges, 34 prosecutors, and seven investigators on different aspects of international legal assistance in criminal cases, including trafficking, and offered a module on trafficking investigations to 12 newly appointed investigators.

PROTECTION

The government decreased protection efforts. The prosecution service identified 340 victims (270 sex trafficking, 70 labor trafficking and forced begging), a decrease from 376 victims in 2018 and 407 victims in 2017. The government identified 33 child trafficking victims (53 in 2018, 42 in 2017). Authorities identified one potential trafficking victim from Ukraine in 2019 (none in 2018, one in 2017). Experts alleged some law enforcement could not effectively identify victims, especially among vulnerable groups such as asylum-seekers, migrants, and members of the Roma community. NGOs and international organizations reported cultural issues created extreme difficulties for all practitioners in identifying trafficking crimes among the Roma community. Some law enforcement viewed Romani as people who chose that lifestyle and either did not need support or could not be identified as trafficking victims. Pre-trial authorities formally identified trafficking victims, and the anti-trafficking commission, which coordinated the government's efforts, referred victims to services. The government allocated 390,000 lev ($224,010) for services and implementation of the annual national anti-trafficking and victim protection program, the same as in 2018, and spent 149,170 lev ($85,680) on health care and psychological and social assistance, compared to 234,000 lev ($134,410) in 2018. Experts noted the victim protection program was chronically underfunded and with the exception of a small increase in 2014, the government failed to update the anti-trafficking commission's budget in the past decade, hampering implementation of a fully-fledged victim-centered approach.

Observers noted limited residential care offered to victims remained problematic with only four dedicated shelters for trafficking victims in the country. In 2019, the government reopened the crisis center for child victims of trafficking in Sofia, with funding allocated by the Ministry of Labor and Social Policy and managed by the municipality of Sofia. The government continued contracting NGOs to operate shelters and crisis centers. Child victims could stay in centers for up to six months at which point child protection services could place them with relatives, a foster family, or another residential care institution. Observers noted an underdeveloped foster care system often resulted in child protective services placing children in shelters for victims of trafficking or domestic violence. In 2019, child protective services assisted 17 minors who were exploited abroad (11 for sex trafficking and six for labor trafficking, including forced begging and criminality). The government allocated 9,870 lev ($5,670) annually per child accommodated in a crisis center, an increase from 9,180 lev ($5,270) in 2018, and 33 lev ($19) monthly per child attending school. The National Council on Child Protection maintained referral services and accommodation for unaccompanied minors.

The law allowed foreign victims who cooperated with law enforcement to stay and work in Bulgaria for the duration of criminal proceedings before deportation, although no foreign victims had applied for this status. For foreign victims who chose not to assist in trafficking investigations, the government provided a 40-day recovery period (70 days for foreign child victims) before repatriation. The law accorded victims anonymity during the pre-trial and trial phases, but authorities rarely implemented this provision, resulting in victims facing intimidation and threats to change their statements. Observers noted many victims did not cooperate with law enforcement because they did not believe the judicial system would protect them, effectively administer justice, or convict perpetrators with meaningful sentences. The process for seeking compensation remained overly bureaucratic and discouraged victims from making claims; as a result, no victims received compensation.

PREVENTION

The government maintained prevention efforts. The government

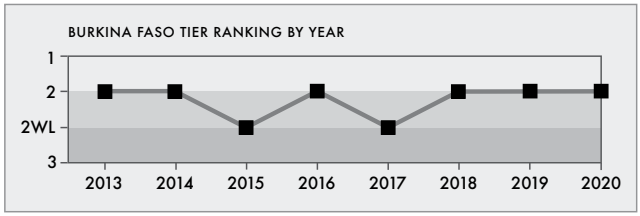
continued to implement its 2017-2021 national anti-trafficking strategy and adopted its annual national program for combating trafficking and victim protection. The anti-trafficking commission struggled to maintain its traditional active prevention and protection programs, hire qualified and experienced candidates as three vacancies remained unfilled during the reporting period, and retain personnel—the commission's executive secretary, who was the incumbent since 2015, stepped down amid concerns over the lack of government support and funding. Nonetheless, the commission conducted anti-trafficking activities, including a national awareness campaign on the prevention of sex trafficking, which targeted students and youth and included more than 30 focus group discussions. Additionally, local anti-trafficking commissions executed more than 70 prevention projects, reaching more than 40,000 people, including vulnerable groups such as members of the Roma community and children. In conjunction with the UK embassy, the government hosted an international conference on public-private partnership in combating trafficking in supply chains; the conference highlighted the need to map the most vulnerable sectors to exploitation and educate businesses on trafficking indicators. Bulgarian and French authorities continued to cooperate to counter illegal employment and prevent labor trafficking by conducting a series of meetings with Bulgarian nationals working in the French agriculture sector. The General Labor Inspectorate (GLI) conducted 1,099 inspections of labor recruitment firms, temporary employment agencies, employers sending "posted workers" to EU countries, and cases involving foreign workers in Bulgaria; it identified 1,625 violations and imposed 351 fines. GLI along with the Belgian Labor Inspectorate conducted checks in construction companies employing Bulgarian workers. The government did not make efforts to reduce the demand for commercial sex acts. In 2019, the government allocated 65,000 lev ($37,330), the same amount as in 2018, to an NGO-run hotline for victims of violence, including trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bulgaria, and traffickers exploit victims from Bulgaria abroad. Bulgaria remains one of the primary source countries of human trafficking in the EU. Traffickers exploit Bulgarian women and children in sex trafficking throughout Western Europe and in Bulgaria, particularly in the capital, resort areas, and border towns. Bulgarians of Turkish ethnicity and Romani women and girls account for most of the sex trafficking victims identified in Bulgaria. Authorities report traffickers have established networks in and typically recruit and exploit women and girls from particular regions of the country. Reports indicate a rise in the number of cases of women and girls from marginalized communities forced to marry third-country nationals. Traffickers exploit Bulgarian men and boys in forced labor across Europe, predominantly in agriculture, construction, and the service sector. Traffickers force Bulgarian men with disabilities into street begging abroad. Traffickers exploit Romani children in forced labor, particularly begging and pickpocketing. The government reports a steady increase in the number of exploited women and men in forced labor in Western Europe and in the number of men forced to beg in France and Sweden. Government corruption in law enforcement and the judiciary continues to enable some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

BURKINA FASO: TIER 2

The Government of Burkina Faso does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Burkina Faso remained on Tier 2. These efforts included collaborating with international organizations to train officials on child trafficking and protecting children in violent conflict, implementing a new agreement with Cote d'Ivoire, and adopting multiple national strategy documents that would address child trafficking. Despite also being responsible for managing a complex humanitarian response in which the number of IDPs increased more than fivefold over the year, the Ministry of Women coordinated the second phase of a program to remove vulnerable children from the streets, including forced begging victims. However, the government did not meet the minimum standards in several key areas. Due to the justice sector being overburdened with terrorism-related cases, the government did not report investigating, prosecuting, or convicting any trafficking cases or other cases not related to terrorism. Efforts to identify and provide care to adult trafficking victims remained weak. The anti-trafficking committee did not meet or conduct any activities during the reporting period. For the second year in a row, the Ministry of Women did not coordinate with law enforcement during a campaign to remove vulnerable children from the streets.



PRIORITIZED RECOMMENDATIONS:

Collaborate with international organizations and foreign donors to adopt a handover protocol for children associated with non-state armed groups and establish a reintegration program for those children. • Increase efforts to vigorously investigate, prosecute, and convict traffickers—including corrupt Quranic teachers who exploit children in forced begging and complicit officials—and sentence convicted traffickers to significant prison terms, as prescribed in the 2008 anti-trafficking law. • Train law enforcement and military officials on the standard operating procedures to identify victims among vulnerable populations, including women in prostitution and children associated with non-state armed groups, and refer them to protective services. • Strengthen the system for collecting law enforcement and victim identification data. • Facilitate training of law enforcement, prosecutors, and judicial officials on investigating and prosecuting trafficking cases, including cases that do not involve movement. • Increase the availability of shelter and services for all victims, including adults. • Investigate recruitment agencies suspected of fraudulently recruiting women for exploitation abroad. • Increase funding and resources for police and security force units charged with investigating trafficking crimes. • Increase funding and in-kind support, as feasible, for victim services, including long-term services and social reintegration. • Work with NGOs to raise awareness of trafficking, especially forced begging in Quranic schools and trafficking that does not involve movement. • Improve coordination among the anti-trafficking and child protection committees by providing funding or in-kind resources, convening regularly, and sharing data. • Draft, approve, and implement a national action plan to combat trafficking.

PROSECUTION

The government decreased overall law enforcement efforts but made some efforts to train officials. Articles 511-1 to 511-5 of the penal code criminalized sex trafficking and labor trafficking and

prescribed penalties of five to 10 years' imprisonment and fines of one million to five million West African CFA francs (FCFA) ($1,720-$8,590) for offenses involving a victim over the age of 15, and 11 to 20 years' imprisonment and a fine of two million to 10 million FCFA ($3,440-$17,180) for those involving a victim 15 years of age or younger. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Due to increasing and continuous terrorist attacks, the judicial sector was overburdened and solely focused on terrorism-related cases. The government did not report any investigations, prosecutions, or convictions during the reporting period. As previously reported, between September 2017 and May 2018, the National Police opened six investigations involving 11 suspects (only two regions reported investigation data), and courts prosecuted 71 trafficking cases and convicted 61 traffickers (12 regions reported prosecution and conviction data). The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, trafficking-related corruption remained a concern. In the past, authorities alleged some officials exerted pressure over police and judiciary to drop labor trafficking cases, especially in the mining sector. In July 2018, a federal court in New York entered a default judgment against a former Burkina Faso diplomat who had been assigned to Burkina Faso's Mission to the UN. In October 2019, the court awarded the plaintiff approximately $784,000. The plaintiff (the diplomat's former domestic worker) had alleged, among other things, violations of the TVPA and federal and state labor laws after his employer allegedly forced him to work long hours under intolerable conditions. The judgment remained unpaid and the government did not report taking any actions to hold the diplomat accountable during the reporting period.

During the reporting period, the Ministry of Security trained 250 police officers and gendarmes on violence against children, including child trafficking, and the government conducted trainings in seven regions on child forced labor. In addition, the government provided technical support to NGOs and an international organization to host a workshop on preventing violence against children recruited and used by armed groups. To improve international cooperation on law enforcement and victim protection, the government signed a law enforcement cooperation agreement with Cote d'Ivoire in July 2019. In addition, the government signed a tripartite agreement on transnational child trafficking with Togo and Benin in December 2019.

PROTECTION

The government decreased efforts to identify trafficking and protect victims. During the reporting period, the government identified 114 child forced labor victims and 1,628 potential trafficking victims with data from an unknown number of provinces. This is compared to identifying 851 trafficking victims and 2,844 potential trafficking victims with partial data from 30 of 45 provinces during the previous reporting period. Of these 1,628 potential victims, the Ministry of Women identified 1,578 vulnerable children living on the street, including *talibés* (Quranic students) exploited in forced begging. As part of the July 2019 law enforcement agreement with Cote d'Ivoire, the government identified 114 children from Central and Central-East Burkina Faso in forced labor in artisanal gold mines in Mali and Cote d'Ivoire and intercepted a convoy of 38 children and 12 adults en route to potential exploitation in artisanal gold mines in Bobo-Dioulasso, Mali, and Cote d'Ivoire. In September 2019, the Ministry of Women launched a second campaign to remove all vulnerable children from the street, including *talibés* exploited in forced begging, similar to the campaign conducted in August 2018. Through the campaign, the government identified and provided care to 1,578 vulnerable children, including potential trafficking victims; however, the Ministry of Women did not involve law enforcement in the campaign, limiting subsequent investigations and prosecutions of traffickers. The government provided all children identified during the campaign shelter and services including family reintegration, counseling, and medical services as needed. The government, in partnership with an international organization, facilitated the repatriation of Burkinabe trafficking victims exploited in Cote d'Ivoire. The government had standard victim identification and referral procedures; in regions where authorities and front-line responders had been trained, they implemented such procedures effectively. In addition, the government had a case management guide for law enforcement and social services personnel to facilitate the uniform referral of child victims of crime, including trafficking, to care. The government continued to coordinate with an international organization to screen for trafficking indicators among refugees and IDPs.

The government operated and staffed two shelters in Ouagadougou for victims of crime, including trafficking victims; the shelters were open 24 hours per day and could accommodate long-term stays for both adults and children. The government referred an unknown number of trafficking victims to the shelters during the reporting period, where they received shelter, food, and medical assistance. Outside of the capital, the government operated 34 regional transit centers for victims of crime that could provide psychological, social, and food assistance. These centers provided short-term services, but usually not shelter, to an unknown number of Burkinabe and foreign child trafficking victims; the centers only operated during weekly business hours and when they had sufficient funding. The government did not report allocating a budget to victim services during the reporting period; in 2018, the government allocated approximately 8.5 million FCFA ($14,600) to victim protection services. The transit centers relied heavily on local NGOs and international organizations for the majority of support. When trafficking victims outside of Ouagadougou required shelter, authorities and NGOs nearly always placed victims with host families or an NGO. Outside of Ouagadougou, there were no shelters or services specifically for adults; however, regional transit centers could accommodate adults when necessary. Long-term care for all victims remained inadequate. The government acknowledged victim services were insufficient, and service providers lacked the funding and resources to support victim protection, rehabilitation, and reintegration; the lack of victim support subsequently resulted in traffickers being able to exploit many victims again. The 2015 law on the prevention and repression of violence against women and girls mandated measures for victim support, including the establishment of free emergency integrated support centers to offer comprehensive services for women and girl victims of violence, including sex trafficking, and the creation of a government support fund for victims. The government had one such center in operation during the reporting period; the ministry did not report how many victims it referred to this center during the reporting period. Similarly, the government reported an unknown number of trafficking victims received support from the fund during the reporting period.

The government encouraged victims to participate in trials against their traffickers by providing protection through the Ministry of Women, a regional human rights office, or foreign victims' embassies. The 2008 anti-trafficking law and 2018 penal code revisions contained provisions to protect victims' identities and to encourage their participation in prosecutions by allowing for closed sessions to hear victim testimony, excusing victims from appearing at hearings, and for social workers to accompany child victims. The government did not report if it utilized these provisions during the reporting period. Victims could file civil suits against their traffickers; however, victims were often not aware of this provision and it was not utilized during the reporting period. Foreign victims who faced hardship or retribution in their country of origin could apply for asylum, but there were no reports

trafficking victims applied for asylum during the reporting period. The government provided travel documents and facilitated the repatriation of 114 Burkinabe children exploited in forced labor in artisanal gold mines in Mali and Cote d'Ivoire. In collaboration with NGOs and international organizations, the government repatriated Burkinabe trafficking victims from Nigeria, Togo, Benin, and Cote d'Ivoire and provided shelter, food, medical care, psychological support, and family reunification. The government coordinated with the Nigerian embassy in Ouagadougou and provided financial assistance to repatriate 34 Nigerian trafficking victims back to Nigeria. There were no reports of trafficking victims penalized for unlawful acts traffickers compelled them to commit; however, without uniform implementation of victim identification measures, including among vulnerable populations, some victims could have been left unidentified in the law enforcement system. The government detained five children ages 12 to 14 years old for alleged association with violent extremist groups, some of whom may have been trafficking victims; however, authorities held all five children separately from adult detainees and allowed international organizations and NGOs access to provide specialized care. During the reporting period, the government requested international expertise and assistance to establish a disarmament, demobilization, and reintegration program for children associated with violent extremist groups.

PREVENTION

The government maintained weak efforts to prevent trafficking. The Ministry of Women led the national anti-trafficking committee established to coordinate government anti-trafficking efforts. The Ministry of Women was also responsible for the government's response to the growing humanitarian crisis due to increasing terrorist attacks, and subsequently, the committee did not meet during the reporting period and continued to lack the resources to plan future initiatives or take proactive measures to combat trafficking. The hybrid government-NGO working group for child protection functioned more effectively than the anti-trafficking committee during the reporting period, so the government used this body to coordinate and share information on child protection and child trafficking issues at monthly meetings. The anti-trafficking committee had sub-committees at the regional, provincial, and departmental levels to coordinate locally; subcommittees were composed of police, social workers, transit companies, NGOs, and other regional stakeholders, and they coordinated administrative efforts to support anti-trafficking law enforcement activities and victim protection and collected anti-trafficking data for the national committee's annual report. These sub-committees, also responsible for intercepting traffickers and identifying victims, lacked resources for day-to-day operations and also did not meet during the reporting period. The government did not report allocating any funding to these sub-committees in the reporting period. Following the first campaign to remove vulnerable children from the street, in May 2019 the Minister of Women organized a ceremony to reward 67 Quranic teachers who honored their commitment to stop sending *talibés* to beg. The Ministry of Women conducted awareness-raising campaigns through radio programs, debates, and posters as well as holding capacity-building workshops on child protection, including child trafficking.

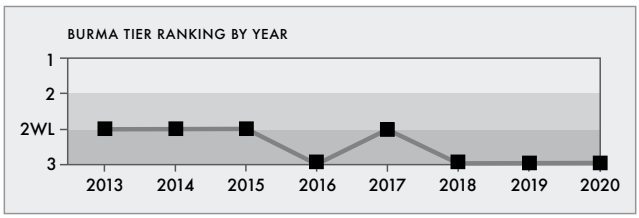
During the reporting period, the government adopted a 2019-2023 national strategy to end the worst forms of child labor, which included child trafficking, along with 2020-2021 operational action plans and a 2020-2024 national strategy for children protection. The government did not report whether it continued past efforts to conduct labor inspections specifically in artisanal mining sector to identify child or forced child labor. The Ministry of Women continued to operate a hotline to report cases of violence against children, including trafficking. The hotline operated every day from 7:00am to 10:00pm and received 200 calls during the reporting period; however, no trafficking victims were identified as a result of calls to the hotline. The government provided vocational training for the social reintegration of young street children vulnerable to trafficking. The government did not report any policies to prevent the fraudulent recruitment or exploitation of Burkinabes abroad but did partner with an international organization to conduct an awareness campaign on the vulnerability to exploitation faced by irregular migrants. The government did not report any efforts to reduce the demand for commercial sex acts. The government did not report providing anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burkina Faso, and traffickers exploit victims from Burkina Faso abroad. Traffickers promise families educational opportunities but instead force Burkinabe children to labor as farm hands, gold panners and washers in artisanal mines, street vendors, and domestic servants. In some cases, parents know their children will be exploited in domestic servitude but allow the exploitation to supplement the family income. An international organization estimates between 200,000-300,000 children work in artisanal mining sites, some of whom may be trafficking victims. Unscrupulous Quranic teachers force or coerce children to beg in Quranic schools, sometimes with parents' knowledge. According to a 2016 survey, 9,313 children are living in the streets of Ouagadougou, of which 46 percent are *talibés* vulnerable to forced or coerced begging. Girls are exploited in sex trafficking in Ouagadougou and in mining towns. Burkinabe children—including orphan street children—are transported to Cote d'Ivoire, Mali, Senegal, and Niger for forced labor—including in artisanal mining, forced begging, and cocoa production—or sex trafficking. During the reporting period, Ghanaian authorities identified a Burkinabe child sex trafficking victim. Burkinabe adult trafficking victims were identified in Mali and Tunisia. Traffickers recruit women for ostensibly legitimate employment in Lebanon, Qatar, Saudi Arabia, and—to a lesser extent—Europe and subsequently compel them into commercial sex. Burkinabe women are also exploited in domestic servitude in the Middle East. In 2018, an international organization repatriated approximately 588 Burkinabe adults from Libya, some of whom traffickers exploited in forced labor in construction and agriculture and sex trafficking in Libya, compared to 845 in 2017. As of February 2020, an international organization reported there were 765,000 IDPs in Burkina Faso as a result of instability due to terrorist attacks, a significant increase compared to 145,000 IDPs as of April 2019. During the reporting period new reports emerged that violent extremist groups exploited women and youth, including IDPs, in forced labor and sex trafficking. In addition, violent extremist groups allegedly coerced individuals to carry out attacks and otherwise act as accomplices. The government also reported violent extremist groups recruited and used child soldiers. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire and women and girls from Cote d'Ivoire to Saudi Arabia, and it is a transit county for Ghanaian migrants traveling to Libya and Italy, some of whom are trafficking victims. Traffickers exploit children from neighboring countries, including Cote d'Ivoire, Ghana, Guinea, Mali, Niger, and Nigeria, in forced labor and sex trafficking. Traffickers fraudulently recruit women from other West African countries for employment in Burkina Faso and subsequently exploit them in sex trafficking and forced labor in restaurants or domestic service. Sex traffickers exploit Nigerian girls in Burkina Faso. In past years, authorities have identified Nepalese traffickers subjecting Tibetan women to sex trafficking in Burkina Faso and Sri Lankan citizens transiting Burkina Faso allegedly en route to forced labor in a third country.

BURMA: TIER 3

The Government of Burma does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Burma remained on Tier 3. Despite the lack of significant efforts, the government increased investigations and prosecutions of trafficking crimes, including those involving official complicity, and increased investigations of forced labor in the fishing industry. It also identified and referred to care more victims than in previous years and enacted long-awaited legislation enhancing protections for child victims. The state armed forces engaged in fewer instances of child soldier recruitment during the reporting period than in previous years. The government created policies and practices to increase and streamline the demobilization of child soldiers from the military and, for the first time, conferred permission to the UN to enter into child soldier demobilization agreements with all ethnic armed groups (EAGs). However, during the reporting period there was a policy or pattern of forced labor; the international monitor-verified use of children in labor and support roles by certain military battalions increased in conflict zones in Rakhine and Shan States. The military continued to rely on local communities to source labor and supplies, thereby perpetuating conditions enabling the forced labor of adults and children. Enduring military conflict with EAGs in several areas in the country continued to dislocate thousands of Rohingya and members of other ethnic minority groups, many of whom were at risk of human trafficking in Burma and elsewhere in the region as a result of their displacement.



PRIORITIZED RECOMMENDATIONS:

Cease official involvement in compelling civilians to perform any type of forced labor for the military by strengthening, re-issuing, and fully implementing associated military command orders against all forms of forced labor, and by prosecuting, convicting, and imprisoning officials involved in the practice. • Cease all unlawful recruitment and use of children by armed forces, including in non-combatant roles, and continue cooperation with the UN to facilitate ending child soldier recruitment and use by the military and EAGs. • Initiate the issuance of high security identity documents, with a nationwide priority of issuance to children, to prevent the use of counterfeit documents by children attempting to enlist in the military at the behest of their families or civilian brokers. • Finalize implementing regulations for the Child Rights Law, and in particular those related to accountability for crimes involving the recruitment and use of child soldiers. • Expand formal procedures to proactively identify and protect victims among vulnerable populations, including communities displaced by conflict and internal migrants working in the agricultural sector, using the new national referral mechanism. • Grant UN agencies and their partners immediate, safe, and unhindered access, including humanitarian access, to Rakhine, Chin, Kachin, and Shan States. • Provide legal status to stateless persons and facilitate high security official identity documents to stateless persons and other vulnerable populations in Burma to decrease their vulnerability to trafficking. • Eliminate restrictions on freedom of movement for internally displaced members of ethnic minority groups. • Strengthen efforts to identify, prosecute, and convict civilian brokers and military and other officials complicit in the unlawful recruitment and use of child soldiers, and impose significant prison terms. • Amend the anti-trafficking law to explicitly state that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense. • Strengthen efforts to prioritize and increase resources available for victim protection, including victim shelters, provision of services for male victims, and reintegration support for former child soldiers. • In partnership with civil society, increase the capacity of relevant ministries to enforce labor laws, raise public awareness on deceptive recruitment and safe job placement channels, and proactively prevent and detect forced labor in the agricultural, extractive, domestic work, and fishing sectors. • Establish and implement a comprehensive criminal justice record-keeping system to track data on anti-trafficking investigations, prosecutions, convictions, and sentencing.

PROSECUTION

The government increased some law enforcement efforts; however, military authorities did not use civilian courts to seek criminal accountability for military personnel involved in the use and recruitment of child soldiers. The 2005 Anti-Trafficking in Persons Law criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of five to 10 years' imprisonment and a fine for trafficking offenses involving male victims, and penalties of 10 years' to life imprisonment for trafficking offenses involving female or child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2005 Anti-Trafficking in Persons Law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, in July 2019, parliament enacted the Child Rights Law, which criminalized all forms of child sex trafficking, thereby addressing this gap. The new law prescribed penalties of one to 10 years' imprisonment and a fine of one million to two million kyat ($1,360), which were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Forced labor, including the recruitment and use of children in military non-combatant roles is a criminal offense under the 2005 Anti-Trafficking in Persons Law, the 2012 Wards and Village Tracts Administration Act, Section 374 of the Penal Code, and the newly enacted Child Rights Law. The military continued to cite provisions in military law to punish individuals who used or recruited children for forced labor in non-combat roles; punishments included demotions, pension reductions, and geographic reassignments, which were disproportionately low compared to the seriousness of the crime. Authorities drafted legislation in late 2019 to replace the 2005 anti-trafficking law in an effort to criminalize all forms of trafficking in accordance with international standards and expand law enforcement mandates for certain interagency stakeholders; the draft was pending cabinet approval at the end of the reporting period.

The government improved collection of anti-trafficking law enforcement statistics during the reporting period through the use of a database maintained by the Anti-Trafficking in Persons Division (ATIDP). Most identified trafficking cases continued to involve Burmese women subjected to some form of exploitation through forced marriage to Chinese men. In 2019, the government reported initiating investigations into 207 trafficking cases, a slight increase from 205 in 2018 and 185 in 2017. According to the ATIPD, 137 were cases of forced marriage that featured corollary sex trafficking or forced labor indicators. Of the remaining cases, 22 were cases of forced labor (21 in 2018; 22 in 2017; 44 in 2016), 18 were cases of "forced prostitution" (20 in 2018), and one involved forced surrogacy. Another case constituted an instance of forced adoption, which was outside the standard definition of trafficking.

Media reports indicate the government increased attention to forced labor in the fishing industry following a highly publicized case in the Ayeyarwady region in late 2019; police arrested and charged 19 individuals in connection with the case, and their prosecutions were pending at the end of the reporting period. Authorities recorded an additional 42 cases pending investigation at year's end. Among the 207 total cases investigated, authorities reported initiating prosecutions against 624 suspects during the reporting period, a significant increase from 342 prosecutions in 2018 and 532 in 2017; however, many of these were conducted in absentia, as the traffickers had fled prior to arrest—in most cases to China. Unlike in prior years, authorities attempted to provide comprehensive conviction and sentencing data. According to the ATIPD, courts reached a verdict in cases involving 163 traffickers in 2019 (unreported in 2018; 156 in 2017; and 145 in 2016); this included 97 convictions, 10 cases discharged without conviction, two acquittals, and 57 guilty verdicts for defendants who had absconded. Sentences ranged from four years' to life imprisonment (unreported in 2018), with longer sentences associated to cases involving organized groups or defendants who had previously absconded. During the reporting period, the government also initiated prosecutions of dozens of brokers under the Overseas Employment Act for crimes involving illegal recruitment practices impacting hundreds of potential trafficking victims; conviction data was unavailable, but penalties for violation of the law were limited to one year imprisonment, a fine, or both.

The ATIPD maintained dedicated anti-trafficking task force (ATTF) police units throughout the country and increased the number of regional offices from 32 to 60 in 2019. Burma's Central Body for the Suppression of Trafficking in Persons (CBTIP) coordinated the government's anti-trafficking efforts, including training for the ATIPD offices. It also continued to host training sessions and coordination meetings on trafficking for government officials independently and with foreign donor assistance. Police capacity to address human trafficking continued to improve, but progress was limited amid challenges in interagency coordination. Limited training and training capacity for non-specialized Myanmar Police Force (MPF) officers, coupled with regular law enforcement turnover, continued to hamper the success of some investigations and prosecutions. Some civil society organizations observed in prior years that non-specialized police officers were sometimes unaware of how to pursue human trafficking investigations without consulting ATTF; it is therefore possible that some victims human trafficking were turned away when attempting to report their cases. ATIPD and ATTF officers consulted and cooperated with law enforcement agencies in China, Laos, India, and Thailand, as well as through ASEAN mechanisms, as part of formal dialogues on human trafficking and border security issues. Law enforcement and justice sector officials had limited ability or authority to exercise their investigative mandates in geographic areas not controlled by the government.

Some government and law enforcement officers reportedly participated in, facilitated, or profited from human trafficking. Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials acting on bribes, as well as individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers in some cases. In late 2019, the government's anti-corruption commission reported initiating the prosecution of a Burmese labor attaché for allegedly accepting bribes from employment agencies in exchange for issuance of fraudulent documents, leading to the placement of thousands of Burmese workers into vulnerable sectors in Thailand; the trial was ongoing at the end of the reporting period. Additionally, for the first time, the government reported arresting, detaining, initiating court martial proceedings, and proposing civilian criminal investigations into two different cases involving military officers for their alleged role in facilitating the sex and labor trafficking of Burmese women in China in 2019; both defendants remained in prison awaiting trial at the end of the reporting period. In one of the cases, four associated civilian perpetrators were sentenced to 20 years in prison each in February 2020. Authorities also convicted and imprisoned the spouse of an auxiliary police officer for her involvement in a trafficking crime prosecuted in the previous reporting period.

The newly enacted Child Rights Law strengthened penalties for any individual who, knowingly or through "failure to inspect," engaged in child soldier recruitment or use. However, authorities did not report data on its implementation. Some international observers continued to express concern that Burma's array of relevant laws were insufficient to adequately deter commission of child soldier-related crimes. The constitutionally-guaranteed power of the military continued to limit the ability of the government to address cases of adult forced labor and child soldier recruitment and use by the armed forces. Burmese law provided for separate judicial procedures for military personnel accused of criminal misconduct. The Ministry of Defense (MOD) reported taking disciplinary action against 18 military personnel for child soldier recruitment in 2019, compared to 27 punished in 2018 and 19 punished in 2017; penalties included reprimands impacting promotion, service recognition, and pensions. The MOD did not report punitive measures for military personnel guilty of subjecting adults to forced labor within Burma. In past years, most of these cases reportedly culminated in reprimands, fines, or pension reduction—penalties significantly less than those prescribed by criminal law. The government did not provide data on the prosecution of civilians involved in the recruitment of child soldiers, despite ongoing media, NGO, and international organization reports.

PROTECTION

The government increased some victim protection efforts, but the use of children in support roles by the military reportedly increased in conflict areas in Rakhine and Shan States during the reporting period. Burma's new Child Rights Law, enacted in July 2019, featured language strengthening some protections for child victims of forced labor and sex trafficking, including for children recruited and used in armed conflict. The government also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. With the help of an international organization, the government finalized a national referral mechanism featuring a national standard operating procedure (SOP) on victim return, reintegration, and rehabilitation—a process that began in 2016. Civil society groups viewed the new Child Rights Law and the establishment of these mechanisms as important steps in improving interagency coordination on victim identification and protection issues.

During the reporting period, police identified 335 victims of trafficking, including 64 men and 271 women, in addition to 216 women and three men who may have experienced some form of exploitation in China and one individual from Indonesia who returned to Burma; this marked a significant increase from receipt and identification of 312 foreign referrals in 2018 and 289 in 2017. Many of these cases involved forced marriage that included corollary forced labor or sex trafficking. The exact number of domestic victims identified by Burmese authorities was unknown, but police reported assisting 16 victims of trafficking within the country (29 in 2018 and 44 in 2017). The military granted most UN monitors' requests within 72 hours to access and inspect military installations for the presence of children. However, due to ongoing conflicts, the government sometimes prevented assistance from reaching displaced Rohingya and other vulnerable populations during the year by implementing access restrictions on the UN and other humanitarian agencies. Continued violence in Rakhine State and conflict in Kachin and Shan States also limited some monitoring efforts.

The Child Rights Law set the minimum age of voluntary military

recruitment at 18, addressing a key ambiguity in preexisting legislation and fulfilling a long-held recommendation from international human rights organizations. It also included language strengthening certain protections for children subjected to recruitment or use by state and non-state armed forces, including automatic dismissal of criminal charges and referral to protective care for certain crimes they were forced to commit as a result of said recruitment or use. However, although the law increased the age at which a child could legally be considered a criminal from seven to 10 years, some international observers were concerned it remained too low to fully protect children from penalization for certain crimes.

International monitors received at least 33 new allegations of child recruitment by the military, but did not verify any of these (at least two new instances of recruitment and 36 cases from previous years verified in 2018; 49 total cases in 2017). Past recruitment methods have included deception, force, and coercion by both informal civilian and military brokers, as well as intake of minors joining at the behest of their families. International monitors noted that, while instances of recruitment continued to decrease, the production of increasingly sophisticated counterfeit identity documents by civilian brokers continued to complicate age verification measures, which could have led to some inadvertent acceptance of children into the military's ranks. In prior years the government issued explicit military command orders prohibiting the conscription of civilians and prisoners in portering; the use of civilians in military base maintenance and construction; and the use of children under 18 for non-combat roles. Despite this, some military battalions based in conflict areas continued to use children for short-term labor or other non-combat support roles, including in barracks cleaning and camp maintenance, paddy harvesting, guiding, portering, and cooking. International monitors verified 191 such cases of short-term child use by the military in northern Rakhine State during the reporting period; observers attributed this relatively high figure to ongoing and increasing military conflict in several areas of the country, including Rakhine State and Shan State, but noted that increased family facilitation may have been a factor. According to media reports, soldiers forced four girls in Shan State to march with their patrol, possibly to serve as human shields. The Border Guard Police also reportedly used children for forced labor in Rakhine State. The military removed from its ranks at least 22 children and young men suspected of having been recruited as minors in response to notification letters from international monitors, who observed increased and expedited efforts on the part of the MOD to clear backlogged child soldier cases during the reporting period (75 in 2018; 49 in 2017 and 112 in 2016). International monitors did not report how many of these, if any, had been removed from frontlines (12 in 2018). Among improved efforts was the implementation of a new "benefit of the doubt" policy, under which the military agreed to immediately demobilize any individuals serving without proof of age upon suspicion of minor status, rather than waiting on age verification.

The government continued to operate five centers for women and children who were victims of violent crime; all five could shelter trafficking victims, and one was dedicated to female trafficking victims. Another housed repatriated trafficking victims. Prior to their reintegration, these victims had the alternative option to stay in any of four transit centers run by the Department of Rehabilitation (DOR) under the Ministry of Social Welfare, Relief, and Resettlement (MSWRR); these facilities were called "Women's Vocational Training Centers," and a fifth was in development at the end of the reporting period. The government reported a total of 532 individuals were referred to temporary shelter services during the reporting period, including 370 female victims and 162 male victims (unreported in previous years); some of these were likely victims of crimes outside the standard definition of trafficking. The government also operated three facilities funded by a foreign donor that could serve both male and female victims. Services in government facilities remained rudimentary, but authorities allocated increased funding for trafficking victim protection, and some victims received psycho-social counseling, travel allowances, support for obtaining official documents, and assistance in returning to home communities. NGOs and foreign donors funded and facilitated delivery of most services available to trafficking victims. In conjunction with an international organization, MSWRR continued to implement child protection programs that featured services for victims of trafficking. CBTIP reported allocating to a central fund 64 million kyat ($43,390) for victim support during the reporting period (unreported in 2018). MSWRR provided 15.6 million kyat ($10,580) to fund reintegration services for 78 trafficking victims, compared with 19.75 million kyat ($13,390) for 175 victims in 2018. The ATIPD contributed an additional 60 million kyat ($40,680) to assist with reintegration, transport, meals, and medical care for the same victims. In an effort to improve coordination on victim protection, the government significantly increased DOR staff to 202 (132 in 2019, 72 in 2018), but it reportedly remained under-resourced. DOR also provided separate assistance to 16 Burmese nationals subjected to trafficking within Burma, including five child sex trafficking victims, during the reporting period.

The new Child Rights Law mandated social service referral procedures for children identified among state- and non-state armed groups. Overall government support to demobilized child soldiers remained minimal, with most services provided by civil society partners. DOR provided up to 19 million kyat ($12,880) for the rehabilitation and reintegration of 38 former child soldiers during the reporting period (unreported in 2018). Longer-term support was limited to vocational training for some former child soldiers and women in major city centers and border areas; the lack of adequate protective measures for victims—particularly males—increased their risk of re-trafficking. The government trained 60 diplomats and 35 attachés on human trafficking during the reporting period. It maintained labor attachés in Thailand, Malaysia, and the Republic of Korea whose responsibilities included assisting trafficking victims, and ATIPD officers staffed liaison offices established by the UN and international organizations at the Chinese and Thai border to facilitate victim repatriation. DOR reported repatriating and assisting 491 Burmese nationals from abroad with the help of an international organization; this figure included 314 women subjected to forced marriage in China with possible sex or labor trafficking indicators; 16 child sex trafficking victims from Thailand; 161 male economic migrants returning from Thailand, some of whom may have experienced forced labor; and at least one victim of unspecified trafficking circumstances returned from Indonesia (unreported in 2018). As was the case in 2018, the government received repatriation requests from a large volume of Burmese economic migrants from both Thailand and China, but ATIPD reportedly assessed that their cases did not meet the definition of trafficking; however, it is possible that some victims went undetected amid insufficient or inconsistently applied screening procedures. Authorities reported repatriating four foreign women subjected to sex trafficking in Burma during the reporting period, including two from Thailand and two from Vietnam (unreported in 2018); they also assisted in the repatriation to Thailand of a transgender woman in commercial sex, but they did not report if she had been subjected to trafficking.

The government maintained Department of Social Welfare (DSW) offices throughout the country, each with full-time case managers, to provide health care, reintegration assistance, psycho-social care, and legal services to trafficking victims, including child soldiers. The government also maintained a working group on victim repatriation, reintegration, and rehabilitation under the DSW. However, the DSW continued to lack the resources necessary to adequately provide these services to trafficking victims, and high ATTF turnover and lack of awareness impeded the coordination required to ensure victims identified by law enforcement officers would be connected

to DSW protection. While police and border officials continued to proactively identify suspected victims en route to China for marriages likely to result in sex or labor exploitation or to Thailand for potential sex trafficking, concerns remained that authorities did not follow standardized, nationwide procedures for the proactive identification of victims across all sectors.

Trafficking victims frequently declined to cooperate with authorities due to the lack of adequate victim protection or compensation programs, language barriers, a lengthy and opaque trial process, fear of repercussions from their traffickers, and general mistrust of the legal system. A cumbersome investigative process sometimes required victims to give statements multiple times to different officials, increasing the likelihood of re-traumatization; however, the authorities' increased use of police-prosecutor guidelines on trafficking case cooperation reportedly generated some improvement to this trend. In 2019, the government initiated a pilot court program allowing video testimony for victims, and ATIPD cited two ongoing cases using this technology at the end of the reporting period. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, nor did it provide temporary legal status to any foreign victims, although foreign victims were entitled to temporary shelter while awaiting repatriation. There was at least one instance of victim penalization during the reporting period; in September 2019, authorities filed charges against several factory workers for going on strike after having been subjected to forced overtime at a Chinese-owned factory in the Ayeyarwady region. The case was pending at year's end.

PREVENTION

The government increased prevention efforts; however, because the military did not fully implement previously issued military command orders prohibiting certain forms of forced labor, some military authorities continued to subject adults and children from vulnerable populations—particularly in conflict areas populated by members of ethnic minorities—to forced labor. CBTIP continued to coordinate anti-trafficking programs and policies, and authorities finalized an anti-trafficking work plan that outlined preventative efforts for the 2020 calendar year. A 2014 directive prohibiting the use of children by the military remained in place. The military continued to conduct oversight and monitoring of recruitment procedures to prevent child recruitment; this involved age verification measures and relevant training sessions for enlisted personnel, training centers, and recruitment officials. The government continued to convene an interagency "Committee for Preventing Grave Violations against Children in Armed Conflicts" to formulate and implement relevant public awareness campaigns.

In previous years, Burmese fishermen had no formal channels through which to seek employment in the Thai fishing industry, and instead relied exclusively on unregulated brokerage networks that exacerbated their indebtedness and vulnerability to coercion at sea. To address this issue, Burma signed a memorandum of understanding (MOU) with Thailand during the reporting period to facilitate labor recruitment into the Thai fishing sector through a formalized, government-to-government hiring process. However, the MOU did not standardize or clarify the two countries' disparate laws and policies on eligible recruitment fees and minimum wages, constraining meaningful implementation. Further, most vessel owners were unaware of the new hiring system and continued to staff their crew through unregulated Thai and Burmese intermediaries charging high recruitment fees that continued to place Burmese fishermen at risk of debt-based coercion into forced labor. Some Burmese recruitment agencies avoided the hiring system altogether due to distrust of labor conditions in the Thai fishing sector and doubts concerning the capacity of the Thai authorities to enforce the MOU. During the reporting period, the government cooperated with counterpart agencies in Cambodia and Laos to strategize and exchange views on addressing broader forced labor among migrant workers in Thailand. The government also partnered with an international organization to conduct an interagency training on fisheries crime focusing on corruption, document fraud, and other crimes that could be generative of or connected to forced labor.

Ethnic minority groups in Burma—particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities—continued to be at elevated risk of forced labor as a result of longstanding armed conflict between the military and EAGs. EAGs continued their recruitment and use of child soldiers during the reporting period amid ongoing violence in several areas of the country. However, for the first time, the government granted formal permission to the UN to enter into child soldier demobilization agreements with EAGs, addressing a longstanding recommendation from the international community. Violence in northern Rakhine State also continued to result in the migration of Rohingya into neighboring Bangladesh, where many of them were vulnerable to trafficking—especially via transport to other countries for the purpose of sex trafficking—as a result of their displacement.

According to the 2014 census, approximately one quarter of Burma's residents lacked access to citizenship or identity documents, significantly increasing their vulnerability to traffickers in Burma and in other countries. Authorities continued to offer a citizenship verification process pursuant to a 1982 law, but participation was low among Rohingya in Rakhine State amid concerns that the authorities might require these individuals to inaccurately list themselves as "Bengali," a term that could potentially further limit their access to certain rights. During the reporting period, the government provided documents, including birth certificates, to some undocumented Rohingya, and it began accelerating certain citizenship verification processes. Immigration authorities also initiated a mobile service center to issue these documents to residents of internally displaced persons (IDP) camps in Shan, Kachin, and Rakhine States. However, most Rohingya who received citizenship were naturalized—a distinction that afforded them fewer rights than full citizens. International observers were concerned provisions of the Child Rights Law would further codify statelessness for some groups. Government policies limiting freedom of movement in some jurisdictions continued to hinder access to employment and education for some communities, especially in IDP camps housing Rohingya and other ethnic minority groups, further aggravating economic conditions that may have contributed to individuals pursuing irregular migration and employment channels known to engender forced labor and sex trafficking.

Restrictions on freedom of assembly left some workers who protested unacceptable working conditions, including indicators of forced labor, vulnerable to law enforcement action. However, during the reporting period, the Ministry of Labor, Immigration, and Population held dialogues with trade unions to review a draft law expanding workers' right to assemble; the legislation remained in draft at year's end. The government also passed the Labor Dispute Law in 2019 to streamline workers' access to recourse for a range of labor violations, including forced labor, but bylaws necessary for sufficient implementation were still under review at the end of the reporting period, and some international observers doubted their efficacy. In a previous reporting period, the government worked with an international organization to establish a labor complaints mechanism; following conclusion of the program in late 2018, the government established a new national forced labor complaints mechanism to replace it in February 2020. Some civil society contacts characterized labor inspection practices as untimely, unresponsive to complaints, and devoid of enforcement. Government officials noted a lack of adequate human resources, increasingly sophisticated document forgery techniques, conflict, and geographic remoteness constrained sufficient oversight into several sectors known or

reported to be vulnerable to traffickers, including fishing, garment manufacturing and illegal logging.

Multiple agencies reported conducting awareness-raising campaigns involving over 5,000 separate activities reaching more than 2 million people. Other efforts involved print, television, radio, roadshows, lectures, and other media—particularly in high-vulnerability states—as well as training for members of community-based watch groups and students on trafficking (2,251 in 2018 and 2,300 in 2017). The government also placed thousands of billboards and posters and distributed more than 700,000 anti-trafficking pamphlets nationwide, including in ethnic minority languages. CBTIP used state-owned radio, television, and a social media platform to raise awareness on safe migration guidelines and government policies, regulations, and laws related to trafficking. The government aided an international organization in conducting at least 57 awareness-raising events in IDP camps in Kachin and Rakhine States reaching more than 5,500 individuals. The government also maintained contact with local law enforcement liaison offices in non-government-controlled areas to disseminate awareness-raising materials in vulnerable communities. Authorities continued to release information on the prosecution of traffickers via government-supported and private media throughout the country. The ATIPD maintained a hotline and a social media account with information on trafficking, including updated law enforcement statistics; it reported receiving 1,708 hotline calls leading to the identification of 65 trafficking cases, and it initiated an additional 46 trafficking investigations based on information received via its social media page. The government investigated and prosecuted brokers and labor recruiters suspected of illegal recruitment practices under the Overseas Employment Act. Authorities also collaborated with multiple international and civil society organizations to raise awareness on safe migration to decrease vulnerability to trafficking abroad. The police did not report any cases of child sex tourism during the reporting period. Authorities continued to partner with an NGO to raise awareness about child sex tourism, and ATIPD conducted relevant training and awareness campaigns through the Ministry of Hotels and Tourism for new official tour guides. The government did not take steps to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject men, women, and children to forced labor, and women and children to sex trafficking, both in Burma and abroad. There have also been limited reports of traffickers transporting foreign victims through Burma en route to other countries in Asia. Traffickers subject some Burmese men, women, and children who migrate for work abroad—particularly to Thailand and China, as well as other countries in Asia, the Middle East, and the United States—to forced labor or sex trafficking. Traffickers force men to work domestically and abroad in fishing, manufacturing, forestry, agriculture, and construction, and they subject women and girls primarily to sex trafficking or forced labor in garment manufacturing and domestic service. NGOs continue to report instances of Burmese males transiting Thailand en route to Indonesia and Malaysia, where traffickers subject them to forced labor, primarily in fishing and other labor-intensive industries. Recruitment agencies in Burma and other Southeast Asian countries lure fishermen with promises of high wages, charge fees and curtailment deposits to assign them fake identity and labor permit documents, and then send them to fish long hours in remote waters on vessels operating under complex multinational flagging and ownership arrangements. Senior crew aboard vessels in the Thai and Taiwan fishing fleets subject some Burmese men to forced labor through debt-based coercion, passport confiscation, contract switching, wage garnishing and withholding, threats of physical or financial harm, or fraudulent recruitment; they also subject some to physical abuse and force them to remain aboard vessels in international waters for years at a time without coming ashore. Informal brokers also lure Burmese men onto offshore fishing and shrimping rafts in Burmese waters, where traffickers confine and physically abuse them to retain their labor for months at a time. There are some reports of boys subjected to forced labor in Burma's fishing industry as well. Traffickers are increasingly transporting Burmese women to China and subjecting them to sex trafficking and forced labor in domestic service under the false pretense of marriage to Chinese men; Burmese government officials are occasionally complicit in this form of trafficking. Some traffickers abduct Rohingya women and children in transit while fleeing violence—and reportedly from refugee camps in Bangladesh—and sell them into sex trafficking and forced marriage in India, Indonesia, and Malaysia; some may experience conditions indicative of forced labor. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited Burmese nationals in forced labor in food processing, manufacturing, construction, and fishing.

Within Burma, men, women, and children from predominantly ethnic minority areas—including an estimated 109,000 persons displaced by conflict in Kachin and northern Shan States, 40,000 persons displaced in non-government controlled areas, and at least 135,000 persons displaced in Rakhine State—are at increased risk of trafficking. Children in Kachin and northern Shan States are particularly vulnerable to sex traffickers operating near the Chinese border. Traffickers reportedly prey on girls living in Rakhine IDP camps and subject them to forced labor and sex trafficking in Malaysia. Restrictions on IDP camp residents' freedom of movement and employment, particularly among Rohingya communities, drive internal migration through irregular, unsafe channels known for trafficking vulnerabilities. Criminals in EAG-controlled areas reportedly force children, especially boys, to serve as drug mules in Shan, Kachin, and Karen States. Absent oversight and enforcement measures in non-government controlled areas, often in border zones, women and girls from these border regions and elsewhere in Southeast Asia may be vulnerable to sex trafficking in casinos and Special Economic Zones owned or operated by EAGs and Chinese and Thai companies. Farming communities displaced following land confiscation by the military and private commercial entities are also at higher risk of exploitation due to ensuing economic hardships.

Approximately one quarter of the population in Burma does not have access to citizenship or identification documents, generating human trafficking vulnerabilities that disproportionately affect ethnic minority groups—particularly in Kachin, Shan, and Rakhine States. In Kachin, displaced women and girls are also vulnerable to trafficking, including forced concubinism leading to forced childbearing, via forced or fraudulent marriages to Chinese men arranged by deceptive or coercive brokers. One academic study found that 2,800 out of 5,000 Kachin and Shan women returning to Burma after experiencing forced marriage in China had also been subjected to forced childbearing. Rohingya individuals are at particularly high risk of labor trafficking in Rakhine state, including forced labor perpetrated by the military. Many women and girls among the estimated 740,000 Rohingya who fled from conflict in Rakhine State to neighboring Bangladesh since August 2017 have been subjected to sex trafficking in Bangladesh and India. Ethnic Rakhine are reported to be victims of forced labor on the margins of conflict between the military and EAGs in Rakhine State. Traffickers subject members of Burma's vulnerable populations to sex trafficking and forced labor in seasonal strawberry and longan harvesting, year-round orange farming, manufacturing in registered and unregistered factories, and construction of roads and city government facilities across the border in northwestern Thailand. Traffickers use deceptive recruitment tactics and immigration status-based coercion to subject migrant workers from Shan State to forced labor on sugarcane plantations in China's Yunnan Province. Illegal logging operations near the Chinese border may subject local communities to forced labor.

Local traffickers use deceptive tactics to recruit men and boys into forced labor on oil palm, banana, and rubber plantations; in jade and precious stone mines; in bamboo, teak, rice, and sugarcane harvesting; and in riparian fishing. IDPs from the Sagaing, Bago, Irrawaddy, Mandalay, and Tanintharyi regions, as well as from Shan and Rakhine States, experience contract discrepancies, wage garnishing and withholding, forced and arbitrary cost-sharing of pesticides, penalty fees, coerced overtime, identity document retention, and restricted freedom of movement in banana plantations in Kachin State. Communities displaced by environmental degradation resulting from the establishment and operation of these plantations, which are often Chinese-owned, are also vulnerable to trafficking, including on lands they previously occupied and through internal economic migration to other parts of the country. In Kachin State, men, women, and children are also at risk of forced labor in jade prospecting throughout refuse areas created by larger mining operations, as well as in road and dam construction. A majority of these prospectors are reportedly addicted to opiates or methamphetamines, which some traffickers—including members of EAGs and government-supported militias—may intentionally facilitate and exploit to retain their labor. Crime syndicates subject women and girls to sex trafficking in massage parlors located in close proximity to these refuse mining areas, often in partnership with local government and law enforcement officials. Many people displaced by violence in Rakhine State, including ethnic Rakhine, travel to Kachin State for this work. Forced eviction from new mining sites and resulting economic hardships make some communities in Kachin, Shan, and Kayin States more vulnerable to trafficking. Traffickers subject children to sex trafficking or to forced labor, at times through debt-based coercion, in teashops, small businesses, the agricultural and construction sectors, in domestic work, and in begging. Traffickers subject children and adults to forced domestic servitude. A small number of foreign child sex tourists exploit Burmese children.

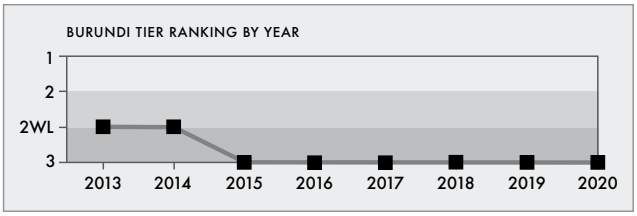
Some military personnel, civilian brokers, informal civilian intermediaries, border guard officials, and EAGs continue to recruit or use child soldiers, particularly in conflict-affected ethnic areas. Civilian recruiters in some cases coerce or offer incentives to children or their families through false promises about working conditions, salary, and promotion opportunities. EAGs force men and boys to serve through intimidation, coercion, threats, arbitrary taxation, and violence. The military has employed the same tactics in the past, although most children identified in military service initially enter under the auspices of civilian brokers or enlist at the behest of their own families. The military may still deploy some child soldiers to the front-line as combatants. Military-backed militias are also involved in the recruitment and use of children in conflict settings. Some EAGs abduct or recruit children, including from IDP camps, to fight against the military.

The military, informal civilian brokers, and some EAGs also use deception and various forms of coercion, including threats of financial and physical harm, to compel adult victims into short term forced labor. Under the auspices of the legacy counter-insurgency strategy of "self-reliance," some military authorities in areas with active conflict subject members of local populations—mostly men, but also women and children—to forced labor in portering, construction, cleaning, cooking, and public infrastructure projects. Reports of military-controlled forced labor and other abuses are highest among ethnic minority communities in the conflict zones within Shan, Rakhine, and Kachin States.

The government operates as many as 47 prisons and 48 labor camps called "agriculture and livestock breeding career training centers" and "manufacturing centers," respectively. The labor camps house thousands of inmates across the country, likely including some political prisoners. Eighteen of these camps feature government-managed mining operations. According to limited reporting, authorities at times may subject these incarcerated populations to unlawful prison labor or conditions with indicators of forced labor for private gain. Anti-LGBTI laws place some LGBTI individuals at higher risk of extortion and psychological coercion by law enforcement. Discriminatory hiring practices complicate access to formal sector employment for LGBTI individuals and persons diagnosed with HIV/AIDS, forcing some to seek opportunities in unregulated sectors known for trafficking vulnerabilities—particularly among transgender persons in commercial sex.

BURUNDI: TIER 3

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Burundi remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by working with an international organization to provide training to immigration officials, identifying victims of trafficking abroad, conducting public awareness campaigns in partnership with an international organization, and increasing cooperation with civil society. However, the government did not convict any trafficking offenders for the fifth consecutive year. Despite continuing allegations, it did not investigate, prosecute, or convict officials allegedly complicit in trafficking crimes. The government continued to lack standard operating procedures (SOPs) to identify and refer victims to services and did not have adequate protection services available for victims. The government did not report providing or referring victims to rehabilitation services. Authorities continued to lack a clear understanding of trafficking and, although the government trained immigration officials during the reporting period, it did not institutionalize anti-trafficking training for its personnel.



PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law and significantly increase efforts to more effectively investigate, prosecute, and convict traffickers. • Develop national-level data collection on law enforcement and victim identification efforts. • Investigate all credible accusations of official complicity and hold complicit officials criminally accountable. • Institutionalize anti-trafficking training—including training on case investigation and victim identification—for all law enforcement and on implementation of the anti-trafficking law for all prosecutors and judges. • Develop and provide training on national standardized procedures to allow for the systematic identification and referral of trafficking victims to appropriate care. • Expand protective services for victims through partnerships with NGOs, including by allocating resources and providing separate shelter for children and adults. • Devote sufficient resources to implement the 2019-2020 national action plan. • Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. • Finalize and implement bilateral labor negotiations with destination country governments on migrant worker rights.

PROSECUTION

The government maintained inadequate law enforcement efforts. Burundi's 2014 anti-trafficking law criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine of 100,000 to 500,000 Burundian francs ($54 to $270), and in cases involving children, the law prescribed penalties of 10 to 15 years' imprisonment and a fine of 500,000 to two million Burundian francs ($270 to $1,080). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

The government continued to lack a centralized data collection mechanism and did not systematically report law enforcement actions, making comprehensive statistics difficult to obtain. The government investigated eight cases and indicted 11 suspects in 2019, compared with 10 investigations and no indictments in 2018. The government did not convict any traffickers for the fifth consecutive year. All investigations in 2019 related to transnational trafficking. During the reporting period, the government released seven suspected traffickers in Cankuzo province that an NGO reported the government had arrested in 2018. The government did not report any updates on a case from 2018 in which airport immigration officials reportedly arrested a suspected trafficker for fraudulent recruitment in Qatar. Law enforcement reported collaborating with foreign police on trafficking-related cases; however, they did not report the details of such cases. Corruption and official complicity in trafficking crimes remained significant concerns, potentially inhibiting law enforcement action during the year; however, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. In 2018, the government reportedly arrested and initiated an investigation into a police officer for allegedly providing support to traffickers; the government did not report updates to this case during the reporting period. Security remained a concern for civil society organizations and individuals reporting allegations of complicity; anti-trafficking activists reported receiving threats, leading some to flee the country. In 2019, the Government of France convicted a former Burundian government minister and his spouse on forced labor charges for exploiting a domestic worker in their home in France.

The government's ad hoc inter-ministerial anti-trafficking committee collaborated with an international organization to provide anti-trafficking training, including on the definition of trafficking, the anti-trafficking legal framework, identification of potential victims, and victim referral procedures to 50 immigration officials from Bujumbura and other provinces. However, the government reported a lack of capacity to provide adequate training for law enforcement agencies responsible for investigating trafficking crimes. Due to a lack of training on victim identification and referral procedures, observers continued to report that local police mischaracterized and arrested potential victims. Local police often did not refer the cases to the Burundian National Police's Unit for the Protection of Minors and Morals, the lead investigative body for trafficking cases, which led to poor case investigations and limited prosecutions; officials' lack of investigative skills and insufficient understanding of trafficking crimes continued to impede overall law enforcement efforts. The government also reported inadequate efforts to address internal trafficking, misunderstandings of the anti-trafficking law by judicial officials, and a lack of resources, which inhibited successful law enforcement efforts and judicial proceedings during the reporting period.

PROTECTION

The government minimally increased protection efforts. The government did not maintain a centralized system to share victim identification and referral information between government stakeholders; consequently, the government did not report comprehensive victim identification statistics. The government identified 372 victims; of these, 314 were identified abroad—including in Kenya, Saudi Arabia, Tanzania, and Uganda—compared to no identified victims in 2018. Of these cases, authorities reported identifying 58 victims en route to the Middle East but did not report information on what indicators of trafficking the victims experienced. The government has yet to report identifying a foreign national victim of trafficking domestically. The government did not report if it provided any identified victims with care or assistance.

The government did not have SOPs for authorities to identify and refer trafficking victims to protection services, and many law enforcement officials lacked adequate training to identify potential victims. Stakeholders did not coordinate with each other and often conflated human trafficking with migrant smuggling and gender-based violence (GBV), causing confusion and impeding coordination efforts. Civil society reported the referral process remained ad hoc, and they could not verify if victims were referred for services. However, civil society noted improved communication with government counterparts and an increase in proactive referrals of victims compared to previous reporting periods. Civil society continued to provide the vast majority of assistance to trafficking victims. In 2019, an international organization and its partners reported identifying 143 child victims—20 girls and 123 boys. The international organization noted a likely underreporting of cases involving female victims. Separately, another international organization reported identifying 113 victims, five of whom had been referred by the government to the organization. Of the other 108 identified victims, 16 were children (eight boys and eight girls) and 92 were adults (13 men and 79 women). Notably, 96 percent of the cases were identified as forced labor, including in agriculture, hospitality, construction, domestic work and childcare, begging, and peddling; only four percent of the identified cases involved sex trafficking. Both international organizations reported all identified victims were Burundian citizens. The government reported providing some assistance to Burundian victims abroad, including providing food and lodging for victims awaiting repatriation and updated travel documents.

An overall lack of dedicated funding for victim protection measures continued to restrict the government's ability to assist victims. The government continued to operate Humura Center in Gitega, which offered protection services to foreign and domestic victims of sexual abuse, GBV, and trafficking. The Humura Center continued to provide temporary shelter, medical care, and guidance on engaging with law enforcement and the judicial system and was accessible to victims with disabilities; however, the government reported that the center has never provided services to any victims of trafficking. Without financial support from the government, the Seruka Center continued as an NGO-run center in Bujumbura and provided medical and psycho-social assistance, as well as legal assistance, to victims of various abuses, including human trafficking. The NGO reported victims returned to their families after a short stay at the shelter. In addition to the Seruka Center, there were four NGO-run shelters that trafficking victims could utilize. Adults and children, men and women, and foreign victims all had access to the same care. Some international organizations provided tailored services for female victims of abuse and trafficking, such as collaborating with temporary emergency care for first aid and temporary housing, providing family tracing and reunification, vocational training, solidarity groups, and school reintegration.

The 2016 law for the protection of witnesses, victims, and the vulnerable required a centralized unit in the Ministry of Justice be created to coordinate witness protection for victims; however, the

government did not report using these provisions for trafficking cases during the reporting period. Labor laws continued to lack sufficient protection for domestic workers or employees in the informal economy, leaving the population vulnerable to trafficking. Burundian law did not allow prosecutors to request restitution in trafficking cases. The law provided foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution, subject to judicial decision, and allowed the government to grant temporary residency; the government did not report identifying any foreign victims who could benefit from this protection during the reporting period. Observers continued to report the government arrested victims for unlawful acts traffickers compelled them to commit and detaining them in jail for vagrancy, commercial sex, or other charges.

PREVENTION

The government increased prevention efforts. The anti-trafficking committee led the government's policy coordination and communication with civil society, but its ability to drive national anti-trafficking efforts continued to be limited by resource constraints. The government has yet to establish the Commission for Consultation and Monitoring on the Prevention and Suppression of Trafficking in Persons, mandated by the 2014 anti-trafficking act, which would take leadership over government efforts on prosecution, prevention, and protection. The government continued implementing the 2019-2020 national action plan (NAP) despite limited funding. The government partnered with an international organization that funded and began a three-year national anti-trafficking program. In addition, in partnership with the international organization, the anti-trafficking committee delivered various awareness raising activities in February 2020 that reached more than 2,000 people, including potential victims and first responders. The government's anti-trafficking committee also requested and received training from an international organization on best practices for anti-trafficking coordination efforts, the identification and referral of victims to assistance, and prosecution procedures of trafficking cases. In December 2019, the anti-trafficking committee exchanged information with counterparts from the Government of Tunisia on promising practices to combat trafficking. The government did not have a national anti-trafficking hotline, but international organizations funded a national human rights hotline with operators trained to identify trafficking victims. NGOs also funded a hotline specifically for reporting human trafficking or child labor; details regarding the number of trafficking-related calls were unavailable. The government issued a decree waiving late birth registration fees and implemented a birth registration campaign, with support from an international organization; more than one million children were registered and received birth certificates.

The government did not have effective policies or laws regulating labor recruiters. The national action plan included the proposed creation of a labor market regulation agency, but the government did not report its creation during the reporting period. The government reported contacting the Government of Saudi Arabia in an effort to increase the rights of Burundian migrant workers. The government reported initiating several bilateral labor agreements with destination countries; however, no formal agreements were finalized during the reporting period. Although the president and senior officials spoke out against commercial sex, the government made limited efforts to reduce the demand for commercial sex and did not make any efforts to reduce the demand for child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burundi, and traffickers exploit victims from Burundi abroad. As the result of a complex political, economic, and security crisis that began in 2015, by February 2020, more than 336,650 Burundians remained in neighboring countries as refugees, including, but not limited to, Tanzania, Rwanda, Uganda, and Democratic Republic of the Congo (DRC). In 2019, the Government of Tanzania told refugees within its borders, a majority Burundian-born, to return home and commenced an operation with the goal of repatriating some 200,000 Burundian refugees despite concerns that they faced a lack of protection and security. Many refugees, in fear of illegal arrests, deportation, and murder, departed Tanzania without formal assistance or adequate identity documentation. Returned refugees frequently lacked access to basic services and accommodation, which subsequently increased their vulnerability to trafficking.

Burundi's challenging security environment, endemic poverty, and low education levels create an opportunity for criminals, including traffickers, to take advantage of Burundians in precarious or desperate situations. Due to regional instability, observers sporadically report recruitment of children as young as 15 years old by armed groups who force them to participate in anti-government activities. In July 2015, traffickers recruited approximately 58 children, some younger than 15 years old, and forced them to participate in an anti-government armed invasion in Kayanza Province, which was ultimately put down by the government; it was unclear if these children were armed. Between May and December 2015, an international organization reported allegations that Burundian refugees residing in Mahama refugee camp in Rwanda were recruited into non-state armed groups, allegedly by Rwandan security forces, to support the Burundian opposition; many refugees alleged recruiters had threatened, intimidated, harassed, and physically assaulted those who refused recruitment—a form of human trafficking. Most of these recruits were adult males, but six Burundian refugee children between the ages of 15 and 17 were also identified as recruits from Mahama refugee camp. The same international organization reported that hundreds of Burundian adult and child recruits, including girls, were allegedly trained in weaponry at a training camp in southwestern Rwanda—some may have been trafficking victims. In 2016, the Government of the DRC apprehended 16 Burundian children transiting through the east allegedly after recruitment from refugee camps in Rwanda or the DRC to participate in armed conflict in Burundi with an unknown entity. In 2018, an international organization reported separating four Burundian children from armed groups in the DRC.

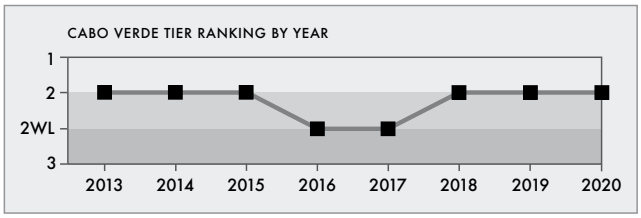
Both economic necessity and coercion push children and young adults into labor, including domestic service, forced labor on plantations or small farms throughout Burundi, in gold mines in several provinces around the country, in informal commerce in the streets of larger cities, in charcoal production, and in the fishing industry. Traffickers include victims' relatives, neighbors, and friends, who recruit them under false pretenses to exploit them in forced labor and sex trafficking. Some families are complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. Traffickers fraudulently recruit children from rural areas for forced labor for domestic service and sex trafficking in private homes, guesthouses, and entertainment establishments; the children frequently experience non-payment of wages and verbal and physical abuse. NGOs report that fishermen exploit some boys in the Lake Tanganyika fisheries in forced labor and some girls and young women in domestic servitude and sex trafficking in restaurants and bars around the lake. Traffickers exploit Burundian adults and children in forced labor in agricultural work, particularly in Tanzania. Women and girls traveling to the Middle East, and often through Tanzania, for domestic service report abusive labor conditions as well as physical and sexual abuse. Young women take vulnerable girls into their homes, eventually pushing some into commercial sex to pay for living expenses. Traffickers exploit orphaned girls, often using underage

males as facilitators. There were unsubstantiated allegations that male tourists from East Africa and the Middle East, as well as Burundian government employees, including teachers, police officers, military, and prison officials, are complicit in child sex trafficking by procuring underage Burundian girls.

International organizations continue to report that young Muslim women from Burundi are particularly vulnerable to forced labor and sex trafficking in Gulf countries. Traffickers fraudulently recruit some young adult Burundian women for jobs, but instead subject them to forced labor and sex trafficking in various Gulf countries, such as Kuwait, Saudi Arabia, Oman, and Qatar. NGOs estimate that between 500 and 3,000 young women became trafficking victims in these countries between 2015 and 2016, and one NGO reported over 800 young women remain in these countries. In 2017, Burundian and Kenyan recruitment agencies fraudulently recruited several adult Burundian women, who were identified in Kuwait, for work as domestic workers and receptionists; however, upon arrival, traffickers subjected them to forced labor and confiscated their passports, the victims were paid less than what was agreed, had restricted movement, and were forced to work excessive hours without breaks.

CABO VERDE: TIER 2

The Government of Cabo Verde does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Cabo Verde remained on Tier 2. These efforts included sentencing three traffickers in the country's first forced labor case, training journalists on how to report on trafficking, and identifying and referring to care 215 potential child trafficking victims through its hotline. However, the government did not meet the minimum standards in several key areas. Data sharing and coordination among government agencies remained weak. The Observatory for Monitoring and Rapid Identification of Situations of Trafficking in Persons (the Observatory) lacked the authority to convene agencies and coordinate anti-trafficking activities adequately. Law enforcement and front-line responders remained without formal procedures to identify and refer adult victims to care that was consistently available and adequate, and training for law enforcement and judiciary officials remained ad hoc.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses and punish convicted traffickers, including Cabo Verdean-American sex traffickers and sex tourists. • Ensure the judicial sector remains free from political interference during trafficking investigations and prosecutions. • Develop and train law enforcement officials, labor inspectors, and other officials on standardized procedures to identify trafficking victims—including adults and victims among vulnerable populations such as Chinese workers and West African migrants—and to refer victims to services. • Train law enforcement and judiciary officials on the anti-trafficking provision of the penal code, Article 271-A. • Empower the Observatory to better coordinate the government's anti-trafficking response and increase relevant stakeholders' participation in Observatory activities. • Develop and train officials on a system to compile and share comprehensive anti-trafficking law enforcement and victim identification data among agencies. • Consistently refer potential trafficking victims to government and NGO shelters to ensure all identified trafficking victims receive care. • Increase efforts to raise public awareness of human trafficking, including child sex trafficking and domestic servitude. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Article 271-A of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years' imprisonment; these penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. During the 2018/2019 judicial year covering the period of October 2018 to June 2019, the government investigated at least one new case, initiated five new prosecutions, and continued seven prosecutions from the previous year. Eleven prosecutions were pending at the end of the judicial year, compared with eight investigations and seven prosecutions during the 2017/2018 judicial year (October 2017-June 2018). The government sentenced three traffickers in its first forced labor case during the 2018/2019 judicial year, compared with two sex trafficking convictions during the 2017/2018 judicial year. The forced labor case was pending final closure with the court at the end of the reporting period. Media reported the Judicial Police (PJ) began an investigation in November 2019 into a mother on Sao Vicente island who allegedly forced her 14-year-old daughter into commercial sex; as of the end of the reporting period, the investigation was ongoing. The seven investigations initiated during the previous reporting period involved suspected foreign sex traffickers and remained ongoing at the end of the current reporting period. The government did not report whether an investigation into one National Police (PN) officer initiated during the previous reporting period as part of a broader forced labor investigation continued nor did it report any prosecutions or convictions of government officials complicit in human trafficking offenses. According to isolated reports, political intervention in ongoing investigations and prosecutions impeded some law enforcement and judicial efforts.

Law enforcement and judges lacked understanding of trafficking crimes and the anti-trafficking provision in the penal code, resulting in weak and inconsistent efforts to identify, investigate, and prosecute trafficking cases. The Ministry of Education, Family, and Social Inclusion (MEFIS) partnered with the Cabo Verdean Institute for Children and Adolescents (ICCA) to train 40 social workers and psychologists how to respond to cases of violence against children, including trafficking. ICCA and the Attorney General's Office coordinated with a foreign donor to train 35 magistrates and child protection actors on child exploitation, including trafficking. Similar to previous years, the government provided modest financial support to enable an unknown number of officials to attend an anti-trafficking training in Mozambique in June 2019. An international organization developed a module on human trafficking, including victim identification, for new police officers during standard academy training; the government trained an unknown number of new police officers using the module during the reporting period. The Ministry of Justice and Labor (MJT), in partnership with a foreign donor, continued development of online training for PN officers to supplement the current training plan. Insufficient staffing and a lack of resources confined PJ presence to four of the country's nine inhabited islands, impeding the government's ability to identify victims, investigate crimes,

and collect comprehensive data. While law enforcement agencies collected statistics, coordination remained weak, and information sharing was poor between agencies. In addition, Cabo Verde's classification of crimes as "public" or "non-public" curtailed the government's ability to respond; trafficking is classified as a "non-public" crime, meaning only people directly involved can report the crime. Government social service providers tended to prefer resolution of intra-familial abuse cases, which could include child sex trafficking, through non-judicial means.

PROTECTION

The government increased efforts to protect trafficking victims. Although it did not provide comprehensive statistics on the number of trafficking victims identified and referred to care, the government identified and provided services to at least one child sex trafficking victim during the reporting period, compared with identifying four forced labor victims during the previous reporting period. In addition, ICCA identified and provided assistance to 185 potential child sex trafficking victims and 30 potential child labor victims through its hotline in 2019. The government did not have formal procedures for all law enforcement or social workers to identify trafficking victims nor did the government have a formal mechanism to refer trafficking victims to care. Border police had written procedures to identify trafficking victims and people vulnerable to trafficking, although they did not receive training on such procedures.

There were no shelters or services available specifically for trafficking victims, but government-funded agencies provided emergency services, temporary shelter, and psycho-social care to at-risk populations and female and child victims of crime, which included trafficking victims. ICCA operated a national network to assist child victims of sexual abuse, which could coordinate referral to care and support through court processes. Law enforcement and first responders generally referred all victims to either ICCA (for child victims), the Public Ministry (for victims requiring long-term care), or MJT, who then referred child victims of any crime to ICCA, women to the Cabo Verdean Institute for Gender Equality (ICIEG) or an NGO, and foreign victims to an international organization. The government acknowledged its ad hoc, informal referral system was insufficient. ICCA did not report screening for trafficking indicators among victims referred to its shelters. ICCA operated four shelters on three of Cabo Verde's nine inhabited islands that provided temporary accommodation and care for child victims of sexual abuse, violence, and abandonment, and maintained five protection and social reinsertion centers, which provided services for children who experienced prolonged trauma, including trafficking. ICCA had staff on all nine islands. The government funded, and police provided security for, ICCA and ICIEG shelters.

Law enforcement could conduct interviews of sex trafficking victims in collaboration with psychologists and, in cases of children, the victims' parents, to provide a comfortable and safe environment. The government did not report if it provided these benefits to any victims during the reporting period and reported it was often difficult to provide meaningful protection to victim-witnesses in the Cabo Verdean context due to the small population and close-knit community. Cabo Verdean law provided legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution; authorities did not report providing these benefits to any victims during the reporting period. In April 2019, the government repatriated two minor victims identified during the previous reporting period to China when the victims requested repatriation. The law provides for restitution, but the government did not report pursuing restitution in any cases during the reporting period. In addition, victims can file civil suits against traffickers, but no victims reportedly pursued civil suits during the reporting period, in part due to lack of awareness of the option. There were no reports officials penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to the lack of formal victim identification procedures, some victims may have remained unidentified in the law enforcement system.

PREVENTION

The government maintained prevention efforts. The Observatory coordinated the government's efforts to combat trafficking in persons. The Observatory comprises officials from the MJT, PN, PJ, ICCA, ICIEG, MEFIS, other government institutions, NGOs, and civil society organizations. The Observatory met five times during the reporting period. Observers reported the Observatory lacked authority and struggled to ensure all members fully participated in Observatory meetings and met their reporting commitments. The government continued implementing the 2018-2021 anti-trafficking national action plan. MJT continued to lead the government's anti-trafficking efforts and received a budget of 7 million escudos ($70,500) for anti-trafficking activities, including implementation of the national action plan in 2019, compared with 980,000 escudos ($9,870) allocated in 2018. ICCA trained 30 journalists on how to report on children's issues, including child trafficking. In addition, ICCA coordinated with municipalities to reactivate Committees for the Defense of Children's and Adolescents' Rights to prevent child abuse, including child trafficking. ICCA and the PN worked with a ferry service to prevent children from traveling alone to neighboring islands where they would be vulnerable to exploitation, including trafficking.

ICCA continued to operate three centers for street children through its *Nos kaza* project and six day centers, all of which aimed to reduce the vulnerability of street children to forced labor and sexual abuse, including sex trafficking. MJT collaborated with an international organization to develop a child protection case management system for ICCA and MEFIS to identify and track child victims of exploitation, including child trafficking; the system was expected to be fully operational in 2020. ICCA operated a 24/7 hotline to report cases of violence against children, including trafficking, and it received 899 calls in 2019, of which 215 were potential child trafficking cases. It was unclear if ICCA trained hotline workers to differentiate trafficking from similar crimes, such as child labor or sexual abuse. In previous reporting periods, NGOs reported a number of cases in which the government charged parents with negligence for failing to protect their children from child sex tourists; the government did not report whether it continued this practice. The government made efforts to reduce the demand for commercial sex acts that equated to child sex trafficking, but it did not make efforts to reduce demand for other forms of commercial sex. Government ministries continued to implement the 2017-2019 National Plan to Combat Sexual Abuse and Violence, which included child sex tourism. The government continued to enforce the Ethics Code of Conduct for Tourism, which included provisions countering child sex tourism. The government did not provide anti-trafficking training to its diplomatic personnel.

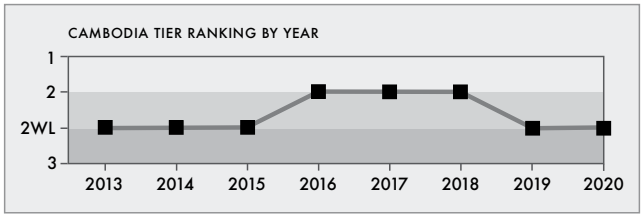
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cabo Verde, and, to a lesser extent, traffickers exploit victims from Cabo Verde abroad. Traffickers exploit boys and girls, some of whom may be foreign nationals, in sex trafficking on Brava, Santiago, Fogo, Sal, Sao Vicente, and Boa Vista, sometimes through child sex tourism. In the past, officials reported tourists perpetrated child sexual abuse on the islands of Sal, Boa Vista, Sao Vicente, Fogo, and Maio. In some cases, parents encourage their daughters to be exploited in commercial sex by tourists—especially Cabo Verdean-Americans—to gain immigrant visas to the United States or remittances to support

the family. Authorities identify West African women, including Nigerians and Senegalese, in sex trafficking, including on Boa Vista and Sal Islands and sometimes through sex tourism. On Sao Vicente, traffickers coerce girls as young as 12 years old in sexual exploitation in exchange for drugs. Children in domestic service often work long hours and at times experience physical and sexual abuse, indicators of forced labor. Cabo Verdean children engaged in begging, street vending, car washing, garbage picking, and agriculture are vulnerable to trafficking. Children living in impoverished neighborhoods with little state presence are also at risk of trafficking, especially for sex trafficking. In previous years, there were reports traffickers may have forced Cabo Verdean women and children to transport drugs. West African migrants may transit the archipelago en route to situations of exploitation in Europe. Some adult migrants from China and ECOWAS countries may receive low wages, work without contracts, and have irregular immigration status, rendering them vulnerable to forced labor and sex trafficking. In 2018, alleged labor traffickers exploited four Chinese nationals, two girls and two men, in the retail sector; observers suspect there may be organized syndicates engaging in similar forced labor exploitation in the country. NGOs reported Nigerian criminal syndicates exploited Cabo Verdean women in sex trafficking in Brazil in 2018. In a previous reporting period, labor traffickers exploited a Cabo Verdean man in Europe.

CAMBODIA: TIER 2 WATCH LIST

The Government of Cambodia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included continuing to prosecute and convict traffickers; establishing a new five-year action plan to combat trafficking; and developing and utilizing new victim identification and data collection technologies. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities did not improve insufficient efforts to collect or share key information on law enforcement efforts. Corruption continued to impede law enforcement operations, criminal proceedings, and victim service provision. Amid insufficient government oversight and accountability measures, authorities did not investigate credible reports of official complicity with unscrupulous business owners who subjected thousands of men, women, and children throughout the country to human trafficking in entertainment establishments and in brick kilns. The government's failure to establish and implement adequate judicial monitoring systems enabled many suspected traffickers to abscond prior to their trials, culminating in a high percentage of convictions in absentia. The government continued to misuse limited law enforcement resources to target non-traffickers and oppress individuals attempting to document the country's trafficking circumstances, and it made no effort to reverse spurious and politically motivated trafficking charges filed in the previous reporting period. Authorities did not issue formal guidance allowing the use of undercover investigative techniques in anti-trafficking operations—a factor that continued to impede officials' ability to fully hold sex traffickers accountable. Therefore Cambodia remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Respecting due process, vigorously investigate and prosecute trafficking offenses, and convict and adequately penalize sex and labor traffickers, including complicit officials, with significant prison sentences. • Authorize the use of undercover investigative techniques for anti-trafficking operations. • Increase funding to anti-trafficking law enforcement units and disburse it in advance of investigations, rather than by reimbursement. • Strengthen efforts to fully implement the nationwide protocol for proactive victim identification among vulnerable groups and train officials on its provisions. • Allocate increased resources to anti-human trafficking police to better facilitate the monitoring of defendants released under judicial supervision pending trial. • Increase unannounced labor inspections in high-vulnerability professions, especially at brick kilns, fisheries, and plantations, with a focus on identifying debt bondage. • Increase the availability of services for male victims, especially men and boys exploited in commercial fishing. • Implement a system for monitoring, collecting, and reporting data on anti-trafficking prosecution and victim protection efforts, and disseminate data among the relevant government agencies in a manner that protects victims' identities and privacy. • Take steps to eliminate recruitment or placement fees charged to workers by Cambodian labor recruiters and ensure they are instead paid by employers. • Increase inspection and oversight of lending institutions, including private micro-finance organizations, to reduce vulnerability to debt-based coercion among economically disadvantaged communities. • Increase efforts to incentivize domestic and foreign victims' participation in criminal and civil proceedings, including by establishing a victim's fund and granting permission to work, temporary residency, or other relevant immigration status to foreign victims wishing to remain in country during proceedings. • Modify the law to allow restitution upon conviction of the trafficker and establish and train the relevant officials on standard operating procedures for calculating and granting restitution. • Establish and allocate resources to implement systematic procedures at diplomatic missions to assist Cambodian victims abroad, including in countries without Cambodian diplomatic representation. • Amend regulations on labor recruitment licensure and contract requirements to include strengthened language on worker protections and labor rights. • Strengthen efforts to inspect private labor recruitment agencies and their sub-licensed brokers for fraudulent recruitment and other trafficking indicators. • Increase public awareness on proper travel document application procedures to facilitate safe, legal migration. • Strengthen efforts to incorporate NGO input into the policy for formally transferring custody of child victims.

PROSECUTION

The government maintained insufficient law enforcement efforts. Endemic corruption continued to severely limit progress in holding traffickers accountable. Authorities continued to waste investigative and prosecutorial resources in pursuit of spurious law enforcement action against non-traffickers, including social media users, women participating in surrogacy programs, and individuals attempting to document trafficking in the country. The 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation criminalized sex trafficking and labor trafficking and prescribed penalties of seven to 15 years'

imprisonment for offenses involving an adult victim and 15 to 20 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Anti-Human Trafficking Juvenile Police (AHTJP) attempted to monitor and record information on the cases it investigated, but the government did not collect comprehensive data on overall law enforcement efforts, particularly among provincial courts. Where data were available, some government bodies were reportedly reluctant to share internally with other key interagency stakeholders.

Law enforcement bodies reportedly increased the number of investigations funded through internal police budgets. However, the government required the funding of all anti-trafficking investigative work to be conducted through reimbursement, forcing individual police units to personally cover relevant expenses. NGO contacts reported some officers waited months for this reimbursement, which was sometimes not repaid in full, and that the ensuing financial hardships made some police units more susceptible to corruption. Authorities included cases of surrogacy, rape, and other crimes outside the standard definition of trafficking in their reported law enforcement data; the true number of trafficking arrests, investigations, prosecutions, or convictions was therefore likely much lower than reported. According to government data, authorities arrested 26 Cambodian and foreign nationals in connection with 21 cases of "non-sexual human trafficking" (150 in connection with 39 cases in 2018) and 14 cases of sex trafficking involving 27 suspects (39 cases involving 21 suspects in 2018). Investigative judges reportedly processed 207 cases involving an unknown number of suspects, sending 63 to trial and continuing work on the remaining 144 at the end of the reporting period. Authorities reported prosecutors handled 199 cases, of which they referred 134 for formal investigation, and continued processing the remaining 65 at the end of the reporting period (421 total cases in 2018). As with prosecutions, conviction statistics were limited due to insufficient data collection methods. The National Committee for Counter Trafficking (NCCT) reported the Phnom Penh Municipal Court processed 166 cases, of which it closed 63 with the conviction of 140 individuals (125 in 2018); 103 cases were in process at the end of the reporting period. The government again did not provide data on sentencing, but courts reportedly continued to convict suspects on lesser charges and conclude sex trafficking cases with monetary settlements in lieu of prison sentences. Victims whose families received out-of-court settlements from traffickers often withdrew from trials or changed their testimonies, further complicating prosecutions.

In conjunction with an NGO, Preah Sihanouk anti-trafficking police trained more than 1,100 lay monitors in the taxi, tourism, hospitality, and retail industries to detect and report incidents of trafficking; however, authorities did not report identifying or initiating investigations into trafficking cases as a result of this effort. Nationwide, law enforcement authorities often did not take appropriate action against suspected or convicted traffickers. Judicial police lacked the resources to monitor the increasing number of defendants released on "judicial supervision" pending trial, allowing many to flee prior to their trial dates. Authorities rarely issued arrest warrants for absconded defendants unless NGOs were available to assist in tracking and apprehending them. Further compounding this challenge, Cambodian criminal procedural code featured no guidelines, monitoring provisions, or language outlining specific law enforcement duties with regard to judicial supervision. Citing resource constraints, prosecutors and investigating judges did not advance all of the trafficking cases for which police had supplied evidence. Authorities abused law enforcement resources to detain, prosecute, and convict some individuals on politically motivated or otherwise spurious trafficking charges, further bringing into question the veracity of the anti-trafficking data—and the resource constraints—reported by the government. Two journalists from an international media outlet remained under judicial supervision awaiting trial for spurious trafficking charges at the end of the reporting period. A former National Assembly candidate and a former Secretary of State at the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) were sentenced to 15 years in prison and ordered to pay $50,000 for violating Cambodia's trafficking law in a case that many NGOs believed to be politically motivated. Authorities also filed spurious criminal charges against civilians for non-trafficking offenses. During the reporting period, the government charged 11 women under trafficking legislation for their participation in an illegal paid surrogacy program. In December 2018, authorities extradited a Cambodian national from Thailand and charged him with "incitement" for having assisted a foreign media outlet in producing a documentary about child sex trafficking victims in Cambodia. In June 2019, the Phnom Penh Court of First Instance convicted him to two years in prison and ordered him to pay $17,200 in compensation to the parents of two children featured in the film, despite the fact that he did not harm them or violate any privacy laws. In February 2020, authorities also charged a woman under the 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation for posting an image of herself they deemed to be sexually suggestive on a social media platform. Local experts continued to report that cases involving foreign suspects were more likely to result in trafficking convictions than cases involving Cambodian suspects, for whom charges were often reduced to less serious offenses.

The government maintained memorandums of understanding (MOUs) outlining cross-border anti-trafficking investigation with Thailand and Vietnam, as well as an extradition treaty with the former, but did not report investigating or extraditing any suspected traffickers under their auspices in 2019. Authorities continued to deliver donor-designed and -funded training on the implementation of anti-trafficking laws to police, prosecutors, judges, and other government officials. During the reporting period, the NCCT delivered 113 trainings to 3,712 law enforcement officers on anti-trafficking laws, investigative techniques, and evidence collection (234 trainings to 6,321 officers in 2018); for the third year, it did not report how many commune and provincial officials, judicial staff, and NGO workers participated in these sessions (7,689 in 2016). Despite these training sessions, many police—particularly in rural areas—were unaware of how to conduct anti-trafficking work, as most did not receive training on basic law enforcement techniques. Local organizations and some officials continued to stress an urgent need for more sophisticated evidence collection techniques, including undercover investigations, to decrease reliance on witness testimony and improve efforts to detect and combat sex trafficking. The government approved undercover investigative authority for investigations into cases involving narcotics and corruption allegations. However, it did not grant undercover investigative authority to anti-trafficking police units, except in rare cases when requested for child sex tourism raids conducted alongside foreign law enforcement agencies. This lack of authority continued to significantly constrain law enforcement officers' ability to address the increasingly clandestine nature of sex trafficking operations in Cambodia; as a result, police investigations were limited to more clear manifestations of the crime, including sex-on-premises establishments and cases in which victims were willing to self-report and testify.

Endemic corruption at many levels of government severely limited the ability of individual officials to make progress in holding traffickers accountable. The Cambodian national police maintained a mechanism for NGO workers to report incidents of corruption among anti-trafficking police, but it did not field any complaints during the reporting period. Local officials facilitated cross-border

trafficking by accepting bribes for forging identity documents. One NGO noted law enforcement raids on sex trafficking establishments were sometimes unsuccessful due to advance warning from working-level police. However, some provincial police chiefs continued to minimize these leaks by turning over cases to the AHTJP, which conducted independent raids without notifying the local authorities until moments before they began. Some corrupt officials may have profited directly from establishments suspected of sex and labor trafficking. Authorities often overlooked labor abuses—including child forced labor—in factories and at brick kilns, and in several instances colluded with brick manufacturers to arrest, jail, and return indentured laborers who had attempted to escape. Contacts alleged prosecutors and judges accepted bribes in return for dismissal of charges, acquittals, and reduced sentencing. Corrupt officials often thwarted progress in cases where the perpetrators were believed to have political, criminal, or economic ties to government officials. Despite these trends, the government did not investigate, prosecute, or convict any government employees complicit in trafficking.

PROTECTION

The government maintained insufficient protection efforts. Despite retaining victim identification guidelines developed by MOSAVY in early 2017, victim identification, referral, and repatriation efforts remained disparate and underdeveloped across law enforcement agencies. Authorities did not provide complete statistics on the number of victims they assisted or referred. The government continued implementing a regulation barring NGOs from representing individuals seeking formal recognition as trafficking victims. Under this arrangement—which NGOs claimed severely intimidated victims and their families—victims were required to approach the Ministry of Interior for the formal identification needed to access protection services.

While conducting arrests during the first nine months of 2019, police reported identifying at least 66 victims of "non-sexual trafficking," including 20 minors, and at least 76 victims of sex trafficking, including 26 minors (unreported in 2018). As with all law enforcement statistics, these figures likely included victims of crimes that did not meet standard definitions of sex trafficking or forced labor. With assistance from an international organization, the government continued to operate two transit centers in the border city of Poipet, where it screened for trafficking victims among the 11,806 migrants deported from Thailand in 2019 (70,225 in 2018). MOSAVY reported processing 262 Cambodian victims of trafficking returning from abroad—15 men, 209 women, and 38 children—along with 28 "other vulnerable migrants" at the Poipet center, the Phnom Penh Airport, and the Bavet border checkpoint. The total comprised 150 victims of forced labor and 112 individuals who may have experienced sex trafficking and/or forced labor in relation to forced and fraudulent marriage. During the reporting period, the NCCT attempted to improve victim identification procedures and data collection through the production and launch of a tablet application-based victim identification manual and screening tool for use at the Poipet Transit Center. Although observers were not able to independently verify the status or content of the application, NGOs believed the tool was also a source of service provider contact information for victims. However, some contacts noted a lack of privacy in the transit centers' migrant intake areas might have made victims reticent to self-report through the new tool. Given the high vulnerability to trafficking among these populations and the lack of universal implementation of victim identification standards, many victims likely transited these facilities unidentified.

The government operated a temporary shelter in Phnom Penh for female victims of trafficking and other crimes, and it referred trafficking victims to donor-funded NGO shelters—most of which cared for victims of several forms of abuse—to receive further assistance. MOSAVY reportedly maintained guidelines outlining minimum standards for residential care of trafficking victims and continued to disseminate them among NGO shelters during the reporting period. The government continued to rely heavily on NGOs to protect trafficking victims; however, it did not facilitate formal transfer of custody for child victims, leaving organizations that accepted child victims vulnerable to court action. Ongoing custody issues reportedly dissuaded some NGO shelters from protecting residents' freedom of movement, contrary to best practices. Provisions allowing for financial settlements in lieu of harsher sentencing further discouraged some families from consenting to temporary guardianship at shelters; absent family consent, government officials, at times, returned children to high-risk environments, leaving them vulnerable to re-victimization. Some anti-trafficking NGOs noted improved cooperation with the authorities, including through receipt of in-kind support, but continued restrictions on civil society hindered the operations of key anti-trafficking NGOs during the reporting period. Despite the prominence of male labor trafficking victims, assistance for this population remained limited. Although authorities reportedly increased overall attention to the fishing industry during the reporting period, service provider NGOs noted an acute lack of reintegration services and cultural stigma surrounding the experience of forced labor at sea catalyzed re-trafficking among fishermen returning home after escaping their abuses.

Cambodian diplomatic missions overseas continued to lack adequate funding and capacity to provide basic assistance or repatriate victims, despite government action in prior years to train diplomats on migrant worker protections. Victims identified in countries without Cambodian diplomatic representation had access to even less support. One study conducted by an international organization during a previous reporting period found only 21 percent of migrant workers sought assistance for labor abuses experienced abroad, including forced labor. The Ministry of Foreign Affairs and International Cooperation (MFAIC), which bore the primary responsibility of aiding Cambodian trafficking victims identified abroad, reported repatriating and providing limited services to 32,235 Cambodians returning from nine countries, including 32,038 from Thailand, 77 from China, 58 from Vietnam, 49 from Malaysia, five from Singapore, three from Saudi Arabia, three from Indonesia, one from Laos, and one from Japan. However, as in the previous reporting period, authorities did not specify what portion of these returnees were trafficking victims (986 from nine countries in 2017). An international organization assisted in the majority of these repatriations. Observers believed these figures represented only a small fraction of the number of Cambodians subjected to trafficking abroad, particularly in the fishing industry. The MFAIC did not promulgate or implement standard operating procedures for the identification and referral of Cambodian victims abroad, nor did authorities allocate sufficient resources for such work, leaving many Cambodians without the assistance necessary to repatriate legally and safely. According to one NGO, some returned victims had been unable to secure assistance from Cambodian consular services overseas due to unattended hotlines and unresponsive staff; others subjected to forced labor conditions abroad, including in China and South Korea, were unable to convince Cambodian consular staff they were in need of assistance. Cambodia also maintained labor attachés at embassies in South Korea, Malaysia, and Thailand—the countries with the highest number of Cambodian migrant workers—but did not provide data on their involvement in identifying or assisting labor trafficking victims.

The number of Cambodian returnees who experienced forced labor and sex trafficking abroad was likely much higher than reported due to an increasing tendency among these groups to return via informal migration channels, and due to insufficient

victim identification procedures. MOSAVY reported assisting in the repatriation of all 290 Cambodian victims of trafficking and "other vulnerable migrants" processed through the Poipet repatriation center, and it referred all 290 individuals to NGOs for additional protection services (222 in 2018). MOSAVY reported receiving an additional 563 victims, including 408 referred by NGOs, but did not specify if this figure was inclusive of or in addition to aforementioned 290. The ministry also reported providing reintegration and rehabilitation services to 968 Cambodian migrant workers returning from work abroad; some of these cases were identified in a previous year, and they included victims of other forms of abuse outside the standard definition of trafficking.

There were no legal provisions to offer work permits, temporary residency, or other immigration status to foreign victims wishing to remain in Cambodia to participate in civil or criminal proceedings. According to one NGO, some male victims of forced labor in the maritime industries did not report their experiences out of concern that they would be sent to a government shelter and prevented from earning a livelihood. The government required the repatriation of foreign victims, except in rare cases, and did not provide legal alternatives to their removal regardless of whether they would face hardship or retribution upon return to their countries of origin. MOSAVY repatriated nine Vietnamese trafficking victims during the reporting period (two in early 2018, three in 2017, and 13 in 2016). Insufficient victim identification efforts left many potential victims at risk of law enforcement action, including deportation without prior screening. Law enforcement often did not keep victims and perpetrators separated during interviews. During the reporting period, MOSAVY signed MOUs with several NGOs to enhance government capacity to assist victims of trafficking and related offenses. Contacts said this culminated in increased implementation of victim-centered approaches among anti-trafficking police interviewing child victims. However, provincial courts did not universally implement a child-friendly judicial program, initiated in 2016, allowing for video-conferencing technology as an alternative to direct cross-examination of victims in front of the accused. Cambodia's weak and corrupt legal system and the lack of adequate victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, hindered victims' willingness to cooperate in many cases. Cambodian law outlined channels for victim restitution, and contacts reported an increase in the number of verdicts ordering traffickers to pay some form of financial recompense to victims. However, this restitution was extremely difficult to obtain due to a legal requirement delaying payment until after the completion of the trafficker's jail term; convicted traffickers' frequent abscondment further complicated this arrangement. Observers noted Cambodia lacked a standard operating procedure for determining how to calculate restitution or compensation. Victims rarely received the amount promised, and many victims' families settled out of court with traffickers or accepted bribes to drop the relevant charges.

PREVENTION

The government increased some prevention efforts. An interagency committee and its secretariat coordinated anti-trafficking activities and promulgated a 2019-2023 national action plan that received praise from civil society partners. The government slightly increased its budget from 4.9 billion riels ($1.21 million) to approximately 5.4 billion riels ($1.33 million) to fund this interagency committee, but observers noted this figure was still insufficient. Subsidiary provincial anti-trafficking committees, which reportedly continued to receive modest central government funds and assistance from NGOs, coordinated efforts at the local level to mirror the activities of the national action plan. During the reporting year and with the help of international donors, one remaining committee created its own provincial-level action plan and submitted it to the government—ensuring all nine committees had such an action plan. The secretariat of the NCCT maintained a working group to monitor the efforts of the interagency committee, as well as those of its provincial subcommittees. Commune-level budgetary allocations for trafficking prevention increased during the reporting period; however, NGOs noted the provincial committees' ad hoc reliance on insufficient surplus funds from General Social Services—rather than on their own annual budgets—undermined the scope and sustainability of their work. The NCCT continued to produce an annual report documenting the government's holistic anti-trafficking efforts; however, as in prior years, the report was not exhaustive amid insufficient data collection. For the third year, the government hosted an interfaith forum on combating trafficking attended by high-level government officials and thousands of clerical leaders.

The Ministry of Labor and Vocational Training (MOLVT) maintained a separate action plan aimed at reducing child labor and debt bondage in the service, agricultural, mining, and energy sectors by 2025 through awareness raising, legal action, and collaboration with civil society funded in part through the national budget. There was no ban on the imposition of worker-paid recruitment or placement fees. Observers noted the high costs, complex administrative requirements, and restrictive provisions inherent to the formal migration process drove a majority of Cambodian labor migrants to pursue informal pathways to working abroad. Unlike in the previous reporting period, the government reported investigating labor recruiters for illegal practices that may have contributed to or involved trafficking, although it did not provide relevant statistics. Officials and NGO observers noted labor officials' insufficient inspections of private recruitment agencies, and the ability of these agencies to sub-license their names to independent brokers, continued to perpetuate widespread labor exploitation. Some of these agencies were reportedly directly involved in deceptive recruitment practices leading to trafficking. Adding to the vulnerability of popular migration channels, sub-decrees and regulations governing private recruitment agency licensure and contracting procedures did not include sufficient language outlining migrant worker protections or labor rights.

The government continued to carry out awareness-raising activities, including through more than 80,500 NCCT information "dissemination events" and nearly 80,000 public fora (33,000 and 25,000 in 2018, respectively). The General Department of Immigration issued nearly 76,000 border passes to Cambodians living in western border regions to incentivize safe labor migration to Thailand (over 92,000 in 2018). The MOLVT also reported providing pre-departure orientation to almost 48,000 Cambodians migrating abroad for work (69,000 in 2018). However, many Cambodians were reportedly unaware of how to apply for travel documentation or how much it should cost—leaving them at higher risk of travel through informal, more vulnerable means—and the government did not take sufficient steps to publicize that information. The MFAIC continued to implement consular screening measures to reduce the sex and labor trafficking of Cambodian women via forced and fraudulent marriages, including by assessing applicants against trafficking victim profiles jointly developed with China in 2016. However, the MFAIC did not report referring these potential victims to law enforcement or protective services. The government also continued implementing a regulation passed in 2018 requiring foreign men to pay a fee if intending to return to their home countries with a Cambodian spouse; because this regulation only applied to air travel, contacts reported an increase in the number of Cambodian women traveling through unsafe overland channels for marriage migration to China. The government maintained two labor recruitment agreements with Saudi Arabia, a domestic worker recruitment agreement with Hong Kong, and a bilateral cooperative agreement with India.

Following heightened public attention to labor abuses occurring within the brick industry, authorities reportedly increased some efforts to seek accountability and intervene in labor violations at the kilns. International law enforcement representatives noted some police were able to issue citations for obvious labor abuses, including illegal child labor and overtly poor working conditions. However, NGOs claimed police were often unaware that detection of crimes at brick kilns fell under their investigative purview. Observers also noted cumbersome registration requirements and government officials' close affiliation with certain employers continued to obstruct labor inspectors' access to brick kilns and prevented kiln workers from forming organizations to advocate for their labor rights. Authorities often conducted inspections with advance notification to the kiln owners, potentially enabling them to conceal abuses. In one widely publicized case in which a child suffered a serious work-related injury at a brick kiln, authorities publicly claimed they had fined and jailed the owner of the facility and shut it down permanently; in contrast, union contacts claimed the owner had faced none of these consequences and that the kiln was still in operation. The government also reported conducting a census of all 486 known operational brick kilns in the country in an ostensible effort to detect and issue fines for child labor offenses, but the census found "no evidence" thereof, raising significant questions about its accuracy and credibility. In response to increased local vulnerabilities surrounding new Chinese casinos and other commercial enterprises in Preah Sihanouk province, the government established an inter-ministerial task force to investigate alleged money laundering and human trafficking, but the task force had not issued a report on its findings at the end of the reporting period.

The Ministry of Tourism made efforts to reduce the demand for commercial sex acts through workshops for hotel staff and government officials on preventing child sexual exploitation in the hospitality industry, and it partnered with the NCCT in the continued production of billboards, signs, posters, pamphlets, and other materials targeting potential consumers of commercial sex with children. However, as in prior years, the government generally focused on deterring foreign involvement in child sex tourism, rather than targeting campaigns to the local population that constituted the main source of demand for commercial sex with children in Cambodia. Authorities reported arresting five foreign individuals suspected of engaging in child sex tourism (eight in 2018, five in 2017, and 12 in 2016) but did not report whether they initiated prosecutions in any of these cases. Local experts reported concern over the government's ongoing failure to impose appropriate punishments on foreign nationals who purchased commercial sex acts with children.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit Cambodian men, women, and children in forced labor and sex trafficking in Cambodia and abroad. They also subject victims from other countries to trafficking in Cambodia, and they use Cambodia as a transit point to exploit victims from other countries to trafficking elsewhere in Asia. Cambodian adults and children migrate to other countries within the region and increasingly to the Middle East for work; traffickers force many to work on fishing vessels, in agriculture, in construction, in factories, and in domestic servitude—often through debt-based coercion—or exploit them in sex trafficking. Migrants using irregular migration channels, predominantly with the assistance of unlicensed brokers, are at an increased risk of trafficking, although those using licensed recruiting agents also become victims of forced labor or sex trafficking. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited Cambodian nationals in forced labor in food processing, manufacturing, construction, and fishing. Children from impoverished families are vulnerable to forced labor, often with the complicity of their families, including in domestic servitude and forced begging or street vending in Thailand and Vietnam. Undocumented Cambodian labor migrants working in Thailand—constituting at least 20 percent of the nearly two million Cambodians there—are at high risk of trafficking due to their immigration status, as are Cambodians deported from Vietnam. One study conducted by an international organization in 2017 found that nearly three quarters of all Cambodians traveling to Thailand for work do so through irregular channels known for trafficking vulnerabilities; additionally, only 14 percent of Cambodians emigrating to Thailand through regulated channels participated in pre-departure orientation outlining their right and protections.

Traffickers continue to recruit significant numbers of Cambodian men and boys in Thailand to work on fishing boats and exploit them in forced labor on Thai-owned and -operated vessels in international waters. Cambodian victims escaping from their traffickers have been identified in Malaysia, Indonesia, Mauritius, Fiji, Senegal, South Africa, and Papua New Guinea. Cambodian men working on Thai-owned and -operated fishing vessels report deceptive recruitment tactics, severe physical abuse, underpayment or nonpayment of wages, restricted access to medical care, and confinement at sea for years at a time without permission to come ashore. Traffickers recruit a significant number of women from rural areas under false pretenses to travel to China to enter into marriages with Chinese men. These women incur thousands of dollars in debt to brokers facilitating the transaction; the men force some of these women to work in factories or exploit them in sex trafficking to repay this debt. Cambodian women serving willingly as illegal surrogates for Chinese families are vulnerable to confinement and domestic servitude. Stateless persons, namely in ethnic Vietnamese communities, are at higher risk of trafficking due to lack of identity documentation necessary for access to formal employment, education, marriage registration, the court system, or the right to own land.

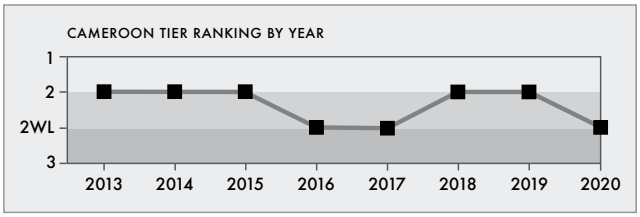
The proprietors of brick kilns subject more than 10,000 Cambodians, including nearly 4,000 children, to multigenerational debt-based coercion, either by buying off their preexisting loans, or by requiring them to take out new loans as a condition of employment or to cover medical expenses resulting from injuries incurred while working. An NGO study conducted in 2017 found nearly 100 percent of brick kilns surveyed throughout the country featured indicators of forced labor via debt-based coercion. An extensive, largely unregulated network of predatory micro-finance organizations and private creditors contributes to this arrangement by proactively advertising loans to families in vulnerable communities and connecting them with the kilns. Rural farming families are at higher risk of this form of forced labor due to economic hardships ensuing from climate change; unseasonal rain patterns and subsequent loss of crops push many farmers to take out large loans for new irrigation or pesticide systems, and brick kiln owners often purchase these loans as a means of securing and retaining their labor. Extended rainy seasons also delay the brick-drying process, reducing these bonded kiln workers' pay and forcing many to become further indebted to the kiln owners. In order to dissuade workers from fleeing abusive conditions, some kiln owners reportedly allow only select members of family units to be absent for public holidays or to seek medical care at any given time. Some workers report continued confinement and forced labor in the kilns long after they have repaid their debts. Cambodian families may also experience conditions indicative of forced labor in the clay extraction process required for brick making. Traffickers exploit children as young as 13 in domestic servitude and labor on riparian and oceanic fishing boats, in karaoke bars, and on cassava plantations to pay off family debts accrued through this system. Communities displaced by illegal

logging operations supplying the brick kilns with timber for fuel may be at elevated risk of trafficking, including in logging itself and elsewhere as a result of ensuing economic hardships. In previous years, North Koreans working in Cambodia may have been forced to work by the North Korean government. Pursuant to a 2017 UN Security Council resolution requiring the repatriation of all North Korean nationals earning income overseas by the end of 2019, subject to limited exceptions, the government reportedly repatriated all North Korean labor migrants covered under the relevant provision.

All of Cambodia's 25 provinces are sources for human trafficking. Sex trafficking is largely clandestine; Cambodian and ethnic Vietnamese women and girls move from rural areas to cities and tourist destinations, where criminals exploit them in sex trafficking in brothels and, more frequently, clandestine sex establishments at beer gardens, massage parlors, salons, karaoke bars, retail spaces, and non-commercial sites. In recent years, the rapidly growing and largely unregulated presence of Chinese casinos, entertainment establishments, and other commercial enterprises in Preah Sihanouk province has led to an increase of local sex trafficking and forced labor among Cambodian women and girls. Cambodian men form the largest source of demand for children exploited in sex trafficking; however, men from elsewhere in Asia, Europe, the United States, Australia, and South Africa travel to Cambodia to engage in child sex tourism, increasingly facilitated through social media contact. Thousands of urban children left behind by families migrating abroad for work are particularly vulnerable to sex trafficking and forced labor. Vietnamese women and children, many of whom are victims of debt-based coercion, travel to Cambodia and are exploited in sex trafficking. NGOs report criminal gangs transport some Vietnamese victims through Cambodia before they are exploited in Thailand and Malaysia. Traffickers in Cambodia are most commonly family or community members or small networks of independent brokers. Some Cambodian orphanages purchase local children from economically disadvantaged families and subject them to malnutrition and unclean living conditions in their facilities for the purpose of attracting and profiting from charitable donations; some of these children are at further risk of sex trafficking and domestic servitude, as a result of poor government oversight of adoption processes. Endemic corruption aids and abets trafficking crimes. Some police reportedly solicit commercial sex with children. Corrupt officials facilitate cross-border trafficking, thwart progress on investigations and prosecutions, and in some cases, profit directly from establishments suspected of trafficking.

CAMEROON: TIER 2 WATCH LIST

The Government of the Republic of Cameroon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating at least nine suspected trafficking cases, identifying 77 victims, and providing training to some officials and teachers on trafficking indicators. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Government security forces allegedly recruited a minor to gather intelligence. Additionally, officials prosecuted and convicted fewer trafficking crimes. The government did not disseminate its standard operating procedures on victim identification and referral to law enforcement or first responders and did not pass draft anti-trafficking legislation from 2012 that conforms to international law. Therefore Cameroon was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Government forces immediately cease recruiting and using child soldiers, investigate alleged cases, and prosecute complicit officers following due process. • Train law enforcement and NGO personnel on the National Referral System and Standard Operating Procedures (NRS/SOP) on victim identification and referral to increase first responders' ability to proactively identify internal trafficking cases as well as cross-border trafficking as distinct from smuggling. • Expand training for law enforcement, judicial officials, and social workers on the anti-trafficking section of the penal code as well as victim-centered approaches to increase effective trafficking investigations and prosecutions, while respecting the rule of law and human rights, and administer fair and just sentences to those convicted. • Increase formal collaboration with NGOs on proactively identifying and protecting victims. • Regularly convene the anti-trafficking inter-ministerial committee (IMC) and include NGOs and international organizations working to address trafficking in persons in Cameroon. • Amend anti-trafficking laws to remove the requirement of force, fraud, or coercion for child sex trafficking offenses and to make a clear distinction between trafficking and smuggling. • Publicize information to citizens on their rights as foreign workers and sources of assistance while abroad. • Investigate labor recruiters and agencies suspected of fraudulent recruitment—including unlicensed recruiters and intermediaries—and prosecute those complicit in trafficking.

PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. The 2011 anti-trafficking law criminalized some forms of sex trafficking and all forms of labor trafficking. Inconsistent with international law, Cameroon's law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law prescribed penalties of 10 to 20 years' imprisonment and a fine of 50,000 to 1 million Central African francs (CFA) ($86 to $1,730), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. If the trafficking offense involved a victim who was 15 years old or younger, the penalties increased to 15 to 20 years' imprisonment and a fine of 100,000 to 10 million CFA ($173 to $17,300). The law prescribed separate penalties for debt bondage, which ranged from five to 10 years' imprisonment and a fine of 10,000 to 500,000 CFA ($17 to $865) and were also sufficiently stringent. The law was published in French and English, the two official languages of the government. The English version conflated trafficking in persons and smuggling offenses by referring to trafficking in persons offenses, as defined under international law, as "slavery in persons," while referring to smuggling-related offenses as "trafficking in persons." Increasing the potential for conflating smuggling and trafficking in persons, Article 342 of Cameroon's 2016 Penal Code prohibited both "trafficking in persons" and "slavery in persons." Legislation drafted in 2012 to address victim and witness protection and correct inconsistencies with international law remained pending for the eighth consecutive year.

The government did not provide comprehensive law enforcement statistics, but officials reported investigating at least nine potential

trafficking cases and prosecuting seven suspected traffickers in 2019. In the previous reporting period, the government reported investigating eight potential trafficking cases and prosecuting 126 suspected traffickers. The government reported convicting five traffickers in 2019—sentencing traffickers to verdicts between 12 months' to 20 years' imprisonment, compared with convicting 13 traffickers in 2018. Officials did not report the outcome of an investigation into a complicit official opened in 2018.

Ongoing insecurity in the Far North Region, as well as armed conflict in the Northwest and Southwest Regions between the government and Anglophone separatists, hindered the government's law enforcement efforts due to the closure of courts and lack of official access in some areas. Some regional courts and NGOs encouraged victims to settle trafficking cases outside of court in part because of insufficient cooperation between the government and NGOs and weak judicial administration.

The government did not report implementing or disseminating its standard operating procedures on victim identification and referral to law enforcement or first responders. Over the course of the reporting period, the government conducted six anti-trafficking seminars for an unknown number of police and sent two officers to participate in train-the-trainer sessions to combat trafficking in Lyon, Nairobi, and Abuja; officials did not note whether these officers then trained other law enforcement members. The government electronically disseminated its anti-trafficking law to approximately 15,000 law enforcement officers in January 2020. General Delegation for National Security officials reported training 25 teachers on trafficking indicators who then communicated that information to an unknown number of vulnerable children, including IDPs from the Northwest and Southwest Regions. During the previous reporting period, the government coordinated with international organizations to obtain anti-trafficking training for more than 37 law enforcement officials but did not directly train prosecutors, judges, or first responders. Because many law enforcement and judicial officials lack knowledge of the crime, some trafficking offenses may have been tried as child abuse or kidnapping, which carried lesser penalties.

PROTECTION

The government increased efforts to identify victims. Although the government did not maintain comprehensive statistics, officials reported identifying at least 77 potential victims, compared with identifying 62 potential victims during the previous reporting period. In 2019, the Ministry of Social Affairs (MINAS) reported identifying 1,147 street children vulnerable to trafficking. MINAS reported identifying 877 vulnerable street children throughout Cameroon in 2018.

NGOs reported thousands of Cameroonian workers remained in Middle Eastern countries, and many of these workers were at risk of traffickers exploiting them in domestic servitude or sex trafficking. During the reporting period, the government reported repatriating an unknown number of potential trafficking victims from the Maghreb and Middle East. The government repatriated at least 14 trafficking victims during the previous reporting period.

While the government developed a NRS/SOP in 2013 to guide officials in proactive identification and referral of trafficking victims, it did not implement the NRS/SOP nor did it report training officials on the measures. MINAS had the authority to admit children subjected to abuse—including trafficking victims—to government institutions for vulnerable children, which offered shelter, food, medical and psychological care, education, vocational training, and family tracing. However, the government did not report referring victims of trafficking to these facilities during the reporting period. Private centers funded by NGOs and regulated by MINAS provided care for an unknown number of child victims. The government did not offer trafficking-specific services for adult or child victims but did provide services to minors at risk of trafficking along with other vulnerable children.

The government did not have a formal policy to encourage victims to participate in investigations or prosecutions of their traffickers and did not report providing counseling, legal support, or any other assistance to victims who testified during court proceedings. The government did not report providing protection for victims cooperating with trafficking investigations in spite of experts claiming trafficking networks repeatedly threatened victims during their trials. While there were no reports the government penalized any trafficking victims for unlawful acts traffickers compelled them to commit, some victims may have remained unidentified in the law enforcement system due to the limited use of the NRS/SOP and understanding of the crime among officials. The government could grant temporary residency status to foreign victims who, if deported, may face hardship or retribution; however, it did not report providing this accommodation during the reporting period.

PREVENTION

The government maintained prevention efforts. A lack of coordination and funding continued to impede the government's implementation of the 2017-2019 anti-trafficking national action plan. The IMC convened twice in 2019, compared to once in 2018.

MINAS continued its public awareness campaign during the reporting period directed towards the general public and vulnerable children to inform Cameroonians on trafficking indicators. Officials stated the government conducted 2,864 informational sessions in 2019 and reached 397,447 Cameroonians, compared to approximately 69,000 in 2018.

NGOs stated police and immigration officials' screening efforts at Douala's international airport prevented some potential victims from pursuing exploitative employment in the Middle East; the government's enforcement efforts diverted some vulnerable job seekers to Lagos, Nigeria, where screening procedures were less stringent. In March 2020, the Ministry of External Relations began requiring Cameroonians seeking work visas in Lebanon to first gain the approval of the Cameroonian Honorary Consulate in Lebanon. The Ministry of Employment and Vocational Training (MINEFOP), in conjunction with the Ministry of Labor and Social Security, monitored formal labor recruiters and denied the accreditation of 10 labor recruitment firms for violations potentially related to trafficking, issued warnings to 16 temporary employment placement firms suspected of human trafficking, and suspended nine firms for trafficking-related concerns. MINEFOP officials reported annually publishing a list of licensed recruitment agencies, although the scope of dissemination was unknown. MINEFOP reported it does not have a system to prevent traffickers from exploiting workers once they have been placed in overseas employment. Increasing their vulnerability to trafficking, Cameroonians frequently used unauthorized recruiters to seek employment abroad. In January 2020, MINAS launched a two-year research project with an international organization to ascertain the scope of human trafficking within the country, although the government did not communicate taking any concrete actions by the end of the rating period. Between 2015 and 2017, a Cameroonian diplomat posted in the United States allegedly engaged in visa fraud related to a minor female domestic worker. Because of diplomatic immunity, the United States could not commence prosecution, nor did the government report taking any action during the reporting period to hold the diplomat accountable. The diplomat left the United States in 2018.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cameroon, and traffickers exploit victims from Cameroon abroad. Government officials and NGO representatives stated the conflict in the Northwest and Southwest regions increased the risk factors of human trafficking during the reporting period due to large numbers of displaced individuals, diminished police and judicial presence, and deteriorated economic and educational conditions. Child traffickers often use the promise of education or a better life in urban areas to convince rural parents to entrust their children to intermediaries, who then exploit the children in sex trafficking or forced labor. Criminals force homeless children and orphans into sex trafficking and forced labor in urban areas. Some labor recruiters lure teenagers and adolescents from economically disadvantaged families to cities with the prospect of employment and then subject victims to labor or sex trafficking. Traffickers exploit Cameroonian children in domestic service, restaurants, and begging or vending on streets and highways. Additionally, criminal elements force Cameroonian children to labor in artisanal gold mining, gravel quarries, fishing, animal breeding, and agriculture (on onion, cotton, tea, and cocoa plantations), as well as in urban transportation assisting bus drivers and in construction as errand boys, laborers, or night watchmen. Observers note child sex tourists exploit minors in the cities of Kribi and Douala, with Ugandan, Chadian, Nigerian, Tanzanian, German, French, Swiss, and Belgian nationals primarily committing this crime.

Foreign business owners and herders force children from neighboring countries including Chad, the Central African Republic, Nigeria, Benin, and Equatorial Guinea to labor in spare parts shops or cattle grazing in northern Cameroon; many traffickers share the nationality of their victims. Traffickers exploit some children transiting the country en route to Gabon and Equatorial Guinea. Anecdotal evidence suggests some Chinese business owners fraudulently recruit young girls to work as beauticians and subsequently exploit them in sex trafficking. Experts reported Turkish and Chinese officials in Cameroon may facilitate transnational human trafficking by granting visas to Africans with little oversight. Cameroonian banks may have assisted criminal networks involved in fraudulent recruitment by validating income and employment oversight requirements, as well as opening "ghost" bank accounts for victims to demonstrate false income levels.

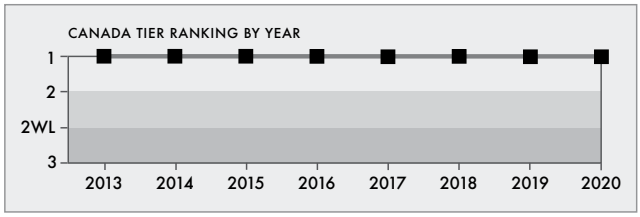
Observers reported there were approximately 977,000 IDPs in Cameroon at the beginning of 2020, an increase from 437,000 in 2018. In addition to IDPs, there were approximately 408,000 refugees in the country—including those from Nigeria—as of January 31, 2020. Traffickers may prey on both IDPs and refugees due to their economic instability and sometimes-limited access to formal justice. Boko Haram's activities on the border with Nigeria continued to displace many of these refugees. There continued to be reports of hereditary slavery in northern chiefdoms. An expert reported government security forces recruited and used a minor to gather intelligence in the country's Anglophone regions. Some community neighborhood watch groups, known as vigilance committees, may also have used and recruited children as young as age 12 in operations against Boko Haram, although there is no evidence of the government providing material support to these specific groups. Boko Haram is a consistent terrorist threat, and continues to forcibly recruit Cameroonian children as porters, cooks, and scouts. The terrorist organization also uses women and girls as forced suicide bombers and sex slaves and boys as child soldiers. Observers reported Anglophone separatists recruited and used child soldiers in the Southwest and Northwest Regions, both for fighting government forces and for gathering intelligence.

Traffickers exploit Cameroonians from disadvantaged social strata, in particular from rural areas, in forced labor and sex trafficking in the Middle East (especially Kuwait and Lebanon), as well as in Europe (including Switzerland and Cyprus), the United States, and multiple African countries (including Benin and Nigeria). Most exploited Cameroonians abroad are between the ages of 20 and 38 and come from the Northwest, Southwest, Littoral, Center, South, and West Regions. Fraudulent labor brokers recruited some Cameroonian women for domestic work in the Middle East where traffickers then subjected the women to sex trafficking or domestic servitude upon arrival at their destination. Some economic migrants in search of opportunity became victims of trafficking in Libya or while in transit through Niger. NGOs reported Nigerians in eastern Nigeria exploited Cameroonian refugees displaced by the Anglophone conflict in forced labor and sex trafficking.

Trafficking networks generally consist of local community members, including religious leaders and former trafficking victims who have transitioned to perpetrators. These networks advertise jobs through the internet and other media, and recruit and sell other Cameroonians directly to families in need of domestic servants. Advocates working on trafficking issues report the government's awareness-raising activities targeting fraudulent recruitment have raised awareness amongst vulnerable populations but have caused intermediaries to operate with greater discretion, often directing victims to travel to the Middle East through neighboring countries, including Nigeria. International organizations, NGOs, and migrants report Cameroonian trafficking networks in Morocco coerce women into commercial sex.

CANADA: TIER 1

The Government of Canada fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Canada remained on Tier 1. These efforts included increasing its investigations, prosecutions, and convictions; identifying more victims and providing increased funding for victim services; launching a national hotline; creating a new government team to combat human trafficking in federal procurement supply chains; and increasing its public awareness campaigns to vulnerable populations. Although the government meets the minimum standards, it did not provide comprehensive data on investigations, prosecutions, and convictions from all jurisdictions or on victims provided with services nationwide. The government's efforts to identify victims and address forced labor, through both law enforcement and victim identification and protection measures, remained inadequate. The range, quality, and timely delivery of trafficking-specific services varied nationwide and service providers reported a shortage of funding for victim services, including emergency shelters. The government struggled to coordinate its anti-trafficking efforts between the provincial and federal levels.



PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute traffickers and impose adequately

strong sentences on convicted traffickers. • Increase proactive identification of victims, particularly forced labor victims, through screening among vulnerable populations and training of first responders in victim-centered techniques. • Significantly increase trauma-informed specialized services and shelter available to all victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase nationwide trafficking data collection, including documentation of investigations, prosecutions, and convictions and numbers of identified victims and assistance provided such as the number of work permits granted to foreign victims. • Increase coordination and communication among federal, provincial, and territorial actors and strengthen provincial interagency efforts. • Increase use of proactive law enforcement techniques to investigate trafficking, particularly forced labor. • Investigate, prosecute, and centralize data collection on Canadian child sex tourists. • Amend the criminal code and Immigration and Refugee Protection Act to include a definition of trafficking that has exploitation as an essential element of the crime, consistent with international law. • Significantly increase trauma-informed specialized services and shelter available to all victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase training for national hotline workers and improve the capacity of the hotline to include language support beyond English and French, and to reach beyond metropolitan areas. • Increase training for government officials, particularly for prosecutors and judges, including on seeking and ordering restitution upon trafficking convictions. • Increase partnerships with the private sector, including financial institutions, to prevent trafficking. • Implement laws and policies to address trafficking in the federal supply chain.

PROSECUTION

The government increased law enforcement efforts. Criminal code Sections 279.01 and 279.011 criminalized sex trafficking and labor trafficking, prescribing penalties of four to 14 years' imprisonment for trafficking adults and five to 14 years' imprisonment for trafficking children; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. Section 279.02 also criminalized receiving financial or any other material benefit from trafficking and prescribed a maximum penalty of 10 years' imprisonment with adult victims and a mandatory minimum of two years to a maximum of 14 years' imprisonment with child victims. Section 279.03 criminalized withholding or destroying documents to facilitate trafficking and prescribed a maximum penalty of five years' imprisonment for adult victims and a mandatory minimum of one year to a maximum of 10 years' imprisonment for child victims. Section 286.1 criminalized purchasing commercial sex acts from an individual younger than 18 years of age and prescribed a minimum penalty of six months and a maximum penalty of 10 years' imprisonment. The Immigration and Refugee Protection Act (IRPA) established a separate offense of "human smuggling and trafficking" to mean "no person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion." Inconsistent with the definition of trafficking under international law, this provision did not include exploitation as an essential element of the crime.

Government officials at the federal, provincial, and municipal levels may investigate, prosecute, and convict traffickers; however, the government did not report comprehensive data at each of these levels. The federal government did not maintain a national database; however, it provided data from Canada's Uniform Crime Reporting (UCR) system, which included provincial and municipal data. The UCR data is available each July for the previous calendar year and in 2018 the government reported a total of 340 trafficking incidents and 236 individuals accused of trafficking; this compared with a total of 375 trafficking incidents and 291 individuals accused of trafficking reported in 2017. In addition, Employment and Social Development Canada (ESDC) reported 32 cases of forced labor investigations in 2019 from its temporary foreign worker program. The government reported federal officials responsible for enforcing IRPA reported 47 investigations in 2019; this compared to five investigations in 2018. Furthermore, Immigration, Refugees and Citizenship Canada (IRCC), which conducted administrative investigations of potential human trafficking cases among immigration and refugee cases, initiated 20 new large-scale investigations involving allegations of human trafficking in 2019. In 2019, federal, provincial, and municipal law enforcement reported initiating prosecutions against 98 individuals in 90 cases (one for labor trafficking) for the reporting period, compared with 116 individuals in 72 cases (one for labor trafficking) reported in 2018, 78 individuals in 47 trafficking cases (two for labor trafficking) reported in 2017, 107 individuals in 68 trafficking cases (none for labor trafficking) reported in 2016, and 112 individuals in 63 cases (two for labor trafficking) reported in 2015. Federal, provincial, and municipal authorities prosecuted and concluded 197 cases against 197 individuals in 2019, compared with 196 cases against 196 individuals in 2018, 295 individuals in 2017, and 300 individuals in 2016. In 2019, the government reported federal convictions of 51 traffickers, compared to 36 traffickers reported in 2018, five traffickers in 2017, including one labor trafficker, and 10 sex traffickers and no labor traffickers reported in 2016. Courts imposed sentences ranging from four to 12 years' imprisonment in 2019, compared to two to 12 years' imprisonment in 2018, and six months to 9.5 years' imprisonment in 2017. The government acknowledged some sex trafficking cases resulted in convictions under other criminal code sections.

In 2019, York Regional Police arrested 31 people from a large, multi-provincial human trafficking ring run by organized crime; the overall investigation involved five police forces from Ontario and Quebec. The federal government identified and reported financial transactions suspected of being linked to the laundering of proceeds from trafficking, which resulted in 250 disclosures reported in 2019, compared to 191 in 2018, 196 in 2017, and 102 in 2016. NGOs noted a continued imbalance in the government's anti-trafficking efforts, with greater attention to and understanding of sex trafficking versus forced labor. NGOs and other non-governmental experts indicated police and prosecutors sometimes made decisions to pursue cases based on a greatest probability of conviction, leading some officials to categorize trafficking cases as other crimes. NGOs and some law enforcement officials cited the need for better coordination among the federal, provincial, and territorial governments on anti-trafficking law enforcement.

The Canadian Police College (CPC) provided a human trafficking investigators course that trained 49 police as well as an online introduction to human trafficking course that trained 486 Canadian law enforcement officials. The Financial Transactions and Reports Analysis Centre of Canada, which is Canada's financial intelligence unit, regularly presented during the human trafficking investigator courses at the provincial and federal levels, to educate law enforcement officials on financial intelligence in human trafficking investigations. The Royal Canadian Mounted Police's (RCMP) Human Trafficking Coordination Centre partnered with the CPC to develop a newly revised eight-day human trafficking investigator's course for Canadian law enforcement, which included new information on aboriginal awareness, labor trafficking, and immigration. Trafficking awareness was also included in the RCMP national academy curriculum in Regina, Saskatchewan, so that

RCMP recruits were equipped with basic trafficking awareness before they entered the field. In addition, the RCMP organized human trafficking awareness sessions at the National Training Facility for 500 police officers-in-training in September 2019. New border officials were trained in human trafficking through its People at Risk course; in 2019, 360 officials completed this course. Through additional online courses, 48 border officials received training in human trafficking. In 2019, the Department of National Defense and Canadian Armed Forces added new online trafficking awareness training for all new Canadian Defense Attaché personnel. The RCMP cooperated with foreign governments through the INTERPOL Human Trafficking Expert Group and pursued several ongoing trafficking investigations with foreign officials. In February 2020, Canada's Supreme Court ruled that a Vancouver-based mining company could be sued in Canada for human trafficking allegations based in Eritrea. This ruling created new legal liability for Canadian firms operating abroad, as companies previously could only be held liable in foreign jurisdictions in which the alleged abuses occurred. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government increased protection efforts. Authorities identified 119 new victims in trafficking-specific cases in 2019, compared with 89 victims in 2018, 60 in 2017, 77 in 2016, and 99 in 2015. Of the 119 new victims identified, 107 were female and 12 were male, 99 were adults and 20 were children, and 89 were victims of sex trafficking, one was a victim of forced labor, and 29 were not specified. The government reported a total of 587 trafficking victims, which included newly and previously identified victims in 2019, compared with 420 trafficking victims in 2018, 416 victims in 2017, and 367 victims in 2016. The government provided various handbooks, toolkits, and training to disseminate guidance on identifying trafficking victims to criminal justice officials and immigration officials specific to their roles. In 2019, the government developed a new law enforcement tool kit to assist law enforcement identification of human trafficking victims, particularly youth, indigenous communities, and LGBTQI individuals. The RCMP, in collaboration with police forces in Quebec, law enforcement authorities from the United States, and the Canadian Border Services Agency (CBSA), conducted Project Griffin—an operation to proactively identify sex trafficking victims in Québec. Immigration officials referred actual and potential cases to the RCMP for investigation and actual and potential victims to IRCC.

In Canada, the provinces and territories were responsible for the delivery of most victim services, which could include government and/or NGO providers. Each province or territory used a police-based, court-based, or system-based service delivery model. Services provided typically included emergency shelter, food, health services, psychological services, and legal services. Although the federal government did not provide direct services to human trafficking victims, it was able to indirectly assist victims by providing funds to service providers in the provinces and territories through Justice Canada's Victims Fund. In 2019, the government allocated one million Canadian dollars ($769,230) to support human trafficking victims or individuals at risk through the Victims Fund, which was the same amount allocated in 2018. As of March 2020, a total of 14 projects by community organizations and law enforcement agencies, with funds totaling 1.06 million Canadian dollars ($815,380) through fiscal year 2019-2020, were supported by the Victims Fund; this compared to 24 projects in 2018. Canadians who were victims of trafficking crimes that occurred outside Canada could apply to the Canadians Victimized Abroad component of the Victims Fund for reimbursement of listed health and travel expenses.

The government collaborated largely with NGOs, not all of which receive government funding, to provide services to victims. Due to a lack of funding, service providers reported a severe shortage of emergency shelters, as well as a shortage of medium- to long-term housing and medical and psychological services for victims. Dedicated emergency housing and specialized services primarily served female victims. Observers reported that teenage trafficking victims were sometimes placed in shelters that served mental health and substance abuse patients, which increased their risk of traumatization and re-trafficking. Observers also noted that some shelters forced residents to leave the facility during the day, which also posed safety risks for victims. At least four of the 10 provincial governments dedicated funding to victim assistance: Alberta funded a coalition to provide coordination and services, British Columbia funded a government entity to provide referrals and services, Manitoba funded a government-NGO response team, and Ontario funded a government entity to provide coordination and services. In November 2019, Ontario announced 20 million Canadian dollars ($15.4 million) per year for a new five year strategy to combat human trafficking; this compared with Ontario providing 18.6 million Canadian dollars ($14.3 million) in 2018 for a three-year (2017-2020) strategy to improve survivors' access to services such as housing, mental health services, and trauma counseling. Québec's Victim Assistance Fund did not compensate or provide funding or services to women in commercial sex, even if the woman was identified as a sex trafficking victim. Starting in 2019, over 3.3 million Canadian dollars ($2.54 million) was made available annually to support the development or enhancement of child advocacy centers across Canada; some of these provided specific services to children and youth that have been victims of human trafficking. Starting in 2018, the Canadian Department of Justice allocated more than 250,000 Canadian dollars ($192,310) over two years to an NGO for the development of a case management system for labor trafficking victims.

NGOs operated shelters for women who were victims of violence nationwide, some of which the government funded, but only a few shelters provided beds specifically for trafficking victims. The federal government provided 2016-2019 funding totaling 367,300 Canadian dollars ($282,540) to NGOs in the Atlantic provinces and in the Québec region to develop a trafficking-specific protocol for emergency housing. Statistics Canada included a question in a 2018 survey on the number of individuals seeking shelter in facilities for victims of abuse due to trafficking; the April 2019 results of 68,000 women residents surveyed indicated four percent of the women surveyed (roughly 2,720) indicated they needed shelter to escape sex or labor trafficking. Public Safety Canada (PSC) continued 152,000 Canadian dollars ($116,920) in funding to two multi-year projects to develop housing response models for trafficking. The Department of Justice provided 250,000 Canadian dollars ($192,310) to two NGOs for a new two-year project to provide case management and direct services to forced labor victims.

In its Temporary Foreign Worker (TFW) Program, the government had procedures to remove workers who might be human trafficking victims and place them with a new employer. According to NGO contacts, Canada's temporary foreign worker program continued to be vulnerable to trafficking. Foreign trafficking victims could apply for a temporary resident permit (TRP) to remain in Canada, which entitled victims to access health care and receive a work permit, as well as social services. The government issued TRPs to 228 foreign victims and their dependents in 2019; this compared to 40 foreign victims and their dependents in 2018, 32 in 2017, and 67 in 2016. While victims waited to receive TRPs, they could not access publicly-funded services, including mental and physical TRPs, but they could receive assistance from NGOs. The government provided foreign victims eligibility for short-term 180-day TRPs or long-term three-year TRPs. TRP holders

could apply for fee-exempt work permits, and the government reported 150 individuals received permits. The government organized an annual symposium for migration officers to discuss the TRP process for human trafficking victims. In June 2019, IRCC launched the open work permit, which allowed the issuance of time-limited open work permits to foreign workers who hold employer-specific work permits and who are experiencing abuse or are at risk of abuse in the context of their employment in Canada. The federal government invested 3.4 million Canadian dollars ($2.62 million) in 2018-2019 to establish, as a pilot program, a migrant worker support network for individuals facing potential labor exploitation and trafficking by their employers; the program assisted 29 migrant workers and conducted 25 registered trauma counselling sessions for workers.

NGOs also reported a need for more trauma-informed care for victims, whom the health care system sometimes re-traumatized. Canadian law provided extensive victim witness protections to encourage victims to participate in the investigation and prosecution of cases, including video testimony, the presence of a support person during testimony, a ban on publishing the names of witnesses, and the exclusion of members of the public in the courtroom, but the government did not report whether such protections were actually afforded to victims. Traffickers can be ordered to provide restitution to victims under Canadian law. The government reported that some victims received restitution in 2019 but did not provide data on the exact numbers of victims who received restitution or how much money was awarded; this compared to no victims receiving restitution in 2018. Some provinces have enacted legislation which establishes compensation or financial benefits programs for victims of a crime that occurred in that province.

PREVENTION

The government increased prevention efforts. The government issued and began to implement its new five-year national anti-trafficking action plan in September 2019, which involved input from various government agencies at the federal, provincial, and municipal levels, civil society, victims and survivors of trafficking, indigenous groups, and front-line service providers. PSC led a federal interagency task force and facilitated policy discussions about human trafficking. PSC will be establishing an advisory committee comprised of victims and survivors of human trafficking to provide recommendations on current and future federal anti-human trafficking policies and initiatives. The government's budget to support the action plan was 57.22 million Canadian dollars ($44.02 million) in federal funding over the next five years and 10.28 million Canadian dollars ($7.91 million) annually thereafter. This budget was significantly more than the government's 2018 commitment of 14.5 million Canadian dollars ($11.2 million) over five years. Experts noted that problems in some provincial leadership have led to provincial ministries not prioritizing the needs of service providers. Experts also noted that coordination of anti-trafficking efforts between provinces and at the national level has been insufficient.

As there is no mandatory reporting mechanism across municipal, provincial, and federal agencies, the government admitted gaps in data collection and analysis of the prevalence of trafficking. PSC began reviewing the governance structure of its task force to create new data collection task teams to the country's data collection efforts. In addition, PSC held meetings and collaborated with federal, provincial, and territorial governments through its Federal, Provincial, and Territorial (FPT) Trafficking in Persons Working Group to share information, trends, and best practices. The government has begun exploring changes to the governance structure of the FPT Working Group to include more participation from provinces and territories to strengthen coordination between FPT partners. The NGO, Canadian Centre to End Human Trafficking, with PSC support, initiated research on the project "Mapping the Geography of High-Incident Human Trafficking Corridors in Canada." The CBSA started reviewing its immigration enforcement framework to ensure sufficient protections are in place for potential victims of human trafficking.

The government worked with several Canadian financial institutions, the Financial Transactions and Reports Analysis Centre of Canada, NGOs, technology companies, and law enforcement agencies at the municipal, provincial, and federal level on Project Protect, to develop a publication of indicators of suspicious transactions of money laundering from human trafficking for law enforcement and financial institutions. To combat human trafficking in federal procurement supply chains, Public Services and Procurement Canada created a new five-member team exclusively dedicated to supporting a multi-phased approach to addressing forced labor in federal procurement supply chains. The government strengthened its export control system by becoming a state party to the Arms Trade Treaty; by joining this treaty, the government ensured that all exports of military and strategic arms were not used to commit or facilitate violations of international human rights law, including human trafficking. The government drafted the Transparency in Supply Chains Act, which would mandate a reporting requirement on Canadian companies' supply chains and would create whistleblower mechanisms to report and investigate allegations of human trafficking in supply chains.

The Griffon Initiative created public awareness campaigns among the Québec population, visitors, and foreign tourists during the Formula 1 Grand Prix that the purchase of sexual services is a crime. In 2019, PSC provided funding under the Contribution Program to Combat Serious and Organized Crime to eligible recipients leading initiatives, research, partnership building, specialized police services, projects and programs to increase knowledge, raise awareness and/or help advance efforts to combat serious and organized crime, including human trafficking. For example, in 2019, PSC provided 125,000 Canadian dollars ($96,150) in funding to support the Clan Mothers Healing Village, an NGO that works with government and community partners in Ontario and British Columbia to address healing for Indigenous women who have experienced sexual exploitation and human trafficking. IRCC conducted public awareness campaigns on its website. The government funded NGOs and other government entities to promote additional awareness-raising campaigns, in English and French, including on labor trafficking and fraud in foreign labor recruiting, aimed at youth, law enforcement, service providers, the financial sector, and the public. The government funded and launched a national multilingual and accessible human trafficking hotline (including text and chat), operated by an NGO, in May 2019, which resulted in 238 reports of suspected human trafficking to law enforcement and service providers. Observers noted that the hotline had a number of weaknesses, including operators who did not seem knowledgeable about trafficking, a difficulty in accessing language support beyond English and French, and problems with accessing service providers outside metropolitan areas.

The RCMP Human Trafficking National Coordination Center and regional trafficking awareness coordinators in the provinces of Alberta, Manitoba, Quebec, and Nova Scotia served as anti-trafficking points of contact for law enforcement across the country and participated in regional response teams and meetings to share local strategies, best practices, and successful cases. The government made efforts to reduce the demand for participation in international sex tourism by its citizens by distributing publications warning Canadians traveling abroad about penalties under Canada's child sex tourism law. The government, however, did not collect data on child sex tourism investigations, prosecutions, or convictions. Under the two-year pilot, 2.6 million Canadian dollar ($2 million)

Migrant Worker Support Network, more than 10,000 individuals who received TFWs learned about their rights and protections, to include protections against forced labor, while in Canada. In 2019, the ESDC invested 42 million Canadian dollars ($32.31 million), to ensure the rights of TFWs in Canada are protected and enforced through a robust compliance regime; this funding supported unannounced inspections under the TFW Program. The government appointed the first Canadian Ombudsperson for Responsible Enterprise in April 2019 and it was anticipated that the Ombudsperson's office would be operational in the first half of 2020. The Ombudsperson's mandate included the ability to review allegations of human rights abuses arising from the operations of a Canadian company abroad in the mining, oil and gas and garment sectors.

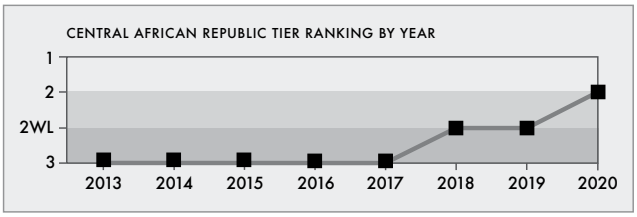
The government provided funding for international organizations to strengthen the capacity of the Government of Ukraine and Ukrainian civil society organizations to identify, refer, and assist victims of human trafficking. The government also provided funding to address risks of human trafficking involving children and youth in El Salvador, Guatemala, Honduras, Mexico, and Nicaragua, and to provide training on appropriate child protection systems, policies, and programs. The government also provided funding and worked with international organizations and foreign governments that supported efforts to combat human trafficking, particularly in regions experiencing armed conflict. The government provided funding and worked with several governments to strengthen their civil registration and vital statistics systems to protect children from human trafficking. In addition, the government supported anti-trafficking efforts abroad through its Anti-Crime Capacity Building Program, which aimed to enhance the capacity of law enforcement and service providers in Mexico, Guatemala, and Honduras to identify and combat human trafficking, particularly in border regions. The government also supported several additional anti-trafficking efforts in Iraq, Syria, Lebanon, Fiji, Laos, Mexico, Mongolia, Morocco, Nicaragua, and Paraguay. The government made efforts to reduce the demand for commercial sex acts through awareness-raising activities.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Canada, and traffickers exploit victims from Canada abroad. Women and children from indigenous communities, migrants and new immigrants, LGBTI persons, persons with disability, at-risk youth, runaway youth, and youth in the child welfare system are at high risk for trafficking. Traffickers also lure young girls and women who may not be socially or economically disadvantaged into romantic relationships for the purposes of sex trafficking. Traffickers exploit Canadian victims within and across the country, but traffickers have also exploited some Canadian victims abroad, mainly in the United States. Traffickers exploit foreign women, primarily from Asia and Eastern Europe, in sex trafficking in Canada. Traffickers exploit legal foreign workers from Eastern Europe, Asia, Latin America, and Africa in forced labor in a variety of sectors, including agriculture, construction, food processing plants, restaurants, and hospitality, or as domestic workers, including diplomatic households. Canada reported more incidents of forced labor during the last few years, which often involved foreign nationals. Traffickers involving foreign national victims typically operate with associates of similar ethnicity and have ethnic ties to the victims' countries of origin. Canadians travel abroad to engage in sex acts with children, and foreign nationals engage in sex acts with children in Canada. Traffickers in Canada operate individually and via family-based connections; some have been affiliated with street gangs and transnational organized crime. While most traffickers are male, female traffickers are becoming more common, as well as male and female traffickers younger than 18.

CENTRAL AFRICAN REPUBLIC: TIER 2

The Government of the Central African Republic (CAR) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore CAR was upgraded to Tier 2. Officials investigated and prosecuted suspected traffickers, and the country's criminal court prosecuted and convicted 33 armed group leaders for crimes including recruiting child soldiers. Additionally, the government coordinated with partners to demobilize and provide reintegration services for 1,150 children recruited by armed groups; identified two potential victims of trafficking during the course of a law enforcement investigation; launched an inter-ministerial committee which met regularly; and adopted a 2020-2021 national action plan. However, the government did not meet the minimum standards in several key areas. Victim services remained inadequate, and the government did not develop victim identification and referral procedures. The government has not convicted a trafficker since 2017, and official complicity remained a serious concern, including allegations government security forces may have used minors at two checkpoints.



PRIORITIZED RECOMMENDATIONS:

Coordinate with international organizations to demobilize and provide reintegration services to child soldiers and increase efforts to minimize their re-recruitment by armed groups. • Expand efforts to hold armed groups recruiting and using children criminally accountable. • Develop victim identification and referral procedures in coordination with international organizations and NGOs to guide frontline officials' protection activities and increase efforts to identify trafficking victims within Bangui, including in the informal sector. • Proactively investigate and prosecute individuals sexually exploiting children and adults in *maisons de joie* (houses of joy) within Bangui under Penal Code Article 151. • Dedicate human resources and coordinate with civil society, NGOs, and international organizations to implement the 2020-2021 national action plan. • Provide anti-trafficking training for all officials in the Mixed Unit for Rapid Intervention and Repression of Sexual Violence to Women and Children (UMIRR) so it can effectively investigate trafficking cases, identify victims, and refer them to care. • Increase the number of court hearings—separate from informal mediation—for suspected trafficking cases, and expand efforts to investigate, prosecute, and convict traffickers through independent and fair trials. • Take concrete steps, in partnership with NGOs and international organizations, to provide services to victims of all forms of trafficking, and ensure trafficking victims are not punished for unlawful acts traffickers compel them to commit. • Use radio programming in French and Sangho to expand the awareness raising campaign in Bangui, in partnership with civil society, traditional leaders, and international organizations, to increase the public's ability to identify and refer trafficking crimes to law enforcement officers.

PROSECUTION

The government increased overall anti-trafficking law enforcement efforts during the reporting period. Article 151 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as kidnapping. If the offense involved a child victim of sex trafficking or forced labor similar to slavery, the prescribed penalties increased to five to 10 years' imprisonment with hard labor.

Due to insecurity across the majority of the country's territory, the government faced challenges in collecting law enforcement statistics. Authorities investigated two suspected trafficking cases under Article 151 and one case involving potential exploitation of two children UMIRR officers identified. Officials initiated an investigation involving a woman recruiting minors into commercial sex but had not referred the case for prosecution at the end of the reporting period. In the previous reporting period, the government investigated one trafficking case under Article 151; however, authorities ultimately bypassed formal courts and resolved the case through mediation. Contrary to previous reports, the government last convicted a trafficker in 2017, sentencing the perpetrator to 10 years' imprisonment. The country's criminal court partnered with an international organization in February 2020 to prosecute, convict, and sentence 33 militants and armed group leaders to verdicts from 10 to 15 years' imprisonment (28 militants) to life in prison (five armed group leaders) for crimes against humanity, which included recruiting and using child soldiers.

The Minister of Justice issued a judicial directive in February 2020 to the country's judges encouraging them to apply Article 151 to suspected trafficking cases and to review existing cases for trafficking indicators. However, years of destabilizing conflict have severely limited formal judicial capacity outside the capital, leading to the frequent use of customary dispute resolution methods through which traditional chiefs or community leaders administer punishment for criminal acts. The government did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes by border agents and police remained concerns and may have inhibited law enforcement action during the year. During the reporting period, the government contributed in-kind donations to an international organization-implemented training for 60 police, gendarmerie, UMIRR, and community leaders to promote more effective trafficking investigations. The government did not provide or support training for front-line officials during the previous reporting period.

PROTECTION

The government increased efforts to identify victims, although available services remained inadequate. UMIRR officers reported identifying two potential victims through the course of a law enforcement investigation, compared with reporting zero victim identifications in the previous reporting period. The government had not developed victim identification standard operating procedures (SOPs); observers stated this lack of SOPs impeded the ability of front-line officials to identify victims of trafficking. In previous years, reports indicated the government arrested and jailed individuals engaged in commercial sex—some of whom may have been trafficking victims—without verifying their ages or attempting to identify indicators of trafficking; while there were no reports of such penalization this year, officials' lack of training on victim identification increased the likelihood this practice continued. CAR's National Assembly formally adopted the Child Protection Code in February 2020, legislation criminalizing the recruitment of children into armed groups and increasing legal protections for former child soldiers.

During the reporting period, the government partnered with an international organization to demobilize 1,150 children associated with armed groups and provided them shelter, psycho-social services, and reintegration assistance, compared with demobilizing 913 child soldiers in 2018. In March 2020, the Minister for the Promotion of Women, Family, and the Protection of Children officially opened the *Maison de l'Espoir* (House of Hope) shelter in Bangui with the support of an international organization for victims of gender-based violence and trafficking; although the shelter had capacity for 15 victims, officials did not report referring victims during the rating period.

Observers alleged the government arrested and detained for several days in 2019 two minors whom armed groups previously had recruited. Authorities later released the two former child soldiers and referred them to a host family to assist with social reintegration. Authorities did not report providing legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The law allowed victims to file civil suits against the government or their alleged traffickers for restitution; however, there was no information this occurred during the reporting period.

PREVENTION

The government substantially increased prevention efforts, although ongoing conflict throughout the country hindered its overall ability to synchronize anti-trafficking initiatives. To address longstanding coordination deficiencies, the president designated the Minister for the Promotion of Women, Family, and the Protection of Children to lead the government's anti-trafficking efforts. The minister launched an inter-ministerial committee in September 2019, which met five times during the reporting period and formally validated a 2020-2021 national action plan in March 2020. The president signed the action plan into law in March 2020, and the government dedicated in-kind resources to implement aspects of the plan during the reporting period. Also in March, the government finalized a presidential decree creating a Coordination Bureau for Combatting Trafficking in Persons (CBCTIP) under the Office of the Presidency; the government designated ministerial focal points to implement the CBCTIP's mandate.

The Minister for the Promotion of Women, Family, and the Protection of Children coordinated with international organizations in February 2020 to hold a workshop for government and military officials on the importance of preventing the recruitment and use of child soldiers. Throughout 2019, the government contributed funding and partnered with an NGO to launch multiple sensitization campaigns in Bangui and Bangassou to increase the public's awareness of trafficking in persons; these campaigns included direct person-to-person contact, radio, and public signage. Also during the reporting period, officials—in coordination with an international organization—held sensitization programs in 13 communities throughout the country to draw attention to potential victims of trafficking, including child soldiers, and direct victims to available resources, including psycho-social services. The awareness campaigns incorporated civil society actors, NGOs, as well as international organizations. The sensitization programs targeted the general public, individuals in exploitative conditions, first responders, and trusted authorities such as traditional chiefs and religious leaders; awareness programs used direct person-to-person outreach activities as well as training sessions.

UMIRR continued to operate its 24-hour hotline dedicated to gender-based violence staffed by French and local language speakers; however, the government did not provide statistics on the number of trafficking-related calls it received. Officials did not report taking any measures to reduce the demand for commercial

sex acts or providing anti-trafficking training for its diplomatic personnel. Ministry of Labor officials conducted inspections in Bangui during the reporting period; however, instability and armed conflict throughout the country limited the government's ability to observe areas outside the capital, and inspectors did not monitor the informal sector where experts reported child trafficking and hazardous work conditions commonly occurred.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in CAR, and traffickers exploit victims from CAR abroad. Most government officials, as well as civil society, lack an understanding of trafficking in persons, hindering the country's ability to identify victims and address the crime. Observers report traffickers primarily exploit CAR nationals within the country and transport a smaller number of victims between CAR and Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo, Sudan, or South Sudan. Traffickers—including transient merchants, herders, and armed groups—exploit children in domestic servitude and commercial sexual exploitation, as well as in forced labor in agriculture, artisanal gold and diamond mines, shops, and street vending within CAR. Also within the country, some relatives exploit children in forced labor in domestic work, and community members exploit *aka* (pygmy) minorities in domestic servitude, especially in the southwest of the country. Some relatives or community members coerce girls into forced marriages and subsequently exploit the girls in forced labor in domestic servitude or sex trafficking. Some authorities' prejudice against individuals in commercial sex—despite its prevalence—hinders victims' access to justice and assistance.

Observers reported Central African criminal elements sexually exploit girls as young as 13 in *maisons de joie* (houses of joy) throughout Bangui. *Maisons de joie* are private residences with little official oversight where CAR nationals serve alcohol and food to middle and upper class customers as a cover to exploit girls and women in commercial sex. Criminals reportedly take advantage of abject poverty across the country to recruit these girls with the promise of money for their children or families.

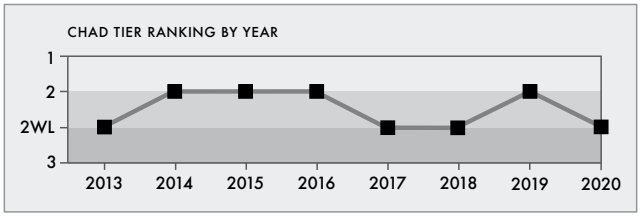
Violent conflict since 2012 has resulted in chronic instability and the displacement of more than one million people, increasing the vulnerability of men, women, and children to forced labor and sex trafficking. As of September 2019, approximately 600,000 people remained internally displaced and vulnerable to trafficking inside the country, 592,000 individuals sought refuge in neighboring countries, and roughly 7,000 refugees from neighboring countries remained within CAR.

Militias associated with Anti-Balaka; Ex-Seleka; Lords Resistance Army; Return, Reclamation, and Rehabilitation (3R); and other armed groups continued to forcibly recruit and use child soldiers in CAR. Additionally, observers reported government security forces may have used minors at two checkpoints. International organizations reported armed groups recruited children to serve as combatants, servants, child brides, and sex slaves in 2019; armed groups also subjected children to forced labor in the mining sector. Since the conflict began in 2012, armed groups have recruited more than 14,000 children; during the reporting period, militias primarily recruited and used child soldiers from the prefectures of Basse-Kotto, Haute-Kotto, Mbomou, Nana-Grebizi, Nana-Mambere, and Ouaka. Experts noted armed groups were still using approximately 12,000 children in combat and support roles throughout the country at the end of the reporting period. Although some children initially join locally-organized community defense groups to protect their families from opposing militias, many commanders maintain influence over these children even after they are demobilized, increasing their risk of re-recruitment. Inadequately funded reintegration programming, continuing instability, and a lack of economic opportunity throughout the country exacerbate the risks of re-recruitment among former child soldiers.

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic has 14,584 civilian and military staff in CAR to protect civilians, provide security, support humanitarian operations, and promote and protect human rights, among other objectives. The UN reported there were 36 pending investigations and three substantiated cases of sexual abuse in 2019.

CHAD: TIER 2 WATCH LIST

The Government of Chad does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting one trafficker for the first time under its recent 2018 law and adopting a formal Road Map to implement its 2018 National Action Plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Officials investigated no trafficking crimes; did not identify any trafficking victims; did not carry out any sensitization activities despite a lack of trafficking awareness hindering the country's anti-trafficking response; and did not report finalizing its national anti-trafficking committee as required by the country's 2018 trafficking law. Therefore Chad was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

While respecting due process, vigorously investigate and prosecute suspected traffickers according to Chad's anti-trafficking Law 006/PR/18. • Develop formal standard operating procedures (SOPs) for the identification and referral of trafficking victims to medical care, and train security services, law enforcement, and civil society to implement the SOPs. • Formally establish and adequately staff the National Committee to Combat Trafficking in Persons (NCCTIP) and include civil society, NGOs, and international organizations in its activities. • Incorporate human trafficking awareness into basic training for law enforcement and judicial officials to increase their understanding of trafficking in persons, in coordination with international organizations and donors. • Establish a specialized anti-trafficking unit in the Judicial Police to ensure officers effectively investigate suspected trafficking crimes under the country's 2018 trafficking law. • Include trafficking components for all new magistrates and prosecutors in the Ministry of Justice's Justice Training College in N'Djamena. • Increase the provision of protective services to all trafficking victims, in coordination with NGOs and international organizations. • Beginning in N'Djamena, use local community radio stations to raise public awareness of human trafficking and incorporate tribal leaders and other members of the traditional justice system into sensitization campaigns.

PROSECUTION

The government decreased overall law enforcement efforts. Law 006/PR/2018 on Combatting Trafficking in Persons criminalized sex trafficking and labor trafficking. Article seven of Law 006/PR/2018 prescribed penalties of four to 30 years' imprisonment and a fine of 250,000 to five million Central African CFA francs (CFA) ($430 to $8,650); these penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government did not collect comprehensive law enforcement data on trafficking in persons and did not report investigating or prosecuting any traffickers, compared with investigating multiple cases involving 82 suspects and prosecuting two of those suspects in 2018. In February 2020, courts reportedly convicted the one trafficker for forcing multiple victims to work in Chad's northern gold mines and sentenced the trafficker to three years in prison and a 200,000 CFA ($350) fine. The government did not convict any traffickers during the previous reporting period. Observers maintained law enforcement officers may have investigated, and judicial officials may have tried, trafficking crimes under other statutes during the reporting period, such as rape or labor violations; however, the government did not report those statistics. Additionally, observers noted some communities resolved issues, including criminal offenses, through customary or traditional law as opposed to the codified judicial system.

Authorities did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses, despite experts noting officials were complicit in trafficking crimes and corruption during the reporting period, including reports of government-affiliated security forces profiting from illicit activity, such as forced labor in cattle herding throughout the country's rural areas and along its borders. In 2019, the government provided in-kind support for a donor-funded training for 68 law enforcement and judicial officials on the 2018 trafficking law. Authorities did not report providing anti-trafficking training to officials during the previous reporting period.

PROTECTION

The government decreased efforts to protect victims. The government did not screen for trafficking indicators or identify any victims during the reporting period, compared with identifying 21 trafficking victims in 2018. Contrary to previous reports, the government has not developed comprehensive written victim identification and referral procedures to guide front-line officials. NCCTIP policy directed officials to refer suspected child trafficking cases to the Child Protection Brigade, to investigate and report the cases to the Ministry of Justice, and cases involving adult victims to police. The government did not report officials referring any cases to the Ministry of Justice or police during the reporting period.

The Ministry of Women, Family, and National Solidarity, in partnership with an international organization and local NGOs, operated transit centers that served as temporary shelters throughout the country. The shelters provided temporary housing, food, and education to victims of gender-based violence and other crimes, including potential victims of trafficking. Officials did not report providing services to trafficking victims in these shelters during the reporting period. Services continued to be limited to urban areas and largely inaccessible to much of Chad's rural population.

The government did not have a formal policy to offer temporary or permanent residency for foreign victims of trafficking and did not report identifying any foreign victims. While there were no reports the government penalized any trafficking victims for unlawful acts their traffickers compelled them to commit, authorities may have arrested some victims due to the lack of formal victim identification and referral procedures as well as officials' limited understanding of the crime.

PREVENTION

The government maintained negligible efforts to prevent trafficking. Law 06/PR/2018 designated the NCCTIP as the lead entity on addressing trafficking; however, the government has not yet officially established or staffed the NCCTIP; the president had not signed the decree creating the NCCTIP at the end of the reporting period. The government adopted an anti-trafficking Road Map in 2019 to implement its 2018 National Action Plan; officials did not report executing any of the Plan's proposed actions during the reporting period. The government did not independently research trafficking in Chad, exacerbating a general lack of understanding of the issue in the country.

The government continued to make no discernible efforts to raise awareness on trafficking or reduce the demand for commercial sex acts during the reporting period. A lack of identity documentation remained a risk factor for trafficking in Chad, and the government continued to implement the 2013 birth registration policy requiring universal issuances of uniform birth certificates; however, officials did not widely enforce the policy due to limited resources. The government did not provide anti-trafficking training or guidance for its diplomatic personnel.

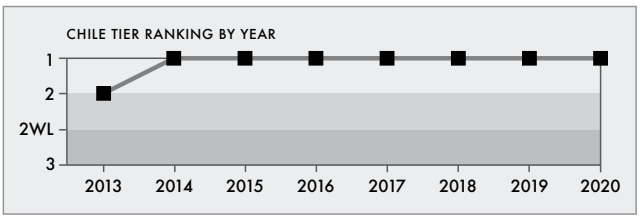
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Chad, and traffickers exploit Chadian victims abroad. The country's trafficking problem is primarily internal. Families frequently entrust their children to relatives or intermediaries to receive education, apprenticeship, goods, or money; some of those relatives or intermediaries subsequently force or coerce the children to work in domestic service or cattle herding. Criminals force children to beg in urban areas, and traffickers exploit minors as agricultural laborers on farms; in northern gold mines and charcoal production; and as domestic workers across the country. In the Lake Chad region, community members exploit some children in catching, smoking, and selling fish. Some religious leaders coerce children who leave their villages to attend traditional Quranic schools—known as *Mouhadjirin*—into forced begging, street vending, or other forced labor.

Cattle herders force some children to work along traditional routes for grazing cattle and, at times, cross ill-defined international borders into Cameroon, the Central African Republic, Sudan, and Nigeria. Traffickers in rural areas sell children in markets for use in cattle or camel herding. In some cases, military or local government officials exploit with impunity child herders in forced labor. Criminal elements subject some rural Chadian girls who travel to larger towns in search of work to child sex trafficking or domestic servitude. Illicit networks may force adult and child refugees, as well as internally displaced persons in Chad, to take part in commercial sex. Experts note Chad hosted approximately 440,000 refugees and more than 170,000 internally displaced persons as of December 2019; these populations may be vulnerable to trafficking based on their economic instability and lack of access to support systems. The Nigerian terrorist group Boko Haram and its offshoot Islamic State-West Africa forcibly abducted minors to serve as child soldiers, suicide bombers, child brides, and forced laborers. Community-based armed groups tasked with defending people and property in rural areas have likely recruited and used children in armed conflict.

CHILE: TIER 1

The Government of Chile fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Chile remained on Tier 1. These efforts included investigating more cases, prosecuting more traffickers, and developing the new 2019-2022 national action plan. Although the government meets the minimum standards, Chilean courts issued lenient sentences, undercutting nationwide efforts to fight trafficking and leaving traffickers eligible for suspended sentences. As a result, no traffickers convicted during the reporting period served time in prison post-trial. Judges suspended the sentences of 62 percent of traffickers convicted in the past five years. Further, victim services provision was uneven, with male victims and victims outside the capital less able to access care. Placement in National Service for Minors (SENAME) facilities could place children, including minor trafficking victims, at risk of abuse.



PRIORITIZED RECOMMENDATIONS:

Sentence traffickers to adequate penalties, which should include significant imprisonment, as required by Articles 367 and 411. • Provide suitable, safe shelter for child and adolescent trafficking victims as required by law. • Vigorously investigate, prosecute, and convict all forms of human trafficking, including domestic child sex trafficking, under Article 411 of the penal code. • Ensure convicted traffickers serve complete prison terms, as sentenced. • Actively screen for trafficking victims among vulnerable migrant groups. • Follow through on plans to restructure or replace the SENAME child protection system. • Increase training on application of Article 411 for judges and prosecutors. • Continue efforts to disrupt systematic child abuse, including trafficking, especially in facilities used by trafficking victims. • Expand access to specialized shelters for trafficking victims, including male victims, minor victims, and victims outside the capital. • Increase funding and services for victim protection efforts. • Develop guidelines for officials to screen for trafficking indicators for children involved in illicit activities to ensure no trafficking victims are penalized for unlawful acts their traffickers compelled them to commit. • Increase legal representation to victims seeking restitution.

PROSECUTION

The government maintained prosecution efforts. Article 411 of the penal code criminalized sex trafficking and labor trafficking, prescribing penalties ranging from five years and one day to 15 years' imprisonment, plus fines. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Chilean officials continued to investigate and prosecute many internal child sex trafficking cases under Article 367 of the penal code, which penalized "promoting or facilitating the prostitution of minors." Penalties for this crime ranged from three to 20 years' imprisonment. Under mandatory sentencing laws, judges frequently suspended or commuted sentences of less than five years' imprisonment, even when adjudicating cases of human trafficking and other serious crimes.

Anti-trafficking police units opened 92 new investigations (62 for sex trafficking and 30 for labor trafficking), compared with 39 cases in 2018 (23 for sex trafficking and 16 for labor trafficking) and 21 cases in 2017 (13 for sex trafficking and eight for labor trafficking). In one investigation, authorities in multiple cities raided several apartments, arrested eight traffickers, and identified 30 potential victims. Authorities prosecuted 37 individuals (19 under Article 367 and 18 under Article 411), compared with 19 individuals in 2018 (13 under Article 367 and six under Article 411) and 17 individuals in 2017 (14 under Article 367 and 3 under Article 411). The government convicted six traffickers (two under Article 367 and four under Article 411), compared with nine convictions (four under Article 367 and five under Article 411) in 2018 and 29 convictions in 2017 (26 under Article 367 and three under Article 411). The four traffickers convicted under Article 411, two labor traffickers and two sex traffickers, were held in pretrial detention. Judges issued sentences of three to four years' imprisonment under Article 411 and 61 days' imprisonment under Article 367, which fell below the mandatory minimum penalties prescribed for each article in the penal code. Two traffickers were deported upon conviction. Judges suspended the sentences of the remaining four; consequently, none of the six traffickers served time in prison, which significantly limited the deterrent effect of conviction against traffickers. Only six of 55 traffickers convicted in the past five years have been sentenced to penalties above the mandatory minimum and ineligible for suspension. Judges have suspended the sentences of more than 60 percent of traffickers convicted since 2016, which weakened deterrence. The majority of traffickers ultimately served parole or probation with no imprisonment. The government continued to investigate and prosecute individuals that engaged in commercial sex with minors, resulting in eight convictions in 2019, compared with four in 2018.

The government exchanged 20 cooperation requests with Argentina, Bolivia, China, Colombia, Ecuador, and Paraguay. Authorities implemented electronic transmission of cooperation requests with Australia and Ecuador to shorten response times. The government provided training for the Governments of Guatemala and Panama to strengthen international investigation and prosecution. The national prosecutor's office (MP) and the interagency task force on trafficking in persons (MITP) provided specialized training to investigators, attorneys, advisors, and staff on a range of trafficking issues. Law enforcement utilized a software system to search for evidence of official complicity in trafficking cases; the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained victim protection. MITP identified 37 female trafficking victims (two for labor trafficking and 35 for sex trafficking), compared with 41 victims in 2018, 21 victims in 2017, and 23 in 2016. The government identified only two child trafficking victims during the reporting period, the same number identified in 2018; the remaining 35 victims were adult women. Authorities identified no male trafficking victims during the reporting period. Government officials identified growing migrant populations, especially irregular Venezuelan migrants, as increasingly at risk of trafficking due to stricter visa laws enacted in June 2019. In some cases, Chilean officials allowed Venezuelan migrants to gain legal entry on recently expired identity documents, thereby reducing vulnerability to trafficking. Although most trafficking victims entered Chile on tourist visas, authorities identified two victims in 2019 who entered the country unlawfully. The National Service of Women and Gender Equality (SERNAMEG) provided shelter and legal service to 15 female victims amongst the 37 victims of trafficking. The MP provided housing to most victims, while the SERNAMEG shelter directly assisted four female victims identified

in 2019 and other victims identified in previous reporting periods. The MITP's protocol on victim assistance entitled victims to safe housing, health services, psychological services, legal assistance, education, employment assistance, and regularization of migratory status. However, provision of victim services remained uneven across the country, and NGOs reported funding was inadequate to provide necessary services, especially shelters for minors and male victims. The government did not fund most NGOs that provided victim assistance; most agencies did not have specific line items in their budgets for victim assistance. Reintegration services, such as education and job placement assistance, were insufficient, and officials reported access to adequate mental health services was expensive and limited.

The national prosecutor's office's Regional Victims and Witness Assistance Unit (URAVIT) budgeted approximately 17.2 million pesos ($22,890) to provide housing and other basic needs for trafficking victims in 2019. SERNAMEG allocated 127 million Chilean pesos ($169,000) to fund the NGO-operated shelter for women victims of trafficking, smuggled women, and their children, a decrease compared to the 140 million Chilean pesos ($186,300) allocated in 2018. The government also had domestic violence shelters that housed trafficking victims, although these shelters did not necessarily provide specialized services for trafficking victims. The URAVIT arranged housing for male victims; however, there were no shelters specifically for male victims. Shelter services for vulnerable migrant victims were administered by local NGOs. The Ministry of Interior created official agreements on legal representation and civil restitution for victims with the Ministry of Justice. SENAME provided basic services to child sex trafficking victims through 18 NGO-operated programs for minor victims of commercial sexual exploitation and its national network of residential centers. SENAME allocated 3.37 billion pesos ($4.48 million) to these programs for child and adolescent victim services in 2019, compared to three billion Chilean pesos ($3.99 million) in 2018. SENAME assisted 1,477 children in 2019, compared with 1,459 children in 2018 and 1,350 children in 2017. SENAME did not track how many of the children it assisted were victims of trafficking. SENAME noted 32 children or adolescents were identified by the worst forms of child labor registry as victims of commercial sexual exploitation, though it was not clear how many of these cases qualified as trafficking under international law. During the reporting period, media sources published an unofficially released government report on investigation into mistreatment and abuse at SENAME-affiliated care facilities. The 2017 report revealed severe, consistent deficiencies and systematic abuse in operational protocols at residential centers, which violated children's rights and endangered lives. Analysts identified rights violations in 100 percent of the residential facilities most commonly serving child and adolescent trafficking victims (Specialized Redress Centers under Direct Administration, or CREADs). Further, investigators determined children in 50 percent of these centers had been sexually abused by staff, non-staff, and/or fellow residents. Since the report's completion, the government has taken steps to address the system's failings, including creating an under-secretariat and an ombudsman's office to advocate children's issues and introducing legislation to restructure SENAME. In 2019, the government began closing CREADs, replacing them with smaller "family-style residences;" officials anticipated it would take two years to decommission all CREAD facilities.

The Ministry of Health hosted a series of internal workshops on victim identification and assistance for public health officials. The MP and the labor directorate updated their guidelines on identifying and assisting potential trafficking victims. The government issued 13 no-fee visas for foreign trafficking victims, compared to 17 in 2018; two additional requests were pending. The visa is valid for up to one year, renewable for up to two years if the victim reported the trafficking crime to the prosecutor's office. An international organization assisted in the repatriation of one foreign trafficking victim. Foreign victims received the same victim services and methods of participation in court—such as teleconference, witness protection, and video testimony—as Chilean victims. Courts in six regions implemented a new policy in October 2019, requiring all child and adolescent victims to testify by video and with an expert intermediary to avoid re-traumatization, but the policy is not scheduled to take effect nationwide until 2021. Judges often held accused traffickers in pretrial detention. Despite these efforts, the government reported challenges in encouraging victims to participate in a full trial. The government did not report granting any victims restitution through civil or criminal cases in 2019. An international organization has expressed concern that striking workers in certain industries could be imprisoned and forced to work.

PREVENTION

The government maintained prevention efforts. The Ministry of Interior continued to lead the MITP—which included government agencies, international organizations, and local NGOs—and its three sub-commissions. The task force met twice during the reporting period. In 2019, 17 new entities, including three NGOs, joined the MITP. The MITP voted to implement a new national action plan (2019-2022), but the plan had not yet been made public or approved at the ministerial level. There was no federal allocation to fund the implementation of the new plan; instead, each agency contributed to implementation from its own budget. Observers noted personnel and budget constraints affected several agencies with victim protection and trafficking prevention responsibilities. While there was improvement in interagency cross-referencing and sharing of data, more robust coordination was needed.

The government conducted multiple awareness campaigns and distributed materials, including brochures, at various public venues across the country. Several agencies operated hotlines that could take calls on trafficking victims, but the government did not report the number of trafficking-related calls received. The government, in conjunction with an international organization, produced a 2019-2021 working plan to eliminate forced labor, child labor, and human trafficking under the UN Sustainable Development Goals. Labor inspectors conducted more than 100,000 job-site inspections, including 272 child labor inspections. Inspectors identified 170 child labor violations; in response, the labor inspectorate imposed sanctions and levied fines against offenders. The national tourism service, in collaboration with SENAME, continued its certification of tourism organizations and establishments that adhere to norms for the prevention of child sex trafficking; businesses must participate in an anti-trafficking training during the certification process. The government did not make efforts to reduce the demand for commercial sex acts during the reporting period.

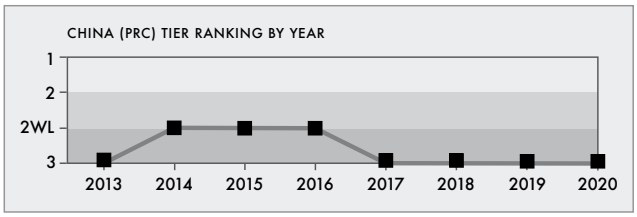
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Chile, and, to a lesser extent, traffickers exploit Chilean victims abroad. Chilean women and children are exploited in sex trafficking within the country, as are women and girls from other Latin American countries, particularly Colombia, and Asia. Stricter visa laws increase migrant populations', especially Venezuelans', vulnerability to trafficking. Children staying in child protection centers are at risk of potential abuse, including trafficking. At least one child staying in a child protection center has died as a result of abuse. Some traffickers may recruit children staying in child protection centers. Traffickers exploit men, women, and children—primarily from other Latin American countries, as well as Asia—in forced

labor in Chile in mining; agriculture; construction; street vending; the hospitality, restaurant, and garment sectors; and domestic service. Traffickers subject Chinese and Haitian immigrants to sex trafficking and forced labor and Colombian women to sex trafficking. Chilean authorities identified a significant number of children involved in illicit activities, including drug trafficking and theft; some of these children may have been trafficking victims. Traffickers subject Chilean men to labor trafficking in Peru and Chilean women to sex trafficking in Argentina, as well as other countries. Police often frequented brothels in small towns, dissuading potential trafficking victims from reporting exploitation and fueling perceptions of complicity.

CHINA: TIER 3

The Government of the People's Republic of China (PRC) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore the PRC remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by prosecuting and convicting some traffickers, and by continuing to cooperate with international authorities to address forced and fraudulent marriages in the PRC, a key trafficking vulnerability for foreign women and girls. However, during the report period there was a government policy or pattern of widespread forced labor, including through the continued mass arbitrary detention of more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and other Muslims in the Xinjiang Uyghur Autonomous Region (Xinjiang). Authorities also expanded the campaign into other provinces, began implementing it among other religious minorities, and sought the coerced repatriation and internment of religious and ethnic minorities living abroad. For the third consecutive year, the government did not report identifying any trafficking victims or referring them to protective services.



PRIORITIZED RECOMMENDATIONS:

Abolish the arbitrary detention and forced labor of persons in internment camps and affiliated manufacturing sites in Xinjiang and other provinces and immediately release and pay restitution to the individuals detained therein. • End forced labor in government facilities, in nongovernmental facilities converted to government detention centers, and by government officials outside of the penal process. • Cease the use of harassment, threats, and illegal discriminatory immigration policies as measures to coerce the return to Xinjiang and subsequent forced labor of ethnic and religious minorities living abroad. • Cease discriminatory hiring and targeted displacement policies that place Muslim and other minority communities at risk of trafficking. • Cease all forced urban resettlement and displacement programs, particularly those targeting Uyghurs, Tibetans, and members of other ethnic and religious minority groups. • Respecting due process, vigorously investigate, prosecute, and impose prison sentences on perpetrators of forced labor and sex trafficking, including complicit government officials. • Criminalize all forms of sex trafficking and labor trafficking as defined under international law. • Institute and systematize proactive, formal procedures to identify trafficking victims throughout the country—including male victims, labor trafficking victims, PRC national victims returning from abroad, and victims among vulnerable groups, such as migrant workers, PRC national and foreign fishermen, foreign women, North Korean workers, and PRC national women and children arrested on "prostitution" charges—and train front-line officers on their implementation. • Increase oversight of seafarer labor conditions in the PRC fishing industry. • Cease penalization of victims for unlawful acts traffickers compelled them to commit. • Immediately screen individuals suspected of prostitution offenses for sex trafficking indicators and refer identified victims to protection services. • In conjunction with receiving countries, increase efforts to detect and prevent abusive migrant labor contract provisions placing PRC national workers at higher risk of forced labor. • Ensure authorities do not subject trafficking victims to extended detention, punishment, or deportation. • Expand victim protection services, including comprehensive counseling and medical, reintegration, and other rehabilitative assistance for male and female victims of sex and labor trafficking. • Provide legal alternatives to foreign victims' removal to countries where they would face hardship or retribution, particularly North Korea. • Increase the transparency of government efforts to combat trafficking and provide disaggregated data on investigations and prosecutions, victim identification, and service provision, including by continuing to share relevant data with international partners.

PROSECUTION

The government decreased law enforcement efforts, including by continuing to apply extensive law enforcement and paramilitary resources toward the mass detention and forced labor of Uyghurs and members of Muslim and other ethnic and religious minority groups. The criminal code criminalized some forms of sex trafficking and labor trafficking. Various provisions of the criminal code could be used to prosecute sex trafficking offenses. Article 240 criminalized "the abduction and sale of women or children," which included abduction by deceit, kidnapping, purchasing, selling, sending, receiving, and transferring for the purpose of sale; however, unlike the definition of trafficking in persons under international law, Article 240 did not explicitly link these acts to a purpose of exploitation. Article 240 prescribed penalties of five to 10 years' imprisonment and fines for the abduction and sale of women and children. If an abducted woman was then forced into prostitution, the penalties increased to 10 years' to life imprisonment, fines, and confiscation of property. These penalties were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. Article 241 criminalized the purchase of abducted women or children and prescribed a maximum penalty of three years' imprisonment, short-term detention, or controlled release; like Article 240, it did not require the purchase be for the purpose of exploitation. Penalties under this provision were not alone sufficiently stringent; however, Article 241 stipulated that if an individual purchased an abducted woman or child and then subjected them to "forcible sexual relations," the individual would face additional penalties under the criminal code's rape provisions. Article 358 criminalized forced prostitution and prescribed penalties of five to 10 years' imprisonment; if the offense involved a child under the age of 14, the penalties increased to 10 years' to life imprisonment in addition to fines or confiscation of property. These penalties were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. Article 359 criminalized harboring prostitution or luring or introducing others into prostitution, and it prescribed a maximum of five years' imprisonment and a fine; if the offense involved a girl under the age of 14, it prescribed a minimum of five years' imprisonment and a fine. These penalties were sufficiently stringent; however, the penalties prescribed for offenses involving girls 14 to 17 years of age were not commensurate with the penalties prescribed for other

serious crimes, such as rape. Labor trafficking offenses could be prosecuted under Article 244, which criminalized forcing a person "to work by violence, threat, or restriction of personal freedom" and recruiting, transporting, or otherwise assisting in forcing others to labor, and prescribed three to 10 years' imprisonment and a fine. These penalties were sufficiently stringent.

The central government did not capture or report comprehensive law enforcement data, and it continued to report statistics for crimes outside the definition of trafficking according to international law (including migrant smuggling, child abduction, forced marriage, and fraudulent adoption), making it difficult to assess progress. Some courts reportedly continued to prosecute trafficking crimes under laws pertaining to domestic violence, labor contract violations, and child abuse, all of which prescribed lesser penalties. For the third consecutive year, the Ministry of Public Security (MPS) did not report the number of investigations initiated into possible trafficking cases, compared to 1,004 in 2016. Media reports, however, suggested authorities continued to investigate some cases. Data published by the Supreme People's Court (SPC) indicated it prosecuted 638 cases of "women trafficking and child abduction" along with 538 cases of "forced prostitution" and 38 cases of forced labor, each involving an unknown number of total defendants, compared to at least 634 trafficking cases in 2018; 1,146 in 2017. Upon conclusion of these cases, courts convicted and sentenced a total of 2,355 individuals—an increase from 1,252 in 2018 and 1,556 in 2017. As in prior years, authorities did not disaggregate conviction data by the relevant criminal code statutes, and courts reportedly prosecuted the vast majority of these cases under Article 358—especially for those involving commercial sexual exploitation—rather than under Article 240. The government did not provide sentencing data, but media reports indicated penalties imposed in at least two sex trafficking cases ranged from five to ten years' imprisonment and fines to the death sentence. In previous years, media reported penalties ranging from five months' imprisonment with fines of 74,000 renminbi ($10,630) to life imprisonment.

The government handled most cases with indicators of forced labor as administrative issues through the Ministry of Justice and seldom initiated prosecutions of such cases under anti-trafficking statutes. Authorities engaged in law enforcement cooperation with an unknown number of foreign governments to investigate cases of PRC citizens subjected to trafficking abroad, including in South and Southeast Asia. As part of similar efforts in previous years, PRC authorities attempted to extradite—and criminally charge—PRC and Taiwanese individuals subjected to forced labor in Europe. During the reporting period, the government maintained consultative partnerships with law enforcement authorities in Mongolia and the five Lower Mekong countries to jointly address trafficking via the forced and fraudulent marriage of their citizens to PRC-based individuals. Some law enforcement personnel in neighboring countries reported their PRC counterparts were unresponsive to requests for bilateral cooperation on cross-border trafficking cases, while others reported the PRC's cumbersome law enforcement bureaucracy hindered joint operations.

For the second consecutive year, the government did not provide data on specific law enforcement trainings, unlike in prior years. However, according to an international organization, the government continued to allocate funding to co-host capacity-building training for law enforcement and judicial officials on investigating and prosecuting trafficking cases. The PRC continued to implement a nationwide campaign initiated during the previous reporting period to investigate corrupt local officials and police officers allegedly using their influence to shield or profit from criminal organizations engaged in commercial sex rings; this included efforts to address sex trafficking. In previous years, officials found guilty through this process reportedly faced expulsion from the Chinese Communist Party, termination of their official positions, fines, and referral to the judicial system. However, authorities did not provide statistics on the number of investigations, prosecutions, or convictions resulting from this campaign. Despite continued reports of law enforcement officials benefiting from, permitting, or directly facilitating sex trafficking and forced labor, the government did not report any investigations, prosecutions, or convictions of law enforcement officials allegedly involved in the crime. PRC authorities at times intervened in foreign governments' attempts to investigate wealthy or government-connected PRC nationals suspected of trafficking crimes abroad. Officials at multiple levels were also complicit in state-sponsored forced labor as part of the PRC's mass detention and political indoctrination campaign against members of ethnic and religious minority groups, and some officials reportedly profited directly from this system; authorities reportedly subjected Tibetans and members of other ethno-religious groups to similar abuses.

PROTECTION

The government decreased efforts to protect victims. For the third consecutive year, the government did not report the number of victims it identified, although media reports indicated authorities continued to remove some victims from their exploitative situations. Based on court data and media reports, authorities did not identify any male victims during the reporting period. Authorities claimed to have tracked and rescued more than 4,000 missing children through the use of an app-based system, including as many as 120 trafficking victims, but they did not provide any information on formal identification or referral measures for these children. The PRC lacked a standardized national referral mechanism, but MPS maintained written instructions promulgated in 2016 for law enforcement officers throughout the country aiming to clarify procedures for identifying trafficking victims among individuals in commercial sex and forced or fraudulent marriage. MPS officials reportedly maintained a procedure to screen for trafficking indicators among individuals arrested for alleged prostitution. A 2016 policy limiting the detention of such individuals to 72 hours remained in place. Despite the existence of these procedures, and contrary to the aforementioned policy, law enforcement officials continued to arrest and detain foreign women on suspicion of prostitution crimes without screening them for indicators of sex trafficking—sometimes for as long as four months—before deporting them for immigration violations. In previous years, rural border officials received reports involving the sex trafficking and forced labor of Burmese and Mongolian women and girls via forced and fraudulent marriage to PRC national men, and officials provided them with temporary shelter and helped to fund and escort their repatriation. However, observers noted this assistance was ad hoc and less prevalent among front-line officers working farther inland, where some foreign victims escaped, reported these abusive circumstances to the authorities, and were summarily arrested and forcibly returned to their PRC "husbands"—sometimes in exchange for bribes from the men's families. The government reportedly detained foreign seafarers in connection with illegal shipping practices senior vessel crew may have forced them to carry out. Because authorities did not universally implement identification or referral procedures across law enforcement efforts, it was likely police arrested and detained unidentified PRC trafficking victims for unlawful acts traffickers compelled them to commit.

In prior years, the government reported maintaining at least 10 shelters specifically dedicated to care for PRC trafficking victims, as well as eight shelters for foreign trafficking victims and more than 2,300 multi-purpose shelters nationwide that could accommodate trafficking victims; it did not provide information on these shelters in 2019. The Ministry of Civil Affairs, a nationwide

women's organization, and grassroots NGOs could provide victims with shelter, medical care, counseling, legal aid, and social services, as well as rehabilitation services in some cases. Access to specialized care depended heavily on victims' location and gender; experts noted ad hoc referral procedures and an acute lack of protection services in the south, and male victims were far less likely to receive care nationwide. The government did not report how many victims benefited from these services, and widespread stigma against victims of sex trafficking likely continued to discourage many from accessing protection services. Implementation of a law placing foreign NGOs in the PRC under MPS supervision continued to impose burdensome requirements and restrictions on the activities of civil society organizations, including those able to provide services for trafficking victims and communities vulnerable to the crime. Foreign embassies in the PRC reportedly provided shelter or other protective services to victims. Authorities did not condition access to victim care on cooperation with law enforcement, but they did require victims to provide information to police. The law entitled victims to request criminal prosecution and claim compensation through civil lawsuits against their traffickers; the government did not report whether any victims benefited from this provision. Some forced marriage cases, many of which continued to demonstrate corollary indicators of sex trafficking and forced labor, were mediated at the village collective-level; these proceedings rarely culminated in a guilty verdict through which victims were granted restitution. The judicial system did not require victims to testify against their traffickers in court and allowed prosecutors to submit previously recorded statements as evidence; however, authorities required some foreign victims to stay in the PRC to assist in police investigations until their conclusion.

The efficacy of the government's previously reported victim assistance abroad—including its eight border liaison offices with Burma, Laos, and Vietnam, along with victim funds, hotlines, and government-to-government agreements to assist victims—was unclear. The government did not report data on victim repatriation in 2019, but civil society groups confirmed authorities repatriated some East- African, South American, and Southeast Asian victims to their countries of origin. International civil society groups reported the PRC's diplomatic missions were often unresponsive to complaints filed by PRC national victims of forced labor overseas, particularly in Japan. Authorities also reportedly interfered in the provision of protection services to some Chinese victims identified overseas. The government did not undertake efforts to identify trafficking victims within its highly vulnerable North Korean migrant population, nor did it provide suspected North Korean trafficking victims with legal alternatives to repatriation. Authorities continued to detain North Korean asylum-seekers and forcibly return some to North Korea, where they faced severe punishment or death, including in North Korean forced labor camps; the government did not report screening these individuals for indicators of trafficking. In compliance with a UN Security Council resolution, the government reportedly repatriated some North Korean labor migrants; Chinese authorities did not screen them for trafficking indicators or offer options to legally remain in the country. The government continued to restrict access of UN agencies attempting to monitor and assist refugees near China's border with North Korea.

PREVENTION

The government decreased efforts to prevent trafficking, including by expanding the implementation of discriminatory policies designed to subjugate and exploit minority populations in forced labor. State-sponsored forced labor continued under the government's mass detention and political indoctrination campaign against more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups in Xinjiang. The government expanded this campaign through the transfer of more than 80,000 detainees into forced labor in as many as 19 other provinces during the reporting period, according to NGO estimates and media reports. Authorities continued to carry out discriminatory surveillance and ethno-racial profiling measures to illegally detain members of these communities in internment camps under the pretext of combating violent extremism. Many detained individuals approved to "graduate" from these facilities were sent to external manufacturing sites in close proximity to the camps or in other provinces and subjected to forced labor, while others were transferred and potentially subjected to forced labor within a separate formal prison system. According to official PRC government documents, local governments at times arrested Muslims arbitrarily or based on spurious criminal charges and administrative violations, including violation of birth restrictions, in order to meet detention quotas established specifically for this internment system. Reports indicate authorities partially staffed internment camp facilities using forced labor, including among Mandarin language instructors. Authorities also used the threat of internment to coerce members of some Muslim communities directly into forced labor in manufacturing. The MFA confiscated, canceled, or refused to renew the passports of Uyghurs and other Turkic Muslims living abroad, including those with legal permanent resident status or citizenship in other countries, as a coercive measure to lure them back to Xinjiang and likely detain them within the camps. There were also reports that authorities threatened these individuals' families in Xinjiang to force their return. The government also transferred thousands of these detainees, along with non-interned minority communities designated arbitrarily as "rural surplus labor," to other areas within Xinjiang as part of a poverty alleviation program and exploited them in forced labor. Local governments and businesses received tax breaks and financial subsidies for establishing new manufacturing sites and accepting or transferring detainees for these purposes, and officials reportedly received promotions and other benefits for their role in the process. Nationwide, some school districts reportedly compelled ethnic Han students to participate in internship programs featuring forced labor indicators.

Authorities held a seventh annual inter-ministerial meeting to coordinate anti-trafficking efforts. MPS continued to coordinate the anti-trafficking interagency process and led interagency efforts to implement the 2013-2020 National Action Plan on Combating Human Trafficking, including research into the efficacy of national efforts to combat the crime, and the government reportedly continued formulating a draft version of its next iteration. For the third consecutive year, the government did not report the extent to which it funded anti-trafficking activities in furtherance of the action plan, compared to more than 55 million renminbi ($7.9 million)) in 2016. It used traditional and social media and distributed posters and other materials at transportation and community centers to increase general understanding of the issue, including among vulnerable rural communities, but much of the content focused on child abduction. Academics and experts noted the gender imbalance created by the previous One-Child Policy and provisions of its successor, the Two-Child Policy, likely continued to contribute to trafficking crimes in the PRC. The government reportedly continued implementing a series of pilot programs to enable Cambodian and Vietnamese citizens to enter legally into southern PRC for work in hopes of stemming illicit labor migration through especially porous sections of the border; the extent to which this mitigated trafficking vulnerabilities—or to which it was implemented—was unknown. NGOs in countries receiving PRC national migrant workers through bilateral agreements reported the PRC government ignored abusive and potentially illegal contract stipulations, including fees and provisions requiring immediate repatriation for pregnancies or illnesses, which placed some PRC national workers at higher risk of debt or punitive deportation as coercive measures to retain their labor. Observers

reported insufficient oversight of the PRC's extensive fishing industry continued to leave PRC national and foreign seafarers at high risk of forced labor.

The government *hukou* (household registration) system continued to contribute to the vulnerability of internal migrants by limiting employment opportunities and reducing access to social services, particularly for PRC national victims returning from exploitation abroad. The government continued to address some of these vulnerabilities by requiring local governments to provide a mechanism for migrant workers to obtain residency permits. However, these residency permits were disproportionately unavailable to China's minorities, exacerbating their constrained access to employment and social services. The government made no efforts to reduce the demand for commercial sex. The government did not report investigating or prosecuting any Chinese citizens for child sex tourism, despite widespread reports of the crime.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject domestic and foreign individuals to trafficking in China, and they subject Chinese individuals to trafficking abroad. Traffickers also use China as a transit point to subject foreign individuals to trafficking in other countries throughout Asia and in international maritime industries. Well-organized criminal syndicates and local gangs subject Chinese women and girls to sex trafficking within China. Traffickers typically recruit them from rural areas and take them to urban centers, using a combination of fraudulent job offers and coercion by imposing large travel fees, confiscating passports, confining victims, or physically and financially threatening victims to compel their engagement in commercial sex. China's national household registry system (*hukou*) continues to restrict rural inhabitants' freedom to legally change their workplace or residence, placing China's internal migrant population—estimated to exceed 180 million men, women, and children—at high risk of forced labor in brick kilns, coal mines, and factories. Some of these businesses operate illegally and take advantage of lax government enforcement. African and Asian men reportedly experience conditions indicative of forced labor aboard Chinese-flagged fishing vessels operating in the Atlantic, Indian, and Pacific Oceans; men from other regions may be in forced labor aboard these vessels as well. Women and girls from South Asia, Southeast Asia, and several countries in Africa experience forced labor in domestic service, forced concubinism leading to forced childbearing, and sex trafficking via forced and fraudulent marriage to Chinese men. Traffickers target adults and children with developmental disabilities and children whose parents have left them with relatives to migrate to the cities—estimated at more than 60 million—and subject them to forced labor and forced begging. State bodies subject members of Muslim minority groups to forced labor as part of arbitrary mass detention and political indoctrination schemes.

State-sponsored forced labor is increasingly prevalent in China. In 2013, the National People's Congress ratified a decision to abolish "re-education through labor" (RTL), a punitive system that subjected individuals to extra-judicial detention involving forced labor, from which the government reportedly profited. The government closed most RTL facilities by October 2015; however, the government reportedly converted some RTL facilities into state-sponsored drug rehabilitation facilities or administrative detention centers where, according to civil society and media reports, forced labor continues.

State-sponsored forced labor is intensifying under the government's mass detention and political indoctrination campaign against Muslim minorities in the Xinjiang Uyghur Autonomous Region (Xinjiang). Authorities have utilized discriminatory surveillance technologies and arbitrary administrative and criminal provisions to detain more than one million ethnic Muslims, including Uyghurs, ethnic Hui, ethnic Kazakhs, and ethnic Kyrgyz, in as many as 1,200 "vocational training centers"—internment camps designed to erase ethnic and religious identities. Camp authorities reportedly force some individuals to work in staff positions within the camps, including in Mandarin language instruction. Following "graduation" from these facilities, the government subjects many of these individuals to forced labor in adjacent or off-site factories producing garments, carpets, electronics, bedding, hair products, cleaning supplies, and other goods for domestic and international distribution. Coercive conditions reportedly include threats of physical violence, forcible drug intake, physical and sexual abuse, and torture. Local governments have reportedly used the threat of internment to coerce some members of these communities directly into forced labor. A small number of ethnic Han Chinese individuals and members of other religious minority groups, including Jehovah's Witnesses, are also reportedly in detention within this system. Authorities offer subsidies incentivizing Chinese companies to open factories in close proximity to the internment camps and to receive transferred detainees at satellite manufacturing sites in other provinces. Local governments receive additional funds for each inmate forced to work in these sites at a fraction of minimum wage or without any compensation. The government has transported tens of thousands of these individuals to other areas within Xinjiang and to other provinces for forced labor under the guise of poverty alleviation and industrial aid programs.

Authorities in some localities also subject the families of men arbitrarily detained in Xinjiang to forced labor in their absence. Contacts report families separated by this system are more likely to fall below the poverty line and are therefore at higher risk of sex trafficking and forced labor. Authorities are increasingly placing the young children of interned Muslims in Xinjiang in state-run boarding schools, orphanages, and "child welfare guidance centers," and forcing them to participate in political indoctrination activities and report on their families' religious activities. Authorities reportedly place older children among these groups in vocational schools, where some may be victims of forced labor. Some Kazakhstani and Kyrgyzstani citizens are arbitrarily detained while visiting family in Xinjiang; their children, now unaccompanied abroad, are also at elevated risk of trafficking. NGOs report ethnic Han men may be increasingly able to force Uyghur and other Turkic Muslim women into marriages under the government's discriminatory ethnic assimilation policies, placing them at higher risk of forced labor in domestic service and other forms of exploitation.

Xinjiang authorities issued a notice in 2017 abolishing rural obligatory labor under the *hashar* system, in which thousands of Uyghur adults and children were reportedly subjected to forced labor in government infrastructure projects and agriculture each year. Despite this policy change, similar forms of state-sponsored forced labor continue in Xinjiang, including under the auspices of the Xinjiang Production and Construction Corps (Bingtuan)—an economic and paramilitary organization with administrative control over several areas in the region. According to NGO reports, Bingtuan regiments manage at least 36 agricultural prison farms throughout Xinjiang; unlike the aforementioned mass detention campaign, this system primarily subjects ethnic Han Chinese inmates—many of whom may be victims of arbitrary detention—to forced labor. Bingtuan authorities also force inmates to build new prison facilities in several areas of the province and may subject inmates to forced labor in coal and asbestos mining. Uyghur adults and children are reportedly forced to pick cotton under direction of the Bingtuan. The impact of formal discriminatory employment policies barring Uyghurs from jobs in many sectors—including in

the annual cotton harvest—reportedly drives thousands of Uyghur farmers out of their communities in search of alternative work, placing them at higher risk of forced labor. The same is true of the government's targeted forced-displacement programs, including the Bingtuan's construction of new settlements designated for ethnic Han internal migrants, which reportedly disperses Uyghur communities and disrupts their livelihoods.

The government reportedly subjects some Tibetans to arbitrary detention featuring similar political indoctrination and forced prison labor practices in the Tibet Autonomous Region (Tibet) and neighboring provinces. Authorities also reportedly subject some Buddhist clerics to political indoctrination activities and forced labor in monasteries repurposed as factories. The government's forced urban resettlement programs reportedly require Tibetans to bear a large portion of resettlement costs, placing many of them in debt and consequently at higher risk of forced labor. Elsewhere, religious and political activists held in legal education facilities continue to report forced labor occurring in pretrial detention and outside of penal sentences. The government subjects Christians and members of other religious groups to forced labor as part of detention for the purpose of ideological indoctrination; survivors report having been forced to work in brick kilns, food processing centers, and factories manufacturing clothing and housewares. Law enforcement officials detain some PRC national and foreign women on prostitution charges without due process in "custody and education" centers, where they are subjected to forced labor. International media report local authorities force children in some government-supported work-study programs to work in factories. Some school districts compel students into forced labor in manufacturing under the guise of mandatory internships.

Traffickers subject PRC national men, women, and children to forced labor and sex trafficking in at least 60 other countries. They force PRC national men, women, and girls to work in restaurants, shops, agricultural operations, and factories in overseas Chinese communities. Some are promised jobs abroad and confined to private homes upon arrival overseas, held in conditions indicative of forced labor, and compelled to conduct telephone scams. PRC national men in Africa and South America experience abuse at construction sites, in coal and copper mines, and in other extractive industries, where they face conditions indicative of forced labor, such as non-payment of wages, restrictions on movement, withholding of passports, and physical abuse. Traffickers have reportedly subjected PRC nationals to forced labor in the manufacturing of medical masks for the prevention of COVID-19 in South Africa. Traffickers subject PRC national women and girls to sex trafficking throughout the world, including in major cities, construction sites, remote mining and logging camps, and areas with high concentrations of PRC national migrant workers. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited PRC nationals in forced labor in food processing, manufacturing, construction, and fishing. Traffickers also subject undocumented PRC national seafarers to forced labor on board fishing vessels in Taiwan's Distant Water Fleet.

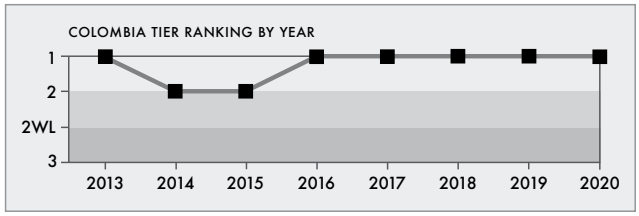
PRC national traffickers operating abroad also subject local populations to sex trafficking in several countries in Africa, the Mediterranean region, and South America. PRC national traffickers also subject women and girls in other Asian countries to sex trafficking and forced labor in entertainment establishments, including PRC national-owned casinos constructed in close proximity to large-scale PRC infrastructure and investment projects, and in special economic zones with limited local government oversight. PRC national-owned factories and agricultural plantations in Burma reportedly subject local and internal migrant populations to forced labor; the same may also be true for PRC national-owned logging operations there. Congolese men and boys experience conditions indicative of forced labor in PRC national-owned mining operations in the Democratic Republic of the Congo.

PRC national traffickers subject women and children from neighboring Asian countries, African countries, and countries in the Americas to forced labor and sex trafficking within the PRC. Traffickers promise African and South American women legitimate jobs in the PRC and force them into commercial sex upon arrival. The PRC government's birth-limitation policy and a cultural preference for sons created a skewed sex ratio of 117 boys to 100 girls in the PRC, which observers assert continues to drive the demand for commercial sex and for foreign women as brides for PRC national men—both of which may be procured by force or coercion. Traffickers kidnap or recruit women and girls through marriage brokers and transport them to the PRC, where some are subjected to sex trafficking or forced labor. Illicit brokers increasingly facilitate the forced and fraudulent marriage of South Asian, Southeast Asian, Northeast Asian, and African women and girls to PRC national men for fees of up $30,000. The men—sometimes in partnership with their parents—often incur large debts to cover these fees, which they attempt to recover by subjecting the "brides" to forced labor or sex trafficking. Some PRC national men reportedly circumvent this brokerage system by traveling to Southeast Asian capitals and entering into legal marriages with local women and girls, then return to the PRC and compel them into commercial sex. There are also reports of PRC national men and their parents deceiving Southeast Asian women and girls into fraudulent marriages in China, then confining them in forced concubinism involving rape leading to forced pregnancy. In cases where this forced pregnancy leads to childbirth, the men and their parents sometimes use the children as collateral to retain the women's forced labor or sexual slavery, or use the women's immigration status as coercion to dissuade them from reporting their abuses to the authorities. A small number of PRC national women are reportedly subjected to sex trafficking and forced labor via forced or fraudulent marriages to Taiwan men. Mongolian boys are at high risk of forced labor and sex trafficking under visa regimes that enable them to work indefinitely as herders, horse jockeys and circus performers across the PRC border, provided they return with a chaperone once a month. African residents of the PRC displaced through discriminatory eviction policies related to the COVID-19 pandemic may be at higher risk of sex trafficking and forced labor due to ensuing homelessness and other economic hardships.

Many North Korean refugees and asylum-seekers living illegally in the PRC are particularly vulnerable to trafficking. Traffickers lure, drug, detain, or kidnap some North Korean women upon their arrival in the PRC and compel them into commercial sex in brothels and bars, through internet sex sites, or in relation to forced marriage. Traffickers also subject these women to forced labor in agriculture, as hostesses in nightclubs and karaoke bars, in domestic service, and at factories. The PRC government reportedly did not repatriate all North Korean labor migrants pursuant to a 2017 UN Security Council resolution requiring the repatriation of all North Korean nationals earning income overseas by the end of 2019, subject to limited exceptions. According to media and NGO reports, the North Korean government subjects North Korean citizens to forced labor in China as part of its proliferation finance system, likely with the knowledge of PRC officials; this includes forced labor in hotels, restaurants, and in remote cyber operations.

COLOMBIA: TIER 1

The Government of Colombia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Colombia remained on Tier 1. These efforts included hosting two roundtable discussions with civil society organizations, identifying more victims, approving a decree to mitigate forced child recruitment by illegal armed groups, maintaining a robust response to the Venezuelan migration crisis, which likely reduced the vulnerability to trafficking, and opening 37 investigations under the Special Jurisdiction for Peace related to child recruitment. Although the government meets the minimum standards, it did not provide minimally adequate services for the growing number of victims identified and did not have shelter available for adults, which made up nearly 90 percent of identified victims. The Ministry of Interior (MOI) did not coordinate effectively with departments and municipalities to guarantee victim protection. Efforts to address forced labor through law enforcement or victim protection were deficient, resulting in impunity for forced labor and unidentified victims without protection in critical sectors, such as floriculture, coffee production, and extractive industries. Although forced recruitment of youth and forced criminal activity by illegal armed groups or organized criminal groups were illegal and growing problems, the government initiated fewer criminal cases and has not charged or convicted any member of armed groups for child recruitment since 2017. The absence of proactive victim identification efforts and standardized protocols combined with a systematic misunderstanding of trafficking led to the penalization of trafficking victims, and authorities did not criminally prosecute or convict most complicit officials, undercutting efforts to hold traffickers accountable. For the third year in a row, authorities did not fund civil society organizations to amplify and ensure adequate victim assistance and services.



PRIORITIZED RECOMMENDATIONS:

Revise medium-term assistance provisions within the law to include shelter care for adult victims of trafficking. • Make efforts to combat forced labor by enhancing proactive identification of victims and increasing investigations and criminal prosecutions of labor traffickers. • Vigorously investigate, prosecute, and convict trafficking cases, including those involving members of illegal armed groups or organized criminal groups involved in forced child recruitment or forced criminal activity. • Cease the deportation and incarceration of victims. • Fund civil society actors to increase specialized services for all victims, including adults. • Significantly improve efforts to coordinate with departments and municipalities to ensure all victims receive adequate protection. • Hold public officials complicit in trafficking criminally accountable. • Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities. • Strengthen and expand efforts to reform the Special Work Permit (PEP-FF) sponsorship program to ensure Venezuelan workers, holders of this permit, are not bound to abusive employers. • Draft, finalize, disseminate, and train immigration officials, including those working near border crossings, on standard operating procedures for victim identification that include information on trafficking indicators. • Finalize the national anti-trafficking strategy and include ways to address present challenges, such as the mass migration of Venezuelans, prevalence of child sex tourism, and the forced recruitment of children into illegal armed groups. • Revise the definition of human trafficking under Article 188A to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP Protocol.

PROSECUTION

The government maintained mixed prosecution efforts. While there was a slight increase in the number of prosecutions, authorities did not make enough progress to combat trafficking as investigations decreased and convictions remained low for the scope of the problem. Article 188A of the penal code criminalized sex and labor trafficking and prescribed punishments of 13 to 23 years' imprisonment plus fines between 800 and 1,500 times the monthly minimum salary. Penalties under Article 188A were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 188A of the penal code is inconsistent with the definition of trafficking under international law, as the law did not include force, fraud, or coercion as an essential element of a trafficking crime. Authorities sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping. The law criminalized forced child recruitment and forced criminal activity by illegal armed groups under separate statutes.

The attorney general's office (AGO) received 188 possible cases of trafficking (compared with 222 cases in 2018, 164 in 2017, and 150 in 2016), of which 57 were prioritized and investigated for ties to organized crime and continued to be under investigation at the end of the reporting period (55 for sex trafficking and two for forced labor). Authorities prosecuted 33 suspects (compared with 26 in 2018, 31 in 2017, and 59 in 2016), and convicted 19 traffickers (compared with 19 in 2018, 21 in 2017, and 25 in 2016). Additionally, police arrested 27 suspects for trafficking crimes, 19 for sex trafficking and eight for sex trafficking and forced labor (compared with 70 suspects in 2018, 30 in 2017, and 29 in 2016). For the third year in a row, authorities did not provide any or sufficient details on sentences issued for trafficking crimes. Prosecutors' ability to increase convictions for trafficking crimes may be related to an absence of adequate protection mechanisms, which can affect victims' willingness to cooperate with law enforcement in cases against their traffickers. In one highly publicized case from 2018, authorities sentenced three traffickers to eight years in prison. Although Colombian law prohibited forced child recruitment and forced criminal activity by illegal armed groups or organized criminal groups, authorities did not consider such crimes to be human trafficking and have investigated these cases as other crimes.

Forced recruitment of children by illegal armed groups and criminal organizations remained a significant concern. In 2019, the Special Jurisdiction for Peace (JEP) opened 37 investigations into ex-combatants for forced child recruitment, and those remained open at the end of the reporting period. According to an NGO, impunity in cases of forced child recruitment remained a challenge, and authorities have not convicted any member of an armed group for child recruitment since 2017, despite the ongoing concern that Colombian illegal armed groups continue to strengthen their operations using children in Colombia and nearby Venezuela. The AGO received 329 cases of forced child recruitment involving 354 victims, compared with 388 cases investigated in 2018. Of the 1,872 cases reported in previous years, authorities indicated that 409 were confirmed to be trafficking crimes. In 2019, 399 of those cases were still open, but officials did not report how many of those were for trafficking crimes. The Ministry of

Labor (MOL) offered a preview of a victim identification protocol, which has been in development since 2016, to 23 regional labor inspection sites. The protocol remained unfinished at the end of the reporting period. The MOL did not make efforts to investigate cases or increase inspections of forced labor, and authorities did not have a protocol to connect labor inspectors with police or to provide guidance on trafficking indicators for front-line personnel.

Corruption and official complicity in trafficking crimes remained concerns. In 2019, in a case dating back to 2014, authorities convicted one complicit official for the sex trafficking of a 14-year-old girl. Officials from the inspector general's office noted judicial leniency towards public officials involved in trafficking crimes. Local government officials in a department with heightened vulnerabilities and high prevalence of trafficking reported brothel raids in places suspected of child sex trafficking did not result in identified victims or new investigations, raising serious concerns of police complicity. While the government investigated and, in some cases, arrested officials involved in cases of complicity, authorities often opted for disciplinary measures in lieu of prison time, a response that was not commensurate with the severity of the crime and hindered efforts to combat trafficking. As part of an ongoing prevention campaign, the AGO provided some training for public servants, including police and immigration officials on victim identification. In 2019, authorities reportedly requested 1.3 billion Colombian pesos ($396,490) for the implementation of anti-trafficking law. Authorities collaborated with the United States and other governments on law enforcement operations.

PROTECTION

The government identified an increased number of victims; however, victim protection efforts were cursory and inadequate. In 2019, authorities identified 124 victims of trafficking (compared with 114 in 2018, 96 in 2017 and 68 in 2016), of whom 110 were adults, 14 were children, 109 were female, and 15 were male. Eighty-one were victims exploited in sex trafficking, six in forced labor, 12 in servile marriage, 11 in domestic service, and 14 were unknown. In 2019, authorities identified the first case involving a transgender woman exploited domestically in sex trafficking. The government reported following a national trafficking victim assistance plan to refer victims to services, and it could provide emergency assistance, which included a medical and psychological examination, clothing, hygiene kits, issuance of travel and identity documents, and shelter for five days with a maximum extension of five additional days. In fewer cases, and after administrative approval, authorities could provide medium-term assistance including educational services, job skills training, assistance with job placement, economic support, and legal assistance, including witness protection. The government indicated law enforcement officials used the UNODC victim identification protocol; however, many law enforcement officials working on trafficking cases were not aware of this or any protocol to identify victims. The municipality of Cali, with the support of an international organization, developed a victim identification protocol; however, officials did not report if anyone received training on its use. The government offered some training on victim identification as part of its prevention campaigns. Nonetheless, some experts indicated that in some cases, law enforcement officials retrieved data from victims' phones for evidentiary purposes and released the victims without referring them to adequate services. Despite the government's concern with forced labor in areas such as legal and illegal mining, emerald extraction, coal, domestic service, agriculture near the coffee belt, cattle herding, and crop harvesting, the MOL did not train inspectors to identify the crime, and it did not have a protocol for victim identification. Efforts to combat labor trafficking remained deficient, and cases of forced labor were likely overlooked and underreported. In 2019, officials from the MOL held a meeting to introduce a victim identification protocol under development since 2016 to a selected number of officials, but it did not finalize its approval or begin its implementation. Government authorities and NGOs reported that some officials working with victims of the armed conflict did not have enough training on victim identification; therefore, some victims may be unidentified and vulnerable to trafficking and new patterns of recruitment.

The MOI and the Colombian Family Welfare Institute (ICBF) were the entities responsible for victim protection; the former was responsible for the protection of adult victims and the latter responsible for the protection of child and adolescent victims of trafficking. The national government did not have dedicated funding for specialized victim services, and it relied solely on individual departments and municipalities for the provision of services. Government officials and NGOs asserted government-funded victim assistance was cursory and insufficient. While assistance for underage victims was limited and, in some places non-existent, some department ICBF authorities assisted victims and provided outpatient case management services to aid in their recovery. In most parts of the country, department ICBF authorities did not fund physical spaces where child victims could go, and as a result, coordination for services was left to the last minute, making it unreliable and difficult to obtain. The ICBF partially funded two shelters for child and adolescent victims, at least one of which had a multi-disciplinary team trained to work with victims of sexual abuse, including sex trafficking; however, funding was insufficient to provide the comprehensive assistance victims needed. Local ICBF officials in Bogota operated a shelter for underage victims of commercial sexual exploitation that could provide care for trafficking victims but did not report how many victims received care in 2019. Authorities sometimes placed victims in hotels on a case-by-case basis. In contrast, adult victims did not receive specialized shelter assistance or any assistance beyond emergency care despite making up almost 90 percent of victims identified. Authorities did not report if any of the 110 adult victims identified received care in any non-specialized shelter. In addition, for the fourth year in a row, authorities did not fund other civil society organizations that could amplify efforts to protect victims, compared with 2015 when the government was funding a specialized shelter that could assist adult victims of trafficking in Bogota. In 2019, authorities at the national level reportedly requested 107 million pesos ($32,630) to fund third party providers for the provision of victim services. At the local level, municipalities and departments allocated 195 million pesos ($59,470) for prevention and victim protection after a request from the MOI.

According to experts, some victims who did not self-identify were not legally considered victims and faced limitations receiving care. In 2019, authorities provided emergency assistance to 106 victims, 79 received housing, 77 medical care, and 81 psychological assistance (compared with 114 victims that received emergency care in 2018). Officials indicated that 66 victims received medium term assistance, which might have included some financial assistance (compared with 62 who received medium-term care in 2018). The ICBF provided shelter to and began restoring the rights of 171 underage victims of forced recruitment but did not provide details of the assistance provided to victims of sex trafficking or forced labor. According to ICBF officials, the process of rights restoration included an evaluation of each case and the provision of mental and physical health services depending on each victim's needs. The government did not provide shelter to victims of forced labor or adult victims of trafficking.

In many cases, due to a lack of formal identification and an insufficient understanding of trafficking, authorities penalized victims for unlawful acts traffickers compelled them to commit. Several NGOs and some government officials reported cases of

Venezuelan trafficking victims deported back to Venezuela for prostitution-related crimes. In a separate case, a 16-year-old victim faced criminal charges for the recruitment of two other victims after traffickers had recruited her. In a case reported last year, NGOs confirmed the deportation of 23 Venezuelan victims who were allegedly forced to have sex with tourists via debt-based coercion. The government did not report assisting victims through the victim and witness protection program, compared with five assisted in 2018. Some victims were reluctant to report their exploitation or testify against their traffickers for fear of reprisals or lack of trust in the justice system. In 2019, there were 64 Colombian victims of trafficking identified in foreign countries; of which 33 were repatriated by the Ministry of Foreign Affairs (MFA) with the support of international organizations or the victims themselves, as compared with seven in 2018. Officials from the MFA did not indicate how much funding was allocated for the repatriation of victims or earmarked for repatriation assistance in 2019, compared with the 400 million pesos ($122,000) earmarked in 2018. With the assistance of a foreign government, authorities strengthened asset forfeiture measures to disburse victim compensation funds expeditiously, but it did not report if any victims received compensation as a result of these measures.

PREVENTION

The government increased prevention efforts. The Interagency Committee for the Fight Against Trafficking in Persons (ICFTP), chaired by the MOI and comprising 16 government entities, conducted 20 technical advisory meetings (compared with 44 in 2018) that sought to improve coordination between the ICFTP and its regional committees and make recommendations for the preparation of territorial action plans. In response to the influx of more than 1.8 million Venezuelans arriving in Colombia since 2016, the government continued to provide temporary resident permits, healthcare, education for school aged children, and social services, likely reducing their vulnerability to trafficking. In 2019, authorities issued approximately 754,085 temporary resident permits during the year. In 2019, Colombia approved the PEP-FF program for Venezuelans, which, while a positive development, it tied employment permits to a job and employer, leaving those employees vulnerable to trafficking. To mitigate future exploitation, the government approved birthright citizenship to 45,000 children born in Colombia after 2015 to Venezuelan parents. In 2019, the MOI held three events reaching 698 public officials to better understand regional trafficking issues affecting areas with high prevalence, including the coffee belt, Caribbean region, and the department of Tolima. The MOI, with the support of international organizations, held 32 training events reaching 2,423 individuals, including government officials, students, and civil society organizations on anti-trafficking awareness. In 2019, the MOL began a mandatory virtual training program for its inspectors, which included a module on human rights and forced labor. Observers expressed concerns about insufficient interagency communication and the absence of high-level decision-makers at ICFTP meetings who could help expedite services for victims identified. Authorities continued to use the expired 2016-2018 national anti-trafficking strategy. In 2019, the MOI hosted and funded two civil society roundtables to discuss the development of the new anti-trafficking strategy, which was not completed at the end of the reporting period.

In 2018, the government established a national mechanism to study prevalence, trends, and root causes of trafficking domestically; in 2019, the government focused on investigating the characteristics of victims of trafficking and traffickers, combating stereotypes associated with trafficking victims, and investigated the economic and labor factors that lead to victimization and trafficking. The Observatory's work also identified the trafficking indicators specific to indigenous communities and illegal armed groups. Officials at the MOI continued implementing two multi-year campaigns made possible mostly with the assistance of international organizations. In 2019, authorities dedicated 36 million pesos ($10,980) for one of the ongoing campaigns, and provided 10 million pesos ($3,050) to a victim-led NGO for a new awareness campaign. In addition, authorities reportedly requested 308 million pesos ($93,940) for the national fund and for the implementation of anti-trafficking policies. The MOL maintained an awareness campaign from previous years focused on educating potential job seekers on the dangers of fraudulent employment recruiting; the campaign reached 60 individuals and identified 40 fraudulent employment offers. Colombia continued to operate a 24-hour anti-trafficking hotline, which in 2019 received 1,261 calls that led to the identification of 93 potential TIP cases, compared to 18 in 2018. Through the hotline, the government provided advice on job offers abroad to prevent potential labor trafficking, including corroborating the veracity and legality of employers.

An international organization reported that 99 children were victims of forced recruitment by illegal armed groups, compared to 292 in 2018. To the same organization, ICBF reported assisting 180 victims of forced recruitment in 2019, compared with 196 in 2018. In November, authorities approved decree 2081 to strengthen existing legislation and create the inter-sectoral presidential advisory council focused on mitigating the forced recruitment of children by illegal armed groups. The government had over 208 officials working in eight departments and 17 municipalities on programs to prevent child recruitment; however, many areas where illegal recruitment of children was prevalent did not have state presence. Authorities cooperated with foreign governments and participated in training events organized by international organizations. Colombia co-hosted a binational anti-trafficking roundtable with the Bahamas, signed a bilateral accord with, and established the third bi-national anti-trafficking work plan with Peru. In addition, 120 officials from Ecuador and Colombia participated in a bilateral exchange to share best practices to combat trafficking. The government did not make any efforts to reduce the demand of commercial sex during the reporting period.

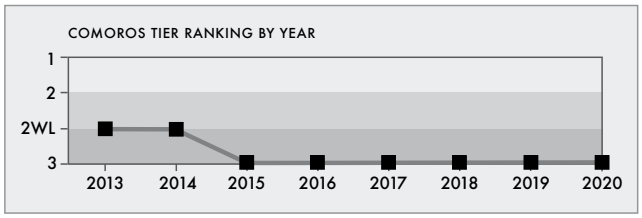
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Colombia, and traffickers exploit victims from Colombia abroad. Traffickers exploit Colombian men, women, and children in sex trafficking and forced labor in Colombia and throughout Latin America, Asia, and Europe. Traffickers exploit Colombians in Israel, and the United Arab Emirates, mainly in Dubai. According to a government agency, in 2019, nearly 55 percent of transnational cases were Colombian victims exploited in trafficking in Turkey. Traffickers lured victims with fraudulent employment opportunities to later exploit them in sex trafficking and forced labor. In 2019, all victims exploited in Turkey originated in Valle del Cauca, 84 percent were exploited in sex trafficking, 13 percent in forced labor, and three percent in forced marriage. Thirty-eight percent of victims in domestic trafficking cases were from Bogota and Antioquia department, and 44 percent of domestic cases were identified in Bogota. Government reports released in 2019 indicate that since 2013 roughly 90 percent of victims identified in Colombia were adults. Groups at high risk for trafficking include displaced Venezuelans, Afro-Colombians, indigenous communities, individuals with disabilities, internally displaced persons, and those living in areas where illegal armed groups and criminal organizations are active. Sex trafficking of Colombian women and children occurs within the country and around the world. Colombian women and children are victims of sex trafficking within Colombia in areas with tourism and large extractive industries. Transgender Colombians and Colombian men in commercial sex are vulnerable to sex trafficking within Colombia and in Europe. Traffickers exploit Colombian

nationals in forced labor, mainly in mining for the extraction of coal, alluvial gold, and emeralds; agriculture in coffee harvesting and palm production; begging in urban areas; and domestic service. Traffickers exploit Colombian children working in the informal sector and in street vending in forced labor. Illegal armed groups, particularly in the departments of Choco, Norte de Santander, Cordoba, Nariño, and Cauca forcibly recruit children, including Venezuelan, indigenous, and Afro-Colombian youth, to serve as combatants and informants, harvest illicit crops, and to exploit them in sex trafficking. Between 2017 and 2019, early alert systems identified 182 municipalities where children were vulnerable to forced recruitment by illegal armed groups. Women, children, and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Traffickers recruit vulnerable women and girls in dire economic circumstances, mostly Colombians and displaced Venezuelans, into "webcam modeling". In some cases, traffickers drugged women and girls using fear and coercion through debt and extortion to force victims to perform live streaming sex acts. In 2019, government officials in a border town expressed concern about the burgeoning webcam industry and its ties to sex trafficking. Displaced Venezuelans, including women, children, transgender individuals, and those in irregular migration status were the most vulnerable to sex trafficking and forced labor. In a notable case, traffickers drugged and dressed a boy in girls' clothing to exploit him in sex trafficking. Traffickers target impoverished women and girls to exploit them in sex trafficking; this vulnerable population represented 80 percent of sex trafficking cases. Youth living under poor social and economic conditions are at a high risk of becoming trafficking victims.

COMOROS: TIER 3

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Comoros remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. The Anti-Trafficking Task Force met for the first time since 2017 and began drafting a national action plan. The government also took steps to ratify the 2000 UN TIP Protocol. The government continued to support listening centers that worked to identify and provide care to victims of crime, which could include trafficking victims. However, the government continued to lack formal procedures to identify trafficking victims or refer them to care and has not identified or referred any trafficking victim to protective services since 2013. The scale of trafficking crimes in Comoros was unknown, in part due to the lack of identification procedures, and the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes. Authorities continued to lack an understanding of trafficking, and the government did not provide adequate resources or training to law enforcement officials, including the officials charged with identifying trafficking victims and investigating the crime. The government did not conduct anti-trafficking public awareness campaigns.



PRIORITIZED RECOMMENDATIONS:

Significantly increase anti-trafficking training, including victim identification, to all front-line officials, including law enforcement, social workers, health service providers, prosecutors, judges, and civil society. • Develop standard operating procedures for the identification of victims, especially among vulnerable groups, including children in domestic work and at Quranic schools, and a process for victims' subsequent referral to care. • Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials. • Enact comprehensive anti-trafficking legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. • Develop, adopt, and implement a national action plan to combat trafficking. • Improve coordination among the Anti-Trafficking Task Force by providing funding or in-kind resources, convening it regularly, and sharing data. • End the practice of returning trafficking victims to their exploiters. • Continue efforts to engage French officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte. • In coordination with local and international partners, improve the provision of protective services to trafficking victims, including providing appropriate care to victims nationwide. • Expand anti-trafficking public awareness campaigns to all three islands. • Develop national-level data collection on law enforcement efforts and trafficking victims. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian law criminalized most forms of human trafficking. Article 13 of the 2014 Law to Combat Child Labor and Trafficking in Children criminalized all forms of child labor trafficking and some forms of child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment and a fine of 30 million Comorian francs ($68,330). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 13 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, all forms of child sex trafficking, including those that did not include such means, could be addressed under Article 8, which criminalized child sexual exploitation and prescribed penalties of five to 10 years' imprisonment and a fine of one to two million Comorian francs ($2,280 to $4,560); these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Comorian law did not explicitly criminalize adult trafficking. However, Article 323 of the penal code criminalized forced prostitution of adults and prescribed punishments of two to five years' imprisonment and a fine between 150,000 and two million Comorian francs ($342 to $4,560); these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 2.1 and 260 of the Comoros Labor Code criminalized forced or compulsory labor of adults and prescribed penalties of three months' to three years' imprisonment or a fine of 250,000 to 750,000 Comorian francs ($570 to $1,710), which were not sufficiently stringent. Despite parliamentary approval in 2014, for the sixth year, the President did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. The government did not report investigating, prosecuting, or convicting any traffickers, despite previous reports that listening centers recorded many cases that may have been trafficking. The government has not reported investigating a trafficker since 2014 and has

never reported convicting a trafficker. The government also did not report any investigations, prosecutions, or convictions of government employees allegedly complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes at all levels of government remained significant concerns, inhibiting law enforcement action in previous years. The judicial system in Comoros remained weak; there were continued reports that criminals were frequently convicted and sentenced, but then released without explanation, creating a culture of impunity among criminals, including potential traffickers. While discouraged by the government, families or village elders continued to settle many allegations of sexual violence, possibly including sex trafficking and child domestic servitude, informally through traditional means without recourse to the formal court system. Many rural families still preferred informal arrangements with host families; however, judicial officials on Anjouan coordinated with prosecutors and a victim care provider to address and discourage the cultural practice of sending children from rural areas to urban host families for access to an education. Children in these arrangements were particularly vulnerable to trafficking. These government officials regularly traveled to rural villages on the island to enforce the legal requirement for the child's family to sign an agreement with the host family regarding the care of the child. In previous years, judges were known to negotiate agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Some police reportedly returned sexually abused children to their exploiters, sometimes due to a lack of shelters or an alternative form of care.

The police lacked basic resources, including vehicles, fuel, and equipment, which limited their operations. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. An international organization trained 20 police, gendarmes, and judges to create a pool of certified trainers on child protection; however, the government did not report that this included training on trafficking. As reported in prior years, the Ministry of Labor's four labor inspectors—responsible, among other things, for implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the trafficking law and did not receive operational resources to conduct labor inspections of informal work sites, where children were especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period. The absence of a clear understanding of trafficking may have resulted in the misclassification of cases as other crimes, such as child labor, abuse, and rape.

PROTECTION

The government maintained inadequate victim protection efforts. The government did not identify any trafficking victims during the reporting period and has not identified a victim since 2013. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. The government continued to provide financial support, including salaries for employees, and office space to listening centers, also called *Service d'ecoute*; however, the government did not provide anti-trafficking training to staff. The listening centers, with assistance from an NGO, offered medical care, psycho-social counseling, and legal assistance mostly to women and children who were victims of abuse and violence, including trafficking victims, if identified. The government continued operating listening centers in four locations—two on Grande Comore, one on Anjouan, and one on Moheli. In 2019, the listening centers reported providing medical care for 144 women and children, compared with 255 in 2018. The listening centers also reported providing 10 women and 103 children with legal assistance and 84 women and children with psychological assistance. The listening centers recorded these persons as victims of abuse; however, because of inadequate training on trafficking victim identification, some of these victims may have been trafficking victims. On all three islands, the listening centers reportedly coordinated with the Morals and Minors Police Brigade on cases.

The government did not report assisting in the repatriation of any victims during the reporting period. In 2018, the government reported visiting host families who had taken in children from rural areas to inspect for potential trafficking indicators; however, the government did not report conducting such inspections in 2019. The government also did not report making additional efforts to investigate, identify, or assist the 3,000 to 4,000 unaccompanied Comorian minors on the island of Mayotte, a French department, after France denied the National Commission in Comoros visas during the previous reporting period. There were no shelters available, for short or long-term use, for adult or child victims. In 2018, the government identified a possible site for a temporary shelter, but the government did not report making any progress in establishing a shelter for the second consecutive year. Similar to last year, the Morals and Minors Police Brigade did not report whether any children were assisted or whether the government provided financial or in-kind assistance to 10 foster homes that reportedly existed on Grande Comore. In the absence of adequate funding and shelter, listening center staff and police sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians where they might have originally faced the abuse. There were no reports the government inappropriately penalized victims for unlawful acts traffickers compelled them to commit; however, because there were no standard victim identification procedures, victims may have remained unidentified in the law enforcement system. Despite requirements of the 2015 child labor law, the government did not establish a support fund for children vulnerable to trafficking.

PREVENTION

The government maintained inadequate efforts to prevent trafficking. The interagency Anti-Trafficking Task Force, composed of representatives of relevant government agencies, the listening centers, and international organizations, convened in December 2019 after being inactive during the previous reporting period. The government did not have an anti-trafficking national action plan; however, the task force reported beginning the process of drafting one. The government did not report conducting any national public awareness campaigns during the reporting period, despite requirements in the 2015 child labor law. The government continued to fund two toll-free emergency lines for all three islands, which were used to report crimes to the listening centers. During the reporting period, the listening centers received 1,139 calls reporting abuse and exploitation; however, the government did not track call data related to potential victims of human trafficking.

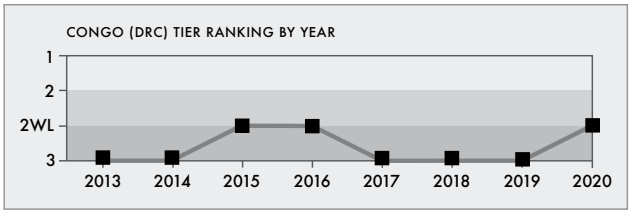
The government did not have effective policies or laws to govern labor recruiters and did not report holding anyone civilly or criminally liable for fraudulent recruitment during the reporting period. In 2016, the labor ministry signed an agreement with several labor recruitment agencies to facilitate review of the transnational recruitment processes and to monitor job advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment; however, the government has made no efforts to regulate labor recruitment agencies since then. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce demand for commercial sex acts. Comoros is not a party to the 2000 UN TIP Protocol; however, the President signed a decree in January 2020 to ratify the protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers may exploit domestic and foreign victims in Comoros, and traffickers may exploit victims from Comoros abroad. Traffickers may subject Comorian women and Malagasy women who transit Comoros to forced labor in the Middle East. Traffickers may subject Comorian adults and children to forced labor in agriculture, construction, and domestic work in Mayotte, a French department. Traffickers and employers on Anjouan may subject children, some of whom were abandoned by parents who left to seek economic opportunities in other countries, to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. Poor rural families, often on Anjouan and Moheli, frequently place their children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; these children are vulnerable to domestic servitude and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some as old as age 14) study at informal neighborhood Quranic schools headed by private instructors, where they may be vulnerable to exploitation through coercion and forced labor as field hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte, a French department, are especially vulnerable to domestic servitude and sex trafficking. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in migrant smuggling.

CONGO, DEMOCRATIC REPUBLIC OF THE: TIER 2 WATCH LIST

The Government of the Democratic Republic of the Congo (DRC) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore the DRC was upgraded to Tier 2 Watch List. These achievements included increasing the number of investigations and prosecutions of trafficking cases, specifically on sex trafficking and forced labor—crimes that had previously been mostly unaddressed in the justice system—while still investigating and prosecuting child soldiering crimes. The government convicted a former colonel in the Congolese National Army (FARDC) and the leader of an armed group for trafficking crimes, among others; sentenced them to adequate penalties, including significant prison terms; and ordered the leader of an armed group and two accomplices to pay restitution to more than 300 victims of sexual enslavement and other crimes. While the government remained without standard operating procedures for victim identification and referral to care and a comprehensive system to report data, for the first time, the government drafted quarterly progress reports on human trafficking and in one such report, stated it identified victims. The government established a formal anti-trafficking inter-ministerial committee that monitored shelters, coordinated with NGOs and international organizations to identify and protect victims, and it drafted and launched the government's first national anti-trafficking action plan. In partnership with international organizations, the government also continued to undertake measures to prevent and end the use of child soldiers, including separating child soldiers from non-state armed groups, conducting age verification screening of recruits, and securing written pledges from 27 non-state armed group commanders to renounce child recruitment. Despite these achievements, the government did not comprehensively report on anti-trafficking law enforcement and protection efforts and did not disaggregate law enforcement efforts directly targeting sex trafficking from other sexual violence crimes. There were credible allegations that a FARDC regiment forcibly recruited women and girls through abduction for sexual slavery in Kasai Province, and reports persisted that the FARDC collaborated with proxy militias that recruited and used child soldiers. The government did not develop standard operating procedures for the identification and referral of victims, adopt comprehensive legislation criminalizing all forms of trafficking, or adequately hold accountable complicit officials. Widespread corruption combined with the lack of an anti-trafficking framework continued to hinder efforts to combat all forms of human trafficking throughout the country.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to address all forms of trafficking, including sex trafficking and labor trafficking of both adults and children. • Improve measures to proactively identify trafficking victims, including providing training for front-line officials to do so among vulnerable groups, including women and children exploited in commercial sex, street children, and men, women, and children in artisanal mining, and to refer victims to appropriate care. • Cease unlawful use of children by the FARDC and collaboration with armed groups that recruit and use child soldiers. • Pass legislation that criminalizes all forms of trafficking and prescribes penalties which are sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes. • In partnership with civil society, take concrete steps to provide comprehensive protection services to victims of all forms of trafficking, and ensure trafficking victims are not punished for unlawful acts traffickers compelled them to commit. • In partnership with international experts, develop national standard operating procedures for the identification and referral of victims. • Develop and implement procedures for collecting and reporting data on cases of sex trafficking, as distinct from other sexual violence crimes, and forced labor. • Continue to cooperate with civil society to end the unlawful recruitment and use of child soldiers by all governmental and non-governmental armed groups and identify, remove, demobilize, and refer all children associated with armed groups to appropriate care. • Use existing legislation to increase efforts to investigate, prosecute, convict, and adequately sentence traffickers, including complicit officials. • Raise awareness about human trafficking among the public.

PROSECUTION

The government increased law enforcement efforts. Congolese law criminalized all forms of sex trafficking and some forms of labor trafficking. However, the lack of a comprehensive anti-trafficking legal framework continued to contribute to officials' lack of understanding of trafficking and their conflation of it with other crimes, such as illegal international adoption. Article 174(j) of the 2006 Sexual Violence Law criminalized child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment. Section 174(e) criminalized sexual slavery and prescribed penalties ranging from five to 20 years' imprisonment as well as a fine of 200,000 Congolese franc ($120). These penalties were sufficiently stringent and commensurate with those prescribed for other serious

crimes. Article 174(c), which criminalized the "forced prostitution" of adults, prescribed penalties of three months to five years' imprisonment; these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 182 and 183 of the 2009 Child Protection Law 09/001 also criminalized the "procurement" of children and child sexual slavery and prescribed penalties of five to 20 years' and 10 to 20 years' imprisonment with a fine between 8,000 and one million Congolese franc ($4.85 to $610), respectively; these penalties were sufficiently stringent and commensurate, with respect to sex trafficking, with other serious crimes, such as rape. Article 187 criminalized child labor, including forced child labor, and prescribed penalties of one to three years' imprisonment and fine between 100,000 and 200,000 Congolese franc ($61 to $120); these penalties were not sufficiently stringent. Article 326 of the 2002 Labor Code criminalized adult forced labor and prescribed penalties of up to six months' imprisonment or a fine of 30,000 Congolese franc ($18); this penalty was not sufficiently stringent. Congolese law also criminalized the enlistment of persons younger than 18 years old into the armed forces and the police, which carried penalties of 10 to 20 years' imprisonment. The government drafted and in December 2019 passed to the National Assembly an anti-trafficking law, which was scheduled for parliamentary debate and adoption in March 2020.

The judicial system in the DRC remained weak; however, the government increased investigations and prosecutions of cases involving not only recruitment of child soldiers but also sex trafficking and domestic servitude and maintained the number of convictions. The government did not report comprehensive data on trafficking investigations, prosecutions, and convictions. The government reported investigating 32 suspected traffickers, including 15 for sex trafficking, five for child soldier recruitment, four for forced labor, and eight for unknown types of exploitation, an increase compared with investigating 14 suspected traffickers for recruitment of child soldiers during the previous reporting period. The government prosecuted six alleged traffickers, four for the recruitment of child soldiers, one for sex trafficking, and one for domestic servitude, compared with prosecuting 14 traffickers for child soldier recruitment in 2018. The government convicted four traffickers for recruitment of child soldiers and sexual slavery, compared with convicting four traffickers for recruitment of child soldiers in 2018. Of these, the government convicted one former FARDC colonel to life imprisonment for child soldier recruitment, among other crimes. It also convicted a leader of an armed group and two militia members for crimes against humanity, including sexual slavery; the government sentenced the three men to 15 years' to life imprisonment, and the judge found the government liable for failing to take measures to prevent the crimes and ordered the state to pay reparations to more than 300 victims of sexual slavery. The Agency for the Prevention and the Fight Against Trafficking in Persons (APLTP), the newly-established national coordinating body in April 2019, reported that 1,135 women were abducted by armed groups for sexual slavery in Ituri province and that local NGOs brought 142 cases before provincial courts; the government did not report any additional information about the status of these cases. The government did not make sufficient efforts to investigate the sex trafficking of women and children or forced labor of victims in artisanal mining, even though the scale of these crimes was significant. It continued to work towards implementation of a national data collection tool to report comprehensive data; but, it did not deploy the system during the reporting period.

Despite the government's efforts to convict the former FARDC colonel, government corruption and complicity in trafficking crimes remained a significant concern. The government issued an arrest warrant for the leader of the armed group Nduma Defense of Congo-Renove (NDC-R) for recruitment of child soldiers, mass rape and other crimes. However, the NDC-R leader was not arrested during the reporting period, and observers reported the FARDC provided support to the NDC-R, including through FARDC commanders who allegedly protected the NDC-R leader who continued to operate freely in North Kivu. During the reporting period, there were credible allegations that a FARDC regiment forcibly recruited women and girls through abduction for sexual slavery in Kasai Province. Military prosecutors investigated the regiment and detained 10 soldiers under suspicion of rape and abduction but released the soldiers when the victims presented electoral identification cards showing them to be older than age 18. Experts reported the identification cards were fraudulent, and the government subsequently conducted age verification and found several girls were among those recruited. Military prosecutors announced their intent to bring formal charges against two of the soldiers, and the investigation was ongoing at the close of the reporting period. This is in comparison to two previous cases of children used —but not recruited —in support roles by the FARDC during the previous reporting period. In coordination with an international donor, the government trained 25 mine inspectors and controllers in north and south Kivu on inspections, child labor, and sex trafficking. In addition, the Ministry of Social Affairs signed an agreement with its counterpart ministry in the Republic of the Congo that improved data sharing and law enforcement cooperation on child trafficking cases. As a result, the Republic of the Congo extradited a Congolese man who killed a 16-year-old female trafficking victim from Kinshasa. In Kinshasa, the man was tried and convicted of murder, which carried a higher sentence than trafficking, and the judge sentenced him to life imprisonment.

PROTECTION

The government maintained efforts to protect trafficking victims. The government did not have standard operating procedures to systematically identify and refer trafficking victims to appropriate care; however, some NGOs reported that the Ministry of Social Affairs and the General Directorate of Migration identified and referred an unknown number of potential trafficking victims to NGOs for care on an ad hoc basis and the government continued to identify and refer trafficking victims to international organizations. The government did not comprehensively report its effort to identify victims but for the first time, the government drafted quarterly progress reports on human trafficking. In one such report, the Ministry of Interior stated it identified five sex trafficking victims and one victim of domestic servitude. Two NGOs in Kinshasa reported separately identifying 25 trafficking victims, six of whom traffickers exploited in forced labor. The APLTP referred victims to and monitored conditions in three shelters—two in Kinshasa and the other in the major eastern city of Bunia in Ituri province—where NGOs provided an estimated 650 trafficking victims with protective services in 2019. In partnership with the UN Peacekeeping and Stabilization Mission in the DRC (MONUSCO), the Ministry of Defense identified 3,107 former child soldiers and referred all victims to care in coordination with the Ministries of Health, Education, and Social Affairs. The government collaborated with international organizations and NGOs to provide protective services to another 400 victims of child soldering. The provincial government in Ituri province identified 100 women in Djugu who traffickers used as sex slaves; the government was negotiating their release at the close of the reporting period. An NGO operating in Ituri province reported providing services to 1,305 victims of sexual violence, of which at least half were sex trafficking victims. As part of its national disarmament, demobilization, and reintegration plan, the government continued to cooperate with an international organization and NGOs to identify and remove child soldiers from armed groups operating in eastern DRC. Procedures were in place for referring child soldiers to an international organization for specialized care, which most but not

all of the children received. The government did not proactively identify victims among vulnerable groups, such as street children, women, and children exploited in commercial sex, and men, women, and children in artisanal mining, even though the scale of these problems was significant.

The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. The government provided victims housing for up to three months, family reunification for children separated from armed groups, and support for socio-economic integration of sexual violence victims; the government did not report the total number of children it provided with these services. The UN reported it provided some form of medical help to 1,169 children affected by conflict-related sexual violence, including sex trafficking victims. The government collaborated with NGOs to provide the vast majority of services to trafficking victims, which reported providing assistance to approximately 677 trafficking victims during the reporting period, including medical and psychological services, legal assistance, and reintegration services such as literacy and vocational training. The government also reportedly cooperated with the Government of the Republic of the Congo to address cross-border trafficking by preventing all unaccompanied minors from entering into the country.

Trafficking victims could file cases against their traffickers in civil courts, though few victims pursued this avenue because compensation for victims was rarely, if ever, paid. In November, one judge ordered the leader of an armed group and two accomplices to pay restitution to more than 300 victims of sexual enslavement and other crimes. Recognizing that the convicted men would not be able to pay the required amount, the judge ordered the government to pay the reparations; however, in the past the government also has not been able to pay restitution, and at the end of the reporting period this sum had not yet been dispersed. The government coordinated with MONUSCO to repatriate at least 18 children from foreign countries, including nine to Rwanda, four to Burundi, three to Uganda, and two to Zambia. The government reported it detained 111 children during the reporting period following separation from armed groups. The government alerted MONUSCO of children in their custody, and they were released, on average, within one week; however, in previous years, some victims were held as long as two years. Furthermore, the government typically holds these children in local detention cells, which suffered from overcrowding, lack of food and health services, and poor sanitation. Due to a lack of training on victim identification, the absence of measures to screen for trafficking among vulnerable populations, and the frequency of arbitrary arrest in the country, victims likely remained unidentified in the law enforcement system.

PREVENTION

The government increased efforts to prevent trafficking. In April 2019, the government stood up the APLTP, a national coordinating body embedded in the Office of the Presidency, composed of government officials, local NGOs, and international organizations that formulated, monitored, and evaluated government anti-trafficking policy. During the reporting period, the APLTP drafted and launched the government's first national anti-trafficking action plan, which will guide anti-trafficking efforts through 2024. The government did not allocate the resources necessary to implement all aspects of the action plan, and the APLTP was located on the outskirts of the capital, Kinshasa, which inhibited its ability to coordinate easily with key stakeholders. In May, the Minister of Labor temporarily closed 116 labor recruitment and placement agencies due to concerns of potential trafficking. In order to prevent predatory recruitment practices, the government fixed new conditions required to establish a labor recruitment and placement agency, including having a National Business Identification Certificate, a business license, and a tax ID number, as well as gaining official recognition by the Ministry of Labor. However, Congolese law does not criminalize fraudulent labor recruitment, thereby limiting the government's ability to penalize agencies for such actions.

The government continued efforts to prevent the recruitment and use of children into the FARDC. MONUSCO reported there were 601 confirmed cases of new child recruitment by armed groups, a continued decrease compared with 631 verified cases in 2018 and 1,049 verified cases in 2017. In collaboration with an international organization, the government's Joint Technical Working Group (JTWG) for implementing the UN National Action Plan to end child recruitment—which was comprised of government ministries, NGOs, and international organizations—continued to implement a national action plan to end the recruitment and use of child soldiers and remove them from armed groups. The UN documented 3,107 cases of children separated or escaped from armed groups in 2019, an increase from 2,253 children in 2018. The national-level JTWG, with locations in nearly every region, met monthly and, with collaboration from an international organization, held 19 workshops on age verification and the child solider action plan. In partnership with NGOs, the government screened new FARDC recruits to verify their ages; through the screening process, the government prevented more than 141 children from joining the FARDC in 2019. The FARDC continued to collaborate with the NDC-R, a proxy militia that recruited and used child soldiers, by tolerating the free movement of the group and their use of FARDC uniforms in North Kivu Province; observers reported that one colonel delivered weapons and ammunition to NDC-R. During the reporting period, however, the government facilitated the logistics to allow an international organization to successfully negotiate with 27 armed group commanders, which resulted in the voluntary release of 920 children by these commanders in 2019. All 27 commanders signed pledges renouncing future recruitment of children and requiring the release of children currently among their recruits. There are currently no measures to address the termination of these proxy relationships within the national action plan to end the recruitment and use of child soldiers.

In November, in collaboration with an international organization, the Ministry of Mines conducted a workshop to operationalize and implement the 2017 National Strategy to Combat Child Labor in the mining sector. The Ministry of Mines also signed two decrees, one related to artisanal mining of strategic minerals and the other to establish an authority to regulate and monitor these artisanal minerals. These decrees required the regulatory authority to ensure there is no presence of children and other vulnerable populations in the mine sites or in the strategic mineral supply chains. During the reporting period, the government continued its efforts, in cooperation with an international organization, to validate and certify artisanal mining sites in eastern DRC as conflict-free and child labor-free, bringing the total to at least 465 tantalum mines and 106 gold mines. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not provide anti-trafficking training for FARDC troops prior to their deployment abroad as part of international peacekeeping missions. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

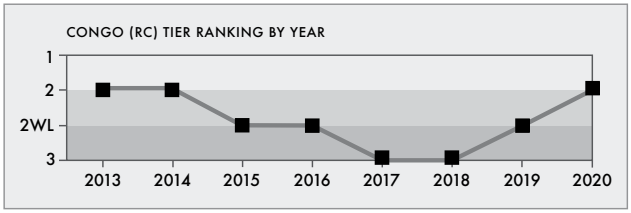
As reported over the past five years, human traffickers exploit domestic and foreign victims in DRC, and traffickers exploit victims from DRC abroad. Some traffickers were individuals or family members who promised victims or victims' families educational or employment opportunities but instead exploited trafficking victims by forcing them to work as domestic servants, street

vendors, gang members, or in commercial sex. Most trafficking is internal and involves forced labor in artisanal mining sites, agriculture, domestic servitude, or child recruitment by armed groups, or sex trafficking. In 2019, several armed groups continued to abduct and forcibly recruit Congolese men, women, and children as combatants and in support roles, such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; women and girls were forced to marry or serve as sex slaves for members of some armed groups. Traffickers forced children across the border into the Republic of the Congo where they were forced to commit theft. Child soldiers separated from armed groups and reintegrated into society remain vulnerable to re-recruitment, as adequate rehabilitation services did not exist for children suffering severe psychological trauma, and stigmatization may interfere with community reintegration. There were no confirmed cases of child soldier recruitment by the FARDC for the fifth consecutive year. The FARDC, however, continued to collaborate with proxy militias that recruited and used children in armed conflict. An international organization reported ongoing collaboration between the FARDC and NDC-R, which recruited at least 11 children until September of 2019. Collaboration included the provision of ammunition and uniforms by FARDC officials, NDC-R's free movement throughout their territory, and coordinating strategies and battlefield tactics against other armed groups.

Traffickers, including mining bosses, other miners, family members, government officials, and armed groups, exploit some men, women, and children working in artisanal mines in eastern DRC in forced labor, including through debt-based coercion. Traffickers subject some children to forced labor in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals. In January 2016, an international organization reported widespread abuse, including forced labor, of some children in artisanal cobalt mines in southern DRC; some children reported extremely long working hours and physical abuse by security guards employed by the state mining company. Children are also vulnerable to forced labor in small-scale agriculture, domestic work, street begging, vending, and portering. Children from the Republic of the Congo may transit through the DRC en route to Angola or South Africa, where traffickers may exploit them in domestic servitude. Some traffickers force Congolese women and girls into forced marriages where they are highly vulnerable to domestic servitude or sex trafficking. Congolese women and children migrate to other countries in Africa, the Middle East, and Europe, where traffickers exploit them in sex trafficking or forced labor in agriculture, diamond mines, or domestic service. Some traffickers may fraudulently recruit women and force them into domestic work abroad through false promises of education or employment opportunities.

CONGO, REPUBLIC OF THE: TIER 2

The Government of the Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Republic of Congo was upgraded to Tier 2. These efforts included enacting comprehensive anti-trafficking legislation and implementing regulations, increasing prosecutions of trafficking crimes, and increasing law enforcement cooperation with neighboring source countries. The government identified and assisted more trafficking victims and provided protective services to all identified victims. Law enforcement officers collaborated with an NGO in Pointe-Noire to identify and refer victims to care. The government's federal inter-ministerial committee met at least twice during the reporting period and conducted awareness-raising activities. However, the government did not meet the minimum standards in several key areas. The government did not convict a trafficker for the second consecutive year. It did not dedicate funding or other resources to the inter-ministerial committee, the coordinating committee in Pointe-Noire, or to NGOs that provided care to trafficking victims. The government did not proactively screen for trafficking among vulnerable populations. The lack of a current national action plan and a clear understanding of anti-trafficking laws among government officials continued to hinder countrywide efforts.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, and impose adequate penalties; fully investigate, and as required prosecute, allegations of officials complicit in trafficking. • Increase efforts to train officials on the implementing regulations to proactively identify victims, including by screening for trafficking indicators, especially among vulnerable populations, including child laborers, illegal immigrants, women and girls exploited in commercial sex, unaccompanied minors, North Korean workers, and indigenous persons. • Drastically improve the provision of protective services to trafficking victims to provide appropriate care to victims nationwide. • While respecting due process, expedite hearings and consider prosecuting trafficking cases in the low court. • Increase anti-trafficking training for all law enforcement, prosecutors, and judges. • Increase capacity to collect data on trafficking crimes. • Allocate a specific budget and adequate funding to the federal-level Inter-Ministerial Committee and the Pointe-Noire-based Anti-Trafficking Coordinating Committee. • Extend anti-trafficking efforts beyond Pointe-Noire and Brazzaville. • Update, finalize, and approve the national action plan to combat trafficking in persons. • Increase effectiveness of the anti-trafficking inter-ministerial committee to drive concrete national anti-trafficking efforts. • Further bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and the DRC. • Consider establishing an anti-trafficking law enforcement unit. • Conduct an awareness campaign on the 2019 anti-trafficking law. • Accede to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. In June 2019, the government enacted the 2019 Combating Trafficking in Persons Law, which criminalized sex trafficking and labor trafficking. The related provisions in Congolese criminal law prescribed penalties of five to 10 years' imprisonment, which are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other grave crimes, such as kidnapping.

The government initiated the investigation of six traffickers in 2019, the same number as in the prior year. The government reported prosecuting six individuals for labor trafficking under the anti-trafficking law and convicting zero suspected traffickers in 2019, compared with four prosecutions and zero convictions in 2018. An

NGO reported conducting investigations, in coordination with local law enforcement officers, into 15 additional trafficking cases during the reporting year; of these, the NGO repatriated some victims and reunified others with their families or community members and the government arrested eight potential traffickers. Traffickers active in the country frequently operated from elsewhere in West Africa, making Congolese prosecution difficult. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government investigated all reports of official complicity from prior years. Low-level corruption and limited intragovernmental coordination constrained the government's ability to investigate, prosecute, and convict suspected traffickers, inhibiting law enforcement action during the year. The court system was dysfunctional and many criminal cases continued to languish due to significant backlogs in the high court as a result of irregular court sessions, lack of centralized record keeping, and limited legal statistics. The government did not report the outcomes of any languishing cases, making it unclear if older cases were dismissed.

The government continued to include anti-trafficking training in the standard academy training for new police and immigration officers. In September 2019, the government hosted and provided in-kind support for international law enforcement experts who trained 31 officials from the Ministries of Interior, Justice, and Defense on interview techniques in trafficking cases. In October 2019, the government hosted and provided in-kind support for an international organization that trained 12 officials from the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs on the implementation of the 2000 UN TIP Protocol. The government regularly coordinated with source countries including Benin, the Democratic Republic of Congo (DRC), Gabon, and Cameroon to share law enforcement information. As a result of this regional cooperation, the government extradited an alleged trafficker to Gabon during the reporting period leading to his eventual prosecution. The government facilitated bilateral talks with the DRC and drafted bilateral recommendations to provide a framework for their cooperation on the issue.

PROTECTION

The government increased efforts to identify and assist victims. The government's February 2020 implementing regulations for the anti-trafficking law provided formal written procedures for proactive victim identification. In Pointe-Noire, the government continued to focus the majority of its efforts on West African children in forced labor, including those in domestic service. During the reporting period, the government identified at least nine trafficking victims, a slight increase from eight the prior year. Of these, eight were children and one was an adult foreign national. The government reported it provided eight victims with shelter, medical assistance, psycho-social services, including family and psychological counseling in Brazzaville, and education. In another case, the government facilitated and paid for the repatriation of a victim from Pointe-Noire to Benin. The Ministry of Social Affairs had a specific line item in their budget for victim protection and assistance, and during the reporting period, had a budget of $8,000 for such activities. An NGO identified an additional 10 victims, and law enforcement assisted in removing them from exploitation in some cases. Law enforcement would generally assist in removing the victim from the NGO-identified exploitative situation if the NGO could provide funding for transportation. Police did not report screening for indicators of sex trafficking. Instead, the government traditionally relied on NGOs and international organizations to assist with the identification, referral, assistance, investigation, and negotiation of compensation for the majority of victims.

The Trafficking in Persons Coordinating Committee in Pointe-Noire, which was responsible for assigning identified West African child trafficking victims to foster homes and conducting family tracing, did not report the number of trafficking victims referred to the five available foster families, but did report funding the foster homes during the reporting period. A local NGO also funded and referred child victims to foster families if repatriation, family integration, or local reinsertion options were unavailable. The government funded three public shelters that at-risk victims, including child trafficking victims, could access. The government provided the same availability of care to both national and foreign victims and provided temporary residency status to foreign trafficking victims during judicial proceedings. Foreign adult victims were provided a choice between repatriation to their country of origin or reintegration into the local community. Congolese law did not provide legal alternatives to the removal of victims to countries where they would face retribution or hardship.

PREVENTION

The government improved efforts to prevent trafficking. The government's federal inter-ministerial committee met at least twice during the reporting period and worked to increase coordination between ministries. At the department level in Pointe-Noire, the anti-trafficking coordinating committee also met at least twice but did not report concrete actions taken during the reporting period. The government did not have a current national action plan. The government conducted a public awareness campaign on radio and television, which focused on the anti-trafficking law, victim identification, trafficking indicators, and indigenous rights and protections, a group at high risk of trafficking. The government operated an emergency assistance line for victims of crime; however, it was unclear whether it received any calls to report trafficking specific crimes during the year. The government did not have effective laws or policies regulating labor recruiters. The government worked with officials from the Government of the DRC to address cross-border trafficking by preventing all unaccompanied minors from entering the country. The government has signed but has not acceded to the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

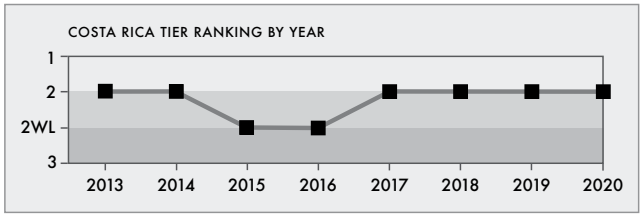
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Republic of the Congo, and traffickers exploit victims from the Republic of the Congo abroad. Forced labor involving adults and children continues to be a primary type of trafficking within Congo. Most trafficking victims in Congo originate from Benin and the DRC, and to a lesser extent from other neighboring countries. Traffickers exploit most foreign victims in forced labor in domestic service and market vending. Both adults and children are victims of sex trafficking in the Congo, with most exploited children between the ages of 9 and 11. Parents in foreign countries, mostly West African, sometimes send their children to Congo with the expectation that the child will send remittances or receive an education, but instead traffickers exploit the children in sex trafficking or forced labor.

Internal trafficking primarily involves recruitment from remote rural areas for exploitation in cities. Traffickers exploit the indigenous populations for forced labor in the agricultural sector; some reports suggest that some servitude might be hereditary. NGOs report that internal trafficking involves forced labor or exploitation of indigenous people by members of the majority Bantu community in remote areas. North Koreans working in the Republic of Congo may have been forced to work by the North Korean government.

COSTA RICA: TIER 2

The Government of Costa Rica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Costa Rica remained on Tier 2. These efforts included investigating and convicting more traffickers under the trafficking provision of the penal code, increasing victim identification, reducing the backlog of trafficking cases, and disbursing a greater percentage of the allotted anti-trafficking budget. However, the government did not meet the minimum standards in several key areas. Disbursement of government-funded resources to address trafficking still fell short of allocations and remained insufficient overall. Civil society organizations reported authorities did not consistently implement referral mechanisms in an effective or timely manner or in coordination with them.



PRIORITIZED RECOMMENDATIONS:

Increase victim identification and referral, particularly in coordination and collaboration with civil society. • Increase disbursement of funds for victim services and provide specialized shelter and services for trafficking victims in partnership with civil society organizations. • Fund and implement the judicial action plan to improve the investigation and prosecution of trafficking cases. • Intensify efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers. • Further reduce the backlog of trafficking cases in the judicial system. • Conduct thorough and transparent criminal investigations of alleged government complicity in trafficking offenses and prosecute, convict, and punish complicit officials. • Intensify efforts to investigate, prosecute, and convict child sex tourists and others who purchase commercial sex acts from child trafficking victims. • Provide increased anti-trafficking training for police, prosecutors, and judges. • Improve data collection on law enforcement and victim protection efforts. • Monitor and report the number of trafficking-related calls to existing hotlines.

PROSECUTION

The government maintained law enforcement efforts. Article 172 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of six to 10 years' imprisonment for offenses involving an adult victim, and eight to 16 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. In addition to Article 172, officials used trafficking-related offenses to prosecute trafficking cases, including aggravated pimping (Article 170) and coerced pimping (Article 171), both of which prescribed penalties ranging from two to 10 years' imprisonment. Article 189 criminalized forced labor or services and prescribed penalties of six to 10 years' imprisonment.

Costa Rica had two police forces involved in trafficking investigations—the Judicial Investigation Police (OIJ) and the Professional Migration Police. The Attorney General's Office supervised both investigative units. The Attorney General's Office reported investigating 69 cases total—43 sex trafficking cases and nine labor trafficking cases (Article 172), six cases of aggravated pimping (Article 170), and 11 cases of forced labor or services (Article 189)—compared to 74 cases in 2018 (45 cases under Article 172, 18 under Article 170, and 11 under Article 189). The government initiated prosecutions against seven accused traffickers and convicted 15 traffickers under articles 172, 189, and 170, compared to 12 traffickers prosecuted and 10 traffickers convicted in 2018. Traffickers received sentences ranging from nine to 45 years' imprisonment. In one case, judges sentenced a trafficker to 39 years' imprisonment on charges of sex trafficking, remunerated sex acts with a minor, and distribution of images depicting sex acts with minors. In another case, the court initially sentenced two traffickers to respective sentences of 300 and 19 years' imprisonment for child sex trafficking, but it significantly reduced the 300 years' sentence, and acquitted a third alleged trafficker. The government reported cases involving complicit officials but did not convict government employees complicit in human trafficking offenses. In one case, one of the five accused traffickers was a public official; the judge ruled her acts did not constitute trafficking, and she was convicted of a lesser charge of illicit receipt of goods. The government reported three previously reported cases involving complicit officials, one of whom awaited trial for trafficking crimes first investigated in 2011, remained ongoing. The government continued to investigate and prosecute individuals who paid child trafficking victims for commercial sex, resulting in four convictions in 2019, compared with 22 convictions in 2018 and three convictions in 2017; however, officials noted data was incomplete in previous years.

Prosecutors reduced, but did not eliminate, the backlog of criminal cases by convicting several traffickers in cases initiated during previous reporting periods. The Supreme Court had a judicial branch action plan, which prioritized capacity building and raising public awareness on how to identify trafficking, with a dedicated budget, but a funding technicality delayed implementation. The government provided anti-trafficking training to law enforcement, prosecutors, immigration officials, labor officials, educational professionals, and civil society members. The Attorney General's office collaborated with three foreign governments to build cases against two traffickers operating across national borders, and Costa Rican prosecutors supported foreign government officials' anti-trafficking casework

PROTECTION

The government maintained victim protection efforts. The government identified 35 trafficking victims (14 sex trafficking, 11 forced labor, two for both sex trafficking and forced labor, four for both domestic servitude and sexual exploitation, and four for sexual servitude) under the trafficking law, compared to 20 in 2018 and 34 in 2017. Of those victims exploited in sexual servitude, it was unclear whether the circumstances qualified as trafficking under international law. Nineteen of the victims were Costa Rican, 12 were Nicaraguan, one was Salvadoran, one was Venezuelan, one was Dominican, and one was Cuban. Through a specialized inter-institutional body, the Immediate Response Team (ERI), the government provided initial services to all 35 reported victims, as well as their dependents. The National Coalition against Illicit Smuggling and Trafficking of Migrants (CONATT) provided services to 48 victims, including those identified in 2019 and previous years, as did the Office of Attention and Protection of Crime Victims. The National Women's Institute (INAMU) provided care to 31 female victims of trafficking. It was unclear how many victims received services from more than one provider. Law enforcement and immigration authorities used written procedures for identifying victims among vulnerable groups, such as migrants

and individuals in prostitution, and referred identified victims to CONATT to coordinate service provision. Public officials used the "Institutional Protocol for the Care of Minors and Survivors of Trafficking in Persons" and the "Interagency Manual of Attention of Minors in Sexual Trafficking, Child Labor, and Dangerous Work" which established the steps officials must take when identifying a possible case of trafficking.

The government provides victims with access to healthcare providers, psychological services, legal counsel, financial aid, law enforcement liaison, and other services, including detoxification treatment, as required. CONATT coordinated emergency, short-term, and long-term assistance to victims. ERI, a CONATT commission, arranged short-term services for newly identified victims, including shelter, food, and medical care. CONATT favored housing victims in a network of safe houses but also managed an on-site emergency shelter dedicated to trafficking victims. The government also placed victims in a safe house operated by civil society, or a longer-term shelter for women and children. Authorities infrequently referred victims to NGO facilities. The government did not provide dedicated shelters to male trafficking victims, although the emergency shelter and safe houses could accommodate male victims, and the government worked to ensure male victims received adequate services. The government assisted minor victims through a dedicated network of shelters for minors and a government-funded NGO. Authorities had the discretion to refer victims to services on a case-by-case basis; not all victims received the same level of protection. Civil society organizations reported authorities did not always implement referral mechanisms in an effective or timely manner and recommended the government provide transportation for victims to institutions providing assistance. Through the National Anti-Trafficking in Persons and Smuggling of Migrants Fund (FONATT), the government reported 1.4 billion colones ($2.46 million) of anti-TIP expenditures in 2019. FONATT disbursed 172 million colones ($302,000) to provide services for identified victims, compared to 429.6 million colones ($754,000) to fund trafficking victim services in 2018 and 132 million colones ($232,000) in 2017. In 2019, the government reported there were additional expenses stemming from emergency service provision and initial contact and care for potential victims in 2019, but it could not specify the funds disbursed. The child welfare agency provided direct funding and a per-victim subsidy for identified victims to an NGO-run shelter for child victims. The government also directed 171.5 million colones ($301,100) to NGOs providing services to trafficking victims in 2019, compared to 160.3 million colones ($281,400) in 2018 and 97.4 million colones ($171,000) in 2017. Observers reported failure to disburse all of the allocated resources hindered the country's ability to address its trafficking problem, despite dedicated government resources to anti-trafficking efforts, including victim services. Costa Rican law allowed victims to obtain temporary residency status and work permits, leave the country, file civil suits against their traffickers, and provide testimony outside of court proceedings. Authorities granted some victims temporary residency status and work permits in 2019, but did not specify how many, compared to 10 victims in 2018. Victims could testify outside of court proceedings, but authorities did not report the number of victims who did so in 2019. The government facilitated the repatriation of two victims in 2019, compared to two in 2018.

PREVENTION

The government maintained prevention efforts. CONATT, chaired by the Migration Authority, integrated and coordinated anti-trafficking efforts among 22 public institutions, key NGOs, and international organizations, and maintained sub-commissions focused on attention to victims, prevention, justice, investigation and analysis, and project management. CONATT met periodically to review progress in the areas of research, protection, prevention, and prosecution; it presented a quarterly public report on its accomplishments. During the reporting period, CONATT drafted and approved a 2020-2030 national action plan with technical support from IOM, but the Government Council had not yet approved it. The government disbursed 171.5 million colones ($301,000) for prevention programming and 1.37 billion colones ($2.4 million) for other anti-trafficking events and projects in 2019. The government engaged in multiple awareness-raising programs, including advertisements, a binational fair and walk with Panama, workshops, symposia, and training for community and business leaders on how to identify and prevent trafficking. The government operated a hotline to receive confidential criminal complaints, but did not report the number of calls related to potential trafficking and pimping cases in 2019; there were approximately such 100 calls in 2018. The Judiciary Police also operated the 9-1-1 hotline available for general crime reporting but did not specifically report receiving trafficking calls through that mechanism. The government educated labor recruiters for international and domestic businesses about the consequences of violating the anti-trafficking regulations but did not report investigating or penalizing any labor recruiters for illegal practices that contribute to trafficking. The government raised awareness of child sex tourism, utilized a national tourism program that incorporated the international code of conduct related to commercial sexual exploitation in the travel and tourism industry, and provided training workshops on trafficking for tourists, tourism students, and sector employees. The government made efforts to reduce the demand for commercial sex acts. In addition to prosecuting and convicting individuals that paid child trafficking victims for commercial sex, the government made efforts to reduce the demand for participation in international sex tourism by working in collaboration with international partners to deny entry to 72 foreign-registered sex offenders who attempted to travel to Costa Rica as tourists in 2019.

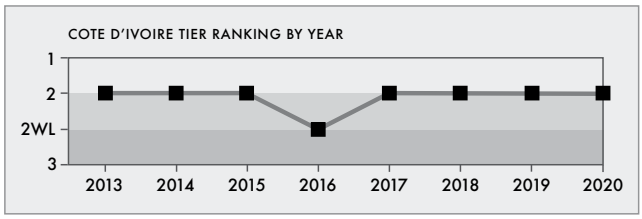
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Costa Rica, and traffickers exploit victims from Costa Rica abroad. Traffickers subject Costa Rican women and children to sex trafficking within the country, with those living in the Pacific coastal zones and near the northern and southern borders being particularly vulnerable. Authorities suspect adults use children to transport or sell drugs; some of these children may be trafficking victims. Traffickers exploit LGBTI persons, including transgender persons, in sex trafficking. Women and girls from Nicaragua, the Dominican Republic, and other Latin American countries have been identified in Costa Rica as victims of sex trafficking and domestic servitude. Traffickers subject migrant men, women, and children, primarily from Nicaragua, to forced labor in agriculture and domestic service or sex trafficking. Criminal organizations recruit and entice homeless individuals to smuggle contraband into prisons for the purpose of further criminal activity. Traffickers prey on migrants, some en route to the Unites States, from other Central American countries, the Caribbean, China, and South America. Indigenous Panamanians are vulnerable to forced labor in Costa Rica's agricultural sector. Child sex tourism is a serious problem, with child sex tourists arriving mostly from the United States and Europe.

COTE D'IVOIRE: TIER 2

The Government of Cote d'Ivoire does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Cote

d'Ivoire remained on Tier 2. These efforts included identifying and referring to care significantly more potential trafficking victims, including 189 forced labor victims in the cocoa sector; expanding law enforcement and victim protection coordination with the Government of Tunisia; and approving a new action plan to address child labor and trafficking. However, the government did not meet the minimum standards in several key areas. The government did not sentence more than half of the convicted traffickers to adequate prison terms. Shelter services for adult victims remained inadequate.



PRIORITIZED RECOMMENDATIONS:

Using the 2016 anti-trafficking law, vigorously investigate, prosecute, and convict traffickers following due process, including complicit officials, and apply significant prison terms as prescribed by law to those convicted. • Train law enforcement and judicial officials on how to identify, investigate, and prosecute trafficking cases under the 2016 anti-trafficking law, including the difference between pimping and sex trafficking. • Increase funding and in-kind resources, as feasible, for the police anti-trafficking units to investigate trafficking cases nationwide, and delineate responsibilities between the units. • Revise the existing procedures used to identify potential trafficking victims, to include adults and victims among vulnerable populations, and incorporate the changes into existing trainings. • Establish and train officials on a standardized victim referral mechanism for use across ministries to ensure all trafficking victims receive services. • Clearly delineate responsibilities for activities in the 2016-2020 anti-trafficking action plan and fund its implementation. • Increase funding to expand shelter and services for trafficking victims, including adults, and continue to establish victim shelters as indicated in the national action plan. • Ensure law enforcement respects the security of NGOs providing services to victims and enforce trafficking victims' right to receive care free from violence and intimidation. • Direct labor inspectors to inspect the informal sector for forced labor. • Actively monitor agencies and intermediaries that recruit Ivoirians for work abroad and investigate allegations of fraudulent recruitment. • Improve data collection on anti-trafficking efforts.

PROSECUTION

The government maintained law enforcement efforts. Law No.2016-111 on the Fight Against Trafficking in Persons criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and a fine of five million to 10 million West African CFA francs (FCFA) ($8,590 to $17,180) for adult trafficking, and 20 to 30 years' imprisonment and a fine of 10 million to 50 million FCFA ($17,180 to $85,910) for child trafficking. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2010 law remained the primary law used to prosecute child trafficking, and it criminalized child sex trafficking and labor trafficking with 10 to 20 years' imprisonment and a fine of five million to 20 million FCFA ($8,590 to $34,360). The government used penal code provisions on illegal mining and pimping to prosecute trafficking cases during the reporting period. The penal code prescribed penalties of one to five years' imprisonment and a fine of one million to 10 million FCFA ($1,720 to $17,180) for pimping and penalties of two to five years' imprisonment and a fine of 50 million to 100 million FCFA ($85,910 to $171,820) for illegal mining. These penalties were significantly lower than those prescribed under the trafficking law.

During the reporting period the government investigated at least 191 cases, prosecuted 35 alleged traffickers, and convicted 12 traffickers under trafficking laws and penal code provisions on illegal mining and pimping. The 2016 anti-trafficking law and related penal code provisions also criminalize the knowing solicitation and patronization of a sex trafficking victim; the government reported 16 investigations, 15 prosecutions, and 11 convictions of such cases. Of the 191 trafficking investigations, the government continued eight forced labor investigations from previous reporting periods and initiated 152 new investigations (23 sex trafficking cases and 160 forced labor cases). Of the 35 prosecutions, 11 were forced labor, 15 were sex trafficking, and nine were initiated in the previous reporting period. This was an overall decrease compared to 147 investigations, 56 prosecutions, and 47 convictions in the previous reporting period. Judges convicted most traffickers under the illegal mining and pimping articles in the penal code rather than under the 2016 anti-trafficking law. Five convicted traffickers received sentences of five to 10 years' imprisonment and a fine. However, seven of the 12 convicted traffickers received no prison sentence or a fully suspended sentence. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, official corruption and complicity in trafficking remained concerns. As an administrative sanction for unbecoming conduct, the military tribunal sentenced four gendarmes and military firefighters to 50 days in military jail in August 2019; they were alleged to have abducted a trafficking victim from an NGO shelter during the previous reporting period; the criminal investigation remained ongoing. In response to the high number of Ivoirian trafficking victims identified in Tunisia, the government launched a new partnership with the Tunisian government to facilitate law enforcement cooperation. During the reporting period, Ivoirian and Tunisian delegations met twice to exchange information on victim support and trafficking networks.

Limited funding and resources for law enforcement created serious gaps in the government's ability to address human trafficking. The Sub-Directorate in the Fight against Trafficking and Child Labor (SDLTEDJ, the Sub-Directorate, or anti-trafficking unit) bore primary responsibility for enforcing anti-trafficking laws and investigating cases throughout the country, although it only had staff in Abidjan. The gendarmes under the Ministry of Defense were responsible for investigations in rural areas where the Sub-Directorate was not present. Funding levels remained severely inadequate. Resource limitations also constrained the Brigade Mondaine—the unit responsible for investigating prostitution and sex trafficking—to Abidjan and a few regional precincts, rendering the two primary anti-trafficking units unable to cover much of the country. The Transnational Organized Crime Unit (UCT) had national jurisdiction over transnational organized crime, including a specialized human trafficking department. The Sub-Directorate had the mandate for child trafficking, UCT was responsible for transnational trafficking, and Brigade Mondaine covered sex trafficking; however, the units lacked coordination, and no unit had a clear responsibility for internal adult labor trafficking. Authorities outside Abidjan lacked training to identify and investigate trafficking. Some judges and prosecutors remained unaware of the 2016 law and continued to use the 2010 law and pimping statutes to prosecute trafficking cases, which carried lesser penalties. In coordination with a foreign donor and international organization, the government organized two training sessions for 29 magistrates and 15 police investigators on the 2016 anti-trafficking law.

PROTECTION

The government increased efforts to identify and protect victims. During the reporting period, the government reported victim identification statistics combining human trafficking, child labor, and broader child exploitation cases. The government identified 1,004 potential trafficking victims and child exploitation victims during the reporting period, a significant increase from 45 trafficking victims and 53 victims of child labor or child trafficking during the previous reporting period. Of these, the government identified 352 children, 652 adults, 312 Ivoirians, and 692 foreign trafficking victims. Of the 692 foreign victims, 300 were Beninese, 32 Burkinabe, 56 Nigerians, and 184 Togolese, while the remaining 120 were from Mali, Senegal, Niger, Ghana, Guinea-Bissau, Morocco, France, Cameroon, and Liberia. The government identified 137 children and 32 adults in forced labor in the cocoa sector and 14 Ivoirian child forced labor victims in weaving. Traffickers exploited at least 402 of the identified victims in sex trafficking.

While the government did not have formal mechanisms to proactively identify trafficking victims or refer trafficking victims to care, the UCT, Brigade Mondaine, and Sub-Directorate had operational procedures to refer victims to care. Government ministries lacked coordination, which in some cases hindered the provision of services. The government provided some forms of assistance to all 1,004 identified victims including shelter, medical care, or psycho-social assistance. The government referred 137 forced labor victims to an NGO shelter in Aboisso for care and 14 child forced labor victims to a government-run orphanage outside of Abidjan. Despite the lack of a formal referral mechanism, in practice officials referred trafficking victims to one of 90 government-run social centers for victims of abuse to receive psychological care and then to NGOs for shelter and further services. When necessary, the government used orphanages or its 36 special education centers to shelter women and child trafficking victims. The government partnered with an NGO to plan a shelter for child victims of exploitation in Ferkessedougou. During the reporting period, the government-run shelter for child victims of exploitation in Soubre assisted 107 children (65 girls and 42 boys). The government continued to provide in-kind support including clothing, food, and hygiene kits to NGOs where it referred the victims. Foreign and domestic victims reportedly had the same access to care. In some cases, the government depended on foreign victims' home embassies to provide shelter and care to sex trafficking victims prior to repatriation; the government referred 68 Nigerian trafficking victims to the Nigerian mission in Abidjan for care during the reporting period. NGOs reported that despite the provision of in-kind support, government support for victim protection and services remained inadequate and, in many cases. NGOs funded and provided the majority of victim care. The lack of services, especially for adults, and lack of reintegration assistance prevented some victims from accessing adequate services and rendered many victims vulnerable to re-victimization. The government collaborated with international organizations to facilitate the repatriation of 77 Ivoirian trafficking victims (61 women and 16 men) from Tunisia, Morocco, Kuwait, Turkey, Madagascar, and Comoros.

Ivoirian law required the government to provide protection and assistance to victims who participated in investigations or trials against their traffickers; the government did not report whether any victims received this assistance during the reporting period. In December 2018, the government approved a law protecting victim and witness testimony by establishing a bureau to coordinate victim-witness protection issues and develop a case management system for individuals; the decree to implement this law was not yet approved at the end of the reporting period. Trafficking victims could file civil suits against their traffickers, though, many victims were not aware of this option. The government did not report how many victims received damages following a civil suit during the reporting period. There were no reports the government detained, fined, or jailed victims for unlawful acts traffickers compelled them to commit; however, due to the lack of formal identification procedures for adult trafficking victims and victims among vulnerable populations, some may have remained unidentified within the law enforcement system.

PREVENTION

The government modestly increased efforts to prevent trafficking. The interagency Anti-Trafficking Committee led anti-trafficking prevention efforts, including implementation of the 2016-2020 anti-trafficking national action plan, with the assistance of foreign donors. The government did not allocate a budget to implement the national action plan in 2019, compared with allocating 2.2 billion FCFA ($3.78 million) in 2018. In June 2019, the government approved a 2019-2021 action plan to combat child labor and trafficking with a three-year budget of more than 76 billion FCFA ($130.6 million). The Oversight Committee to Combat Child Trafficking and the Worst Forms of Child Labor (CNS) and the Inter-Ministerial Committee in the Fight Against Child Trafficking, Child Exploitation, and Child Labor (CIM) continued to coordinate child labor and child trafficking efforts. CNS also oversaw CIM and conducted monitoring and evaluation activities. Several government ministries organized awareness-raising campaigns with input from trafficking survivors on child labor regulations and the 2016 anti-trafficking law. In July 2019, the government held an anti-trafficking awareness event with 600 participants from youth and women's associations, religious leaders, and traditional leaders. The government collaborated with foreign donors, the Government of Ghana, and international chocolate companies to review and discuss the findings of a draft report on child labor and child trafficking in the cocoa-producing areas of Cote d'Ivoire and Ghana. The labor code regulated labor recruitment and labor migration in the formal sector but did not extend to the informal sector, including domestic work, and traffickers exploited Ivoirian and other West African women in domestic servitude internally and abroad. In 2019, labor inspectors conducted limited inspections of the informal sector—where most children worked—but did not identify child forced labor cases through these inspections. The government continued to operate a hotline for child protection and human rights; however, the hotline was undergoing rehabilitation for technical repairs and upgrades during the reporting period. The government did not demonstrate efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

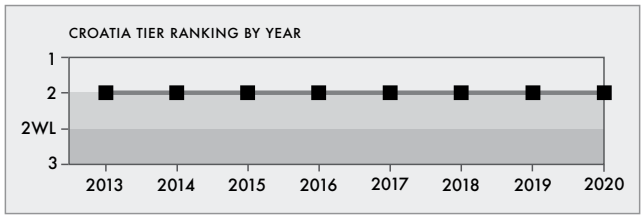
As reported over the past five years, human traffickers exploit domestic and foreign victims in Cote d'Ivoire, and traffickers exploit victims from Cote d'Ivoire abroad. The majority of identified victims are children; due to a stronger emphasis on combating internal child trafficking, the prevalence of adult trafficking may be underreported. Traffickers exploit some Ivoirian women and girls to forced labor in domestic service and restaurants and in sex trafficking. Traffickers also exploit Ivoirian boys in forced labor in the agricultural and service industries, especially cocoa production. West African boys, including Burkinabes, may be forced into labor in agriculture (on cocoa, coffee, pineapple, cashew, and rubber plantations and in animal herding) and in mining, carpentry, construction, and begging in Cote d'Ivoire. Traffickers often operate in well-established networks consisting of both Ivoirians and foreigners and, in cases of transnational trafficking, use social media, making networks difficult for law enforcement to detect. In 2018, authorities estimated there were more than 2,000 Ivoirian, Burkinabe, Malian, Nigerien, and

Senegalese *talibés* (students in Quranic schools) in northern and central Cote d'Ivoire and that corrupt teachers force many of them to beg. NGOs and officials report drug traffickers use children—some of whom may be forced—to sell and traffic drugs in restaurants and nightclubs. Some Beninese and Togolese workers migrate to Cote d'Ivoire for construction and carpentry work and bring children, whom they exploit in domestic servitude. Traffickers—commonly distant relatives—bring girls from rural Cote d'Ivoire and other West African countries to Abidjan ostensibly to go to school or receive professional training but subject them to domestic servitude. Ghanaian and Nigerian traffickers recruit women and girls from Ghana and Nigeria for waitressing jobs but subject them to sex trafficking in restaurants or massage parlors; some victims believe they are transiting Cote d'Ivoire en route to Europe. Nigerian traffickers increasingly exploit Nigerian women and girls in sex trafficking in Cote d'Ivoire's northern and western mining regions, including near gold mines in Tengrela. Nigerian traffickers bring Nigerian children to northern Cote d'Ivoire for domestic servitude. Nigerians transit Cote d'Ivoire en route to exploitation in sex trafficking in Asia, the United Arab Emirates, and North Africa. Chinese traffickers force Chinese women into commercial sex in Cote d'Ivoire.

Some Ivoirian community and religious leaders, possibly working in concert with others abroad, reportedly recruit Ivoirian women and girls for work in the Middle East and Europe. While much of this is for legitimate employment, some women and girls are subjected to forced labor in Europe, North Africa, and Gulf countries, primarily Saudi Arabia, Morocco, Lebanon, and Tunisia. Traffickers exploit men and boys in forced labor on farms in Tunisia, often promising the men well-paying jobs and the boys the opportunity to play soccer. Officials identified an uptick in Ivoirian migrants in Libya and Tunisia who were vulnerable to trafficking. Authorities also noted an increase in male trafficking victims among migrants to Europe over the previous year. Migrants commonly depart from Daloa and proceed via airplane to Tunisia, or overland via Mali and Algeria to Libya, or, to a lesser extent, via Niger to Libya. In Tunisia—specifically Sfax and Grand Tunis—intermediaries confiscate migrants' identity documents until they can pay for the next leg of their journey, creating vulnerabilities to trafficking. During the reporting period, the Tunisian government, NGOs, and international organizations identified approximately 1,470 Ivoirian potential trafficking victims in Tunisia, approximately 80 percent of the total trafficking victims identified in Tunisia. International organizations and Ivoirian law enforcement agencies reported Ivoirian migrant smuggling networks based in Tunisia increasingly became involved in trafficking as European governments blocked migration inflows and that these networks also coerced Ivoirians to engage in criminal acts including drug smuggling. Ivoirian irregular migrants in Algeria are vulnerable to trafficking due to their irregular status. During the previous reporting period, French authorities disbanded an Ivoirian trafficking network linked to Daloa that provided Ivoirian minors with fake documents and facilitated their travel to France through Libya and Italy. Kuwaiti employers increasingly recruit domestic workers from Cote d'Ivoire who may be vulnerable to domestic servitude in Kuwait. During the reporting period, Ivoirian trafficking victims were identified in Spain, Italy, and United Kingdom. Authorities previously identified Ivoirian female trafficking victims in Iraq, Israel, Cyprus, France, and Morocco.

CROATIA: TIER 2

The Government of Croatia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Croatia remained on Tier 2. These efforts included investigating and prosecuting more suspects and continuing proactive identification efforts. The government implemented robust awareness campaigns and civil society reported good cooperation with the Ministry of Interior (MOI) and the Ministry of Demography, Family, Youth and Social Policy (MDFYSP). However, the government did not meet the minimum standards in several key areas. The MOI denied reports of migrant abuse and asserted it conducted internal investigations related to all claims of abuse; however, civil society claimed the government did not consistently screen migrants and asylum-seekers to identify victims of trafficking and alleged that police abuse had a detrimental effect on cooperation between migrants and authorities that discouraged victims from self-identifying. Judges continued to issue lenient sentences, while some prosecutors lacked an understanding of trafficking and often prosecuted trafficking using other offenses with, at times, lesser sentences.



PRIORITIZED RECOMMENDATIONS:

Institutionalize and implement screening procedures for migrant flows, including asylum-seekers and unaccompanied minors. • Increase capacity and training to accurately screen for victims and consistently implement screening procedures for vulnerable populations, particularly migrants, refugees, asylum-seekers, seasonal workers, and Roma. • Vigorously investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Train judges at all levels of the judiciary to take the severity of trafficking into account when issuing sentences and sensitize judges on victim-centered approaches. • Allocate and disburse sufficient resources to NGOs participating in the mobile identification teams for their travel and training costs. • Establish procedures to ensure trafficking cases are handled by trained prosecutors and train prosecutors on victim-centered approaches. • Continue to encourage victims' participation in investigations and prosecutions by providing alternative methods to testify, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Further reduce the judiciary's backlog of cases, including trafficking cases.

PROSECUTION

The government maintained law enforcement efforts. Article 106 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of one to 15 years imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 19 cases with 31 suspects (seven cases involving 22 suspects in 2018). The government initiated the prosecution of 26 defendants in 13 cases (15 defendants in four cases in 2018). The government continued to prosecute 27 defendants in ongoing cases (33 defendants in ongoing cases in 2018). Courts convicted four traffickers (five in 2018); one for sex trafficking, one for labor trafficking, and two for forced criminality. Judges issued two traffickers an appealable sentence of two years imprisonment and two traffickers an appealable partially suspended sentence of two years and eight months, which required the traffickers to spend one year and three months imprisonment and the remainder on probation. Judges also

issued an appealable acquittal for six defendants and a final acquittal for two defendants. Court proceedings generally lasted years causing a substantial backlog of criminal cases, including trafficking cases dating as far back as 2013 and 2014.

Law enforcement personnel under the MOI conducted proactive investigations of commercial sex establishments and cooperated with the Ministry of Labor to jointly inspect 116 employers in the agriculture, construction, hospitality, and service industries; most inspections resulted in administrative labor violations involving contracts, permits, and salaries rather than labor trafficking prosecutions. Civil society representatives and government officials reported MOI officials accurately and consistently identified victims and noted good cooperation. The government did not have prosecutors who specialized in trafficking cases but did provide training and education on trafficking to some prosecutors. NGOs reported that the government did not consistently refer cases to prosecutors who have received such training. Judges and prosecutors lacked an understanding of trafficking and often prosecuted trafficking crimes using other offenses that entailed lesser sentences, such as prostitution, sexual abuse, and pandering. Similarly, some prosecutors qualified trafficking with offenses easier to prove to decrease their large caseloads. Prosecutors heavily relied on victim testimony and did not use special investigative measures to corroborate evidence, while judges continued to issue lenient sentences, often by liberally applying mitigating circumstances. The government maintained institutionalized training programs on various trafficking issues at the Police Academy, Police College, Judicial Academy, and Border Police Directorate. In addition, the government, in cooperation with NGOs and international organizations, trained police, border police, prosecutors, and judges. The government continued an international investigation with Slovenian authorities and signed extradition and mutual legal assistance agreements with the United States, although the agreements have not yet entered into force. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The government identified 25 victims (73 victims in 2018). Of these, 13 were victims of sex trafficking, three of labor trafficking, seven of forced criminality, one of both labor trafficking and forced criminality, and one of "imposing slavery" (60 of forced criminality, 10 of sex trafficking, three of labor trafficking, and one unknown in 2018); 16 were minors (two in 2018); 17 females and eight males (26 females and 46 males in 2018); and three foreign victims (62 in 2018). In 2019, the government conducted three large operations to screen for indicators of trafficking: in April police cooperated with the Ministry of Labor to screen 18,353 people and, 11,160 vehicles for indicators of forced labor; in June police screened 67,554 people, 62,077 vehicles, and 545 locations for indicators of child trafficking; and, in September police separately screened 99,742 people, 25,118 vehicles, and 474 locations for indicators of sex and child trafficking and forced criminality. These efforts led to the identification of one adult trafficking victim and one child victim. While the government reported increasing screening efforts in migrant populations, civil society and media reports continued to indicate government efforts to screen migrants and asylum-seekers, including unaccompanied children, were seriously lacking. International organizations criticized the government for violent pushbacks of illegal migrants, and civil society and media continued to report border police assaulted and harassed migrants. International and civil society organizations claimed these practices strongly discouraged victims from self-identifying or cooperating with authorities. The MOI denied reports of migrant abuse and reported it conducted internal investigations related to all claims of abuse.

A multi-disciplinary national referral mechanism provided standard operating procedures for identifying and referring victims to services. According to the national referral mechanism, first responders carried out the preliminary identification of potential victims and contacted one of four regional mobile teams consisting of social workers from a Center for Social Work and NGO representatives, who travelled to assess the potential adult victims in person and coordinated victim care and placement. For child victims, first responders contacted the MDFYSP, who dispatched a mobile team of specialized social workers. The MOI officially identified all victims in cooperation with first responders and the regional mobile team and with specialized police officers responsible for protection were called for potential child victims. Officials reported the mobile team for child victims functioned well, but NGOs participating in the mobile team for adults were financially burdened with travel and training costs. Observers reported difficulties in recruiting new NGO members into the mobile team due to the financial burden. In addition, the one-day training for new team members was inadequate to learn the complex process of identifying victims. The Office for Human Rights and Rights of National Minorities (OHRRNM) committed to paying travel costs for mobile teams but, according to participating NGOs, OHRRNM did not reimburse invoices in a timely manner, if at all.

The government and NGOs provided victims protection and assistance, including shelter, medical assistance, legal assistance, psycho-social support, rehabilitation, and reintegration services. The government funded two NGO-run shelters, one for adults and one providing specialized support for children, and the Center for Missing and Exploited Children provided a range of educational and psycho-social services for unaccompanied minors and exploited children, including child trafficking victims; these shelters accommodated two adults and three children (three adults in 2018). The government continued efforts in the implementation of foster care and away from using state child care institutions to mitigate traffickers targeting children in state orphanages. MDFYSP organized a foster family for three child victims (one in 2018) and appointed special caregivers for five children. MDFYSP organized trainings for foster families and special caregivers and required them to maintain a license but officials reported the need to increase the number of foster families and special caregivers to fully support the increasing number of child victims. Civil society organizations reported good cooperation with MDFYSP. The Croatian Employment Bureau appointed special coordinators in regional and branch offices, who assisted victims in finding employment and worked with businesses to employ victims. MDFYSP allocated 457,000 kunas ($70,420) to support the NGO-run shelter for adults, compared with 609,060 kunas ($93,850) in 2018, and 527,000 kunas ($81,200) for the NGO-run shelter for children, compared with 365,390 kunas ($56,300) in 2018.

The government did not report any cases of penalization of victims for unlawful acts traffickers compelled them to commit. Foreign victims had access to the same services as domestic victims, but foreign victims without work permits at the time of their exploitation could not receive compensation for lost wages. Foreign victims could receive a temporary residence permit after a 60-day reflection period for adults and 90 days for minors; government reported one victim in 2019 received a temporary stay based on humanitarian concerns (one in 2018). Seven out of the 15 county courts had Victim and Witness Support Offices (VWSO) that provided assistance during criminal proceedings, including requests to testify via video link, referrals to specialized institutions, legal and logistical assistance, and measures to prevent re-traumatization. The government funded a civil society network to provide legal and psychological assistance and logistical support in county courts without VWSOs. Observers

reported courts with VWSOs offered assistance consistently but the eight courts without a VWSO did not have the capacity or resources to provide victim-centered approaches. Some judges lacked sensitivity and an understanding of the impact of psychological trauma and required victims to provide statements or testimonies multiple times, causing re-traumatization. Children could provide testimonies to specialized professionals in child interview rooms, but observers reported, in one case, a judge required a minor to testify in court for seven hours. The law provided witness protection, but the government reported no victims entered witness protection in 2019. Authorities reported difficulties in encouraging victims to cooperate with investigations, particularly sex trafficking cases or cases involving potential foreign victims. Experts reported judges rejected claims for restitution in criminal cases and recommended victims request compensation or file a civil suit. Judges in civil courts were sometimes better positioned to assess emotional pain, but civil suits were expensive, lengthy, and required victims to re-testify about their exploitation, causing re-traumatization.

PREVENTION

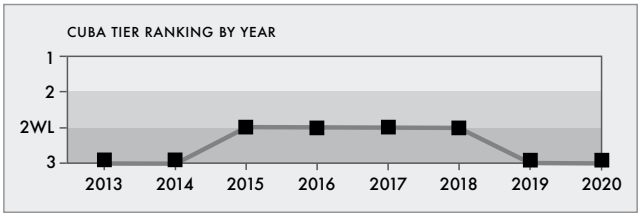
The government increased prevention efforts. OHRRNM served as the secretariat for the senior-level national coordinating committee; the national committee met once in 2019. The committee's working-level operational team held monthly meetings and monitored the implementation of the 2018-2021 national action plan; however, observers reported OHRRNM exhibited a general lack of attention to anti-trafficking efforts. The government monitored its anti-trafficking efforts, produced annual reports, and posted information on ministries' websites. MDFYSP allocated 250,000 kunas ($38,520) for awareness campaigns and solicited project proposals from civil society. OHRRNM reported spending 93,304 kunas ($14,380) on services for trafficking victims, including funding for the NGO-run hotline. Observers reported the NGO-run hotline operated only from 10:00 a.m. to 6:00 p.m. due to inadequate financial support; the hotline received 474 calls, leading to four investigations (280 calls leading to four investigations in 2018). The MOI operated a specific unit for crime prevention, including trafficking, and OHRRNM organized roundtables on combating child trafficking. The government held awareness campaigns targeting students and teachers, distributed informative materials and continued to organize awareness-raising events for NGOs, government officials, and workers from the tourism industry. The government made efforts to reduce the demand for commercial sex acts, including by continuing to distribute materials from the "If You Are a Man, You Will Not Buy a Woman" campaign.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Croatia, and traffickers exploit victims from Croatia abroad. Women and girls from the Balkans and Central Europe are exploited in sex trafficking in Croatia. Traffickers exploit Croatian women and girls in sex trafficking within the country and elsewhere in Europe. Although there were no official reports this year of traffickers exploiting marginalized Romani children in forced begging in Croatia, this was reported in previous years. Traffickers exploit Croatian, Bosnian, and Romanian women and increasingly Afghan, Filipino, Pakistani Taiwanese, and Thai men in forced labor in the Croatian agricultural sector. Migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied minors. In 2018, Taiwanese women and men were exploited in forced labor and forced criminality in an illegal call center

CUBA: TIER 3

The Government of Cuba does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Cuba remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including some examples of investigating, prosecuting, and convicting sex traffickers and sex tourists, and identifying and providing assistance to victims. However, during the reporting period there was a government policy or government pattern to profit from labor export programs with strong indications of forced labor, particularly its foreign medical missions program. The government refused to improve the transparency of the program or address labor and trafficking concerns despite persistent allegations from observers, former participants, and foreign governments of Cuban officials' involvement in abuses. The government failed to inform participants of the terms of their contracts, which varied from country to country, confiscated their documents and salaries, and threatened participants and their family members if participants left the program. Within Cuba, the government lacked procedures to proactively identify forced labor victims, lacked a comprehensive package of housing and services for victims, and did not protect potential trafficking victims from being detained or charged for unlawful acts their traffickers coerced them to commit. The government did not criminalize all forms of forced labor or sex trafficking.



PRIORITIZED RECOMMENDATIONS:

Ensure state-run labor export programs such as foreign medical missions comply with international labor standards or end them—specifically ensure participants receive fair wages, fully paid into bank accounts the workers can personally control; ensure participants retain control of their passports, contracts, and academic credentials; ensure a work environment safe from violence, harassment, and intrusive surveillance; and ensure participants have freedom of movement including to leave the program or refuse an assignment without penalties such as being threatened, imprisoned, harmed, or banned from returning to Cuba. • Draft a comprehensive anti-trafficking law that criminalizes all forms of trafficking, including an explicit prohibition of labor trafficking, and which ensures that the use of force, fraud, or coercion is considered an essential element of adult trafficking. • Vigorously investigate and prosecute both sex trafficking and forced labor offenses. • Implement formal policies and procedures on the identification of all trafficking victims and their referral to appropriate services, and train officials, including first responders, in their use. • Proactively identify trafficking victims, including among vulnerable populations. • Adopt policies and programs that provide trafficking-specific, specialized assistance for male, female, and LGBTI trafficking victims. • Screen individuals charged or detained for prostitution-related offenses for sex trafficking and refer victims to care providers. • Train those responsible for enforcing the labor code to screen for trafficking indicators and educate all Cuban workers about trafficking indicators and where to report trafficking-related violations. • Establish a permanent inter-ministerial anti-trafficking committee. • Create a new national

anti-trafficking action plan in partnership with international organizations for the period beyond 2020. • Provide specialized training on trafficking indicators for hotline staff and interpretation for non-Spanish speakers.

PROSECUTION

The government made some law enforcement efforts to combat sex trafficking but made no efforts to address forced labor; rather, some Cuban government officials in the Ministry of Justice were complicit in state labor export schemes by prosecuting people who abandoned labor export schemes due to abuses within the programs. The Cuban penal code criminalized some forms of sex trafficking and labor trafficking. Article 302 ("procuring and trafficking in persons") criminalized inducing another person to engage in prostitution, or cooperating, promoting, or benefiting from such an act, and prescribed penalties of four to 10 years' imprisonment. These penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. Article 310 ("corruption of minors") criminalized the use of a person under the age of 16 for sexual purposes and prescribed penalties of seven to 15 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 312 ("corruption of minors") criminalized the use of a person under the age of 16 for begging and prescribed penalties of two to five years' imprisonment or a fine; these penalties were sufficiently stringent. Article 316 ("sale and trafficking of minors") criminalized the sale or illegal adoption of a person under the age of 16 for "international trafficking relating to corrupting or pornographic conduct, the practice of prostitution, trade in organs, forced labor, or activities linked to narcotics trafficking or illicit drug use," and prescribed penalties of seven to 15 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes such as rape. Inconsistent with international law, these provisions defined a minor as under the age of 16 instead of under the age of 18. Provisions relating to adult and child trafficking did not explicitly criminalize the acts of recruitment, transport, and receipt of persons for these purposes. Cuban law did not explicitly prohibit labor trafficking as defined in international law. The government has not made efforts to amend the criminal code to address trafficking in international law.

In December 2019, the government published official data for calendar year 2018 on prosecutions and convictions, the most recent data available. The government's annual report is the primary source of information on its efforts. The government suppresses independent domestic sources. Some international independent sources provide information on efforts. The government investigated fifteen cases of potential human trafficking. Authorities reported 15 prosecutions, which included four cases involving sex trafficking, and 24 convictions (20 for sex trafficking, one for forced child labor, and three for selling or patronizing the sale and trafficking of a minor). This compared to 20 prosecutions in 2017, 21 in 2016 and 10 in 2015, and 20 convictions in 2017, 39 in 2016 and 17 in 2015. From available data, the average sentence was 7.1 years' imprisonment, compared to 9.2 years in 2017, 10.5 years in 2016, and 12 years in 2015. In addition, some traffickers received sentences of three to five years of forced labor; one case involved three years' probation. INTERPOL identified 10 Cubans wanted for trafficking activities (six by Ecuador and four by Cuba). The government reported that it dismantled eight criminal networks that involved sexual exploitation, arresting one Turkish citizen and twelve Cubans. Authorities imprisoned five foreign nationals for purchasing sex from child sex trafficking victims from Italy, Serbia, India, France, and the Netherlands; this compared to eight foreign nationals imprisoned for child sex trafficking the previous reporting period. The Cuban government organized and sponsored trainings for law enforcement officers, prosecutors, and judges. The government reported providing law enforcement information to the Government of Peru regarding a Peruvian citizen suspected of sexual exploitation. The government increased cooperation with the Canadian Royal Mounted Police on identifying sex tourists. The government maintained more than 20 bilateral cooperation agreements or memoranda of understanding with 15 other countries that included trafficking; the government did not provide information on the results of these agreements. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking, despite persistent allegations officials threatened and coerced some participants in the foreign medical missions to remain in the program.

PROTECTION

The government decreased efforts to identify and protect sex trafficking victims. Authorities identified 25 victims in 2018, compared to 24 victims in 2017, 27 victims in 2016, and 11 victims in 2015. The government reported that all victims received psychological, legal, educational, and vocational assistance, and all victims assisted with law enforcement efforts. The government reported having procedures to proactively identify and refer sex trafficking victims; however, the government lacked formal procedures to identify victims in police raids and many victims self-reported. The government did not report having procedures to identify victims of forced labor and no information was available about the number of labor inspectors. Government-organized NGOs, such as the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution, could identify and refer trafficking victims to state authorities and provide victim services including psychological treatment, health care, skills training, and assistance in finding employment. The FMC continued to receive funding from international organizations and operated centers for women and families nationwide to assist individuals harmed by violence, including victims of sex trafficking. Observers, however, noted that these organizations did not have the capacity to help trafficking victims. Observers also commented despite existing social services that victims may be able to access, the government did not offer a comprehensive or specialized package of services or housing. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for adult male or LGBTI victims.

The government funded child protection centers and guidance centers for women and families, which served all crime victims, including some trafficking victims. These centers had the ability to screen cases, make referrals to law enforcement, assist with arranging cooperation with law enforcement in preparation for prosecution, and provide victim services. The attorney general created a special Family Protection and Jurisdictional Issues Directorate in 2016 to provide specialized attention to child victims of crime and violence, including trafficking, but did not report whether it provided services to children in 2017 or 2018. Independent members of civil society lament that the government's protection efforts and limited information on the scope of sex trafficking and forced labor in Cuba were deficient and subject to virtually no credible independent monitoring by NGOs and international organizations. Police encouraged child sex trafficking victims younger than the age of 16 to assist in prosecutions of traffickers by gathering testimony through psychologist-led videotaped interviewing, usually removing the need for children to appear in court. Observers reported law enforcement did not proactively screen for indicators of trafficking as police may have detained individuals in commercial

sex or charged them with crimes such as "social dangerousness," thereby potentially penalizing some victims for unlawful acts their traffickers coerced them to commit. Cuban law permitted courts to order restitution be paid to victims, but the government did not report any such orders in 2018. The government did not identify any foreign trafficking victims in Cuba in 2018.

PREVENTION

The government made minimal efforts to prevent sex trafficking but did not make any efforts to prevent forced labor. The government reported it continued to implement its national anti-trafficking action plan for 2017-2020, which included some efforts to prevent trafficking, protect victims, investigate and prosecute traffickers, and promote international cooperation. The plan required the government to establish indicators to assess progress and an overall assessment in 2020, but such indicators were not made public. The government published its annual report of anti-trafficking efforts in January 2020, covering 2019. Although the government has conducted research on the trafficking problem in Cuba, it has not made public any of these studies. International observers noted challenges in coordination across the government, but the government did not report whether it had established a permanent interagency committee. The Ministry of Justice led an informal working group to combat trafficking comprising various ministries and law enforcement. As in prior years, the government held training sessions for government employees, teachers and school administrators, tourist industry employees, and parents on prevention and detection of trafficking. The government and the FMC continued to operate a 24-hour telephone line for individuals needing legal assistance, including sex trafficking victims; none of the 19,192 calls to this hotline were in reference to trafficking in persons.

State media continued to produce newspaper articles and television and radio programs, including a new public service announcement, to raise public awareness about sex trafficking. The FMC raised public awareness through workshops and training with government officials, social workers, educators, and students, and the distribution of materials explaining trafficking and risks associated with it; however, there were not publicly available materials that showed the effectiveness or impact of these programs. Authorities maintained an office within the Ministry of Tourism charged with monitoring Cuba's image as a tourism destination, combating sex tourism, and addressing the demand for commercial sex acts. The Ministry of Tourism also reported training law enforcement officials assigned to the tourism sector to identify cases during inspections of state-owned hotels and tourist facilities; the government reported that this resulted in 39 tips, of which five resulted in cases referred to the Ministry of Interior for human trafficking. However, during official inspections of state-owned hotels and tourist facilities, the government reported that none of its 2,439 inspections involved human trafficking. The ministry monitored foreign tour companies and travel agencies, whose employees may be held accountable for marketing the country as a sex tourism destination or for trafficking offenses. The government did not report efforts to reduce its nationals' participation in child sex tourism. The Ministry of Labor and Social Security offered training to labor inspectors to detect trafficking, but the ministry did not identify forced labor among the 1,573 labor violations in 2017. The government reported taking steps to identify and prevent young people who might be vulnerable to traffickers from traveling abroad. Observers noted that the government failed to monitor and combat forced labor in their own supply chains. The government did not implement policies to prohibit force, fraud, or coercion by foreign labor recruiters and state-owned or controlled enterprises in recruiting and retaining employees, despite persistent allegations Cuban officials threatened and coerced some participants to remain in the foreign medical mission program. The government did not explain international labor standards to members of their labor export schemes working in conditions which might be considered trafficking. The Cuban government is not known to maintain labor attachés abroad, nor to coordinate with other governments to ensure safe and responsible recruitment of Cuban laborers. Observers noted that the government prohibited freedom of movement of its citizens internally or abroad, rendering them without a way to legally migrate, making them more vulnerable to trafficking.

TRAFFICKING PROFILE

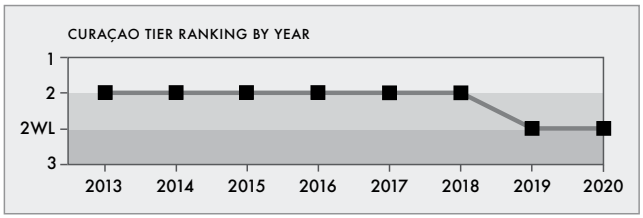
As reported over the past five years, human traffickers exploit domestic and foreign victims in Cuba, and traffickers exploit victims from Cuba abroad. Human trafficking concerns in Cuba fall under two broad categories: sex trafficking and forced labor, and government-sponsored labor export programs. Sex trafficking and sex tourism, including child victims, occur within Cuba. Traffickers exploit Cuban citizens in sex trafficking and forced labor in South America, the Caribbean, Asia, Africa, Mediterranean region, and the United States. Traffickers exploit foreign nationals from Africa and Asia in sex trafficking and forced labor in Cuba to pay off travel debts. The government identified children, young women, elderly and disabled persons as being the most vulnerable to trafficking. Experts raised concerns about Cuba's LGBTI population and its vulnerability to sex trafficking and the increasing vulnerability of Cuban economic migrants, including cases of professional baseball players, to labor and sex trafficking. The government uses some high school students in rural areas to harvest crops and does not pay them for their work but claims this work is voluntary.

International observers and former participants reported government officials force or coerce individuals to participate and remain in the Cuban government's labor export programs, particularly the foreign medical missions program, managed by the Unidad Central de Cooperación Médica and Ministry of Health. The government has not taken action to address its exploitative and coercive policies in these missions, which are clear indicators of human trafficking. According to statements from government officials, the government employed between 34,000-50,000 healthcare professionals in more than 60 countries in Africa, the Americas, Asia, the Middle East, and Europe in foreign medical missions through contracts with foreign governments and, in some countries, with international organizations serving as intermediaries or providing funds for their work. According to the government, 75 percent of their exported workforce are medical professionals. Experts estimated the Cuban government collected $6 billion to $8 billion annually from its export of services, namely foreign medical missions program. The government has stated the postings are voluntary, and some participants also have stated the postings are voluntary and better-paid compared to low paying jobs within Cuba, where basic wages for a doctor are $55 a month. However, observers report the government does not inform participants of the terms of their contracts or allow them to retain a copy of said contract, heightening their risk of forced labor. Workers receive only a portion of their salary ranging from five to 25 percent, and these funds are retained in Cuban bank accounts which are relinquished if the participant leaves the program. The Cuban government acknowledges that it withholds passports of overseas medical personnel in Venezuela; the government provided identification cards to such personnel. Many Cuban medical personnel claim they work long hours without rest and face substandard and dangerous working and living conditions in some countries, including a lack of hygienic conditions and privacy, and are forced to falsify medical records. In 2019, at least six Cuban medical professionals died, two more were kidnapped, and others have been sexually assaulted. Many medical professionals reported being sexually abused by their supervisors. Observers note Cuban

authorities coerced some participants to remain in the program, including by: withholding their passports and medical credentials; restricting their movement; using "minders" to conduct surveillance of participants outside of work; threatening to revoke their license to practice medicine in Cuba; retaliate against their family members in Cuba if participants leave the program; or impose criminal penalties, exile, and family separation if participants do not return to Cuba as directed by government supervisors. In early 2020, the Cuban government sent more medical professionals to assist countries to respond to the global COVID-19 pandemic under unclear financial arrangements.

CURAÇAO: TIER 2 WATCH LIST[†]

The Government of Curaçao does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting and convicting more traffickers, including a complicit official. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities identified fewer victims and, in practice, continued to condition victims' access to services on cooperation with law enforcement in the case against their traffickers. The government deported potential victims, including Venezuelans, who did not immediately choose to cooperate with law enforcement or did not self-identify as victims, and did so without consideration of possible abuse in the country of origin. Officials conflated trafficking in persons with smuggling, hindering the effectiveness of prosecution, prevention, and protection efforts. Therefore Curaçao remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Provide potential victims, including those who choose not to cooperate with law enforcement in the case against their traffickers, with services and legal alternatives to deportation, especially where victims face harm or abuse in their home country. • Amend the national action plan to allow assistance provision to victims even when they choose not to cooperate with law enforcement in the case against their traffickers. • Amend existing legislation to prescribe penalties for sex trafficking offenses to be commensurate with penalties prescribed for other serious crimes, such as rape. • Provide training to detention center staff on victim identification procedures and routinely screen detained migrants for potential trafficking indicators. • Refer victims to care services where they can begin rehabilitation before requiring commitment to assist a criminal investigation. • Vigorously prosecute and convict traffickers, including complicit officials, sentencing them to significant prison terms. • Increase proactive victim identification among vulnerable populations, such as migrants and individuals in commercial sex. • Reduce the financial barrier inhibiting victims' access to work permits to incentivize them to stay and assist law enforcement. • Disseminate standard operating procedures for victim identification and referral to law enforcement and detention facility staff and train officials on their use. • Provide specialized care and assistance for trafficking victims, including male victims. • Allocate sufficient resources for anti-trafficking efforts, including protection services and funding for full implementation of the national anti-trafficking action plan. • Produce targeted resources and provide training for local officials to conduct outreach to vulnerable communities through awareness campaigns on workers' rights, trafficking indicators, and available resources.

PROSECUTION

The government increased prosecution efforts. Article 2:239 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to nine years' imprisonment or a fifth category fine of up to $56,000 for offenses involving a victim 16 years of age or older, and up to 12 years' imprisonment or a fine for those involving a victim younger than 16. These penalties were sufficiently stringent; however, with respect to sex trafficking these penalties were not commensurate with those prescribed for other serious crimes, such as rape.

Authorities initiated one investigation in 2019, compared with four in 2018. Officials reported one additional active investigation from 2018. The government prosecuted four traffickers in one case in 2019, compared with zero prosecutions in 2018, and reported six ongoing prosecutions related to two cases from previous years. Judges convicted six traffickers in two cases during the reporting period, compared with zero in 2018, prescribing sentences ranging from nine months to two years' imprisonment. The courts convicted one of these traffickers in absentia after he failed to appear for trial. Three sex traffickers had their sentences reduced through appeal or commutation, which weakened the deterrent effect of their convictions. The government reported two cases involving complicit officials, both policemen. A judge convicted and sentenced one complicit official to 12 months' imprisonment for sex trafficking; the other was detained and awaited prosecution at the conclusion of the reporting period. Law enforcement officials participated in a training on trafficking in persons hosted by the Netherlands government. The government also collaborated with the University of Curaçao to provide trafficking trainings. The Curaçao government remained committed to a 2015 agreement to conduct a minimum of four trafficking investigations a year, despite a lack of personnel. The government continued to address human trafficking and smuggling with the same resources and procedures, frequently prosecuting traffickers with smuggling; officials often conflated the two crimes in point of fact.

PROTECTION

The government further decreased its inadequate protection efforts. In 2019, there was a considerable population of displaced Venezuelans who had overstayed visas and were working illegally in Curaçao. The government claimed the large number of displaced Venezuelans who had overstayed visas and were working illegally in Curaçao constrained law enforcement and likely affected efforts to combat trafficking; yet, Venezuelans, as a group, were at particular risk of trafficking. Authorities identified three victims in 2019, foreign nationals exploited in sex trafficking, compared with 44 victims (16 victims of sex trafficking, 10 victims of labor trafficking, and 18 both sex and labor trafficking) in 2018 and five in 2017. Officials interviewed other women working alongside the three identified victims and concluded they were not victims of sex or labor trafficking. In practice, assistance for victims was contingent upon cooperation with law enforcement efforts to

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

prosecute traffickers. The government's procedures stipulated it should provide standard services to these victims, including shelter, meals, medical attention, and psychological services. Even so, these services were often difficult to obtain and some were funded by international organizations. The government issued temporary residence permits and arranged housing for all three victims. Officials continued to provide services to 12 previously identified victims, including facilitating the temporary return of two victims to their country of origin for a medical procedure. Victims who were in the country illegally and did not choose to participate in trials against their traffickers were at risk of deportation. Through a separate administrative process, victims were eligible to apply for temporary work permits; however, many victims could not afford the cost.

Front-line responders used standard operating procedures on victim identification and referral; however, it was unclear if staff at migrant detention centers received training on their use. Despite the vulnerability of unauthorized migrants to trafficking, the government did not report any routine screening of this at-risk population. The government did not operate any specialized shelters for trafficking victims; however, authorities provided some funding to NGOs and international organizations to assist victims in need of shelter and other services. NGOs could house a limited number of female trafficking victims in shelters for victims of domestic violence; victims' movements were restricted if authorities deemed their safety was at risk. When existing shelter facilities reached maximum capacity, the government placed victims in short-term government-funded apartments. Foreign victims were entitled to similar care as domestic victims, but did not have access to publicly funded medical insurance. The government referred child victims of trafficking to guardianship councils for placement in boarding school or foster care; the government did not report how many children it identified or assisted. Authorities reported difficulty arranging housing for male victims due to budget constraints; there were no known shelters for male victims. The government detained and deported potential victims who were in the country illegally, including Venezuelan nationals.

PREVENTION

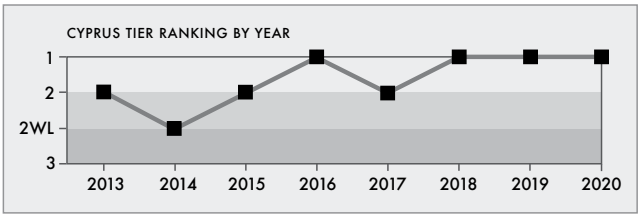
The government maintained insufficient prevention efforts. The government continued to use the 2017-2021 national action plan but had only partially allocated funds to cover its implementation. The government continued an awareness campaign meant to dissuade potential trafficking victims, including Venezuelan women, from traveling to Curaçao to work in bars and dance venues where they were vulnerable to sex trafficking. The government operated a victim assistance hotline but did not receive any trafficking tips during the reporting period. The government continued to regulate the open-air brothel Campo Alegre, and it kept an official registry of individuals working there. The government provided routine medical screenings, residency permits, and work permits for these individuals. The government made efforts to reduce demand for commercial sex acts, including through a public awareness campaign informing purchasers of potential sex trafficking amongst the women employed in Curacaoan bars.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Curaçao. Undocumented migrants, especially the growing population of Venezuelan nationals, are vulnerable to sex and labor trafficking. Traffickers exploit Curaçaoan and foreign women and girls, mainly Dominicans and Venezuelans, in sex trafficking, as well as migrant workers from other Caribbean countries, South America, China, and India in forced labor in construction, domestic servitude, landscaping, minimarkets, retail, and restaurants. Venezuelan migrants are vulnerable to exploitation by Spanish-speakers purporting to offer employment assistance in Curaçao.

CYPRUS: TIER 1

The Government of the Republic of Cyprus fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Cyprus remained on Tier 1. These efforts included amending laws to strengthen prosecution efforts, such as significantly increasing prescribed penalties for trafficking, strengthening the criminalization of the demand for sex trafficking, and enabling police to wiretap telephone communication of suspected traffickers with an approved court warrant. The government increased resources for the government-run trafficking shelter and NGO-run transitional housing for sex trafficking victims. The government, in consultation with NGOs, drafted and adopted the 2019-2021 national action plan. The Ombudsman produced three public reports on the government's anti-trafficking policies, two of them in response to civil society concerns. Although the government meets the minimum standards, it identified fewer victims, it investigated and prosecuted fewer suspects, and courts did not convict any perpetrators for sex trafficking or forced labor under their trafficking law in 2019 or 2018. Court proceedings lasted years, and foreign victims and witnesses often returned to their countries of origin, resulting in lenient sentences for related crimes. The police anti-trafficking unit (ATU) lacked sufficient resources to thoroughly investigate all referrals of potential victims. Social Welfare Services (SWS) lacked training to accurately identify victims; as a result, SWS did not respond in a timely manner to referrals of potential trafficking victims and failed to refer all potential victims to ATU for official identification procedures. Victims continued to face delays in receiving financial assistance.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Law 60(I) and sentence convicted traffickers to significant prison terms. • Strengthen coordination between police and prosecutors during trafficking investigations. • Reduce delays in providing victim assistance, including access to health care, rental disbursements, and financial assistance. • Train government personnel, particularly SWS officials, on victim identification, assistance, and referral. • Allocate sufficient resources to enable the anti-trafficking unit to effectively investigate all offenses. • Proactively identify victims among vulnerable populations, including migrants and agricultural workers. • Reduce delays in court proceedings. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. • Improve victim-centered investigations and prosecutions and implement witness protection measures when necessary. • Implement recommendations made by the Ombudsman and other entities that monitor and evaluate anti-trafficking policies and efforts.

PROSECUTION

The government maintained law enforcement efforts. The government adopted Law 117(I)/2019 in July, which amended Law 60(I)/2014 that criminalized sex trafficking and labor trafficking. Law 117(I)/2019 increased prescribed penalties from up to 10 years' imprisonment for offenses involving an adult victim to 25 years' imprisonment. Additionally, the law increased prescribed penalties for offenses involving a child victim from up to 20 years' imprisonment to up to life imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape.

The police investigated 24 suspected traffickers (32 in 2018); 13 suspects for sex trafficking, four suspects for forced labor, and seven suspects for both sex trafficking and forced labor (26 suspects and a company for sex trafficking and six for forced labor, including four for forced begging in 2018). The police also investigated 11 suspects for forced marriage (eight suspects in 2018), which authorities considered to be trafficking under their law. The government prosecuted 16 defendants (30 in 2018); nine defendants for sex trafficking and seven for both sex trafficking and forced labor (27 defendants and two companies for sex trafficking and three defendants for forced labor in 2018). The government also prosecuted three defendants for "soliciting or patronizing a sex trafficking victim" (none in 2018) and eight defendants for forced marriage (16 in 2018). The government continued to prosecute 86 defendants; 44 defendants for sex trafficking, 38 for forced labor, and four for both sex trafficking and forced labor. Courts did not convict any traffickers for sex trafficking or forced labor under their trafficking law in 2019 or 2018. Courts convicted four perpetrators prosecuted under the trafficking law with lesser offenses, including living off of the proceeds of prostitution, failing to pay taxes, illegal possession of tax-free products, providing false information to a police officer, and illegal possession of goods (three perpetrators in 2018). Judges sentenced one perpetrator to three months' imprisonment, another to three months' imprisonment with a fine of €17,910 ($20,130). Two others received fines of €800 ($900) and €500 ($560). OSCE reported cases relied heavily on victim and witness testimonies without additional corroborating evidence and court proceedings lasted up to three years. Foreign victims and witnesses often returned to their countries of origin, resulting in lenient sentences and downgraded cases, and acquittals of suspects on trafficking charges due to a lack of evidence.

The Ministry of Justice and Public Order maintained an ATU, which conducted proactive investigations. Observers reported that inadequate ATU staffing limited the number of investigations. In 2018, the ATU reported that the absence of legislation allowing the use of electronic surveillance hampered its ability to collect sufficient evidence and corroborate victim and witness testimonies; however, the government amended the law, enabling police to wiretap telephone communication of suspects, including traffickers, with a court warrant and other approvals. Observers reported local police, particularly in rural areas, tolerated practices that were indicators of forced labor, including withholding salaries and confiscating travel documents. In September 2018, the ATU and the Internal Affairs Unit arrested and prosecuted four immigration police officers on suspicion of aiding a criminal network involved in trafficking; the case was still pending trial. The Police Academy continued to train police officers on trafficking issues, including new recruits, immigration police, and community police. The government, separately and with technical assistance from international organizations, the U.S. government, and NGOs, trained judges and police officers on various anti-trafficking issues. The government continued joint investigations with British, Cameroonian, and Polish authorities and participated in a EUROPOL operation. The government executed three international investigations related to trafficking, one from Poland and two from Romania and issued European arrest warrants for two Bulgarian nationals and international arrest warrants for an Indian national and a Pakistani national for trafficking.

PROTECTION

The government maintained victim protection efforts. The government identified 24 victims (31 victims in 2018); eight were sex trafficking victims, 11 victims of both sex trafficking and forced labor, and five victims of forced labor, including one of forced begging (21 victims of sex trafficking, eight victims of both sex trafficking and forced labor, and two victims of forced labor in 2018); 21 were female and two were male (25 female victims and one male victim in 2018); and one was a child victim (none in 2018). The government also identified four victims of forced marriage (five in 2018), which authorities considered to be trafficking under their law. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures for identifying and referring victims to services, including an operational manual and written guidance for first responders. The government updated the operational manual to include guidelines for child victims. The NRM required first responders to conduct preliminary identification of potential victims and refer potential victims to SWS. The police conducted proactive identification efforts, particularly in apartments, pubs, and agricultural establishments, but observers reported the ATU lacked sufficient resources to effectively investigate all referrals of potential victims, including among asylum-seekers. SWS officers provided potential victims with information and notified the ATU, who officially identified victims.

The government approved a standardized form for referrals to SWS; however, OSCE and civil society representatives reported SWS lacked training to accurately identify victims. As a result, SWS did not respond in a timely manner to referrals of potential trafficking victims and failed to refer all potential victims to ATU for official identification procedures. Additionally, SWS lacked capacity to maintain contact with potential victims, according to OSCE and other civil society representatives, who noted some potential victims did not have access to adequate accommodations and financial assistance. SWS assigned an on-call officer outside of working hours and on weekends to provide emergency accommodation and financial support to potential victims, but observers noted the NRM was not fully functional on weekends and the on-call SWS officer did not deem potential trafficking cases an emergency. While experts reported cooperation generally improved with SWS in the referral process, it depended largely on the individual SWS officer assigned to the case. The ATU interviewed 246 potential victims referred by SWS (111 in 2018); referral statistics for 2019 were incomplete, but the government referred at least 117 potential victims, NGOs referred 79, and three self-identified (the government referred 74 potential victims, NGOs referred 37 potential victims in 2018). The government established a permanent screening system for newly arrived asylum-seekers, and observers reported identification of potential victims among asylum-seekers improved compared to previous years; the government and NGOs referred 172 asylum-seekers as potential victims (48 in 2018). Observers reported the ATU identification process lacked transparency and some interviews were not victim-centered, while authorities reported using internal identification manuals based on international standards and guidelines. Specialized personnel in the police anti-trafficking unit, including a forensic psychologist, conducted interviews with potential and identified victims before taking an official statement. The process of identifying victims exploited prior to arriving in Cyprus lasted several months, according to observers, who said police and SWS did not keep potential victims informed about the status of their cases. The government, at

times in cooperation with an international organization, trained social welfare officers and asylum officers on victim identification and assistance.

The government allocated €337,970 ($379,740) to operate the SWS-run shelter, compared to €280,000 ($314,610) in 2018. This amount did not include salaries for the SWS-run shelter staff. The government allocated €168,980 ($189,870), compared with €213,420 ($239,800) in 2018, for rent allowances and financial assistance to trafficking victims through a public benefit scheme known as Guaranteed Minimum Income. In addition, the government allocated €30,000 ($33,710) for emergency rent and assistance to cover urgent needs, compared with €25,000 ($28,090) in 2018. SWS evaluated the needs of victims and potential victims and referred them to the appropriate government agencies and NGOs for assistance. SWS operated a specialized shelter for female sex trafficking victims with the capacity to accommodate 15 victims; the SWS-run shelter accommodated 53 official and potential victims (69 in 2018). Victims may stay for one month or longer, as appropriate, in the shelter for a reflection period. The SWS-run shelter allowed adult victims to leave the shelter voluntarily after an assessment conducted by the ATU. The government maintained a memorandum of cooperation with an NGO to manage transitional housing for female sex trafficking victims, which accommodated sex trafficking victims searching for permanent residence after leaving the state-run shelter, and to provide longer-term accommodation for female victims in apartments. The government allocated €147,000 ($165,170) to the NGO, compared with €62,000 ($69,660) in 2018. The government also provided a rent subsidy and a monthly allowance for all victims and partnered with NGOs to provide apartments for male victims; however, victims experienced delays in rent disbursements resulting in the eviction of one victim and landlords' threats of eviction for other victims in 2018.

The law entitled victims to psycho-social services, health care, translation and interpretation services, education, vocational training, and financial assistance. The government trained health care professionals on the mental health care for sex trafficking victims, and all staff at the government-run shelter participated in monthly training sessions from Ministry of Health clinical psychologists. The government maintained a children's house to provide education, placement into foster homes, and specialized medical and psycho-social care for child victims of sexual abuse and exploitation, including trafficking. Observers reported good quality of service at the government-run shelter, health care services, and labor offices; however, victims continued to rely heavily on NGOs to help navigate cumbersome SWS procedures to access support services. In previous years, the government streamlined the process for providing financial support to victims and prioritized public benefit applications from trafficking victims; however, observers reported victims still waited approximately four months to receive benefits with no retroactive payments. Victims received emergency financial assistance in cases of delayed distribution of monthly allowances, but the amount was insufficient to cover basic necessities. Observers reported victims were unable to register with the new government-run General Healthcare System (GESY) due to a technical issue. To mitigate the spread of COVID-19, in March the government began requiring referrals from GESY-registered personal doctors for individuals to get treatment at state hospitals, which observers said prevented victims from accessing health care. Employment counselors trained to handle sensitive cases sought suitable employment for each victim. Employment counselors helped 10 victims find employment during the reporting period.

The government and civil society did not report any cases of penalization of victims for unlawful acts traffickers compelled them to commit. The government voluntarily repatriated or granted residence permits and work authorization to foreign victims, including those who decided after their reflection period not to cooperate with the police. The government extended the residence and work permit for 10 victims (six victims in 2018) and granted asylum to one victim (two in 2018). All 24 identified victims assisted law enforcement in investigations (27 in 2018). The government permitted victims to leave Cyprus and return for trial, and police remained in contact with victims while they were abroad; one victim left Cyprus and returned to testify in trial (none in 2018). However, victims and witnesses often left the country and did not return before trial due to long delays, hindering prosecution efforts. The law entitled victims to witness protection through a request made by the police to the Attorney General; no requests were made in 2019 or 2018. Police officers escorted victims to court proceedings and the law allowed courts closed-door trials, a partition to separate victims from their traffickers, remote testimony, and the use of video-recorded testimonies for child victims; however, courts used none of the methods in 2019 or 2018. Prosecutors did not seek restitution in criminal cases, but the law allowed victims to pursue compensation through civil suits or through the victim compensation fund; authorities approved two of the three applications from victims for legal aid to pursue compensation (10 victims applied for legal aid in 2018).

PREVENTION

The government increased prevention efforts. The Multidisciplinary Coordinating Group (MCG) to combat trafficking, comprising relevant government agencies and NGOs, met three times (twice in 2018) and drafted and adopted the 2019-2021 national action plan. An MCG working group also met to improve coordination between NGOs and SWS to provide victim assistance. The Ombudsman produced two public reports on the government's anti-trafficking policies in response to civil society concerns. One report concluded government services did not fully implement provisions of the victim protection law because authorities did not renew some victims' residence permits. The report also recommended measures to ensure victims received assistance; civil society filed a complaint stating authorities had not fully implemented the Ombudsman's recommendations. A second complaint identified staffing shortages at the SWS-run shelter, which the government had resolved, according to civil society. The Ombudsman produced another report identifying vulnerabilities among domestic workers, including a weak legal framework, a sponsorship system that ties the domestic worker to an employer, and withholding of travel documents—and recommended revising employment contracts, increasing labor inspections, and implementing stronger mechanisms to identify victims. In response to the Ombudsman's report on domestic workers, the government lifted the maximum period of residence (previously six years) and considered additional changes, including revising the employment contract.

The Ministry of Labor (MOL) inspected 136 employment agencies (128 in 2018) and revoked the licenses of 14 employment agencies (six in 2018). The MOL also imposed a fine on four employment agencies for failing to maintain required records (one in 2018), and police separately investigated one employment agency for trafficking-related offenses (one in 2018). The Ministry of Interior maintained a contract for employment of domestic workers and defined the process by which the employee or the employer could terminate the contract. In addition, the contract set a €310 ($350) minimum salary for domestic workers and required employers to be responsible for accommodation, medical insurance, meals, visa fees, travel expenses, and repatriation ticket. The government made efforts to reduce the demand for commercial sex acts, including by strengthening the criminalization of the demand and purchase of commercial sex from a trafficking victim. The government did not operate a hotline.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cyprus. Foreign victims identified in Cyprus in 2019 were from Bulgaria, Cameroon, Czechia, Greece, India, Nepal, Nigeria, Romania, Sri Lanka, Ukraine, and Vietnam. In previous years, victims were also from China, Ethiopia, The Gambia, Latvia, Moldova, Russia, and Uzbekistan. Traffickers subject women, primarily from Eastern Europe, South and Southeast Asia, and sub-Saharan Africa, to sex trafficking. Sex trafficking occurs in private apartments and hotels; on the street; and in bars, pubs, coffee shops, massage parlors, and cabarets known for the availability of commercial sex. Traffickers exploit short-term tourist visas available to Ukrainian and Russian nationals to recruit young women for sex trafficking in bars and private establishments and recruit some female sex trafficking victims with false promises of marriage or work as barmaids or hostesses. Traffickers subject foreign migrant workers—primarily from South and Southeast Asia—to forced labor in agriculture. Employment agencies recruit and exploit migrant workers who enter the country on short-term work permits in labor trafficking; after the permits expire, traffickers use debt-based coercion, threats, and withholding of pay and documents. Domestic workers from India, Nepal, the Philippines, and Sri Lanka are vulnerable to forced labor. Traffickers subject asylum-seekers from Southeast Asia, Africa, and Eastern Europe to forced labor in agriculture and domestic work. Unaccompanied children, children of migrants, Roma, and asylum-seekers are especially vulnerable to sex trafficking and forced labor. Romani children are vulnerable to forced begging. Traffickers exploit Cypriots addicted to drugs and young women with disabilities to commit criminal offenses such as distributing illegal substances and committing welfare benefits fraud.

AREA ADMINISTERED BY TURKISH CYPRIOTS

The northern area of Cyprus is administered by Turkish Cypriots. In 1983, the Turkish Cypriots proclaimed the area the independent "Turkish Republic of Northern Cyprus" ("TRNC"). The United States does not recognize the "TRNC," nor does any other country except Turkey. If the "TRNC" were to be assigned a formal ranking in this report, it would be Tier 3. Turkish Cypriot authorities do not fully meet the minimum standards for the elimination of trafficking and are not making significant efforts to do so. However, in March "Parliament" amended the "TRNC criminal code" to include trafficking for the first time, and "Parliament" also passed the 2000 UN TIP Protocol in April 2018. Turkish Cypriot authorities did not keep statistics on police efforts to combat trafficking. The "Nightclubs and Similar Places of Entertainment Law of 2000" stipulated nightclubs may only provide entertainment such as dance performances; however, Turkish Cypriot authorities rarely enforced this "law," and observers said commercial sex, including forced prostitution, commonly occurred in nightclubs. Local press reported that police at times enforced prostitution-related offenses, including forced prostitution, which occurred outside of nightclubs during the year. Turkish Cypriot authorities prosecuted a suspect for forcing two women into prostitution and convicted two perpetrators for "encouraging and forcing a woman into prostitution." Labor "laws" continued to be inadequately enforced, according to observers, and charging high recruitment fees, confiscating passports, and withholding salaries were common practices. Turkish Cypriot authorities made no significant efforts to punish labor recruiters or brokers involved in the recruitment of workers through knowingly fraudulent employment offers or excessive fees for migration or job placement.

The area administered by Turkish Cypriots lacked shelters and social, economic, and psychological services for victims. Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts; police did not receive training to identify victims; and authorities provided no protection to victims. Police confiscated passports of foreign women working in nightclubs and issued them identity cards, reportedly to protect them from abuse by nightclub owners who confiscated passports. Observers reported women preferred to keep their passports, but police convinced them to render passports to avoid deportation. Foreign victims who voiced discontent about the treatment they received were routinely deported. The "government" reportedly allowed trafficking victims serving as material witnesses against a former employer to find new employment and reside in temporary accommodation arranged by the police, but experts reported women were accommodated at nightclubs. Turkish Cypriot authorities did not encourage victims to assist in prosecutions against traffickers and deported all foreign victims.

Between April 2019 and January 2020, "TRNC" authorities issued 942 six-month "hostess" and "barmaid" "work permits" for individuals working in nightclubs and pubs known for the availability of commercial sex and potential sex trafficking, which operated in the north (1,605 in 2018). As of January 2020, there were 310 women working under such "permits" (319 as of March 2019). Nightclub owners hired female college students to bypass the cap on the number of employees legally permitted in each club and to avoid taxes and monitoring. Most permit holders came from Belarus, Moldova, Morocco, Russia, and Ukraine, while others came from Armenia, Azerbaijan, Kazakhstan, Kenya, Kyrgyzstan, Paraguay, Tajikistan, Tanzania, Turkmenistan and Uzbekistan. Observers have alleged that some "parliament" members were among the nightclubs' clientele. Women were not permitted to change location once under contract with a nightclub, and Turkish Cypriot authorities deported 581 women (638 in 2018) who curtailed their contracts without screening for trafficking. "Authorities" deported female nightclub workers who sought help with complaints regarding their working conditions (40 in 2018), also without screening for trafficking. "TRNC" did not provide the number of work permits issued to domestic workers (3,143 in 2018). The "law" prohibited living off the earnings of prostitution or encouraging prostitution, but nightclub bodyguards accompanied female nightclub employees to their weekly health checks for sexually transmitted infections, ensuring the women did not share details about potential exploitation in commercial sex with police or doctors in order to facilitate continued illegal activity. The "law" that governed nightclubs prohibited foreign women from living at their place of employment; however, most women lived in dormitories adjacent to the nightclubs or in other accommodations arranged by the owner, a common indicator of trafficking.

The "Nightclub Commission," composed of police and "government officials" who regulate nightclubs, prepared brochures on employee rights and distributed them to foreign women upon entry. The "Nightclub Commission" met monthly and made recommendations to the "Ministry of Interior" regarding operating licenses, changes to employee quotas, and the need for intervention at a particular establishment. The "Nightclub Commission" reportedly inspected approximately five nightclubs every two weeks and followed up on complaints; however, in practice, inspections focused on the sanitation of kitchens, and interviews with women working in nightclubs always took place in front of nightclub bodyguards or staff, preventing potential trafficking victims from speaking freely. Turkish Cypriots made no efforts to reduce demand for commercial sex acts. The "Social Services Department" in the "Ministry of Labor" continued to run a hotline for trafficking victims; however, it was inadequately staffed and not always operational. An expert reported trafficking victims were afraid to call the hotline because they believed it was linked to authorities.

As reported over the past five years, human traffickers exploit domestic and foreign victims in the "TNRC." Traffickers exploit

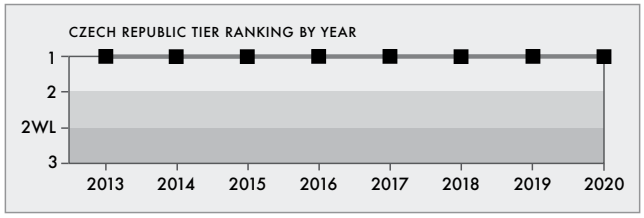
women from Central Asia, Eastern Europe, and Africa in sex trafficking in nightclubs licensed and regulated by Turkish Cypriot authorities. Nightclubs provide a source of tax revenue for the Turkish Cypriot administration; media reports in 2015 estimated nightclub owners paid between 20 million and 30 million Turkish lira ($3.4 million and $5.04 million) in taxes annually. This presents a conflict of interest and a deterrent to increase political will to combat trafficking. Men and women are exploited in forced labor in the industrial, construction, agriculture, domestic work, restaurant, and retail sectors. Traffickers control victims of forced labor through debt-based coercion, threats of deportation, restriction of movement, and inhumane living and working conditions. Labor trafficking victims originate from Eastern Europe, sub-Saharan Africa, Central Asia, and South and Southeast Asia. Migrants, especially those who cross into the area administered by Turkish Cypriots after their work permits in the Republic of Cyprus have expired, are vulnerable to labor trafficking. Romani children and Turkish seasonal workers and their families are also vulnerable to labor exploitation and trafficking. Foreign university students, many of whom were recruited with false promises of scholarships, free housing, and employment, are vulnerable to both sex and labor trafficking; students who drop out of school or engage in irregular work, many from sub-Saharan African countries, were particularly vulnerable. As in previous years, observers reported that a number of women, some of whom may be trafficking victims, entered the "TRNC" on three-month tourist or student visas and engaged in commercial sex in apartments in north Nicosia, Kyrenia, and Famagusta. Migrants, asylum-seekers, LGBTI persons, refugees, and their children are also at risk for sexual exploitation.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers and sentence convicted traffickers to significant prison terms. • Screen for trafficking victims, including in nightclubs and pubs. • Increase transparency in the regulation of nightclubs and promote awareness among clients and the public about force, fraud, and coercion used to compel commercial sex. • Open a shelter and provide funding to NGO care services for the protection of victims. • Investigate, prosecute, and convict "officials" complicit in trafficking. • Provide alternatives to deportation for victims of trafficking. • Acknowledge and take steps to address conditions of forced labor, including among domestic workers.

CZECH REPUBLIC: TIER 1

The Government of the Czech Republic fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore the Czech Republic remained on Tier 1. These efforts included investigating and prosecuting more traffickers, issuing significant prison terms to most convicted traffickers, providing comprehensive care for victims, and beginning to draft a new national strategy to guide the government's anti-trafficking efforts. Although the government meets the minimum standards, it did not effectively screen vulnerable populations for trafficking and did not adequately identify domestic or foreign victims. The government had an official program to provide services to victims but did not maintain comprehensive victim identification and assistance statistics. Judges and prosecutors continued to enforce the trafficking law unevenly and may have prosecuted trafficking crimes under the pimping statute, which historically resulted in no prison time for the majority of convicted offenders under that statute. Collaboration between labor inspectors and police was inconsistent in victim identification efforts.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to effectively screen vulnerable populations to identify domestic and foreign victims and refer them to services. • Vigorously investigate and prosecute suspected offenders of both sex and labor trafficking using the anti-trafficking statute, and sentence convicted traffickers to significant prison terms. • Improve and reform law enforcement data collection efforts, including by disaggregating sex and labor trafficking case data, and comprehensively report victim data, particularly on victims who do not participate in the Ministry of Interior (MOI) program. • Streamline identification procedures and specialized crisis and long-term case management, including for children. • Increase training for prosecutors and judges on the severity of the crime and on applying the anti-trafficking statute to protect victims and ensure convictions result in significant sentences. • Train a wider range of prosecutors and judges on recognizing subtle forms of coercion and on the irrelevance of a victim's initial consent when proving a trafficking crime and utilize victim protection programs for trafficking victims. • Continue training first responders, including labor inspectors, police, and state contracting officers, on sex and labor trafficking victim identification criteria and on evolving trends in labor trafficking. • Enhance collaboration between the labor inspectorate and police in order to effectively identify potential labor trafficking cases. • Finish drafting and enact the 2020-2023 national strategy. • Improve victims' ability to access court-ordered restitution in criminal cases and compensation through civil proceedings.

PROSECUTION

The government increased law enforcement efforts. Section 168 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of two to 10 years' imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government may have prosecuted some sex trafficking offenses as pimping crimes under Section 189 of the criminal code and prescribed penalties ranging from imprisonment of six months to four years, a ban on business activities, or a sentence of forfeiture of property. These penalties were significantly lower than the penalties prescribed under Section 168.

In 2019, police initiated 20 trafficking investigations involving 24 suspects (13 investigations involving 15 suspects in 2018). Authorities prosecuted 21 defendants under Section 168 (18 in 2018 and 16 in 2017). Courts convicted nine traffickers—all for either sex trafficking or for both sex and labor trafficking (16 convictions, all for sex trafficking, in 2018 and nine for sex and labor trafficking in 2017); all perpetrators were Czech. Courts sentenced one trafficker to four years' imprisonment and seven traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentence of one additional convicted trafficker. Additionally, a regional court convicted five traffickers in November 2019, three for trafficking and two for related charges of extortion and pimping, following an investigation into a Czech trafficking ring in the United Kingdom involving both sex and labor trafficking. The three convicted of trafficking received sentences of six, nine, and 18 years, respectively, while the two

convicted of extortion and pimping received sentences of 18 and 24 months, respectively. The judgment and sentences were subject to appeal at the end of the reporting period. Police investigated 37 cases (34 in 2018) of pimping; it was not clear whether any of these cases involved sex trafficking crimes. The government seized 2.6 million koruna ($117,300) in assets from suspected traffickers, compared with 26,000 koruna ($1,170) in 2018. Authorities collaborated with foreign governments on three ongoing transnational investigations, which resulted in 15 arrests, eight prosecutions, five convictions, and 20 victims identified in either the Czech Republic or the United Kingdom. A liaison police officer assigned to the Czech Embassy in London collaborated closely with host government officials on several trafficking cases involving Czech citizens and often trained and assisted consular officers in screening for trafficking indicators among Czech citizen services applicants.

The Trafficking in Human Beings Division (THBD) was the lead investigative agency for trafficking within the national police and oversaw trafficking cases involving organized crime; regional police were responsible for smaller-scale cases. The Supreme Prosecution Office's specialized prosecutor for trafficking and domestic violence oversaw specialized trafficking prosecutors in the regional prosecutorial offices. Regional police directorates generally chose to devote their limited resources to fighting other types of crime, especially crimes deemed easier to solve and achieve a conviction. Law enforcement officials said they more easily identified sex trafficking cases than labor trafficking cases. Judges and prosecutors noted it was difficult to prove that some instances of labor trafficking were more than cases of simple fraud, as traffickers often used subtle coercive practices. Observers reported prosecutors and judges pursued trafficking cases unevenly, at least in part due to lack of familiarity with the elements of the crime; GRETA noted Article 168 does not explicitly state the irrelevance of the victim's initial consent to the subsequent exploitation, which may lead to uneven implementation of the law. The THBD provided training for police officers, migration officials, minority liaison officers, prosecutors, and labor inspectors; the Judicial Academy held biannual trainings for prosecutors and judges. Experts reported inconsistent collaboration between regional police and labor inspectors, as well as a need for enhanced training for inspectors on labor trafficking indicators. In November 2019, the labor inspectorate organized a training in collaboration with the THBD for labor inspectors that included discussions of best practices for cooperation between police and labor inspectors. The national labor inspectorate conducted 8,532 inspections and identified 4,342 illegally employed persons (4,580 in 2018), but it did not identify any trafficking victims. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The MOI's Program of Support and Protection of Victims of Trafficking in Human Beings (the Program) remained the only official source of data on victim identification and protection; the government did not officially recognize victims who did not participate in the Program. Police data collection focused on perpetrators rather than victims; an overly broad definition of a victim according to police regulations further hindered data accuracy. In 2019, 15 new victims (11 men and four women) entered the Program, a decrease from 17 in 2018 and 24 in 2017. Of the victims in the program, six were from the Philippines, one was from Slovakia, and eight were Czech citizens. Police referred 11 victims and NGOs referred four victims. In 2019, government-funded NGOs provided services or other support to 259 victims or potential victims, a significant increase from 180 in 2018 and 137 in 2017. The MOI distributed a manual that described trafficking indicators among vulnerable populations to assist government officials in identifying victims. The agency also developed a card-sized version to distribute to regional police; however, observers noted the manual lacked a clear systematic procedure for identifying victims or referring them to the correct services. NGOs reported concern about potential trafficking victims in custody going unidentified, which may have led to the penalization of victims for unlawful acts traffickers compelled them to commit. While the government made some effort to identify foreign victims of labor trafficking among the increasing number of illegally employed foreigners from non-EU countries, observers noted there were persistent weaknesses.

The Program provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services to officially recognized foreign and Czech adult victims of sex and labor trafficking regardless of their immigration status. The MOI provided funding and administrative oversight and selected one NGO to be the primary implementing partner and to manage sub-contracts to other NGOs for additional specialized services. Program-funded shelters, however, often lacked the capacity to house victims with children and had to make other arrangements for them. Participants in the program were granted a 60-day reflection period, after which they were required to assist law enforcement if they wanted to stay in the program, unless subject to a serious health issue. As assisting in the criminal case was a prerequisite for participation in the program after the 60 days, only victims whose traffickers faced criminal charges were therefore eligible for these MOI-funded services. Victims could voluntarily withdraw from the program at any time and would remain eligible for services under the Ministry of Labor and Social Affairs (MLSA); one victim chose to leave the program after this reflection period rather than assist in the investigation in 2019. Victims who chose to participate in the prosecution of their trafficker were eligible for a free legal advocate and, in some cases, the option to choose the gender of the judge or to testify via videoconference. Foreign victims accepted into the program could receive temporary residence and work visas for the duration of relevant legal proceedings. Victims could receive assistance to return to their country of origin at any time or, upon completion of the program, could apply for permanent residency; eight victims received permanent residency in 2019 (two in 2018 and none 2017). Victims unwilling to assist law enforcement were eligible to access MLSA-funded welfare benefits, including housing, in-person and telephone crisis help, social counseling and rehabilitation, a drop-in center for children and youth, and social services for families with children. Although there was a unique national referral mechanism for child and youth victims, there were no specialized programs to provide services specifically to child victims of trafficking, and observers reported identification procedures, crisis support, and long-term services were insufficient. Municipal-level offices of the department of social and legal protection of children made decisions to place children with an institution or NGO. Child victims received MLSA-funded welfare benefits, such as shelter, food, clothing, and medical and psychological counseling.

The MOI allocated approximately 1.6 million koruna ($72,190) for the victim assistance program and voluntary returns, the same amount as in 2018; the program did not spend the full allotment. An international organization used some of this funding to repatriate three victims (three in 2018). The MLSA funded NGOs to provide social services, including to trafficking victims not in the MOI program. Three NGOs reported receiving the full amount or more of their funding requests during the reporting period. Nevertheless, NGOs reported the MLSA's funding was limited to a specific range of social services, and the structure inhibited long-term planning, as funds were only allocated one year at a time and did not arrive until after the beginning of the fiscal year.

Border police and asylum and migration officials occasionally failed to recognize trafficking indicators among asylum-seekers and did not always proactively screen migrants, including those in detention, for indicators of trafficking. Experts noted some courts declined to recognize victims in migration detention facilities as such if they did not self-identify as victims in their initial asylum claims. Some experts criticized the Refugee Facility Administration (RFA) for charging a daily fee to some migrants for stays in transit zones; such fees increased the vulnerability of potential victims. The RFA designed a process where potential victims and other members of at-risk groups that were identified in an entrance interview for asylum-seekers would be voluntarily housed in a guarded facility or, if in immediate danger, referred to NGOs for services; the RFA did not identify any victims in the transit zones in 2017, 2018, or 2019.

Victims had the legal option of seeking court-ordered compensation from their traffickers through civil suits; however, compensation was rare, as victims could not afford attorney fees for a civil suit. To seek civil damages, the law required a finding of criminal misconduct against the defendant. The law also allowed victims to obtain restitution in criminal proceedings, although courts rarely issued restitution to victims in criminal cases. In November 2019, a court judgment awarded a record five million koruna ($225,580) to the victims in a case involving a transnational trafficking operation, subject to appeal.

PREVENTION

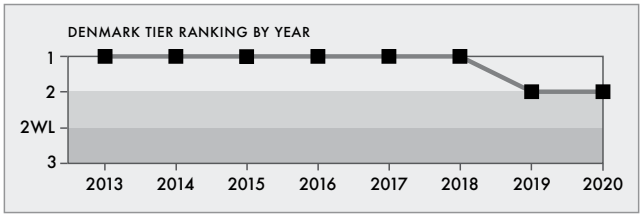
The government maintained prevention efforts. The MOI chaired the Inter-Ministerial Coordination Group (IMCG), which included representatives from various government ministries and agencies, as well as three NGOs and an international organization. The IMCG met twice a year to coordinate national efforts and to begin drafting the 2020-2023 national strategy, which the government intended to finalize in the spring of 2020. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on patterns and programs. The government funded several NGO-run hotlines to identify and assist victims and potential victims of trafficking. The hotlines operated on weekdays, and the government provided training to operators on how to advise victims. One NGO reported receiving 1,648 calls and chats on its hotline in 2019. MOI funds from the victim assistance program were available for prevention campaigns and fieldwork; the government funded an NGO to conduct a public awareness campaign targeted at individuals vulnerable to labor trafficking and exploitation and to implement a project to raise awareness among primary and secondary students. Another NGO received funding to conduct 44 monitoring and awareness trips to areas with a high potential for labor trafficking and exploitation, while a third NGO received funds to conduct six awareness-raising lectures targeting 600 potentially vulnerable individuals, such as students and senior citizens. The MLSA and labor inspection office websites published information in multiple languages about foreign workers' rights, laws governing the employment of foreigners, and information on the Czech labor system and requirements for work permits. The law did not criminalize confiscation of workers' passports. The labor code prohibited charging workers recruitment fees. Section 342 of the criminal code criminalized the illicit employment of foreign laborers under especially exploitative working conditions. Labor inspectors had dedicated staff to focus on illegal employment and verify requirements for conditions of work. They conducted inspections of employment agencies and identified 111 illegal "pseudo-agencies" in 2019; most suspected cases of labor trafficking were arranged via these types of agencies. In July 2019, Parliament amended the Foreigners' Act to require third country nationals to remain with the same employer for six months; NGOs expressed concern this provision may increase foreign workers' vulnerability to labor trafficking. The government did not make efforts to reduce the demand for commercial sex acts. The government trained 45 consular officers before departing for embassies abroad. The government temporarily stopped issuing authorizations for domestic employees of accredited diplomatic personnel in November 2018 because several diplomatic households violated their contracts with their domestic employees. By the end of the reporting period, the government was only renewing existing registrations and did not issue any new registrations.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Czech Republic, and traffickers exploit Czech victims abroad. Traffickers exploit women, girls, and boys from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam in sex trafficking in the Czech Republic and also transport victims through the Czech Republic to other European countries for sex trafficking. Men and women from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, Nepal, Nigeria, the Philippines, Russia, and Vietnam are exploited in forced labor in the Czech Republic, typically through debt-based coercion or exploitation of other vulnerabilities, in the construction, agricultural, forestry, manufacturing, and service sectors, including in domestic work. Most identified victims in the country are Czech. Law enforcement reported an increase in non-EU victims. NGOs report labor trafficking is more prevalent than sex trafficking. Traffickers exploit Romani men from the Czech Republic in forced labor and Romani women from the Czech Republic in sex trafficking and forced labor internally and in destination countries, including the United Kingdom; many such traffickers operate as family groups. Most traffickers are Czech citizens; foreign traffickers often recruit victims from their home countries and work in cooperation with local Czech citizens. Law enforcement continue to report an increase in cases of "marriages of convenience" where Czech women are recruited through sham marriages with non-EU men, often of South Asian descent, and then exploited in sex trafficking and/or forced labor. Private, unregistered labor agencies often use deceptive practices to recruit workers from abroad as well as from inside the country. Some agencies sell their registration to unqualified recruiters.

DENMARK: TIER 2

The Government of Denmark does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Denmark remained on Tier 2. These efforts included investigating and prosecuting more trafficking cases, entering into an international cooperative law enforcement agreement, and allocating funds to develop outreach work among workers vulnerable to forced labor. However, the government did not meet the minimum standards in several key areas. Courts did not convict any traffickers, the lowest number of convictions since 2003. Authorities identified and assisted fewer trafficking victims. Furthermore, lack of incentives for victims to cooperate in investigations, such as residence permits, and the de facto preference to repatriate inhibited successful prosecutions and left victims vulnerable to re-trafficking and reluctant to come forward and work with police.



PRIORITIZED RECOMMENDATIONS:

Vigorously increase efforts to prosecute and sentence convicted traffickers to significant prison terms. • Proactively identify potential trafficking victims and provide them with government-sponsored assistance. • Increase incentives for all victims to cooperate in the prosecution of traffickers, including by granting temporary residency for victims while they assist law enforcement. • Investigate and prosecute trafficking cases under the trafficking statute. • Expand efforts to streamline victim identification procedures, including by expeditiously transferring potential trafficking victims from police or immigration custody to crisis centers or care providers to facilitate trust among this vulnerable group. • Re-establish the anti-trafficking unit within the Copenhagen Police. • Allow victims receiving assistance to seek employment or temporary work.

PROSECUTION

The government increased law enforcement efforts. Section 262(a) of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of up to eight years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, authorities investigated six trafficking cases, an increase from one in 2018 and four in 2017. Officials prosecuted four trafficking suspects, compared with three in 2018 and two in 2017. Courts did not convict any traffickers in 2019, the lowest statistic for convictions since 2003 (one in 2018, nine in 2017). The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

Experts reported authorities prosecuted limited trafficking cases because of the lack of incentives for victims to cooperate in investigations. Additionally, experts acknowledged that since 2016, the government reassigned a large number of police units to counterterrorism, gang violence, and border security duties, shifting police attention and time away from trafficking and limiting the number of officers available to conduct investigations. Furthermore, the police's anti-trafficking unit remained part of the homicide division, as one of its many responsibilities, and police were more likely to investigate and charge suspected traffickers for crimes other than trafficking, such as pimping. Approximately 18 million kroner ($2.7 million) was available to the police to investigate and combat trafficking, though they did not report using the resources. The government's Center against Human Trafficking (CMM) provided police with instructions on trafficking at the police academy and additional training for police who became investigators. CMM also provided guidelines to defense lawyers representing trafficking victims. The government entered into a cooperative law enforcement agreement with Eurojust to ensure cooperation in cross-border investigations and prosecutions and subsequently opened an office with a permanent representative in The Hague.

PROTECTION

The government decreased protection efforts. Authorities identified 64 trafficking victims (38 sex trafficking, 17 labor trafficking, five forced criminality, four unknown) in 2019, the lowest number of victims identified since 2011 and a decrease from 97 in 2018 and 98 in 2017. Of these victims, 22 were male, 41 were female, and one identified as transgender. Six of the identified victims were minors (10 in 2018, three in 2017). There were no Danish victims identified. Experts noted the trend toward online advertisement of prostitution made identifying sex trafficking victims more difficult. The government provided a list of indicators for authorities to reference for initial identification and procedures to guide officials in proactive victim identification. According to NGOs, government guidelines for identifying victims were convoluted and involved them too late in the process. Guidelines for identifying victims required the involvement of multiple government and law enforcement agencies, requiring several interviews of victims who at times remained in detention before referral to NGOs. Guidelines required police to call CMM if a suspected victim was in custody. CMM was responsible for formal identification of victims of Danish or EU origin or who were documented migrants, and immigration services were responsible for formal identification of undocumented migrant victims following an initial CMM interview. Officials had the authority to detain potential victims for 72 hours and could extend this period when they needed more time to determine victim status or immigration status, or to identify traffickers. NGOs contended authorities primarily treated victims as undocumented immigrants subject to deportation, especially if victims were previously detained by law enforcement.

Government-operated and government-funded NGO facilities provided trafficking victims medical and psychological care; shelter; and financial, legal, and reintegration assistance, regardless of gender, disability, origin, or immigration status. Although these trafficking-specific services existed, authorities sometimes housed victims with asylum-seekers and refugees. In 2019, 63 victims accepted support and entered care facilities (89 in 2018). Victims receiving assistance, who did not have legal residency, could not seek employment but they could apply for compensation through a state fund and through civil suits against their traffickers. The Danish Red Cross assisted unaccompanied children and child victims in another facility partially funded by the government and screened all unaccompanied minors in asylum centers for trafficking indicators. Observers continued to express concern over unaccompanied minors, particularly Moroccan boys living in asylum centers, being forced into sex trafficking, forced labor, and petty criminality.

In 2019, parliament amended the Aliens Act, allowing the government to grant residence permits to refugees and family members, including trafficking victims, for temporary stay only, and to revoke residence permits if the need for protection no longer existed, unless it contradicted Denmark's international obligations as it relates to refugees who risk persecution if returned to their home country. The government did not report granting residence permits to victims in 2019. If undocumented victims assisted in the investigation and prosecution of traffickers, the government provided a 30-day extended departure deadline (with extension up to 120 days) as part of its return program for trafficking victims required to leave Denmark. Regional anti-trafficking experts, including the Council of Europe, emphasized this period did not refer to a period of reflection and recovery necessary to determine whether victims would cooperate in the investigation of their cases; rather it was a period of time the victims had to cooperate in their repatriation. The government provided those who accepted the return with up to six months temporary residency and training to prevent re-trafficking. Some victims chose not to participate in the program, reportedly because it was merely a preparation for deportation. Additionally, traffickers' debt-based coercion and victims' lack of protection in their home countries served

as significant deterrents from accepting the return. Authorities deported undocumented victims who did not accept a return unless they were assisting in the prosecution of a trafficker. NGOs reported the threat of deportation prevented victims from coming forward and led some identified victims to leave shelters before the conclusion of police investigations or court proceedings in order to evade deportation.

PREVENTION

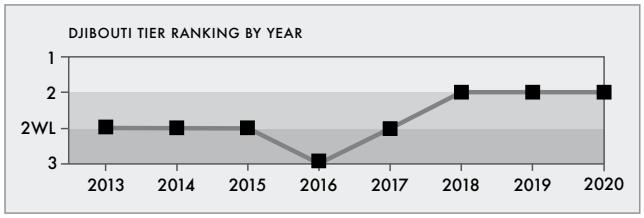
The government maintained prevention efforts. Government officials implemented the 2019-2021 national action plan. In addition to the 9.4 million kroner ($1.4 million) allocated in 2016 to counter-trafficking efforts through 2020, the government allocated 63 million kroner ($9.5 million) to trafficking programs for the new action plan—a 30 percent decrease from the previous action plan's 88.3 million kroner ($13.3 million) budget. During the reporting period, CMM conducted awareness campaigns addressing forced labor, including outreach to at-risk businesses, such as massage parlors. The government continued to fund a Danish Red Cross project aimed at identifying and supporting unaccompanied minors in the asylum system who are potential victims of trafficking. The Department for Gender Equality allocated 3.9 million kroner ($586,290) for a 2016-2019 Danish trade union project, focusing on developing outreach work among workers vulnerable to forced labor. A Danish trade union released a report in December that found hundreds of cooks from China exploited at sushi and Chinese restaurants across Denmark under conditions that authorities suspected to be systematic human trafficking. CMM published guidelines on preventing forced labor in businesses and supply chains. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel. CMM operated a hotline for reporting trafficking cases in Danish and English; in 2019, the hotline received 316 calls, compared with 277 calls in 2018.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Denmark and, to a lesser extent, traffickers exploit victims from Denmark abroad. Traffickers exploit men, women, and children from Eastern Europe, Africa, Southeast Asia, and South America in forced labor and sex trafficking in Denmark. Traffickers exploit migrants in labor trafficking, specifically trucking, construction, agriculture, domestic service, restaurants, hotels, and factories through debt-based coercion, withheld wages, abuse, and threats of deportation. Traffickers exploit unaccompanied migrant children, particularly Moroccan boys, in sex trafficking and forced labor, including drug trafficking, theft, and other forms of forced criminality. NGOs report a trend toward prostitution advertised online rather than on the street.

DJIBOUTI: TIER 2

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Djibouti remained on Tier 2. These efforts included increased investigations and prosecutions of potential trafficking crimes. The government also identified and referred an increased number of victims to protective services. Authorities provided in-kind support for Djibouti's first NGO-operated overnight shelter and authorized another local NGO to house vulnerable street children, young migrants, and potential trafficking victims. In addition, officials signed cooperative agreements with NGOs to ramp up support for the highly vulnerable migrant and street children populations. However, the government did not meet the minimum standards in several key areas. The government has not convicted any perpetrators of human trafficking since 2017; limited understanding of trafficking indicators among front-line officials continued to inhibit law enforcement efforts; and most suspected traffickers were instead convicted of smuggling crimes. For the fifth consecutive year, the government did not fully operationalize its national action plan to combat trafficking and, despite there being a formal mechanism in place, the government conducted victim identification efforts mostly on an ad hoc basis.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to convict suspected trafficking offenders under the 2016 anti-trafficking law. • Institute and partner with international experts to provide regular training for judges, prosecutors, and law enforcement officials on the distinctions between human trafficking and migrant smuggling and on compiling and interpreting evidence of trafficking crimes in cost-effective and victim-centered manners. • Widely disseminate and implement standardized procedures for government personnel to proactively identify potential victims, especially among vulnerable populations such as migrants or orphans, and transfer them to care. • Establish a training program for the Coast Guard to improve identification of potential trafficking victims among migrants transiting by sea. • Provide support, as feasible, for the country's first 24-hour shelter for vulnerable migrants, including potential trafficking victims. • Continue to strengthen protective services for victims through partnerships with NGOs or international organizations. • Revise, finalize, and implement the extended national action plan. • Continue to coordinate with civil society to spread anti-trafficking awareness nationwide.

PROSECUTION

The government maintained law enforcement efforts to combat trafficking. The 2016 Law No.133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalized sex trafficking and labor trafficking; it prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law considered the involvement of a minor or forcing a victim into prostitution as aggravating circumstances for which the penalties increased to 10 to 20 years' imprisonment. Law No.111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, also prohibited sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Definitions and penalties in these two laws diverged, but the extent to which it hampered law enforcement, prosecutorial, and judicial officials' ability to prosecute suspected traffickers effectively was indeterminable.

During the reporting period, the government investigated 33 potential trafficking crimes, compared to 29 cases the previous year. It reported prosecuting 80 suspected traffickers in 33 cases under the 2016 anti-trafficking law, a notable increase from 58 suspected traffickers in 29 cases the prior year. Analogous to previous reporting periods, however, officials did not achieve any

trafficking convictions due to judges' determination of insufficient evidence to prove trafficking; the majority of prosecutions resulted in smuggling convictions, and the government acquitted 16 and separately ordered 48 defendants to pay fines. Severe resource and capacity limitations impeded officials' ability to develop comprehensive investigations of trafficking indicators and crimes. Additionally, finite human resources and limited awareness by the law enforcement of how to identify trafficking victims among a daily inundation of weary migrants reduced its ability to gather and collect evidence in all potential trafficking crimes. Furthermore, the ratio of prosecutors to law enforcement personnel was one to 480, which rendered the small team of prosecutorial officials overwhelmed with the volume of cases. Given limited data on trafficking cases writ large, the extent of official complicity in trafficking crimes remained difficult to assess; however, there were reports of judicial and law enforcement corruption in general, which may have affected human trafficking cases. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses in 2019.

During the reporting period, the National Police created a unit focused on vulnerable minors that had a mandate to investigate and arrest traffickers and refer children to a local NGO-run shelter. In 2018, the government designated the Ministry of Interior (MOI) as the entity officially responsible for migration issues, to include trafficking. According to civil society stakeholders, this restructuring continued to allow international partners and NGOs to more effectively coordinate and focus on anti-trafficking initiatives in country. During the reporting period, the government, in partnership with an international organization, co-chaired a monthly mixed-migration task force for close coordination on migration, smuggling, and human trafficking. The government continued to provide in-kind support to anti-trafficking trainings facilitated and funded by international organizations. The Ministry of Justice (MOJ) sent an unspecified number of judges, prosecutors, and advisors to training seminars on general trafficking topics. The MOJ also coordinated with an international organization to lead a series of workshops in the rural regions of the country surrounding World Day Against Trafficking. Additionally, the National Police worked with an international organization to revise and reform its process for screening for trafficking indicators; the entity implemented the new curriculum in all police academies in Djibouti City and in the rural areas of the country. Similarly, the Gendarme commenced consultative processes to overhaul their training materials to more accurately detect and investigate trafficking crimes and created a unit with a mandate to protect women and children against sexual and gender-based violence.

PROTECTION

The government strengthened efforts to protect trafficking victims. Although it had formal identification and referral procedures to guide officials in the proactive identification of victims, relevant officials did not consistently use these procedures; in practice, with less than one million people in Djibouti, officials routinely called upon prominent points of contact for trafficking cases rather than refer to the written procedures. During the reporting period, without assistance from international organizations, authorities identified 33 potential trafficking victims and referred them all to care, an increase compared with 28 they independently identified and assisted the previous year. For each of the 33 individuals, the government worked with an international organization to provide appropriate services. The government continued to grant authority to an international organization to conduct trafficking screenings of all transiting migrants—including an unknown number of potential trafficking victims—and partnered with this entity to provide water, food, and temporary shelter for thousands of people during the reporting period. During the reporting year, relevant government entities, in close cooperation with an international organization, facilitated the repatriation of 4,220 migrants to their respective countries of origin, the large majority of whom hailed from Ethiopia. Some of these individuals reportedly encountered violence, coercion, or exploitation during their travels across multiple transit countries, but particularly in Yemen.

With governmental authorization, since June 2019, a locally operated NGO hosted unaccompanied migrant and highly vulnerable street children in Djibouti's first secure, 24-hour dormitory that could appropriately house trafficking victims. Since the center's opening, the NGO provided care for 137 young individuals, some of whom may have been trafficking victims. The government also permitted one NGO and other organizations working with orphans to host minors at their respective facilities overnight; many of these vulnerable children previously slept on the streets or along Siesta Beach—a spot once notorious for trafficking. The government provided in-kind support to these local organizations during the year despite being resource-strapped. Separately, the Coast Guard provided clothing and food to vulnerable migrants stranded at sea and transported them to care provided by an international organization, typically in Khor Angar. The government continued its administration and funding of three migrant response centers (MRCs) in Loyada, Obock, and Khor Angar, which included office and short-term living quarters staffed and operated by an international organization in the Obock center along routes heavily traversed by migrants. Since 2017, the Ministry of Health has provided one full-time doctor trained to identify trafficking indicators to the National Union for Djiboutian Women counseling center, a facility that deals with trafficking cases among other crimes. Also during the year, health officials, in partnership with an international organization, continued to operate five mobile clinics in Djibouti's critical regions to provide care for hundreds of Ethiopians who transited Djibouti daily to reach the Arabian Gulf. In addition, the Women and Family Promotion Ministry, in response to qualitative research conducted to examine the plight of vulnerable street children, generated an action plan to address specific vulnerabilities unveiled by the study and signed a memorandum of understanding with a local NGO to provide psycho-social support and monitoring for children housed at the country's aforementioned first and only overnight shelter.

Key ministries that supported groups vulnerable to trafficking continued to be transparent regarding funding and provided relatively significant resources during the reporting period on an array of identification and support services for potential victims of trafficking. The government allocated more than 110 million Djiboutian francs ($621,470) in 2019, a decrease compared with 140 million Djiboutian francs ($790,960) in 2018, to relevant ministries, MRCs, transit centers, and local NGOs, which operated counseling centers and other programs—including a hotline—that assisted potential trafficking victims. The 2016 anti-trafficking law included provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency, as necessary, as a legal alternative to removal to countries where victims might face hardship or retribution; the government did not report whether it employed these provisions during the reporting year. Additionally, the 2016 law directed the government to provide necessary victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to irregular implementation of formal identification procedures, trafficking victims may have remained unidentified within the law enforcement system.

PREVENTION

The government continued modest efforts to prevent trafficking.

During the reporting period, the government continued revisions to its 2015-2022 national action plan but did not fully operationalize it for the fifth consecutive year, due in part to the laborious, bureaucratic transfer of responsibilities from the MOJ to the MOI. The justice ministry's website featured the government's anti-trafficking efforts throughout the year and publicized articles on human trafficking in addition to Djibouti's anti-trafficking law. In collaboration with the German government, the MOJ led an awareness and training campaign throughout Djibouti's interior regions. It aimed to highlight logistics and methodology of the trafficking referral mechanism for those living along the migrant corridor. An unknown number of community and religious leaders, in addition to local law enforcement personnel, participated in all government-led and funded workshops. In late 2019, labor authorities published a series of articles to bring attention to child labor laws, including child trafficking. The Women's Ministry promulgated its hotline for reporting domestic abuse and trafficking cases on its website and local radio and television stations, and, for the first time, the hotline reported it received five to ten calls per day; it did not report the number of trafficking-specific calls or if it identified any traffickers as a result. The government made efforts to reduce the demand for commercial sex acts by increasing the number of law enforcement personnel at nighttime at Siesta Beach—a time and location once notorious for commercial sex transactions—to arrest those soliciting sex. The inspector general continued its unannounced public inspections at the sites of foreign labor recruitment and placement companies throughout the country. During the reporting period, the government increased its number of reported labor inspections to enforce laws against forced labor; it conducted a total of 103 inspections in 2019 in Djibouti City and the regions of Ali Sabieh, Dikhil, Tadjourah, and Obock. The government's diplomatic institute provided training to Djiboutian diplomatic personnel on human rights and trafficking issues before they departed on overseas missions. English and Amharic language teachers at this training center included information on trafficking, including domestic servitude, in their course material.

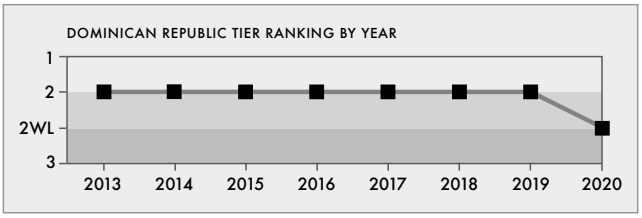
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti. Men, women, and children, primarily economic and often undocumented migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. An unknown number of these migrants are exploited in forced labor and sex trafficking in their intended destinations, and these irregular migrants are also at increased risk of becoming trafficking victims in various transit points, particularly Yemen. Economic migrants also pass through Djibouti to return to their respective countries of origin. According to government estimates and an international organization, approximately 160,000 people embarked on the sea crossing from the Horn of Africa to Yemen in 2019, contributing to the highest annual total of the past decade. During the previous reporting year, approximately 91,500 Ethiopian migrants transited Djibouti (population of one million)—more than 300 each day—thereby putting a significant strain on the government's already limited resources. In addition to the substantial influx of migrants, the civil war in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti; migrants voluntarily fled or were illegally, forcibly deported from Aden; many of them reported suffering physical abuse and may have been trafficking victims. During the previous year, the government allowed roughly 37,500 people of diverse nationalities to enter freely and take refuge, a practice dating to the start of the Yemeni war in 2015; some of them had endured various types of exploitation before their arrival in Djibouti. Given the protracted political instability in Ethiopia, many Ethiopian nationals, including unaccompanied minors, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or to continue onward to destination countries in the Arabian Gulf, thereby causing an increase in refugee camp populations of approximately 2,500; austere and overcrowded conditions in these camps perpetuated trafficking vulnerabilities. For the first time in 10 years, an international organization observed Ethiopians from the Tigray region transiting Djibouti in greater numbers than those from the Oromia region. This same entity reported a spike in the number of women and minors in the mixed-migration flow.

During the reporting period, officials continued to identify vulnerable minors in Djibouti City, particularly along the Siesta Beach road. Djiboutian and migrant women and street children are vulnerable to sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure and arrival point for Yemen. Smuggling networks, some of whose members are Djiboutian, sometimes charge exorbitantly high rents or kidnap and hold migrants transiting Djibouti, including children, for ransom. Parents sometimes compel their children to beg on the streets as a source of familial income; children may also travel from foreign countries—including Ethiopia and Somalia—to beg in Djibouti.

DOMINICAN REPUBLIC: TIER 2 WATCH LIST

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included drafting a revised trafficking law to remove the requirement for force, fraud, or coercion of sex trafficking victims younger than 18 years of age, increasing investigations and prosecutions, and training more tourist police staff on trafficking and street children. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not report on the outcome of investigations into cases of official complicity in trafficking, and there was concern about the validity of numbers of identified victims, given allegations of complicity within the trafficking prosecutors' office. Authorities did not have a dedicated victim assistance budget or full-time victim shelter, did not effectively screen or refer all vulnerable individuals for trafficking indicators, and immigration protections for trafficking victims were not available. The government convicted fewer traffickers than previous years and issued inadequate sentences to some convicted traffickers. Therefore the Dominican Republic was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Increase criminal investigations and prosecutions of law enforcement officials allegedly complicit in trafficking. • Vigorously investigate, prosecute, and convict traffickers involved in forced labor and sex trafficking. • Proactively screen for trafficking indicators among Venezuelans, Haitians, and other undocumented or stateless persons at risk of deportation to identify victims, refer them to care, and prevent re-trafficking. • Fully implement

protocols to identify adult and child trafficking victims and refer them to protective services. • Provide a dedicated budget targeted at trafficking victim assistance services and provide dedicated shelters for male, female, and child victims of trafficking. • Provide adequate human and financial resources and training to law enforcement, prosecutors, and judges to combat trafficking, particularly in areas outside of Santo Domingo. • Adequately fund trafficking police to fully implement the national action plan. • Increase efforts to identify and combat child sex trafficking and sex tourists, including child sex tourism. • Amend the 2003 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims younger than 18 years of age in order to be consistent with international law.

PROSECUTION

The government decreased prosecution efforts; the government increased investigations and prosecutions but decreased convictions, and allegations of official complicity in trafficking hampered efforts. Dominican law criminalized sex trafficking and labor trafficking. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 15 to 20 years' imprisonment and fines. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Article 25 of the Child Protection Code of 2003 criminalized the offering, delivering, or accepting, without regard to means used, anyone younger than 18 years of age for the purpose of sexual exploitation, forced labor, or any other purpose that demeaned the individual, for remuneration or any other consideration, and prescribed a penalty of 20 to 30 years' imprisonment and a fine. All these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In partnership with a foreign donor, the government began efforts to revise its law to remove the need to prove force, fraud, or coercion for child sex trafficking.

The Attorney General's Office reported initiating 26 investigations in 2019, compared with 11 in 2018, 17 in 2017, 25 in 2016, and 15 in 2015. The government reported 22 prosecutions in process involving 47 suspects compared with five prosecutions with 14 defendants in 2018, 20 defendants in 2017, 40 defendants in 2016, and 49 in 2015. The Attorney General's Office secured convictions of five defendants for trafficking, a decrease compared with convictions of 22 defendants in 2018, 16 defendants in 2017, 13 in 2016, and 20 in 2015. A court sentenced one trafficker to six years in prison, and the other two traffickers to three years each, and ordered the trafficker to pay restitution to each of the three victims. During the reporting period, the court of appeals upheld a 2018 guilty verdict in one trafficking case, but suspended four years and four months of the five-year sentence. The government has not updated the status of a 2017 sex trafficking case involving police officers and members of the military. The national police anti-trafficking unit initiated 35 investigations in 2019, down from 45 investigations in 2018 and 83 investigations in 2017. The police co-conducted raids with an international law enforcement agency in which 11 suspected traffickers were arrested in October. The government collaborated with the Government of Canada on a case involving a criminal organization trafficking children for sex and with the government of Panama on a labor trafficking case.

In 2018, the Attorney General replaced many of his top and more experienced prosecutors, including the prosecutor for the specialized anti-trafficking unit; experts noted that the continuing lack of human and financial resources for prosecution was an area of urgent concern. The government reported two investigations of government employees for alleged complicity in trafficking offenses, both investigators assigned to the office of the Special Prosecutor against Trafficking of Persons and Smuggling of Migrants (PETT); no formal charges were filed in either case. One prosecutor allegedly sexually abused an identified trafficking victim, while two police investigators allegedly provided confidential information to nightclub owners before planned raids in order to help them evade capture; all three were suspended from their positions. The government's anti-trafficking resources were concentrated in Santo Domingo, resulting in gaps in other areas of the country. Judges, prosecutors, and police lacked specialized training in investigating, identifying, prosecuting, and sentencing those accused of trafficking crimes and experts reported observing that some judges favored the rights of defendants over the rights of trafficking victims. In 2019, 349 officials of the Ministry of the Interior and Police received training on preventing trafficking and smuggling of migrants by an international organization; this was a decrease from 480 officers trained in 2018 and but an increase from 300 participants trained in 2017. With funding from a foreign donor, 55 members of the Ministry of Defense specialized units were trained on identifying human trafficking. The specialized tourist security unit trained 195 new and existing staff on detecting human trafficking in street children. The National Institute of Migration (INM) trained 667 government officials and members of civil society in 23 workshops across the country about how to detect human trafficking.

PROTECTION

The government decreased victim protection efforts. Authorities reported identifying 195 victims in 2019, compared with 96 victims in 2018, 102 victims in 2017 and 157 in 2016. However, experts raised concern about the validity of the 2019 statistic, as it may include legal sex workers that were present during raids of nightclubs and may not include potential Haitian victims not screened or referred before deportation, despite the known prevalence of trafficking among Haitian migrants. The government reported that 27 individuals identified as victims by an international law enforcement agency during the reporting year were not trafficking victims. According to outside experts, the government does not have a dedicated budget for victim services, specialized staff, nor a full-time government shelter for adult trafficking victims, and temporary shelter and food were provided to victims from PETT's budget only after raids. Observers noted that the Attorney General's Office has not accounted for utilization of victim assistance donations conveyed as cash transfers from international donor organizations. The government relied on NGOs to provide accommodations for foreign and domestic trafficking victims in addition to medical services and psychological, reintegration, repatriation, and medical assistance. NGOs reported that government victim services were ad hoc, minimal, not well-coordinated or specialized; a report was made that victims attempted to scale the wall of the temporary government shelter—only open after raids—to get out. The NGO shelters are inadequate in terms of staff skills and resources, and they lack capacity to provide for the large number of victims in country. A plan to convert the temporary government shelter into full-time use fell through due to the failure of the PETT to make necessary structural repairs to the facility as part of its agreement with the religious group slated to operate it. Child trafficking victims were sheltered with other children in government centers that were unable to offer specialized, expert care. Non-governmental and religious-based organizations provide most shelter care.

Government officials reported having two protocols to identify and assist adult and child trafficking victims; the Ministry of Women was revising these with international technical assistance and funding. Observers noted that the protocols were not effectively implemented, particularly with regard to detained migrants. The

government worked with NGOs to screen for potential victims; experts reported a lack of a formal referral process for victims.

The government had protocols to screen for trafficking victims when detaining or arresting individuals in vulnerable groups, but authorities acknowledged that they have not yet applied them effectively. The trafficking law does not allow for immigration protections for trafficking victims whether or not they assist with court cases. The inability of Venezuelan and some other migrants to apply for in-country adjustment of status hindered their access to basic services and increased their vulnerability to labor exploitation and trafficking. The government permitted victims to work and offers legal assistance, although there is no report of any such government assistance to victims. According to an observer, seven victims received legal assistance with their cases during the reporting period with the help of an international organization. In 2019, the government waived the overstay fee for 13 trafficking victims who returned to their country of origin: one Colombian, one Nicaraguan, and 11 Venezuelans, including two men. The government facilitated the return of six Dominican victims of human trafficking in Argentina, Costa Rica, Guatemala, and Suriname, all recruited with promises of work abroad in the service sector. The government, working with NGOs, offered protection to trafficking victims during the legal process, including videotaped testimony.

The government reported that approximately 20 victims gave testimony by video or written statements during the reporting period. However, the court system lacked a sufficient number of specialized cameras to allow victims to be interviewed in a safe environment to avoid re-traumatization. The INM offered a certificate program to 69 individuals who received training on protection and assistance strategies for survivors of trafficking.

PREVENTION

The government maintained prevention efforts. The government has yet to allocate specific funds for implementation of its national anti-trafficking plan beyond the standard operating budgets for Inter-institutional Commission against Trafficking in Persons and Smuggling of Migrants (CITIM) institutions despite adopting the plan in May 2018. The plan assigned goals, responsibilities, and deadlines to each of the 14 government agencies comprising the CITIM, and is overseen by the Ministry of Foreign Affairs. The national action plan delegated responsibility to conduct research on human trafficking to the INM. The foreign ministry coordinated and led the consultation process with government agencies, NGOs, and international organizations for the modification of law 137-03 that sanctions trafficking in persons. The government reported that the draft anti-trafficking legislation proposes a portion of a new tax be allocated to fund anti-trafficking efforts. The Ministry of Labor followed recommendations of an externally funded 2018 assessment to reduce child labor and forced labor in agriculture during the reporting year. The government increased funding for the Ministry of Labor, allowing the hiring of 91 new inspectors who were trained by an international agency.

The government, in partnership with an international organization and NGOs, completed a guide for training practitioners about human trafficking, which was handed out in workshops co-led by an NGO. The Ministry of Women organized a contest for film and audiovisual university students to produce short films to raise awareness about human trafficking as a form of violence. The Ministry of Interior and Police signed a memorandum of understanding with an international donor agency to promote awareness and prevent trafficking at the community level. The government joined the international Blue Heart Campaign, disseminated awareness materials, and shared anti-trafficking information on their social media pages for World Day against Trafficking. As part of the campaign against trafficking, CITIM institutions distributed information and posters funded by international partners at several airports to warn passengers of the penalties associated with sexual exploitation. In July, the government co-hosted a regional conference on trafficking with an international NGO for 150 participants, primarily judges from the region. In 2019, with the financial support of an international body, the INM commissioned four research projects, two of which were presented to a variety of stakeholders and informed recommendations to the government on trafficking. The government operated a national trafficking hotline 24 hours a day but did not provide information on the number of calls received or investigated. The government did not make efforts to reduce the demand for commercial sex acts.

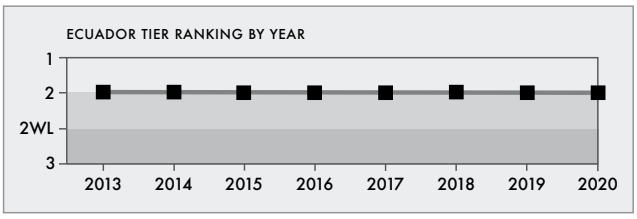
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Dominican Republic, and traffickers exploit victims from the Dominican Republic abroad. Dominican women and children were sex trafficking victims throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. Foreign victims from Haiti and other parts of the Caribbean, Asia, and Latin America were trafficking victims in the Dominican Republic. Experts noted an increase in the number of Venezuelan trafficking victims in the Dominican Republic since the onset of Venezuela's economic and political crisis. The Dominican Republic is a destination for sex tourists primarily from North America and Europe for child sex trafficking. Sex trafficking of 15- to 17-year-old girls occurs in streets, in parks, and on beaches. Government officials and NGOs report an increase in traffickers recruiting Colombian and Venezuelan women to dance in strip clubs and later coercing them into sex trafficking;traffickers use social media to attract minors and offer them to clients. Traffickers lure Dominican women to work in nightclubs in the Middle East, Africa, the Caribbean, and Latin America and subject them to sex trafficking. Dominican officials and NGOs documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics. There are reports of forced labor of adults in construction, agricultural, and service sectors. Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings. Unofficial border crossings remain unmonitored and porous, leaving migrants, including children recruited to work in the agricultural and construction sectors, vulnerable to trafficking. NGOs report police complicity in areas known for child sex trafficking and two special prosecutor's office staff are under investigation for alleged complicity in trafficking.

ECUADOR: TIER 2

The Government of Ecuador does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ecuador remained on Tier 2. These efforts included increasing victim identification, adopting a new national action plan and a protocol for the comprehensive care and protection of trafficking victims, and increasing the number of law enforcement officials working on trafficking cases. However, the government did not meet the minimum standards in several key areas. Authorities investigated, prosecuted, and convicted fewer traffickers; specialized services for all victims remained unavailable in most of the country; and the

Ministry of Labor (MOL) made insufficient efforts to address labor trafficking. Efforts to address trafficking in coastal cities with a notable prevalence of sex and labor trafficking were inadequate.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including public officials complicit in trafficking. • Strengthen the provision of specialized services for trafficking victims, including for boys, adults, girls younger than the age of 12, and victims of forced labor. • Increase training for labor officials on trafficking indicators and expand the MOL's mandate to include inspections of the informal sector. • Increase efforts to combat trafficking in coastal cities, particularly Guayaquil. • Adopt comprehensive anti-trafficking legislation that criminalizes trafficking in line with international definitions and stipulates protection measures and preventive techniques to combat trafficking. • Increase use of the national protocol for protection and assistance to trafficking victims, including identifying trafficking victims among vulnerable populations, such as irregular migrants, LGBTI individuals, and individuals in commercial sex. • Train all officials working on trafficking cases on victim-centered investigative techniques. • Increase victim-centered anti-trafficking training for police officers, judges, labor inspectors, immigration officials, social workers, and other government officials, particularly to enhance victim identification. • Establish an office for a specialized prosecutor to focus solely on trafficking crimes. • Partner with civil society to finalize, resource, and implement the national anti-trafficking action plan.

PROSECUTION

The government decreased prosecution efforts. Articles 91 and 92 of the 2014 Criminal Code (COIP) criminalized sex and labor trafficking and prescribed penalties ranging from 13 to 16 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as essential elements of an adult trafficking offense. Article 91 defined trafficking broadly to include all labor exploitation, child pornography, child labor, illegal adoption, and the sale of tissues, fluids, and genetic materials of living persons. Observers indicated that the absence of comprehensive anti-trafficking legislation remained one of the biggest challenges in the fight against trafficking since the COIP did not stipulate specialized protection mechanisms for victims or establish guidelines for preventive measures.

The Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling, the lead anti-trafficking office within the Ministry of Government (MOG), indicated that authorities initiated 132 investigations into alleged trafficking cases in 2019, compared with 139 in 2018. Police conducted 15 anti-trafficking operations and arrested 25 suspected traffickers, compared with conducting 13 operations and arresting 18 suspected traffickers in 2018. Authorities prosecuted eight cases (compared with 24 prosecutions in 2018), four for sex trafficking, one for forced labor, one for forced child recruitment, and two unknown. The government convicted nine traffickers (compared with 19 in 2018), eight for sex trafficking, and one for forced labor. In 2019, sentences for traffickers ranged from eight to 40 years' imprisonment.

The National Investigative Unit for Trafficking in Persons and Illicit Migrant Smuggling (NIU), under the command of the National Police Unit for Crimes against Children and Adolescents, was the primary law enforcement unit responsible for investigating trafficking cases. The National Specialized Unit for Investigation to Combat Transnational Organized Crime also investigated transnational trafficking crimes. Officials from the NIU received extensive training on victim-centered investigative techniques but remained understaffed and under-resourced. The NIU had 49 officers, and frequent rotation of staff for mandatory police training reduced the number of active staff for most of the year. Although NIU officials received mandatory annual training on trafficking and officers applied a victim-centered approach to investigations, observers reported some officials outside of the NIU did not handle anti-trafficking operations with a victim-centered approach. The Specialized Prosecutor's Office in Transnational and International Organized Crime had prosecutorial responsibility for trafficking cases at the national level; however, due to its broad mandate, the majority of its work focused on the prosecution of non-trafficking crimes. Authorities recognized that sex trafficking was most prevalent in coastal provinces; however, government efforts to prosecute, protect, and prevent trafficking in major port cities like Guayaquil were deficient.

The MOG, with the support of an international organization, trained 605 government officials, including police officers, community police chiefs, prosecutors, and judges on victim identification, victim-centered engagement, and investigating and prosecuting trafficking crimes. The MOL provided limited training to labor inspectors on trafficking indicators, and the agency's mandate did not include investigations of accusations of abuse in informal sectors. NGOs and some government officials expressed concern the MOL did not make sufficient efforts to investigate labor trafficking crimes. The government did not report investigating, prosecuting, or convicting any new cases of official complicity. Most complicity cases from previous years remained open, including the case involving officials in Guayaquil who allegedly issued fraudulent identity documents to adolescent girls later exploited in commercial sex. Together with Peru, the government offered sessions on victim identification and screening to law enforcement and judicial sector officials operating in the border city of Tumbes, Peru. Authorities cooperated with foreign governments to investigate transnational trafficking crimes

PROTECTION

The government increased protection efforts. Authorities identified 186 victims and assisted 125 (compared with 167 identified and 152 assisted in 2018), of which 28 were assisted by an NGO. The government had a victim identification manual to aid with the proactive identification of victims, and authorities regularly referred victims to services. In 2019, the MOG approved a protocol for strengthening interagency cooperation on trafficking crimes, and with the support of international organizations, offered eight training sessions reaching 900 government officials from agencies in several provinces around the country. Authorities, in partnership with NGOs, continued to provide emergency and medium-term services to victims, including medical, legal, psychological, and educational support, in addition to specialized shelter for underage female victims. Insufficient services and shelters for boys, adults, and girls younger than 12 who were victims of trafficking continued to be a concern. The Human Rights Secretariat was the entity responsible for providing assistance to adult victims of trafficking and operated five non-specialized shelters and 46 care centers where trafficking victims had limited options for general ambulatory services by interdisciplinary teams consisted of psychologists, social workers, and attorneys. Three specialized shelters provided services to female adolescent sex trafficking victims. The government exclusively funded two shelters and provided limited funding for a third. Police reported challenges finding shelters for victims, particularly in provinces

outside the capital; as a result, police sometimes placed victims in non-specialized shelters until space in a shelter became available. Civil society organizations continued to express concern over insufficient funding for victim protection. In 2019, authorities dedicated $422,700 for victim protection and assistance.

The Office of the Prosecutor General's formal witness protection program (SPAVT) provided immediate support to victims, allowing a 30-day reflection period before deciding whether to participate in the penal process against their traffickers. If victims chose to assist in the prosecution of their traffickers, the government continued to provide services; otherwise, officials referred underage victims to the Ministry of Social and Economic Inclusion and adult victims to the Human Rights Secretariat to assist with their reintegration. Services offered by the SPAVT during the reflection period included shelter, medical assistance, legal support, psychological care, job placement, and assistance with school or university admissions. The SPAVT program assisted 44 victims during the year, compared with 18 in 2018. Foreign victims were entitled by law to the same services as domestic victims. The government had mechanisms to repatriate victims, and Ecuadorian diplomatic and consular missions abroad had funding to provide food, lodging, and airplane tickets to Ecuadorian victims seeking repatriation. In 2019, the government provided lodging, food, medical care, and other essential services for five Ecuadorian victims identified abroad, compared with 14 in 2018. The government also facilitated the repatriation of four of the five victims identified. Judges sought reparations for victims in eight of the nine convictions, totaling $1.28 million. The Human Mobility Law guaranteed the non-return of people to countries where their lives or relatives are at risk, including foreign victims of trafficking. Authorities reported they could grant temporary or permanent residency to foreign victims and in cases where the victims wish to repatriate, the government assisted.

PREVENTION

The government increased prevention efforts. The MOG chaired the Inter-Institutional Committee for the Prevention of Trafficking in Persons. In 2019, the committee's sub-working groups, which met every three months, addressed protection, prevention, and research. During the reporting period, the government with the support of a foreign government and an international organization, drafted and approved the 2019-2030 national action plan for the elimination of trafficking. Authorities conducted 15 awareness-raising events targeting the public, including employees in vulnerable sectors, teachers, and some youth; the events reached approximately 1,300 individuals. On the margin of bilateral engagements with Colombia and Peru, authorities held info booths and fair-like events at border crossings to educate the public about trafficking; the events reached more than 2,400 people. The MOG, in coordination with the MOL, launched an online course which included a module on trafficking. The course targeted 31,537 public servants working in agencies that comprise the interagency committee. The criminal code prohibited sex tourism, but the government reported there were no investigations, prosecutions, or convictions of child sex tourists in 2019. The government hosted six foreign governments for a sub-regional meeting to exchange best practices in the fight against child sexual exploitation, including child sex tourism. The Ministry of Tourism began the development of a protocol to help hotels detect cases of sexual exploitation of children, including trafficking. The MOL required employers to register the contract of all foreign workers so authorities could verify adequate work conditions and salaries. The government did not report efforts to reduce the demand for commercial sex acts. The government operated a hotline for the public to report crimes. In 2019, calls to the hotline led to an operation that concluded with the arrest of one trafficker and the identification of seven victims, including a child.

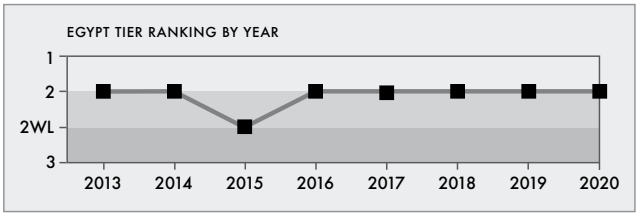
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ecuador, and traffickers exploit victims from Ecuador abroad. Traffickers exploit Ecuadorian men, women, and children in sex trafficking and forced labor within the country, including in domestic service, begging, banana and palm plantations, floriculture, shrimp farming, fishing, sweatshops, street vending, mining, and other areas of the informal economy. Sex trafficking was most prevalent in coastal provinces, including El Oro, Guayas, Manabí, Los Rios, and northern border provinces, including Carchi, Esmeraldas, Loja, and Sucumbíos. Sixty percent of underage female sex trafficking victims, which one of the specialized shelters identified and assisted domestically, originated from Quevedo, Los Rios province. Indigenous and Afro-Ecuadorians, Colombian refugees, and Venezuelan migrants are particularly vulnerable to trafficking. Women, children, refugees, and migrants continued to be the most at risk for sex trafficking; LGBTI individuals also remain vulnerable to sex trafficking. Traffickers promising a better life to migrants from South and Central America, the Caribbean, and to a lesser extent, Africa and Asia confiscate documents, impose debts, and threaten or force them into prostitution upon the victims' arrival in Ecuador. Traffickers exploit Colombian, Peruvian, Venezuelan, and, to a lesser extent, Central American women and girls in sex trafficking and forced labor for domestic service and begging. Traffickers increasingly use social media networks to recruit and groom individuals to later exploit them in sex and labor trafficking. Haitians migrate through Brazil into Ecuador to seek jobs on banana plantations, where they are vulnerable to forced labor. Traffickers use Ecuador as a transit route for trafficking victims from Colombia and the Caribbean to other South American countries and Europe. Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced labor in begging, domestic service, sweatshops, or as street and commercial vendors in Ecuador or other South American countries. Ecuadorian children are subjected to forced labor in criminal activity, such as drug trafficking and robbery. Traffickers exploit Ecuadorian men, women, and children in sex trafficking and forced labor abroad, including in the United States and other South American countries, particularly Chile. Traffickers exploited Ecuadorian children in sex trafficking and forced labor in Chile, Colombia, Peru, and to a lesser degree, Argentina, Spain, and Suriname. Ecuador was a transit country for Colombian and Venezuelan victims en route to Europe and other South American countries. Some Ecuadorian trafficking victims are initially smuggled and later exploited in prostitution or forced labor in third countries, including forced criminality in the drug trade. Allegedly, some corrupt Ecuadorian officials have alerted traffickers before some law enforcement operations, and some local authorities assisted traffickers to procure falsified identity documents, which resulted in victims' lack of confidence in the police and a reluctance to report potential cases. Colombian illegal armed groups targeted and forcibly recruited Ecuadorian youth living along the northern border. Women, children, indigenous persons, LGBTI individuals, refugees, and migrants continued to be the most vulnerable to sex trafficking. Traffickers lured vulnerable displaced Venezuelans with fraudulent employment opportunities, particularly those in irregular status, and later exploited them into sex trafficking and forced labor.

EGYPT: TIER 2

The Government of Egypt does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing

efforts compared to the previous reporting period; therefore Egypt remained on Tier 2. The government investigated and convicted more alleged traffickers and identified more child trafficking victims than in the previous reporting period. It also dedicated resources to and finalized the renovation of a new trafficking shelter. However, the government did not meet the minimum standards in several key areas. The government did not identify any adult trafficking victims, and it did not report referring or assisting any of the child trafficking victims it identified. The government also prosecuted fewer traffickers than in the previous reporting period. The government remained without effective victim identification and referral procedures; as a result, at times authorities penalized identified and unidentified victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. As in the previous reporting period, the government lacked appropriate protection services, including shelters, for victims of all forms of trafficking; and it did not provide in-kind support or funding to civil society organizations that provided essential victim care.



PRIORITIZED RECOMMENDATIONS:

Implement and utilize country-wide procedures and guidelines for law enforcement, judicial, and other relevant officials to proactively identify and refer trafficking victims to appropriate care. • Provide protection services, including dedicated shelters, to victims of all forms of trafficking and allocate adequate resources and staffing for these services. • Implement measures to ensure authorities do not treat trafficking victims as criminals for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations. • Increase investigations, prosecutions, and convictions of sex and labor trafficking, and punish offenders—including complicit officials and child sex tourists—with sufficiently stringent sentences. • Use the specialized trafficking courts and train judicial officials in these courts on a victim-centered approach for the treatment of victims and witnesses of trafficking crimes during investigations and court proceedings. • Continue to train all government officials, including police, security officials, judges, prosecutors, and social workers, on implementation of the anti-trafficking law, victim identification techniques, and victim referral procedures. • Provide a legal and regulatory environment that allows NGOs to provide services to trafficking victims and populations vulnerable to human trafficking. • Increase efforts to address and reduce the demand for "summer marriages" and commercial sex acts. • Amend the labor law to include labor protections for Egyptian and foreign domestic workers. • Improve data collection for human trafficking cases and disaggregate sex, labor, and other forms of trafficking. • Continue ongoing nationwide awareness campaigns.

PROSECUTION

The government demonstrated uneven law enforcement efforts. The 2010 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties from three to 15 years' imprisonment and a fine of between 50,000 and 200,000 Egyptian pounds ($3,130 and $12,500) for offenses involving an adult victim, and up to life imprisonment and a fine of between 100,000 to 500,000 pounds ($6,250 and $31,250) for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government investigated 154 cases of alleged sex and labor trafficking crimes, and it continued to investigate 22 cases of sex and labor trafficking that it initiated in the previous reporting period; this represented an increase from the 78 investigations it initiated during the previous reporting period. Among the 154 investigations, in February 2020, the media reported authorities arrested and detained four members of a criminal network that allegedly sold Egyptian girls into marriages with wealthy Arab men for the purpose of sexual exploitation. The government also requested judicial assistance from foreign countries in the investigation of three alleged trafficking cases, but it did not report further details. In addition, during the reporting period the government initiated the prosecution of 25 alleged perpetrators for sex and labor trafficking but did not provide additional case details; the government also continued the prosecution of 41 alleged perpetrators that it initiated in previous reporting periods. Included in this data was the prosecution of five government officials for trafficking crimes, but the government did not report additional details of this case or when it was initiated; the trial was ongoing at the end of the reporting period. Prosecutions during this reporting period represented a decrease from the 60 alleged perpetrators the government prosecuted for sex trafficking and child trafficking during the previous reporting period. The government convicted 67 perpetrators for forced labor and sex trafficking under the anti-trafficking law, which represented an increase from the 11 convictions of traffickers during the previous reporting period. The government did not report sentencing data for convicted traffickers except for one case, in which an unspecified number of traffickers received suspended sentences and no prison time. The media reported that in August 2019, the Cairo Criminal Court sentenced four traffickers to five years' imprisonment and two traffickers to two years' imprisonment for labor trafficking crimes.

The Ministry of Justice (MOJ) maintained eight specialized judicial circuits in the courts of appeal with 30 judges assigned to prosecute human trafficking cases. In January 2020, the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM & TIP) partnered with an international organization to provide anti-trafficking training to 20-25 judges in these specialized courts. The MOJ did not report utilizing these courts during the reporting period, nor did it report detailed information on the resources, staffing, or responsibilities of these courts or the selection process for these specialized judges. During the reporting period, the government continued to distribute updated legal guidelines for evidence collection, prosecution of trafficking cases, and victim protection to relevant authorities. During the reporting period, the Ministry of Interior conducted multiple training courses for Egyptian police officers on human trafficking and the anti-trafficking law, migrant smuggling, and other crimes. NCCPIM & TIP partnered with other governmental agencies to train prosecutors and judges, as well as with international organizations to provide additional trainings.

PROTECTION

The government demonstrated weak victim identification and protection efforts. The National Council for Childhood and Motherhood (NCCM) reported that its child protection hotline for individuals to report crimes against children, including potential child trafficking cases, identified 49 potential child trafficking victims out of more than 20,000 complaints it received; these cases involved allegations of forced labor, sex trafficking, and child marriage. This demonstrated a slight increase from the previous reporting period when the hotline identified 42 potential child trafficking victims. Similar to the previous reporting period, the government did not report if it referred any of the 49 child victims

to protection services. Authorities did not report proactively identifying or referring to protection services any adult trafficking victims, even though both the government and NGOs reported that Egyptian and foreign adults were at risk of trafficking in the country. NCCPIM & TIP reported providing victim identification training to an unspecified number of police officers, and NCCM and the National Council for Women (NCW) began using trafficking indicators to identify victims during the reporting period. In January 2020, NCCM—in cooperation with an international organization—launched standard operating procedures for handling child protection cases, which included instructions on handling child trafficking cases. NCCM also maintained 320 child protection committees around the country and worked with 40 NGOs to identify potential child trafficking cases. Despite these efforts, the government remained without an effective country-wide victim identification and referral system. Although the government maintained a national victim referral mechanism, authorities did not use it consistently throughout the reporting period. While some NGOs reported they received some victim referrals from various governmental entities, NGOs continued to report the referral mechanism was overall ineffective and underutilized, and various government stakeholders were unaware that it existed.

Authorities typically relied on NGO referrals or for victims to self-identify; however, NGOs reported that Egyptian and foreign female victims—particularly those among African migrants and refugees—were hesitant to report or file criminal complaints against traffickers or speak to interpreters due to fear of cultural social stigmas. Ineffective victim identification and referral procedures contributed to authorities potentially punishing or penalizing identified and unidentified victims for illegal acts traffickers compelled them to commit, such as immigration and prostitution violations. For example, NGOs reported police officers arrested and detained female victims of sex trafficking on wrongful charges of prostitution or debauchery; judges typically released these victims due to insufficient evidence to support the charges of the crimes. During the reporting period, an NGO reported police detained, but later released, hundreds of potential victims of sex trafficking. In addition, foreign embassies in Egypt reported the government required foreign victims to pay overstay fees, thus preventing them from leaving the country and potentially hindering them from leaving situations of trafficking.

The government's provision of appropriate protection services to victims of all forms of trafficking remained weak. The government remained without shelter or other essential rehabilitative services specifically dedicated to the needs of trafficking victims. However, throughout the reporting period, the government contributed one million Egyptian pounds ($62,500) and worked with an international organization to equip and finalize the renovation of a shelter for female Egyptian trafficking victims; the shelter was completed but not fully operational at the end of the reporting period. The shelter will have the capacity to house 25 trafficking victims with a projected staff of 25-30 personnel; however, the shelter will not be available to foreign victims, despite recommendations from civil society to allow foreign victims care at the shelter. In the absence of an operational shelter for trafficking victims, NCCPIM & TIP reported that eight shelters run by the Ministry of Social Solidarity (MoSS) could receive trafficking victims. Several NGOs stated that MoSS shelters were not appropriate for some trafficking victims due to concerns about security and privacy procedures and a lack of adequately trained staff. In December 2019, MoSS updated the bylaws for all eight shelters to allow access for non-Egyptian victims. According to an NGO, a shelter operated by NCCM assisted one potential adult victim of domestic servitude, whom the NGO referred, during the reporting period; however, the government did not report the types of services the woman received at the shelter. Egyptian labor law did not include protections for domestic workers, which continued to create greater vulnerabilities to trafficking among this population. The government continued to rely on international and civil society organizations to provide and fund victim assistance, but it did not—in turn—provide financial assistance to these organizations, which affected their ability to offer protective services to victims.

PREVENTION

The government maintained efforts to prevent human trafficking. The government continued to implement the 2016-2021 National Strategy for Combating and Preventing Trafficking in Persons, but it did not report information on the resources allocated for implementation of the plan. NCCPIM & TIP continued to coordinate inter-ministerial anti-trafficking efforts throughout the reporting period; however, NGOs continued to report that NCCPIM & TIP did not fully utilize trafficking experts, which hindered training for police, judicial officials, and prosecutors. NCCPIM & TIP's mandate to address both smuggling and trafficking crimes may have impeded the government's overall efforts to raise awareness about human trafficking as a distinctly different crime. Nevertheless, NCCPIM & TIP and other governmental entities continued to conduct multiple awareness raising activities throughout the reporting period, which included some campaigns in partnership with an international organization; one such campaign reportedly reached more than three million online viewers. The government also produced and widely distributed to the public several animation videos to raise awareness of sex and labor trafficking crimes in Egypt. During the reporting period, NCCPIM & TIP also distributed an anti-trafficking manual for Egyptian missions and Egyptian laborers abroad. In November 2019, NCCPIM & TIP hosted a regional forum of national coordinating bodies to combat trafficking from 18 African countries to exchange knowledge and enhance anti-trafficking coordination. NCCM continued to operate a child protection hotline for individuals to report crimes against children, including potential child trafficking cases, which operated 24 hours a day, seven days a week; the hotline was equipped with trained personnel including two lawyers and offered counseling services. In 2019, NCCM partnered with an international organization to train NCCM's hotline staff and provide database software to track demographic data of victims reported through the hotline, including potential trafficking cases. Throughout the reporting period, a hotline run by NCW received equipment and training from an NGO to improve hotline operators' capacity to receive reports of potential trafficking crimes involving female victims; the government did not report if the hotline identified any potential trafficking cases during the reporting period. In the absence of labor law protections for domestic workers, the government continued to promote a voluntary labor contract that employers of domestic workers could choose to use, which offered some protections for Egyptian domestic workers, but it did not provide protections for foreign domestic workers. In March 2020, NCCPIM & TIP, in cooperation with NCW and several NGOs, conducted a meeting with domestic workers to raise their awareness about human trafficking and highlight the domestic worker. The government made some efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

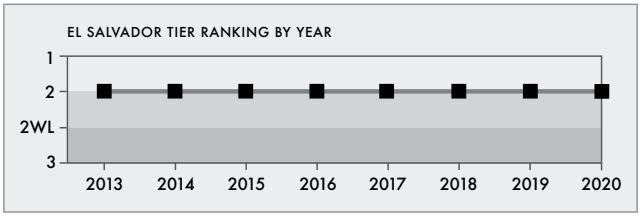
As reported over the past five years, human traffickers exploit domestic and foreign victims in Egypt, and traffickers exploit victims from Egypt abroad. Traffickers subject Egyptian children to sex trafficking and forced labor in domestic service, street begging, drug trafficking, quarrying, and agricultural work in Egypt. Traffickers, including some parents, force Egyptian children to beg in the streets of Cairo, Giza, and Alexandria or exploit girls in sex trafficking. NGOs report the lack of economic and educational

opportunities cause family members, including parents, husbands, and siblings, to subject women and girls to sex trafficking to supplement family incomes; in some cases, family members rape women and girls to coerce or force them into prostitution. Child sex tourism occurs primarily in Cairo, Alexandria, and Luxor. Individuals from the Arabian Gulf, including Kuwait, Saudi Arabia, and United Arab Emirates purchase Egyptian women and girls for "temporary" or "summer marriages" for the purpose of commercial sex, including cases of sex trafficking, as well as forced labor; the victims' parents and marriage brokers, who profit from the transaction, often facilitate these arrangements. Traffickers reportedly exploit Egyptian children—primarily from Fayoum and Damietta—in commercial sexual acts in Europe. Traffickers subject Egyptian men to forced labor in construction, agriculture, and low-paying service jobs in neighboring countries.

Traffickers subject men and women from South and Southeast Asia and East Africa to forced labor in domestic service, construction, cleaning, and begging, as well as sex trafficking. In 2017, observers reported an increase in West African trafficking victims, although it was unclear if this was the result of increased victim identification or an actual increase in numbers. Foreign domestic workers—who are not covered under Egyptian labor laws—primarily from Bangladesh, Eritrea, Ethiopia, Indonesia, the Philippines, Nigeria, Sudan, South Sudan, and Sri Lanka—are highly vulnerable to forced labor, whose employers at times require them to work excessive hours, confiscate their passports, withhold their wages, deny them food and medical care, and subject them to physical, sexual, and psychological abuse. Some employers file false claims of theft to further exploit domestic workers. Traffickers subject women and girls, including refugees and migrants from Asia, Sub-Saharan Africa, and the Middle East to sex trafficking in Egypt. In 2018, an international organization reported a new trend of Colombian nationals who were smuggled into Egypt to work in the entertainment industry, and in 2019, an NGO reported that employers in resort towns, such as Sharm El Sheikh, sexually exploit dancers from Colombia. Refugees from Syria, Sudan, South Sudan, and Yemen that live in Egypt are at risk of trafficking. For example, increasingly traffickers target Syrian refugees who have settled in Egypt for forced child labor, sex trafficking, and transactional marriages of girls—which can lead to sexual exploitation, including sex trafficking and forced labor. NGOs reported in January 2020 that unaccompanied minors (UAMs) among the African migrant population are increasingly at risk of trafficking in Egypt; Sudanese gangs reportedly target UAMs to force or coerce the minors to sell drugs or commit other petty crimes. Irregular migrants and asylum-seekers from the Horn of Africa, who transit Egypt en route to Europe, are increasingly at risk of trafficking along this migration route.

EL SALVADOR: TIER 2

The Government of El Salvador does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore El Salvador remained on Tier 2. These efforts included increased investigations, prosecutions, and convictions. The attorney general's office added 11 new prosecutors to work on trafficking cases, and the government cooperated with various governments on joint investigations, one of which resulted in a conviction and prison sentence for the trafficker. The government identified more victims and passed a new law for migrants and foreigners that granted trafficking victims two years' residency with multiple entry and exit permissions. However, the government did not meet the minimum standards in several key areas. The government did not provide sufficient personnel and resources for law enforcement and prosecutors to conduct investigations and prosecutions. The government struggled to implement procedures to identify victims among vulnerable groups, including children apprehended for illicit gang-related activities and irregular migrants returning to El Salvador, and to consistently apply victim-centered approaches during investigations and criminal proceedings. Judges did not have an adequate understanding of anti-trafficking laws and struggled with the evidentiary process in trafficking cases. The government had limited shelter services for all victims; victim services for adult men and women, boys, and LGBTI persons were severely lacking. The government offered few long-term support or reintegration services to victims, leaving them at risk of re-trafficking. The government's labor ministry did not have sufficient funding or personnel to conduct labor inspections focused on forced labor. The government did not have effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.



PRIORITIZED RECOMMENDATIONS:

Provide additional shelter services for all victims. • Increase specialized services for adults, boys, and LGBTI victims. • Implement procedures to proactively identify victims among vulnerable groups, including children apprehended for illicit gang-related activities and irregular migrants returning to El Salvador, and use victim-centered approaches during investigations and criminal proceedings. • Strengthen efforts to investigate, prosecute, and convict traffickers, especially for forced labor, including forced criminal activity. • Provide adequate funding and personnel for law enforcement and prosecution efforts. • Increase efforts to train judges on the anti-trafficking law and the evidentiary process in trafficking cases. • Enforce laws punishing local labor brokers for illegal practices that facilitate trafficking, such as fraudulent recruitment and excessive fees for migration or job placement. • Amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law. • Conduct thorough criminal investigations and prosecutions of alleged government complicity in trafficking offenses. • Develop a new national action plan to combat trafficking for the period 2020 and beyond. • Develop a case management system to improve data collection, sharing, and analysis related to trafficking cases. • Expand prevention measures to target populations particularly vulnerable to trafficking.

PROSECUTION

The government increased law enforcement efforts. The 2014 Special Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 14 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law considered the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime; the penalties increased to 16 to 20 years' imprisonment for trafficking offenses involving these factors. The law defined trafficking broadly to include fraudulent adoption without the purpose of exploitation. The government also prosecuted trafficking crimes under other parts of its penal code.

Authorities investigated 80 cases (77 sex trafficking cases, one case of forced begging and two cases of forced labor) in 2019, compared with 74 cases (71 sex trafficking cases and 3 forced labor cases) in 2018, 76 cases (73 sex trafficking cases, two forced labor cases, and one domestic servitude case) in 2017 and 55 sex trafficking cases in 2016. In 2019, authorities prosecuted nine individuals (eight for sex trafficking, one for forced labor), and convicted 12 individuals (three for sex trafficking and nine for forced marriage), compared with prosecuting nine cases and convicting seven traffickers in 2018, prosecuting nine cases and convicting six traffickers in 2017, and seven prosecutions and six traffickers convicted in 2016. The government did not provide data on sentences in 2019, but sentences ranged from six to 10 years in 2018, and 10 to 14 years' imprisonment in 2017. The national police conducted searches at bars and nightclubs in several areas of the country with a specific focus on potential human trafficking for sexual exploitation and child labor; police arrested nine people on charges of sexual crimes against adolescents from these searches. In October 2019, the police and attorney general's office carried out Operation Turquoise, an anti-trafficking law enforcement sting, in San Salvador, Sonsonate, and Chalatenango, which identified child sex trafficking in El Salvador and Guatemala. In October 2019, the Salvadoran national police and immigration officials cooperated to dismantle two human trafficking and smuggling networks in eastern El Salvador. In 2018, authorities arrested an allegedly complicit government official on charges of drug trafficking and human trafficking; the government was unable to provide updates to this case during the reporting period. In previous years, authorities investigated prison guards and the former head of the anti-trafficking unit for alleged complicity in trafficking offenses, but they did not hold any officials responsible, raising serious concerns of a lack of accountability and weak law enforcement.

The attorney general's office added 11 new prosecutors to work on trafficking cases, two of whom were located remotely in the areas of San Miguel and Ahuachapán, known areas for human trafficking. Observers reported that law enforcement and prosecutors still lacked sufficient personnel for investigations and prosecutions, funding for operational budgets, and resources, such as appropriate communication technology to share information electronically, office equipment, and transportation, as well as training to adequately investigate trafficking cases and bring cases to trial. Observers and officials reported law enforcement and the attorney general's office would benefit from a modernized case management system to collect, share, and analyze law enforcement information. Observers noted the attorney general's office frequently assigned different prosecutors to handle different phases of a single criminal case, which hampered its ability to prosecute cases in an efficient and cohesive manner. The government and NGOs reported difficulty prosecuting cases with foreign victims because they often returned to their country of origin before testifying, which made investigations difficult to complete and convictions more difficult to obtain. Experts noted some investigators used harsh questioning during victim interviews leading to re-traumatization. Gang violence and insecurity throughout the country continued to limit the access of prosecutors, investigators, and social workers to visit gang-controlled territory.

Government officials and outside experts reported judges showed increased sensitivity to trafficking cases. Observers, however, reported judges still did not have an adequate understanding of anti-trafficking laws and regulations, and judges struggled with the evidentiary process in trafficking cases. Officials reported that training judges to understand the dynamics of trafficking cases and the use of non-testimonial evidence to corroborate victim testimony, and building overall capacity in the law enforcement and immigration sectors, and with first responders, would improve the efficacy of identifying and prosecuting trafficking cases. In response to these gaps, two international organizations worked with the El Salvadoran National Judiciary Council to deliver a nine-month trafficking-related training to 40 judges starting in July 2019. The government collaborated with an international organization and foreign government to provide judges and law clerks with a short course on understanding digital evidence.

PROTECTION

The government increased victim identification and protection efforts; however, shelter and specialized services remained limited. The government identified 124 victims (75 sex trafficking victims, two forced begging, and 47 forced labor victims), compared to 53 victims (50 sex trafficking victims and three forced labor victims) in 2018, 72 victims (67 sex trafficking victims and five forced labor victims) in 2017, and 53 victims in 2016. Out of the 124 victims identified, 31 were adult males and eight were male adolescents; this marked the first time, since 2016, men or boys were identified as trafficking victims. The attorney general's office, in collaboration with the police; the anti-trafficking council; NGOs; and international organizations, assisted 111 victims in 2019 with psychological care, temporary lodging, and job training and placement; this compared with the government referring 50 victims to NGOs for shelter and services in 2018. All identified victims assisted in the prosecution of their traffickers.

The anti-trafficking council operated 19 offices to provide information and referrals to victims in 15 municipalities across the country. The government's 2018 Inter-Institutional Action Protocol for the Immediate Comprehensive Care of Trafficking Victims outlined the roles and responsibilities of government agencies in responding to trafficking victims. The Law for the Protection of Children and Adolescents established a comprehensive legal framework for the protection of children's rights, including protection from child labor and trafficking. The anti-trafficking council provided a manual to immigration officials to identify possible trafficking victims in border regions and received training; however, the government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. Several organizations provided some training on victim identification to immigration officials, labor inspectors, physicians, service providers, and tourism professionals. Officials observed that first responders had continuing gaps in knowledge of victim identification procedures and their application.

The government did not provide the Ministry of Justice and Public Security's budget for the victims' attention and gender equality area in FY 2019; however, its 2018 budget was $370,960. The government did not provide 2019 budget figures for its anti-trafficking unit; in 2018 this united received $486,570. Assistance to victims, including shelters, was limited and specialized care was not available. The Salvadoran Institute for the Complete Childhood and Adolescent Development (ISNA) maintained the only trafficking victims' shelter in the country, which had the capacity to house 12 adolescent girls; there was no shelter available to house adult women. Furthermore, ISNA stated that they were limited in providing anti-trafficking training to their personnel due to financial constraints. Government services and shelters for boys, adults, LGBTQI persons, and the disabled continued to be nearly nonexistent, with the government relying on religious and civil society organizations to attend to these victims. NGOs reported these victims needed shelter, rehabilitation, and mental health services. The government offered few long-term support or reintegration services to trafficking victims, leaving them at risk of re-trafficking. Authorities assisted Salvadorans returned from abroad by providing medical, psychological, and social services, but the government did not identify trafficking victims among returnees in 2019. Social workers reported problems and

delays in entering gang-controlled neighborhoods to attend to victims, impeding victim protection and assistance efforts. In spring 2019, the government formed the Women's Coordination Unit, which was dedicated to combatting the country's high rate of female and minority violence, including gangs involved in the sex trafficking of women.

El Salvador's laws allowed judges to order convicted traffickers to pay restitution; however, the courts did not order restitution in any cases in 2019. The government provided witness protection and support to identified victims, including disguising victims' identities in court and allowing victims to provide testimony by deposition or via videoconference. Experts criticized the government's witness protection measures as insufficient, as they did not continue after the trial ended. Government officials and NGO representatives stated police needed additional procedures and training to properly identify, interact with, and protect victims, who were often mistaken for criminals and may have been punished for such crimes. Law enforcement detained and jailed minors associated with gangs for gang-related criminal activity, which may have involved sex trafficking or forced labor. The 2014 trafficking law provided foreign trafficking victims the right to seek residency status, which would allow them to work legally, but authorities did not offer such protection to any foreign victims in 2019 or 2018, compared to four foreign victims in 2017 who ultimately requested to be repatriated to their country of origin. In April 2019, the legislative assembly passed the Special Law on Migration and Foreigners that included a subsection on human trafficking; this law granted trafficking victims residency with multiple entry and exit permission for an initial period of up to two years with the option to extend. With the support of an international organization, 12 municipalities in the San Miguel Department approved a local ordinance again human trafficking in 2019, which provided rules that companies and local businesses must follow to prevent, detect, and support investigations on human trafficking; the local ordinances were expected to enable greater collaboration between municipal and national police.

PREVENTION

The government maintained prevention efforts. The national anti-trafficking council coordinated the efforts of 12 institutions and extended through the end of 2019 the previous national anti-trafficking action plan, which required the government to make efforts to prevent trafficking, identify and protect victims, prosecute traffickers, coordinate inter-agency work, cooperate with the public, and provide training. Observers commented the council lacked consistency and continuity in implementing its anti-trafficking programs; some experts also criticized the anti-trafficking plan as partisan. The council created an annual trafficking in persons report distributed to stakeholders, but it was not available by the end of the reporting period. The government promoted the UNODC "Blue Heart" Campaign for a third year, which included billboards and broadcast media, but did not report any concrete results of the campaign. The council provided training to companies on the risk of human trafficking. ISNA, through the coordination of the Shared Attention Network, delivered 15 trafficking awareness and training campaigns to 350 members across nine networks. In July 2019, the Ombudsman for Human Rights in collaboration with an NGO and the European Union launched a project focused on combatting human trafficking in eight departments across El Salvador. The government, in collaboration with Guatemala and Honduras issued communications warning parents of the dangers of migration, the failures of migration, and highlighted the government's intent to prosecute traffickers. The national police had a 24-hour crime-reporting hotline and Twitter account, which resulted in no trafficking leads; however, its 911 emergency hotline resulted in 46 potential trafficking leads.

Neither the Labor Code nor the Penal Code specified fines or punishment for fraudulent recruitment of workers. However, in 2019, the Ministry of Labor (MOL) managed the majority of El Salvador's H-2A visa recruitment process, which stated that foreign companies must respect the rights of Salvadoran workers, including their right to fair pay and warned potential H-2A visa applicants that foreign job offers only come from the MOL. The MOL released statements warning workers about fraudulent job offers. While the MOL took an active stance in fraudulent labor recruitment for foreign jobs, it did not make similar statements on domestic recruitment practices. The MOL administered a labor inspection program but it had limited funding and personnel, and did not identify any cases of forced labor for the third year in a row. The lack of transportation and limited access to gang-controlled territories made it difficult for the labor inspectorate to conduct inspections nationwide. The MOL developed a labor inspection plan to verify compliance with labor laws for migrant workers arriving at ports of entry aimed at preventing forced labor. The MOL started restructuring its labor inspectorate to broaden both the prevention and eradication of child labor, and began planning new schedules for labor inspections in 2020 focused on child labor targeted at hotels, night clubs, and bars where sex trafficking of minors may occur. Labor inspectors received anti-trafficking training in 2019. Salvadoran law criminalized sex tourism and prescribed penalties of four to 10 years' imprisonment, but authorities did not report any investigations of sex tourism. The government noted that it was difficult to prosecute sex tourism cases because according to the 2014 trafficking law, the trafficking must specifically occur in a tourist resort or facility. NGOs reported that sex trafficking occurred in the tourism industry. The government did not make efforts to reduce the demand for commercial sex acts.

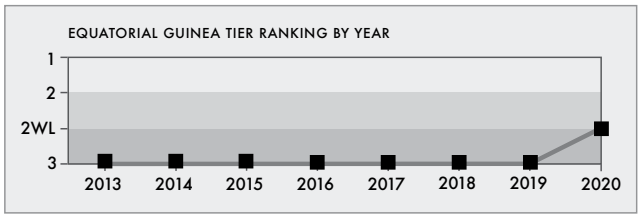
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in El Salvador, and traffickers exploit victims from El Salvador abroad. NGOs report that the sociodemographic profile of traffickers involves a range in age 18 to 45; they are usually the same nationality as their victims, and generally have an education level slightly above their victims with some traffickers completing schooling that is equivalent to university education. Traffickers exploit women, men, and children in sex trafficking within the country; minors without parents, adolescent women, and LGBTQI persons, especially transgender individuals, are at particular risk. Traffickers sometimes exploit their own children and family members. Recent cases of trafficking have involved gangs using the pretense of domestic employment to lure women into forced marriage. Some women and men, who were previously trafficking victims, subsequently run trafficking networks. Traffickers exploit Salvadoran adults and children in forced labor in agriculture, domestic service, begging, and the textile industry. Traffickers exploit men, women, and children from neighboring countries—particularly Nicaragua, Guatemala, and Honduras—in sex trafficking and forced labor in construction, domestic service, or the informal sector. Traffickers recruit victims in the regions of the country with high levels of violence and coerce victims and their families through threats of violence. Gangs actively recruit, abduct, train, arm, and subject children to forced labor in illicit activities—including assassinations, extortion, and drug trafficking—and force women, LGBTQI persons, and children to provide sexual services, in some cases for imprisoned gang members, as well as forced to provide domestic service, and childcare for gang members' children. Traffickers exploit Salvadoran men, women, and children in sex trafficking and forced labor in Guatemala, Mexico, Belize, and the United States. Traffickers exploit some Salvadorans who irregularly migrate to the United States in forced labor, forced criminal activity, and sex trafficking en route or upon arrival. Traffickers exploit some

Latin American, South American, African, and Asian migrants who transit El Salvador to Guatemala and North America in sex and labor trafficking. Individuals without personal identification documents are highly vulnerable to trafficking. Traffickers are increasingly using social media and messaging platforms to lure victims. Corruption and complicity, including within law enforcement, the prison system, and local government, remained a significant obstacle to law enforcement efforts.

EQUATORIAL GUINEA: TIER 2 WATCH LIST

The Government of Equatorial Guinea does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Equatorial Guinea was upgraded to Tier 2 Watch List. These achievements included investigating and—for the first time since 2010–prosecuting a possible trafficking case; developing and implementing formal screening procedures to identify victims within vulnerable populations; proactively identifying a potential trafficking victim; funding and partnering with an international organization to deliver training for more than 700 officials and civil society actors; expanding its awareness campaign to reach all seven of the country's districts; and providing funding for its 2019-2021 national action plan. Despite these achievements, the government has never convicted a trafficker under its 2004 anti-trafficking law. Additionally, the government's victim services remained inadequate. Official awareness of trafficking remained low and the government's anti-trafficking law did not criminalize all forms of trafficking.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate and prosecute traffickers under the country's laws. • Establish as a policy priority the proactive identification of victims of trafficking—separate from fraudulent adoptions or other forms of abuse—including in vulnerable communities such as child laborers in markets; women in commercial sex; domestic and construction workers; undocumented immigrants; and North Korean and Chinese workers. • Amend the 2004 anti-trafficking law to remove the requirement of a demonstration of force, fraud, or coercion in child sex trafficking cases. • Form and provide resources to an independent office mandated to improve the government's capacity to investigate and prosecute traffickers and identify victims. • The Ministry of Social Affairs and Gender Equality should coordinate with the Ministries of Interior and Local Corporations, Labor, National Security, and others as appropriate, as well as international organizations and civil society to develop, disseminate, and implement formal procedures for law enforcement and first responders to identify and refer trafficking victims to care. • Expand training for law enforcement and judicial officials to increase their capacity to investigate, prosecute, and—following a fair and transparent trial—sentence convicted traffickers under Equatorial Guinea's anti-trafficking law. • Train social workers, law enforcement, labor inspectors, and immigration officials on trafficking indicators. • Increase funding for victim services and coordinate with civil society and NGOs to provide shelter for all identified trafficking victims. • Continue to include local officials in the nation-wide anti-trafficking public awareness outreach campaigns to educate more individuals on trafficking indicators and how they can report potential victims to first responders. • Further research the extent and nature of human trafficking within the country according to the national action plan, and draft an annual public report describing the government's efforts.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2004 Law on the Smuggling of Migrants and Trafficking in Persons criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed penalties of 10 to 15 years' imprisonment and a fine of at least 50 million CFA francs ($86,490) if the offense involved an adult victim; an additional five years would be added to the principal penalty for offenses involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Equatorial Guinea's law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore it did not criminalize all forms of child sex trafficking. Additionally, the law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The government drafted new penal code articles in 2019 with increased victim protection requirements; however, parliament had not approved the articles at the end of the reporting period.

The government did not maintain comprehensive law enforcement statistics. Officials reported arresting and—for the first time since 2010—initiating prosecutions against two suspected traffickers in late 2019 in a case involving a child from a neighboring country who may have been subjected to human trafficking as defined in international law. However, authorities reported trying the case as illegal adoption due to a lack of training among judicial officials on trafficking crimes and statutes. Officials arrested one suspected trafficker in the previous reporting period, although the government deported the suspect without referring the case for prosecution, a common practice that has undermined holding traffickers accountable. The government has yet to convict a trafficker under its 2004 trafficking law. Judicial officials noted a lack of training resulted in authorities prosecuting and convicting potential trafficking cases under related statutes, such as kidnapping, illegal adoption, or physical abuse. The government did not report investigating, prosecuting, or convicting government employees complicit in human trafficking offenses, although general corruption and official complicity in trafficking crimes remained concerns, inhibiting law enforcement action during the year.

For the first time in two years, the government provided anti-trafficking training to its officials. The government funded a nationwide anti-trafficking training program for more than 700 government workers and civil society actors during the reporting period to address a widespread lack of knowledge of trafficking among officials and the general population. The training program—delivered by government officials and international organization partners—included front-line officers from the National Police, Gendarmerie, and military as well as governors, regional government representatives, mayors, civil society, and community leaders.

PROTECTION

The government increased efforts to identify victims but demonstrated marginal efforts to provide adequate services to victims. The government proactively identified and provided shelter

and basic services for one potential victim from a neighboring country in 2019. During the previous reporting period, the government provided shelter and services for one potential foreign victim who self-identified to an embassy in Malabo. The Ministry of Social Affairs developed and implemented, in coordination with the Ministry of National Security, formal screening procedures involving a checklist of indicators to identify victims within vulnerable populations—an effort that had been stalled for the previous five years. Law enforcement officials did not have formal procedures to guide their victim identification efforts. In 2019, Ministry of Foreign Affairs officials reported visiting the country's three prisons to interview foreign inmates to assess if any were victims of trafficking. The government reportedly screened individuals employed in the regulated commercial sex trade for trafficking indicators; however, officials did not report identifying any victims through these initiatives. Officials established a system to use government housing as temporary shelters for victims of trafficking and domestic violence, although authorities did not report referring any victims to these shelters.

The government increased its funding from $50,000 to $100,000 in 2019 for an NGO to provide services to female victims of trafficking and to raise awareness of the crime among vulnerable populations. The government had no formal policies to provide foreign trafficking victims legal alternatives to their removal to countries where they might face retribution or hardship. In 2019, there were no reports authorities penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to a lack of widely used formal victim identification procedures, some unidentified trafficking victims may have been deported or arrested. Unlike previous years, high-level interest and support for working-level officials led to an increasing understanding of trafficking principles across the government during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. Civil society and government officials' minimal awareness of the crime and the lack of a leading government entity to coordinate key actors' efforts historically have impeded the country's anti-trafficking efforts. To address the awareness deficiency, the government expanded its sensitization campaign in 2019 to all seven of the country's districts using direct person-to-person sessions, radio, television, and social media to increase Equatoguineans' understanding of human trafficking, reaching more than 65,000 users on Facebook alone. The Ministry of Labor complemented its existing web-based reporting platform by launching a hotline to increase the channels for individuals to report potential trafficking cases, and the Ministry of National Security created a hotline for victims to contact authorities; the government did not report how many individuals used the hotline or web-based reporting platform.

The government convened its anti-trafficking inter-ministerial committee multiple times during the reporting period and coordinated with international organizations, foreign governments, and civil society to begin to implement its 2019-2021 national action plan. Although officials did not disclose the total amount spent in support of the plan, the government allocated at least $149,000 to implement trainings in line with its national anti-trafficking strategy, compared with not funding its plan in the previous reporting period. In November 2019, the Ministry of Interior hosted a televised roundtable with approximately 40 NGO representatives to discuss ways the government could more effectively collaborate with civil society actors to identify victims of trafficking. Additionally, the government established a monthly radio show during the reporting period dedicated to discussing human trafficking. The Ministry of Social Affairs coordinated with an international organization to train approximately 170 individuals—including teachers and community leaders—throughout the country on trafficking indicators and protocols to inform authorities and refer victims to resources.

The Ministry of Labor continued to implement regulations for all companies to sign formal labor contracts with their employees. During the reporting period, the Ministry of Labor continued to partner with the non-governmental General Director of the National Financial Research Organization to inspect businesses and ensure firms complied with labor laws. The Ministry of Foreign Affairs instructed diplomats to avoid engaging in trafficking or trafficking-related practices and directed officials stationed abroad to screen for trafficking indicators when adjudicating visas. To decrease the number of undocumented migrants—a population vulnerable to trafficking—the Ministry of National Security increased efforts to more expeditiously issue residency permits. Commercial sex was legal in the country and, in an attempt to decrease exploitation of vulnerable individuals and demand for commercial sex acts, the government continued implementing regulations requiring all commercial sex establishments to register and provide contracts to their workers.

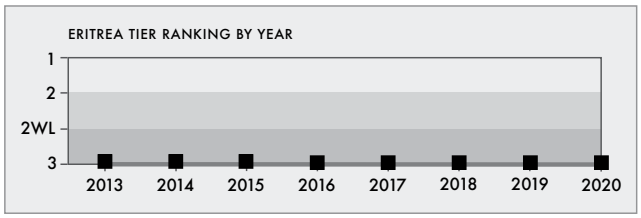
TRAFFICKING PROFILE

TRAFFICKING PROFILE: As reported over the past five years, human traffickers exploit domestic and foreign victims in Equatorial Guinea, and traffickers exploit victims from Equatorial Guinea abroad. Most civil society members and government officials lack an understanding of trafficking in persons, hindering the country's ability to identify victims and address the crime. Equatoguineans exploit the majority of trafficking victims in forced labor in domestic service and commercial sex in the cities of Malabo, Bata, Mongomo, Ebebiyin, and to a lesser extent Oyala, where relative wealth and security attracts Central and West African migrant workers. Equatoguinean traffickers exploit local and foreign women in commercial sex in these cities, with the Malabo neighborhoods of Banapa, Paraiso, and the city center primary areas of concern. Experts noted the sustained economic downturn due to decreasing oil prices and oil production resulted in Equatoguineans in urban centers replacing some foreign domestic workers with children from rural areas in Equatorial Guinea, whom they then exploited in forced labor. Some business owners involved in the hospitality and restaurant sectors exploit hotel and bar workers in forced labor and commercial sex within the country's urban centers. Experts report LGBTI youth are often left homeless and stigmatized by their families and society, increasing their vulnerability to trafficking.

Equatoguinean business owners reportedly exploit children from nearby countries—primarily Nigeria, Benin, Cameroon, Togo, and Gabon—in forced labor as domestic workers, market laborers, vendors, and launderers. Observers reported Equatoguinean traffickers may exploit Latin American women in commercial sex in the country and intermediaries may exploit Equatoguineans in Spain. Traffickers recruit individuals from Benin, Cameroon, Ethiopia, and other African countries, as well as temporary workers from Brazil, the Dominican Republic, and Venezuela for work in Equatorial Guinea, and sometimes exploit them in forced labor or sex trafficking. Chinese firms recruit Chinese nationals to migrate to Equatorial Guinea for work or to engage in commercial sex; some of these businesses then confiscate workers' passports, which increases their vulnerability to forced labor or sex trafficking. North Koreans working in Equatorial Guinea may have been forced to work by the North Korean government. Companies in the construction sector, among others, also held the passports of foreign workers, increasing their vulnerability to forced labor. Experts reported some corrupt and complicit officials—including senior government officials—participated in trafficking-related crimes during the reporting period.

ERITREA: TIER 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Eritrea remained on Tier 3. Despite the lack of significant efforts, during the reporting year the government engaged in critical bilateral and multilateral partnerships to build its capacity for anti-trafficking initiatives. Officials also co-hosted with an international organization targeted training seminars for key government stakeholders and commenced contribution to a regional plan of action on combating trafficking. However, during the reporting period there was a government policy or pattern of forced labor. The government continued to exploit its nationals in forced labor in its compulsory national service and citizen militia by forcing them to serve for indefinite or otherwise arbitrary periods. The government did not report any trafficking investigations, prosecutions, or the identification and protection of any victims. The government did not report holding any complicit officials accountable for trafficking crimes. Authorities did not report the development of formal procedures for the identification and referral of victims to care, nor did the government report providing any services directly to victims.



PRIORITIZED RECOMMENDATIONS:

Enforce existing limits on the length of active national service to 18 Enforce existing limits on the length of active national service to 18 months as set forth in the Proclamation of National Service 11/199. • Extend existing labor protections to persons performing National Service and other mandatory citizen duties. • Enact and implement an anti-trafficking law that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with respect to forced labor, commensurate with those prescribed for other grave crimes. • Develop and implement procedures to identify trafficking victims and refer them to services. • Provide protective services to trafficking victims. • Continue to provide training to all levels of the government on identifying and addressing trafficking crimes.

PROSECUTION

The government maintained negligible anti-trafficking law enforcement efforts. The Eritrean Penal Code of 2015 criminalized some forms of trafficking in persons. Article 315 criminalized trafficking in women and young persons for sexual exploitation, which was punishable by up to seven years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. Article 297 criminalized enslavement and prescribed penalties of seven to 16 years' imprisonment, which were sufficiently stringent. Article 299 criminalized forced labor and prescribed penalties from six to 12 months' imprisonment or a fine of 20,000 to 50,000 nakfa ($1,330- $3,330). These penalties were not sufficiently stringent.

Similar to previous years, the government did not report investigating, prosecuting, or convicting suspected traffickers during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. The government continued to enforce arbitrary limits to the National Service. Reports alleged some enterprises partially or wholly owned by the government employed National Service workers. During the reporting year, the government cooperated with international donors to provide at least two training seminars for law enforcement officials on countering trafficking, as well as a workshop with prosecutors, magistrates, and banking officials on targeting illicit financial flows connected with trafficking and migrant smuggling. Additionally, the government co-hosted with an international organization the first-ever regional workshop in Eritrea on strengthening international and regional police cooperation, at which trafficking was a predominant component.

PROTECTION

The government did not report any efforts to identify or protect trafficking victims. It remained unknown if the government had formal procedures to proactively identify trafficking victims among vulnerable groups. Individuals fleeing the country were particularly vulnerable to the government indiscriminately arresting, detaining, harassing, or forcibly recalling them into national service. The government did not report having or developing a systematic mechanism for the referral of identified trafficking victims to care. In addition, it did not provide information on its funding for victim protection, any incentives for victims to assist in trafficking investigations or prosecutions, and it did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship. Eritrean law requires offenders in all crimes to pay restitution, though victims have the option of suing for such in civil court rather than have the criminal court impose it. If an offender's assets are too scant to pay both restitution and the associated fines, the government mandates restitution be paid out first. It was unclear whether any courts imposed this penalty for trafficking crimes during the reporting period.

PREVENTION

The government demonstrated modest efforts to prevent trafficking. The government continued to subject its nationals to forced labor in its compulsory national service and citizen militia. The government had an interagency steering committee on trafficking and migration issues, originally launched in early 2017. The government did not have a national action plan to combat human trafficking. However, the government participated in a UN-sponsored, regional anti-trafficking workshop, during which it committed to produce a Regional Plan of Action for Eastern Africa on Countering Trafficking in Persons and Smuggling of Migrants. Officials participated in a high-level side event on general prevention and prosecution initiatives. In 2019, the government increased its international cooperation and outreach on trafficking and related topics with a range of multilateral and bilateral partners. Officials were reportedly active in an international organization's regional anti-trafficking project, which commenced creation of a region-wide action plan with complementary national-level plans. The government also signed a separate partnership framework agreement with the same international organization on a migration and criminal justice reform program and capacity building measures to include trafficking. During the year, the government chaired the "Khartoum Process" mechanism, which is a cooperation and dialogue forum organized between the EU and East African countries aimed at addressing migration, migrant smuggling, and human trafficking; it also partnered with a Western donor country on anti-trafficking and capacity building initiatives, but further details remained unknown. In recent years, the government reportedly educated its citizens on the dangers of irregular migration and

trafficking through awareness-raising events, poster campaigns, and mass convocations and exhortations, through the National Union of Eritrean Women, National Union of Eritrean Youth and Students, and National Confederation of Eritrean Workers. The government did not report on its efforts to reduce the demand for commercial sex acts, or its provision of anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims in Eritrea, and traffickers exploit victims from Eritrea abroad. Perennially, thousands of Eritreans who flee the country are smuggled migrants seeking to be reunited with family members already overseas; are those who sought to escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; were in search of better economic opportunities; or hoped to avoid the often indefinite periods of service in the government's mandatory National Service. Proclamation 82 of 1995 requires all persons aged 18 to 40 years to perform compulsory active national service ostensibly for a period of 18 months—six months of military training followed by 12 months of duty in a variety of military, security, or public service positions. However, since the 1998-2000 Eritrean-Ethiopian border conflict, the 18-month limit has been suspended; most individuals are not demobilized from government work units after their mandatory period of service, but rather forced to serve indefinitely under threats of detention, torture, or familial reprisal. An international organization assesses that many Eritrean asylum-seekers, particularly those who deserted National Service when they fled, expressed well-founded fears of persecution in Eritrea. There are unconfirmed reports of returnees disappearing, presumably in prison, with their whereabouts unknown. It was this same expert's assessment that traffickers exploited Eritreans in forced labor and sex trafficking primarily in Sudan, Ethiopia, and Libya.

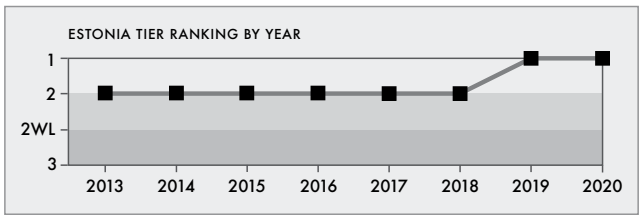
National Service takes a wide variety of forms, including active military duty, although active military duty constitutes a small and diminishing percentage; office work in government agencies and enterprises (functions ranging from lawyers, diplomats, and mid-level managers to skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals and support workers; elementary and secondary school teachers; and construction or other unskilled physical labor. Conditions are often harsh for those in military service or physical labor, though some National Service members experience normal, civilian workplace conditions, albeit with low pay and, in many cases, negligible to complete lack of freedom of choice or movement. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects on a part time basis. Eritreans may be released from National Service after an indefinite number of years by petitioning the government based on criteria that shift periodically and are not fully transparent; policies and practices for obtaining release from National Service are inconsistent across organizations and job fields, but officials generally release expectant mothers and individuals who can show they have become the sole or primary source of familial support. Certain professions (e.g., medicine and teaching) exist almost exclusively within the ranks of the National Service. Wages are low, although pay raises have been granted for a number of job functions in recent years, particularly for those with higher education or skilled training credentials. However, National Service workers without educational or vocational qualifications continue to be paid poorly and the government often supplants obligated payments with food or non-food rations. In previous years, Eritrean officials reportedly discussed hard-capping National Service to 18 months, but this change in policy has never been publicly announced and those serving in the obligatory government program beyond 18 months have yet to be demobilized.

All 12th grade students are required to complete their final year of high school education at the Warsay-Yikealo Secondary School, which is embedded within the Sawa military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. The program is comprised of seven months of academic instruction, followed by five months of basic military training. Upon graduation from Sawa, the government requires all students to participate in National Service, either civilian or military. Although it remains likely some of the students are age 17 at the time of attendance at the Warsay-Yikealo/Sawa academy, there are no reports anyone under age 18 began military service and government policy bans persons younger than 18 from military conscription. However, as National Service is mandatory starting at age 18, the government does not report recruiting any members of the armed forces, and it remains unclear if there is an age verification procedure that is consistently applied prior to it sending new Sawa graduates to active military service. Unaccompanied children continue to be vulnerable to violence and exploitation. Some officials detain or force into military training children who attempt to leave Eritrea despite some of them being younger than the minimum service age of 18. Previous reports alleged international criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where traffickers subject them to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report traffickers force them to work as cleaners or on construction sites during their captivity.

In 2018, the government opened various land border crossing points with Ethiopia and ceased requiring exit visas or other travel documents for Eritreans crossing to Ethiopia. By January 2019, the government again closed those borders. During the reporting period, on the Eritrean side, both official border crossings with Sudan remained closed. Most Eritreans consensually commence their outbound journeys with the aid of payment to smugglers, but in many cases, once outside Eritrea, this movement devolves into trafficking situations and conditions highly vulnerable for exploitation. Eritrea's strict exit control procedures and limited issuance of passports, which compel those who cannot obtain exit visas or documents to travel clandestinely, increase its nationals' vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and to a lesser extent Djibouti, with the ultimate goal of seeking asylum in Europe or at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, Israel, or Uganda; some also strive to reach the United States.

ESTONIA: TIER 1

The Government of Estonia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Estonia remained on Tier 1. These efforts included investigating and prosecuting more trafficking cases and convicting more traffickers under Section 133 of the penal code. Additionally, authorities identified significantly more victims and referred more victims to government-sponsored care. Although the government meets the minimum standards, 11 out of 15 convicted traffickers received probation without serving any prison time, and authorities struggled to identify potential labor trafficking and child trafficking victims.



PRIORITIZED RECOMMENDATIONS:

Sentence traffickers to significant prison terms, with the majority of convicted traffickers serving time in prison. • Proactively identify potential child trafficking and labor trafficking victims, particularly among foreign workers, and refer them to government-sponsored assistance. • Encourage police and the labor inspectorate to investigate labor trafficking cases. • Increase efforts to investigate, prosecute, and convict traffickers under the anti-trafficking provision of the penal code. • Expand efforts to train law enforcement, prosecutors, judges, and front-line personnel to understand different forms of trafficking. • Provide specialized training for law enforcement, judicial, and civil service personnel on all forms of trafficking and working with victims. • Encourage more victims to assist prosecutions by facilitating access to effective legal counsel. • Broaden public awareness efforts to educate at-risk communities, such as migrants, on the risks of trafficking. • Develop, publish, and implement a national action plan for 2020.

PROSECUTION

The government increased law enforcement efforts. Sections 133, 133[1], and 175 of the penal code criminalized sex trafficking and labor trafficking. Section 133 (trafficking in human beings) criminalized placing a person in a situation of exploitation through force, fraud, or coercion and prescribed penalties of between one and seven years' imprisonment for offenses involving an adult victim and three to 15 years' imprisonment for those involving a child victim. Section 133[1] (support to human trafficking) separately criminalized the transportation, delivery, escorting, acceptance, concealment, or accommodation of an individual into a situation of exploitation through force, fraud, or coercion, and prescribed penalties of up to five years' imprisonment for offenses involving an adult victim, and between two and 10 years' imprisonment for those involving a child victim. Section 175 (human trafficking in order to take advantage of minors) criminalized inducing a child to engage in a criminal offense, begging, prostitution, or the production of pornography without requiring a demonstration of force, fraud, or coercion and prescribed penalties of two to 10 years' imprisonment. The penalties under Sections 133, 133[1], and 175 were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Police investigated five new cases under Section 133, compared with four in 2018. Authorities prosecuted four cases (three in 2018), and courts convicted 12 traffickers (12 in 2018). Only four convicted traffickers received prison sentences; the remaining 11 received probation. Under Section 175, authorities investigated 32 crimes (28 in 2018), prosecuted 22 cases (30 in 2018), and convicted three traffickers (none in 2018). The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

Overextension of government personnel continued to constrain productivity. Given such constraints on human resources and the specialized knowledge required to combat trafficking, police expressed the need to establish a centralized unit that would collect and verify information on trafficking-related crimes. Experts reported the need for increased training for law enforcement, prosecutors, judges, and front-line personnel on understanding different forms of exploitation. The Ministry of Social Affairs organized a training on referral guidelines and working with persons with special needs and mental disabilities; 70 specialists from the police, Prosecutor's Office, Labor Inspectorate, and Victim Support Services attended. The Labor Inspectorate conducted a training for 10 inspectors.

PROTECTION

The government maintained protection efforts. In 2019, authorities identified 67 presumed victims, a nearly five-fold increase from 14 in 2018 (12 in 2017). Fifty-four victims were foreign nationals of whom 52 were Eastern European women involved in commercial sex acts. The government implemented identification and referral guidelines, describing all relevant authorities' responsibilities to assisting victims. All presumed victims received government-sponsored assistance. The Victim Support Act and the penal code allowed multiple actors, including NGOs, to identify victims and refer them to the Social Insurance Board, permitting victims to receive comprehensive, government-funded, trafficking-specific services without first requiring the victim's cooperation with police or the commencement of criminal proceedings. Victims who cooperated with law enforcement received services, such as accommodation, psychological, medical, and legal assistance, for an unrestricted period while presumed victims who did not participate in criminal proceedings could receive government-funded services for up to 60 days. The Aliens Act enabled foreign victims to receive temporary residence permits, accommodation, and education; the government did not grant temporary residence permits to any foreign victims in 2019. Despite reports of an increased number of foreign victims of labor trafficking in Estonia, authorities only identified one labor trafficking victim.

In 2019, the social board allocated €100,000 ($112,360) to an NGO providing support services to women in commercial sex, some of whom may have been sex trafficking victims, and €25,000 ($28,090) for trafficking victims' support, such as shelters, the same amounts as in 2018. Authorities placed child trafficking victims and unaccompanied children in alternative care facilities, including a dedicated center for child victims of abuse, including sexual violence and trafficking. During the reporting period, one child trafficking victim received shelter and support services. Despite the increase in the number of presumed victims, authorities only identified one child trafficking victim, compared with six in 2018; officials acknowledged the need to increase procedural capacity regarding child sex trafficking victims.

PREVENTION

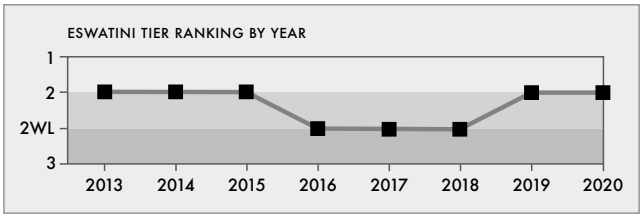
The government maintained prevention efforts. The government continued to fund and implement its 2015-2020 plan for reducing violence, which included trafficking. The anti-trafficking working group, comprising 35 government agencies and NGOs, met regularly and published an annual report of its activities. The government conducted two criminal policy courses on trafficking and trafficking-related training for students. Based on regional research examining illicit financial flows and labor trafficking victims, the government developed a business model explaining how legitimate business structures might be used to hide and exploit workers and highlighting the links between labor trafficking and economic crimes. When conducting oversight, the Labor Inspectorate disseminated information about foreign workers, the laws, and available services, including information on labor trafficking, and created a special website for foreign workers. The government did not make efforts to reduce the demand for commercial sex acts. The government operated an anti-trafficking hotline, which received 679 calls from vulnerable individuals and identified 67 potential trafficking victims; the hotline provided counseling and services in Estonian, Russian, and English.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Estonia, and, to a lesser extent, traffickers exploit victims from Estonia abroad. Traffickers tend to recruit their victims via the internet and social media. In general, women and children are mainly at risk of sex trafficking and men of labor trafficking. Most sex trafficking victims originate from Eastern Europe, Asia, and South America. Observers noted the majority of trafficking cases in Estonia are sex trafficking. Reports indicate the number of migrants coming to Estonia for work increased by 12,400 persons from 2018 to 2019. Migrant workers are vulnerable to labor exploitation within Estonia, particularly in the construction and transportation sectors. Officials noted foreign "posted workers," hired by temporary agencies and placed in Estonian companies, and their family members are especially vulnerable to trafficking.

ESWATINI: TIER 2

The Government of Eswatini does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Eswatini remained on Tier 2. These efforts included convicting a trafficker and sentencing him to 15 years' imprisonment for forced labor. The government trained front-line responders on victim identification and referral, and senior magistrates conducted trainings on the Sexual Offences and Domestic Violence Act (SODVA), which included trafficking in persons. The government continued to identify trafficking victims, referred all victims to care, and collaborated with a foreign government and other partners to establish a new shelter. It also allocated funding for the third consecutive year to a victim assistance fund for protective services. The government launched a new, five-year national action plan and conducted awareness raising activities throughout the country. However, the government did not meet the minimum standards in several key areas. The government did not have shelter policies or guidelines to ensure quality of care for trafficking victims, and the primary shelter available was inadequate. While the government did take action against a government protection officer who assaulted and traumatized three foreign victims while they were in a government shelter, overall lack of protection efforts and oversight created the environment in which the assault took place.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify, investigate, and prosecute more trafficking crimes, including internal trafficking cases. • Implement the national anti-trafficking action plan. • Address leadership issues at the anti-trafficking secretariat and enable the task force to fulfill its statutory responsibilities. • Ensure all victims of trafficking are provided appropriate and comprehensive care, including by developing shelter policies or guidelines to ensure quality of care. • Identify key NGO partnerships for provision of protective services and strengthen coordination with such NGOs. • Convict traffickers and sentence them to significant prison terms. • Continue training law enforcement officials, social workers, and others to identify trafficking victims proactively among vulnerable populations. • Improve trafficking data collection and analysis, utilizing the Southern African Development Community (SADC) data collection system for collecting trafficking case data at the national and regional level. • Conduct anti-trafficking public awareness campaigns.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2009 People Trafficking and People Smuggling (Prohibition) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment for offenses involving an adult victim, and up to 25 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The SODVA prescribed penalties of up to 20 years' imprisonment, a fine of up to 100,000 emalangeni ($7,110), or both, for the commercial sexual exploitation of an adult and, up to 25 years' imprisonment with no option of a fine if the offense involved a child. Poor performance by leadership personnel at the anti-trafficking secretariat remained an obstacle to progress on trafficking during the reporting period. In response, the cabinet instituted temporary policies to address or remove obstacles that previously had hindered trafficking prosecutions and internal and external communication in relation to trafficking issues. There is a risk that leadership challenges might recur if enduring solutions are not identified and implemented. The government investigated five suspected trafficking cases and initiated prosecutions of five alleged traffickers, compared with six investigations and three prosecutions during the previous year. The government convicted one labor trafficker under the anti-trafficking law, the same number as last year, and sentenced him to 15 years' imprisonment. While there were general reports of government corruption, including immigration officials seeking bribes to issue government documents such as visas, there were few reports of direct official complicity in trafficking. The government investigated a senior official for sex trafficking. The investigation culminated in a high-profile arrest and prosecution. There were no further reports of government employees complicit in human trafficking offenses.

The government trained a wide range of front-line responders during the reporting period, including the Royal Eswatini Police Service (REPS), prosecutors, immigration officers, and social workers. The REPS trained new police recruits on proactive victim identification and referral guidelines, and senior magistrates conducted multiple trainings on the SODVA, which included trafficking in persons. The government continued to provide anti-trafficking training at the police college for all in-service and pre-service officers and trained an unknown number of new police recruits during the reporting period. The government cooperated with authorities in Taiwan to investigate allegations of human trafficking of Swati students who were studying in Taiwan.

PROTECTION

The government maintained victim protection efforts. The government identified six trafficking victims and referred all victims to care, compared with identifying and referring to care five victims during the previous reporting period. Of those victims identified, three were male adult labor trafficking victims from Bangladesh and three were female victims of unknown exploitation type. The government coordinated with Taiwan to repatriate Swati students who were potential trafficking victims. After providing food, clothing, toiletries, psycho-social support, and medical care for all victims at government facilities, the government reunified the Swati victims with their families. Foreign victims were either repatriated or remained in the country, in accordance with their

preferences. The government owned one facility that provided short-term care for trafficking victims; however, it was reportedly inadequate for the extended period of time some victims spent there. Furthermore, the NGO the government previously partnered with to provide long-term, comprehensive care no longer accepted trafficking victims. The Prime Minister and the Deputy Prime Minister's offices, the anti-trafficking secretariat, and the Catholic Church collaborated during the reporting period with a foreign government to explore the establishment of a trafficking shelter in order to improve the quality of care available to victims. In February 2020, the government agreed to a multilateral approach whereby the Catholic Church donated a shelter building, a foreign government partner developed shelter guidelines and created training programs for shelter staff, and the government committed to staff the shelter and cover its daily operating expenses.

During the reporting period, the government's primary protection officer allegedly threatened and assaulted three foreign national trafficking victims while they were residing in the temporary shelter facility provided by the government. The government filed nine criminal counts against the officer under both the anti-trafficking law and the penal code and accommodated the survivors' requests to be released. The government also provided the victims the legal right to remain in Eswatini and permitted them to work, despite the fact they were in possession of work permits procured through fraudulent means by their trafficker. The government prohibited the officer from further contact with the trafficking victims, pending the outcome of the criminal trial, which began in February 2020 and was ongoing at the close of the reporting period. The government allocated 80,000 emalangeni ($5,690) for the third consecutive year to a victim assistance fund for protective services. In coordination with an international organization, the government launched a program to review and improve its victim identification, referral, and protection procedures and services. The government trained front-line responders on the victim identification guidelines and national referral mechanism. The government encouraged victims to assist in investigations by providing witness protection services, as well as transportation and accommodation as needed.

PREVENTION

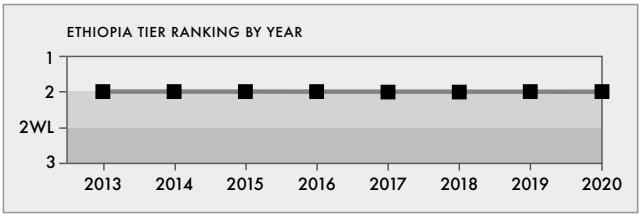
The government maintained efforts to prevent trafficking. In collaboration with an international organization, the government approved a new, five-year national action plan and launched it in August 2019. The secretariat conducted public awareness activities at the Eswatini international trade fair, targeting traditional leaders, students, young women, and parents with information on preventing child trafficking and how to report suspected cases. The secretariat conducted sessions on human trafficking at schools with the assistance of teachers and police officers. The secretariat continued its border campaign, placing posters at various land borders and the airport to raise awareness on trafficking. Department of Immigration officials presented messages on television and radio to raise awareness of trafficking. The Ministry of Tinkhundla, which oversees chiefdoms and traditional systems of governance, developed an anti-trafficking awareness program to be shared throughout Eswatini's four regions and later in the chiefdoms. The government continued to participate in the SADC regional data collection tool by uploading trafficking cases, victim and trafficker profiles, and sharing information with neighboring countries. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Eswatini, and traffickers exploit victims from Eswatini abroad. Swati trafficking victims come primarily from poor communities with high HIV/AIDS prevalence rates. Traffickers exploit Swati girls, particularly orphans, in sex trafficking and domestic servitude, primarily in Eswatini and South Africa. Traffickers force Swati boys and foreign children to labor in agriculture, including cattle herding, and market vending within the country. Mozambican boys migrate to Eswatini for work washing cars, herding livestock, and portering; traffickers exploit some in forced labor. Traffickers use Eswatini as a transit country to transport foreign victims to South Africa for forced labor. Traffickers reportedly force Mozambican women into commercial sex in Eswatini, or transport them through Eswatini to South Africa. Some traffickers force Swatis into commercial sex in South Africa after voluntarily migrating in search of work. Reports suggest labor brokers fraudulently recruit and charge excessive fees to Swati nationals for work in South African mines, means often used to facilitate trafficking crimes. Swati men in border communities are recruited for forced labor in South Africa's timber industry.

ETHIOPIA: TIER 2

The Government of Ethiopia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ethiopia remained on Tier 2. Officials investigated and convicted more transnational traffickers and, for the first time in 20 years, reported holding accountable traffickers who exploited victims in forced labor or sex trafficking within the country. Officials reported identifying a large number of potential victims of transnational trafficking as well as a number of victims exploited within Ethiopia, providing services to many of them. Additionally, the government signed bilateral agreements with the United Arab Emirates, Kuwait, and Oman to strengthen labor agreements, and the Anti-Trafficking and Smuggling Task Force continued its sensitization campaign in rural communities. However, the government did not meet the minimum standards in several key areas. Officials did not report taking actions to address non-transnational forms of trafficking within Ethiopia commensurate with the scale of the issue, and ineffective coordination between the regions and the federal government continued to hinder overall law enforcement efforts. Authorities did not report fully disseminating or implementing the government's standard operating procedures (SOPs) for identifying victims of transnational and internal trafficking and did not provide or refer to services all potential victims.



PRIORITIZED RECOMMENDATIONS:

Using Proclamation 1178/2020, increase efforts to investigate and prosecute traffickers who exploit victims within Ethiopia in sex trafficking or domestic servitude, as well as illicit labor recruiters who facilitate the transport of Ethiopians to the Middle East for exploitative labor. • Disseminate and implement the national referral mechanism's SOPs to officials nationwide for the proactive identification of vulnerable groups, including Ethiopian migrant workers, unaccompanied children, and North Korean workers. • Increase training for law enforcement and judicial officials to improve their ability to differentiate between trafficking

and smuggling. • Extend protective services to male victims of trafficking and provide in-kind or monetary support to ensure adequate care for all victims, where feasible. • Fully implement the overseas employment proclamation by continuing to strengthen oversight of overseas recruitment agencies, deploying labor attachés, and investigating and prosecuting illicit recruiters. • Improve screening procedures in the distribution of national identification cards and passports to prevent their fraudulent issuance to children. • Incorporate information on human trafficking and labor rights in Middle Eastern and other countries in pre-departure training provided to all migrant workers. • Ensure awareness campaigns reach all parts of the country, including rural Ethiopia. • Increase efforts through the Attorney General's Office to accurately report the government's anti-trafficking statistics, including authorities' efforts to hold accountable non-transnational traffickers. • Research the extent of human trafficking within Ethiopia in coordination with civil society and NGOs, as well as international organizations, and produce a publicly available annual report.

PROSECUTION

The government increased overall anti-trafficking law enforcement efforts, although it continued to disproportionately focus on transnational labor trafficking versus internal sex trafficking and forced labor cases. The 2015 anti-trafficking proclamation, No.909/2015, criminalized sex trafficking and labor trafficking, and prescribed penalties of 15 to 25 years' imprisonment and a fine of 150,000 to 300,000 Ethiopian birr ($4,720 to $9,430) for offenses involving an adult male victim, and 25 years' to life imprisonment and a fine of 200,000 to 500,000 Ethiopian birr ($6,290 to $15,720) for those involving an adult female victim or a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Employment Exchange Services Proclamation No.923/2016, which governed the work of licensed labor recruitment agencies, contained various penalties for an employment agency's failure to comply with its provisions and provided that furnishing falsified evidence or documents, or advertisements used to recruit or deploy a worker, entailed criminal liability; however, it did not specify what portion of the Criminal Code applied. In February 2020, Parliament approved Proclamation 1178/2020—A Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and the Smuggling of Persons. Experts reported the proclamation mandated funding for the government's anti-trafficking activities and addressed organizational and coordination challenges between government agencies. The government had not formally adopted the proclamation by the end of the reporting period.

For the first time in 20 years, the Attorney General's Office provided two separate prosecution datasets encompassing transnational and internal forms of the crime. In terms of transnational law enforcement efforts, authorities investigated 699 potential trafficking cases, prosecuted 30 suspects, and convicted 1,042 traffickers during the reporting period, compared with investigating 535 cases and convicting 1,028 transnational traffickers under the 2015 anti-trafficking proclamation in the previous reporting period. However, officials' propensity to conflate trafficking and smuggling made it likely some of the 2018 and 2019 cases involved clients seeking to illegally cross international borders via irregular migration (human smuggling) and other crimes not involving exploitation through forced labor or sex trafficking. Regarding efforts to hold accountable traffickers who exploited victims within Ethiopia, the Attorney General's Office reported authorities investigated 2,119 cases involving sexual exploitation, convicting 558 of those traffickers. Additionally, officials investigated and convicted 153 traffickers who exploited victims in forced labor within the country. Corruption, especially the solicitation of bribes, including police and judicial corruption, remained a problem; however, there were no specific allegations of official complicity in trafficking during the reporting period, and the government did not report investigating, prosecuting, or convicting public officials for human trafficking offenses.

Experts noted the government established the Migration and Human Trafficking Crime Team—consisting of 35 investigators and six prosecutors—during the reporting period to address both smuggling and trafficking in persons crimes; officials did not report any actions the unit took in 2019. Financial and capacity constraints continued to impede data collection by regional police, and ineffective coordination between the regions and the federal government hindered law enforcement efforts. The government continued to partner with international organizations to conduct trainings—funded by foreign donors—for regional and federal government officials primarily on the 2015 anti-trafficking proclamation.

PROTECTION

The government increased efforts to identify and refer transnational trafficking victims to care; however, officials' efforts to proactively identify victims of internal forms of exploitation within the country, such as sex trafficking or domestic servitude, remained inadequate in relation to the scale of the issue. Authorities reported identifying 27,877 potential victims of transnational trafficking (14,770 men and 13,107 women) in 2019, compared with intercepting 10,100 potential adult and child victims in 2018; the majority of those identified were intending to depart Ethiopia for overseas work, and it was unclear if traffickers had exploited them through sex trafficking or forced labor. Additionally, media reported officials identified 62 potential child victims in January 2020 during the course of law enforcement activities. In terms of non-transnational trafficking, the Attorney General's Office stated four one-stop justice and protection centers in Addis Ababa provided some services to 2,119 sex trafficking victims (2,043 female and 76 male) and 153 victims of labor exploitation identified during the course of law enforcement investigations. The government did not report widely disseminating or implementing its SOPs for the proactive identification of internal and transnational trafficking victims during the reporting year. Officials at Bole International Airport and at land border crossings coordinated with an international organization to screen Ethiopians returning from abroad. Observers noted the time allotted for interviews was insufficient to screen potential victims, but the volume of returnees created challenges to expanding the available time.

The government developed a national referral mechanism in partnership with a donor and international organization. Experts described the national referral mechanism as effective with robust victim protection measures; however, it did not report disseminating or using the referral mechanism during the reporting period. Regional governments collaborated with local and federal police to refer an unknown number of victims to shelters and other protective services.

Officials continued to jointly operate two migration response centers in Afar and Metema with an international organization and provided rent-free usage of government facilities. The government maintained operation of child protection units in Addis Ababa and several major cities, which aimed to intercept and care for child trafficking victims identified en route from rural to urban areas. Police and civil service transport workers—trained to recognize internal child trafficking victims—referred an unknown number of intercepted children to local shelters. Officials provided shelter, food, education, medical assistance, and familial reunification where feasible. There continued to be a dearth of care available for male trafficking victims.

Officials stated the government provided repatriation assistance and job training to 7,545 of the aforementioned 27,877 potential victims, compared with repatriating more than 2,600 from Saudi Arabia in 2018. Additionally, media reported the government repatriated 400 Ethiopians who may have been trafficking victims from Saudi Arabia in October 2019. Since the government lacked funding to repatriate all of its nationals, it assisted with victim identification services in respective countries and sometimes negotiated discounted airfares for returnees. Some Ethiopian diplomatic missions in Gulf states provided temporary shelter for victims on respective mission compounds, and the missions engaged with host government authorities on behalf of victims. The 2015 anti-trafficking proclamation established a fund to support victim protection and rehabilitation efforts funded through fines imposed on, and the sale of, confiscated property from traffickers. Foreign donors and international organizations augmented these funds; however, similar to the previous year, the government did not report efforts to begin financial allocations to administer the fund.

While officials reported encouraging victims in some cases to assist in the investigation and prosecution of their traffickers, authorities did not report the number of victims who took an active role in these processes, and it was unclear whether the government provided them legal assistance or other support to facilitate their doing so. The government did not report whether the specialized witness protection unit—established in the previous reporting period—took any actions in 2019. Supreme Court officials stated in the past that children were able to testify against traffickers via video. In 2019, officials signed an MOU with NGOs to improve coordination between law enforcement agencies and service providers. The government intended the MOU to ensure service providers delivered appropriate care to victims throughout the course of legal proceedings.

Proclamation No.909/2015 allowed foreign national victims to receive temporary resident permits or repatriation assistance on an as-needed basis. The government did not report information on whether any victims received deportation relief during the reporting period. The 2015 anti-trafficking proclamation extended protections to trafficking victims as outlined under the Witness and Whistleblowers Protection Proclamation (No.699/2010), which included protection from prosecution for crimes committed as a direct result of unlawful acts traffickers compelled them to commit. There were no reports the government summarily deported any trafficking victims without proper screening or detained, fined, jailed, or otherwise penalized victims for unlawful acts traffickers compelled them to commit in 2019. However, in past years there were reports the government housed some victims at police stations while they were waiting to provide testimony in their respective trafficking cases, and, given ad hoc implementation of formal identification and referral procedures, authorities may have detained or deported some unidentified trafficking victims.

PREVENTION

The government maintained efforts to prevent trafficking. The Anti-Trafficking and Smuggling Task Force met at least once during the reporting period and continued to collaborate with NGOs, international organizations, and donors. The task force organized itself into four subgroups: prevention, protection, prosecution, and partnerships. Officials did not have a current anti-trafficking national action plan. The task force—led by the Attorney General's Office and the Ministry of Labor and Social Affairs (MOLSA)—continued to raise awareness of trafficking risks in rural communities. Officials did not report whether previously established "community dialogue" sessions continued during the reporting period.

Despite the government amending the employment proclamation in 2016, it did not fully implement the proclamation during the current reporting period. The revised overseas employment proclamation required greater oversight of private employment agencies, placement of labor attachés in Ethiopian embassies abroad to assist victims employed there, and the establishment of an independent agency to identify and train migrant workers. MOLSA trained approximately 13 labor officers during the reporting period to serve abroad as foreign service officers and represent Ethiopians working in Qatar, Saudi Arabia, and United Arab Emirates, and the Ministry of Foreign Affairs provided facilities for the training. Further, MOLSA provided training for regional labor officers to educate rural communities on the risks posed by illicit labor recruiters.

Two additional components of Proclamation 923/2016 stipulated rules for licensing and advertising for overseas employment, as well as penalties for employment agencies that contravened the revised employment proclamation (e.g., false advertisement, passport confiscation, and rights violations). The revised proclamation required employment agencies to deposit one million Ethiopian birr ($31,450) in a bank as insurance, which officials would use to assist and repatriate trafficking victims. During the reporting period, the government did not report applying these application requirements to any employment agencies.

Authorities did not report fully implementing the bilateral agreement with Saudi Arabia finalized during the previous reporting period, although the government did train officials to protect workers' rights abroad. During the reporting year, the government signed bilateral agreements with Kuwait, Oman, and the United Arab Emirates on employment treaties; Ethiopia also had existing agreements in place with Jordan, Qatar, and Saudi Arabia. These agreements required signatories to commit to ethical recruitment, legal remedies against those who violated the law, and equal protection of Ethiopian workers, to include equal wages for equal work, reasonable working hours, and leave time. Ethiopian officials maintained efforts to implement a 2012 law requiring registration of all births nationwide; however, the lack of a uniform national identity card continued to impede implementation of the law and allowed for the continuous issuance of district-level identity cards, which were subject to fraud. A foreign donor provided Ethiopian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not report efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ethiopia, and traffickers exploit victims from Ethiopia abroad. Observers reported *manamasas*—trusted community members who share information about the advantages of working abroad—play a key role in facilitating internal and transnational trafficking by exaggerating the advantages of working abroad. Scarce economic opportunities and dire poverty, coupled with familial encouragement, compel thousands of Ethiopians, including a substantial percentage of unmarried individuals under age 30, to transit, primarily via Djibouti or Somalia, to Yemen and onward to Saudi Arabia and Europe. Illegal border crossings into Kenya continue to increase, with victims destined for South Africa to connect to onward flights to Ecuador with a final destination of the United States or Canada. The least common route is through Sudan and Libya in order to cross the Mediterranean and ultimately reach Europe. Reports suggest traffickers exploit irregular Ethiopian migrants, who began their journeys voluntarily, in commercial sex or forced labor in transit countries and in their intended destinations. Government officials and international organizations estimate traffickers

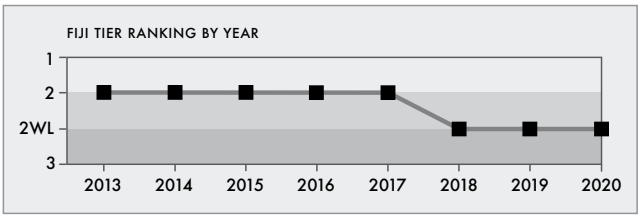
exploit 70 percent of the approximately five million Ethiopians transported to Saudi Arabia in forced labor. Generally, young men and women migrate northwest via Sudan towards Europe, while young women tend to travel through Eritrea or Djibouti to secure domestic work in Saudi Arabia. Saudi Arabia remains the primary destination for irregular migrants, representing 80-90 percent of Ethiopian labor migration; observers report approximately 400,000-500,000 Ethiopians reside there without valid travel documentation, which increases their vulnerability to traffickers exploiting them in forced labor or sex trafficking. Some families in Lebanon, Saudi Arabia, and other Middle Eastern countries exploit Ethiopian women working in domestic service and subject them to physical and emotional abuse. The *kafala* sponsorship system—common in Bahrain, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, and the United Arab Emirates—binds domestic workers to one employer and prevents their freedom of movement. Ethiopian women who migrate for work or flee abusive employers in the Middle East are also vulnerable to sex trafficking. Ethiopian men and boys migrate to Gulf states and other African nations, where traffickers exploit some in forced labor.

Within the country, traffickers predominantly exploit victims in forced labor in domestic service and sex trafficking in urban centers; experts report a lack of research hinders a more complete understanding of the extent of the crime as well as the government's response. Labor recruiters frequently target young people from Ethiopia's vast rural areas with false promises of a better life. Local NGOs assess the number of internal trafficking victims exceeds that of external trafficking, particularly children exploited in commercial sex and domestic servitude. Internally displaced persons—a population vulnerable to trafficking in part due to a lack of access to justice and economic opportunity—number approximately 1.7 million because of internal conflict and drought. North Koreans working in Ethiopia may have been forced to work by the North Korean government.

Families continue to play a major role in financing irregular migration, and they may force or coerce their children to go abroad or to urban areas in Ethiopia for employment. An international organization assesses most traffickers are small local operators, often from the victims' own communities, but well-structured, hierarchical, organized crime groups also facilitate irregular migration and likely exploit some smuggling clients. Some families and brothel owners exploit girls from Ethiopia's impoverished rural areas in domestic servitude and commercial sex within the country, while some businesspeople exploit boys in forced labor in traditional weaving, construction, agriculture, and street vending. There are reports brothel owners exploit some young girls in commercial sex in Addis Ababa's central market. Some families and pimps exploit Ethiopian girls in domestic servitude and commercial sex in neighboring African countries, particularly Djibouti and Sudan. Some business owners, families, and criminal elements exploit Ethiopian boys in forced labor in Djibouti as shop assistants, domestic workers, and street beggars, in addition to forcing children to take part in criminal activities.

FIJI: TIER 2 WATCH LIST

The Government of Fiji does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included initiating a similar number of investigations compared to the previous year, increasing the number of officers assigned to the police human trafficking unit, designating an agency responsible for coordinating victim services, and convening the interagency working group on trafficking. In addition, the government convicted a trafficker for the first time since 2014. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government continued to lack guidelines for victim identification; did not train labor, customs, or immigration officials on trafficking; and identified only one victim during the reporting period. The government did not adequately investigate labor violations for indicators of trafficking or provide adequate support to victims, which also impeded prosecution efforts. Some reports suggested official complicity impeded anti-trafficking efforts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Fiji was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Fiji remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Develop and implement formal victim identification and referral procedures for police, immigration, customs, and labor officials. • Proactively screen groups vulnerable to trafficking, such as foreign migrant workers, persons in commercial sex, and child laborers. • Increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers, including by increasing resources for the police human trafficking unit. • Amend trafficking-related provisions of the Crimes Act to criminalize all forms of trafficking. • Improve coordination between police and prosecutors working trafficking cases. • Deliver effective training to police, prosecutors, immigration, customs, and labor officials on trafficking. • Increase the provision of victim services, including by increasing coordination among agencies and with NGOs. • Increase the oversight of the working conditions of foreign construction workers and increase investigation of labor violations involving children and migrant workers for forced labor. • Proactively investigate potential official complicity in trafficking-related crimes. • Enable identified foreign victims to work and earn income while assisting with investigations and provide a legal alternative to victims' removal to countries in which they would face retribution or hardship. • Take steps to implement the 2020 anti-trafficking national action plan. • Increase dissemination of labor and sex trafficking awareness campaigns, including to raise awareness of sex trafficking laws among foreign tourists.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2009 Crimes Act criminalized some forms of labor trafficking and all forms of sex trafficking. Sections 112-117 criminalized trafficking in persons but, inconsistent with international law, required either transnational or domestic movement to constitute a trafficking offense. These articles prescribed penalties of up to 20 years' imprisonment for movement-based trafficking offenses involving adult victims, and up to 25 years' imprisonment for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as kidnapping. Sex trafficking offenses that did not involve movement could be prosecuted under Sections 106, 107, 226, and 227 of the Crimes Act. Section 106 criminalized sexual servitude by means of force or threat and prescribed penalties of up to 15 years'

imprisonment if the offense involved an adult victim and up to 20 years' imprisonment if the offense involved a child victim. Section 107 criminalized "deceptive recruiting for sexual services," including inducing and maintaining individuals in prostitution through deceptive means, and prescribed penalties of up to seven years' imprisonment if the offense involved an adult victim and up to nine years' imprisonment if the offense involved a child victim. Sections 226 and 227 criminalized the buying or selling of children for "immoral purposes," which included prostitution, and prescribed penalties of up to 12 years' imprisonment. The penalties prescribed under these sections were sufficiently stringent and commensurate with the penalties prescribed for other grave crimes, such as rape. While Sections 103 and 118 criminalized slavery and debt bondage respectively, all forms of labor trafficking were not criminalized under the Crimes Act. The law prescribed penalties of up to 25 years' imprisonment for slavery, and penalties of up to one year of imprisonment for debt bondage involving an adult victim, and up to two years' imprisonment for those involving a child victim; the penalties for slavery were sufficiently stringent, while the penalties for debt bondage were not. During the reporting period, the government initiated a review of its trafficking legal framework with assistance from an international organization.

Police initiated investigations of two suspected trafficking cases during the reporting period (three in 2018) and continued to investigate three cases initiated in previous years. The government initiated prosecution of one suspected trafficker (three in 2018), and in a case involving domestic child sex trafficking, the government convicted a trafficker for the first time since 2014 and sentenced them to 14 years' imprisonment. Following its formalization as a unit during the previous reporting period, the police's human trafficking unit (HTU) increased its staff from four to seven officers. Nonetheless, the unit lacked adequate resources to effectively conduct investigations. Police did not proactively investigate trafficking cases consistently, and a lack of effective coordination between police and prosecutors continued to impair the government's pursuit of trafficking cases. Inadequate victim support, including insufficient efforts to enable victims to work and earn an income while assisting with investigations, weakened the success of prosecutions. Restrictive policies limiting law enforcement officials' access to child victims staying in government shelters may have hindered the ability of police and prosecutors to build rapport with victims, obtain statements, and prepare victims for trials against their traffickers. The Department of Immigration did not renew temporary work permits to foreign victims participating in an ongoing police investigation, which hampered the police's ability to complete the investigation when the victims returned to their home country. HTU continued to conduct trainings for police recruits and prosecutors; however, observers reported the one-day anti-trafficking trainings provided to police recruits were insufficient. Law enforcement were often not aware of the definition of trafficking, procedures for interviewing victims, or how to proactively identify victims. Fijian law enforcement continued to cooperate with South Korean authorities to investigate leaders of a church that allegedly confiscated the passports of its members who worked without pay in various companies owned by the church. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, some reports indicated low-level official complicity impeded anti-trafficking efforts, including by preventing the investigation of trafficking in Chinese-operated brothels.

PROTECTION

The government maintained efforts to identify and protect victims. The government identified and provided assistance to one trafficking victim, an increase from zero victims identified during the previous reporting period. The police anti-trafficking unit had informal guidelines in place to assist officers to identify victims. However, government officials did not proactively screen for victims of trafficking among vulnerable populations, and the government did not have formal victim identification procedures for all relevant agencies. The government did not report efforts to train labor inspectors, customs officials, or immigration authorities on trafficking or victim identification. The government did not develop a formal mechanism to refer victims to services, but the Office of the Director of Public Prosecutors reported that police officers must refer any identified victims to the HTU. During the reporting period, the government designated the Ministry of Defense and National Security as the agency responsible for coordinating victim services. However, because the law did not specifically mandate the provision of services to victims of trafficking and because the government did not allocate funds specifically for trafficking victims, victims often relied on NGOs for services. The government made available accommodation, legal aid, medical care, interpreters, and allowances for basic necessities. The Department of Immigration operated safe houses for foreign individuals awaiting deportation, including trafficking victims. The government could place victims younger than 21 in the custody of the Department of Social Welfare, which operated four children's homes. The government reported creating new agreements with civil society on victim services and public awareness. The lack of proactive screening may have resulted in the penalization of unidentified victims for unlawful acts their traffickers compelled them to commit. The government did not offer legal alternatives to foreign victims' removal to countries in which they would face retribution or hardship but could issue renewable six-month work visas to victims assisting with investigations.

PREVENTION

The government increased efforts to prevent trafficking. In February 2020, the government convened the Interagency Working Group on Human Trafficking for the first time in years, resulting in the transfer of chairperson responsibilities from the Department of Immigration to the Ministry of Defense and National Security, which oversees the police. The Working Group finalized an updated anti-trafficking national action plan in March 2020. The police anti-trafficking unit continued to conduct public awareness campaigns and seminars aimed at children and parents. In coordination with an NGO and the ministry responsible for indigenous affairs, HTU conducted seminars in 30 villages on the island of Kadavu that included a component on trafficking awareness. The Ministry of Women, Children, and Poverty Alleviation co-hosted a three-day workshop on trafficking and child exploitation with an international organization in December 2019. Labor officials conducted awareness programs targeted at Fijians who work overseas to prevent labor exploitation. The Ministry of Employment, Productivity, and Industrial Relations employed 38 labor inspectors dedicated to identifying labor law violations, including wage violations, and 35 dedicated to health and safety. Inspectors reportedly did not have an adequate understanding of forced labor. Labor inspectors conducted 3,562 inspections in 2019 and identified 41 child labor violations that mostly involved children working in family retail establishments during school hours. However, the government did not report if it investigated any of these cases, or labor violations involving migrant workers, for indicators of forced labor. In addition, observers reported authorities did not adequately monitor the labor conditions of worksites, including construction sites, of companies with foreign owners or that had connections to foreign investors. The government did not make efforts to reduce the demand for commercial sex acts. The government trained some diplomatic personnel on trafficking but did not provide anti-trafficking training to Fijian military personnel prior to their deployment

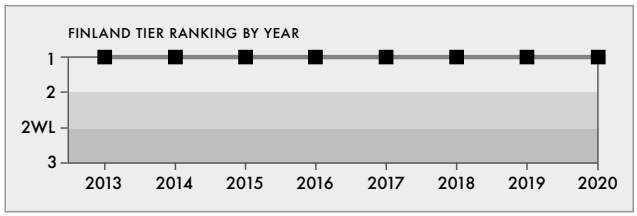
abroad as part of international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Fiji, and traffickers exploit victims from Fiji abroad. Family members, taxi drivers, foreign tourists, businessmen, crew on foreign fishing vessels, and other traffickers have allegedly exploited victims from Thailand and China, as well as Fijian women and children, in sex trafficking. Traffickers exploit victims in illegal brothels, local hotels, private homes, and massage parlors, and traffickers sometimes utilize websites and cell phone applications to advertise victims for commercial sex. Observers reported a practice where taxi drivers transported Fijian child sex trafficking victims to hotels in popular tourist areas at the request of foreign tourists seeking commercial sex acts. Some Fijian children are at risk of sex and labor trafficking as families follow a traditional practice of sending them to live with relatives or families in larger cities, where they may be subjected to domestic servitude or coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees. Fijian children were at risk for forced labor in agriculture, retail, or other sectors. Some Fijian men reportedly marry women from Nepal and Pakistan and subject them to domestic servitude in Fiji. Traffickers exploit Fijian and Chinese women and children in Chinese-operated massage parlors and brothels, particularly in Suva. Anecdotal reports indicated traffickers transported Chinese victims into Fiji on small boats, avoiding ports. Labor traffickers exploit workers from South and East Asian countries in small, informal farms and factories, and in construction. Recruitment agencies operating in victims' home countries, vessel owners, and other crew subject migrant fisherman from Southeast Asian countries, especially Indonesia, in forced labor on Fijian flagged fishing vessels or foreign flagged fishing vessels (mainly China- and Taiwan-flagged) transiting Fijian ports and waters. Victims of forced labor experience threats of violence, passport confiscation, debt-based coercion, excessive working hours, and abusive living and working conditions.

FINLAND: TIER 1

The Government of Finland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Finland remained on Tier 1. These efforts include prosecuting more traffickers, sentencing traffickers to significant prison terms, referring more victims to care, and appointing a permanent anti-trafficking coordinator. Although the government meets the minimum standards, courts convicted fewer traffickers and investigated fewer cases. A lack of specialized government personnel limited enforcement of existing legislation, leading to the investigation and prosecution of some trafficking cases as less serious offenses. Municipalities lacked the capabilities to address the needs of victims, resulting in one municipality referring and paying for a victim to receive assistance in Sweden, and the implementation of the national referral mechanism remained at a standstill.



PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute sex trafficking and labor trafficking cases using the trafficking statute, and sentence convicted traffickers to significant prison terms. • Increase the number of law enforcement officials, prosecutors, and judges who specialize in trafficking cases; create additional and allocate sufficient resources to dedicated law enforcement units for trafficking investigations. • Ensure all municipalities have policies and procedures consistent with national standards and allocate resources so that local service providers and municipal government officials are familiar with victims' rights to assistance and are able to offer high quality services. • Implement the national referral mechanism for all sectors of the government, allocate sufficient funding for implementation, and train officials on its use to identify proactively potential victims and refer them to services. • Ensure all victims have full access to services, such as residence permit applications, shelters, health and social services, regardless of whether a suspected trafficker is prosecuted and irrespective of the statutes under which a suspected trafficker is being prosecuted. • Develop clear guidance for national victim assistance system personnel on treating victims who do not choose to involve the police. • Increase efforts to train judges, law enforcement officials, and prosecutors on applying the trafficking law. • Develop and implement a centralized data collection system on trafficking that allows for disaggregation of data, including the demographics of victims and type of exploitation. • Develop, publish, and implement a national action plan.

PROSECUTION

The government increased law enforcement efforts. Law 1889-39 of the penal code criminalized sex trafficking and labor trafficking and prescribed sentences of between four months and six years' imprisonment for offenses involving an adult victim and between two and 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to use laws against pandering, discrimination, and usury, among others, to investigate and prosecute some suspected traffickers; the penalties for these crimes were generally far less severe than those for trafficking crimes. In 2019, the National Bureau of Investigation (NBI) investigated 81 cases, of which 36 were committed in Finland (nine sex trafficking, 16 labor trafficking, and 11 unconfirmed), compared with 88 cases in 2018. Authorities prosecuted 15 cases (six cases in 2018). Finnish courts convicted two traffickers (five in 2018). Sentences ranged from two years and six months' imprisonment to five years and six months' imprisonment, whereas of the five convicted traffickers in 2018, one received a two-year prison sentence and the other four received probation. The NBI cooperated with foreign governments on transnational investigations, including on a sex trafficking case involving Romanian citizens in Finland, which resulted in a prosecution in Romania. Law enforcement expressed increased concern regarding Romanian and Moldovan criminal organizations exploiting individuals from their home countries in Finland. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

A lack of specialized government personnel limited law enforcement anti-trafficking efforts and effectiveness. While the NBI had one designated anti-trafficking investigator, there were no police units, prosecutors, or judges dedicated to the investigation, prosecution, or hearing of trafficking cases. Experts raised concerns that police prioritized drug-related and other types of conventional cases and crimes, while lengthy investigations and prosecutions led to law enforcement prosecuting trafficking cases under less serious offenses. Experts noted prosecutors were

often unwilling to pursue trafficking charges due to the high legal standard for trafficking-related convictions. The government supported educational efforts during the reporting period by providing annual training for prosecutors, police, and immigration officers. Although the government invited judges to the training for prosecutors regarding trafficking trials, few attended.

PROTECTION

The government maintained protection efforts. The government identified 99 victims. The government provided both direct care and funding for third-party care through an asylum reception center that coordinated the national victim assistance system. The government received 303 potential trafficking victim referrals and the assistance system admitted 229 potential trafficking victims in 2019 (14 were children) compared with 163 victims in 2018 (10 were children), marking a four-fold increase in the number of trafficking victims since 2015. Nigerian women continued to account for the majority of sex trafficking victims; Eastern European women constituted the next largest group. The assistance system reported 70 of their new recipients became trafficking victims in Finland rather than abroad (52 in 2018), the most that has been recorded since 2015. However, authorities noted a decreased number of sex trafficking victims exploited within Finland. Authorities registered 11 such victims in 2019 (18 in 2018); observers reported there were more victims who went unregistered, masking the real scope of internal trafficking. Finnish law required police to pursue domestic cases specifically as trafficking crimes in order for victims to receive services through the assistance system beyond the initial emergency. Assistance system personnel lacked guidance regarding referrals of victims who were exploited in trafficking domestically and did not wish to contact the police. Furthermore, according to the national rapporteur, the placement of the assistance system within immigration services misrepresented trafficking as a crime requiring migration and reduced the focus on trafficking committed within Finland. In response to this concern, the government approved the transfer of the victim assistance system to the Ministry of Social Affairs and Health in 2019.

Multiple actors within the government and civil society were empowered to identify trafficking victims. Although police and immigration officials used written guidelines for identification and referral, the government recognized these guidelines as inadequate. To address this shortcoming, the government created a national referral mechanism for victim identification and assistance, but did not implement it due to pending changes in the legislative framework of the assistance system. Once referred to the assistance system, consultants evaluated cases and decided on the victim's course of care, which could include transportation to a safe house; psychological, medical, and legal assistance; or shelter. There was one government-funded shelter specifically for trafficking victims, though it accepted only women and their children. Care providers sheltered most trafficking victims in private accommodations; however, there were no shelters dedicated to male victims. Child services assigned unaccompanied child victims a guardian to serve as a legal representative. Authorities placed Finnish children who could not return to their families in foster care, while authorities placed unaccompanied migrant children in a migrant reception center specifically for children. Officials noted some municipalities lacked the knowledge and resources to provide assistance to trafficking victims, citing how one municipality referred a victim to Sweden and paid for their assistance there. Observers noted that municipalities experience difficulties with victim service provision because they function under the general framework of social welfare and are not sufficiently equipped with the resources to deal with crime-related issues such as trafficking or victims of trafficking. Subsequently, the Parliamentary Ombudsman required municipalities to create new procedures and provide relevant training. In 2019, the government spent approximately €1.2 million ($1.35 million) on trafficking victim assistance and protection, unchanged from 2018. In addition, the government allocated €292,520 ($328,670) for services to multiple organizations.

To receive long-term assistance, Finnish law requires victims to cooperate with police to commence a criminal investigation or to receive a specialized residence permit from Finnish Immigration Services. Delayed investigations and police failure to submit the appropriate paperwork requesting victims to remain in the country have left victims susceptible to deportation. Finnish law allowed foreign victims a six-month reflection period during which they could receive care and assistance while considering whether to assist law enforcement, and the law allowed legal residents a recovery period of up to three months. According to the assistance system, 23 victims took advantage of the reflection period in 2019. Victims could receive renewable temporary residence permits, which were valid for six to 12 months and allowed victims to seek employment. Authorities provided temporary residence permits to 15 victims and renewed three permits. According to officials, all victims accepted into the assistance system consented to cooperate with police in the prosecution of their traffickers; however, in cases where victimization occurred outside of Finland, which was the case for the majority of victims identified, and the conditions of the relevant jurisdiction made law enforcement cooperation unlikely, police did not open a criminal investigation.

PREVENTION

The government maintained prevention activities. During the reporting period, the government appointed a new national anti-trafficking coordinator, filling a vacancy that had been open since February 2018. While the government's national action plan expired in 2017, it reported a new action plan was in development for 2020. In conjunction with Bulgaria, Estonia, and Latvia, the government participated in a multi-year project profiling trafficking in regional supply chains. The government investigated 13 cases of child sex tourism committed abroad in 2019, but did not prosecute any perpetrators. The government did not make efforts to reduce the demand for commercial sex acts. Labor inspectors received training to improve trafficking detection in restaurants, construction, and other labor sectors, but the overall number of labor inspectors and workplace inspections decreased since the government last recorded data in 2016. Various agencies organized a seminar with more than 150 participants from both the public and private sectors to discuss corporate responsibility in tackling human rights issues in the workplace. The national assistance system maintained a hotline and website in multiple languages exclusively for trafficking victims.

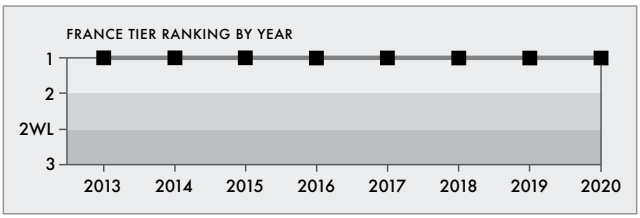
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Finland, and, to a lesser extent, traffickers exploit victims from Finland abroad. Traffickers operate from abroad using threats of violence, debt leverage, and other forms of coercion. Victims originate primarily in Eastern Europe, Africa, South and Central Asia, and the Middle East. Authorities report a surge in victims among asylum-seekers and other migrants, most of whom are exploited prior to their arrival in Finland, such as Nigerian women who account for the majority of sex trafficking victims; experts note a decline in the number of sex trafficking cases within Finland. Foreign-born workers and immigrants, many of whom arrive in Finland legally, are especially vulnerable to exploitation in the construction, restaurant, agriculture, and transport industries, and as cleaners, gardeners, and domestic workers. Authorities report the recruitment and exploitation of foreign workers from Nepal in the restaurant sector. Experts note most labor trafficking involves small-scale operations in businesses, rather than larger criminal syndicates.

Seasonal berry pickers, many of whom are Thai, are especially vulnerable to labor exploitation and trafficking.

FRANCE: TIER 1

The Government of France fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore France remained on Tier 1. These efforts included increasing prosecutions and convictions, adopting a national action plan, and increasing cooperation on international investigations. Although the government meets the minimum standards, it decreased investigations and did not report full sentencing data for convicted traffickers. The government assisted fewer victims compared to the last reporting period. The government continued to lack coordinated and comprehensive data on trafficking; it did not provide adequate resources for the national rapporteur; it did not report awarding restitution to any victims; and it did not deploy sufficient efforts against labor trafficking.



PRIORITIZED RECOMMENDATIONS:

Coordinate and centralize the timely collection of trafficking data across the government, including disaggregating data between sex and labor trafficking. • Increase efforts to identify and provide assistance to all trafficking victims. • Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Increase funding and resources for anti-trafficking coordination and victim assistance. • Increase interagency coordination to investigate and prevent labor trafficking. • Ensure equitable treatment of victims by creating a national identification and referral mechanism for all forms of trafficking across all regions and departments, both domestic and overseas. • Consistently screen all migrants for trafficking indicators, including unaccompanied minors in Mayotte. • Implement the second national action plan and include a defined timeframe and dedicated budget, as well as other recommendations from the national rapporteur. • Improve the quality of shelters and specialized assistance for child victims. • Increase efforts to award restitution for all victims of trafficking. • Strengthen victim protection for child victims of forced begging and forced criminality. • Offer the reflection period to all victims, including migrants and victims of forced begging and forced criminality. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism and continue to prosecute and convict perpetrators. • Ensure sufficient resources are provided to the national rapporteur.

PROSECUTION

The government made uneven law enforcement efforts; however, efforts remained difficult to assess due to the persistent lack of consistent, comprehensive, and disaggregated law enforcement data. Article 225-4 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment and a fine of up to €1.5 million ($1.69 million). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The government did not report the number of cases it investigated in 2019, a decrease compared to 313 cases involving 944 suspects in 2018; however, the media and NGOs reported the investigation of at least 182 cases and the arrest of at least 42 suspects. The government reported prosecuting 145 suspects with four accused of trafficking offenses committed against children in 2018, compared to 115 in 2017. A 2018 case in which the government charged a police officer assigned to a local human trafficking unit for complicity in sex trafficking remained ongoing and had yet to proceed to trial. The government reported convicting 94 traffickers in 2018, the most recent year data was available; this was an increase compared to 81 in 2017 and 48 in 2016. While the government did not report sentencing data for 2018, the required year to be assessed, it did provide a five-year average of 3.3 years' imprisonment for trafficking in persons convictions. The media reported several cases in which traffickers received significant prison terms in 2018, including 29 traffickers who were sentenced to two to 11 years' imprisonment, nine traffickers sentenced to two to eight years' imprisonment, and two traffickers who received suspended sentences. The media reported on 40 of 94 sentences, indicating that at least 40 percent of traffickers received significant prison sentences in 2018. The media also reported that, in October 2019, the government convicted a former Burundian diplomat and his spouse for labor trafficking and the exploitation of a domestic worker for 10 years; courts suspended both sentences but issued a fine. The government also reported investigating 20 cases, prosecuting 11 suspects, and convicting one criminal for paying to watch a child engage in a live sex act. Law enforcement data included all French departments and territories, including those overseas. The government did not report the amount of assets seized from convicted traffickers in 2019, compared to €10 million ($11.24 million) in 2018 and €6 million ($6.74 million) in 2017.

Two bodies investigated trafficking crimes: the Ministry of Interior's Central Office for Combating Human Trafficking (OCRTEH), comprising 25 investigators, was responsible for cases of sex trafficking, and the Central Office for Combatting Illegal Labor (OCLTI) and the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants (OCRIEST) were responsible for labor trafficking. The government continued institutional anti-trafficking training programs, some of which included victim identification, for magistrates, police, social workers, civil servants, NGOs, and the hospitality sector; however, the government did not report the number of individuals who received training during the reporting period. In 2019, the Ministry of Justice (MOJ) reported training 88 prosecutors, magistrates, and other judicial officials on anti-trafficking and led trainings in cooperation with the UK and Romania. In 2019, the government collaborated in international investigations, including with EUROPOL, INTERPOL, Hungary, Romania, Bulgaria, and Spain, which resulted in the arrest of 42 trafficking suspects, the prosecution of four suspects, and the conviction of 17 traffickers in France; an increase compared to reported information in 2018.

PROTECTION

The government made uneven protection efforts, including assisting fewer victims than the prior year. The government reported police identified 892 victims of exploitation in 2019, compared to 950 in 2018. Of the 892 victims of exploitation, 175 were victims of trafficking and 717 were victims of aggravated sexual exploitation, which in some cases included victims of adult and child sex trafficking. This compared to 177 victims of trafficking and 773 victims of sexual exploitation in 2018. Victim protection data included all French departments and territories, including those overseas. The governmental Mission for the Protection of Women against Violence and the Fight against

Human Trafficking (MIPROF) and the National Supervisory Body on Crime and Punishment released the results of a large-scale victim survey completed by 53 NGOs. It found that, in 2018, 74 percent were victims of sex trafficking, 17 percent forced labor, five percent forced criminality, three percent forced begging. Forty-eight percent of victims surveyed came from Nigeria, followed in frequency by victims from North Africa and Eastern Europe. The government did not have a national identification and referral mechanism to ensure uniform and equal treatment of victims; however, most ministries and regions had formal procedures for identifying victims, and use of an NGO-run referral mechanism continued. The government assumes the majority of individuals in commercial sex are trafficking victims, and the government systematically screens this population for trafficking indicators. The Ministry of Solidarity and Health and the City of Paris provided funding for the Ac-Se system, an NGO-managed network of 50 NGO-run shelters and specialized NGOs assisting adult victims of sex and labor trafficking. Both police and NGOs referred victims to Ac-Se. While only partial data on victim assistance was available, Ac-Se reported assisting 64 trafficking victims in 2019, a decrease compared to 86 in 2018 and 79 in 2017. Ac-Se provided victims with shelter, legal, medical, and psychological services; in 2019, 57 victims, including 12 children, received shelter, and seven were assisted with voluntary repatriation. The government identified similar numbers of victims as in 2018; however, civil society did not interpret this trend as a decrease in trafficking prevalence and reported an increase in victims over recent years. The government provided Ac-Se with €240,000 ($269,660) in 2019, in addition to an unreported amount of funding to NGOs supporting the Ac-Se network. This amount compared to €234,000 ($262,920) in 2018.

Local governments provided French language classes to victims, and some victims could qualify for subsidized housing and job training programs, but the government did not report the number of victims provided with these benefits. The government, through the national employment agency, provided some foreign victims with an initial stipend of €350 ($390) a month; civil society reported the conditions for being granted a stipend were not uniform and varied by region. The central and municipal governments also partially funded the operation of a shelter in Paris and a small number of emergency apartments external to the Ac-Se system. There were limited accommodation options for male victims. Police referred child trafficking victims to the Child Welfare Services (ASE) system. GRETA and the French independent rapporteur on trafficking reported a lack of adequate resources for the special assistance needs of child trafficking victims. The MOI reported conducting five training sessions during the reporting period on access to asylum for unaccompanied minors for the French Office for the Protection of Refugees and Stateless Persons (OFPRA). Training for victim identification and assistance protocols for social workers, staff, senior protection officers, interpreters, and new refugee protection officers in the OFPRA continued during the reporting period and training for protection officers increased from 71 in 2018 to 146 in 2019. The government also continued to distribute pocket-sized victim identification cards to police and NGOs.

The government had an NGO-run referral program to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short-term care. Judges heard criminal trials for trafficking or aggravated pimping in private at the victim's request. To limit re-traumatization, victims usually had access to a psychologist during court proceedings. Victims were entitled to receive a 30-day reflection period during which they could decide whether to lodge a complaint or participate in criminal proceedings against a trafficker; however, some authorities were not familiar with the reflection period and did not offer it in practice. The government did not report the number of temporary residence permits granted to trafficking victims; such permits were only issued when victims cooperated with police investigations or enrolled in the government's reintegration program, which required ceasing engagement in commercial sex. Trafficking victims were also eligible for international protection under refugee status or subsidiary protection status in cases where victims had a credible fear of retaliation, including from public authorities in their country of origin, if returned; however, the government did not report the number of victims granted such status during the reporting period. The government offered a specialized support program for asylum-seekers who are also victims of violence or trafficking in persons; the program provided secure lodging, psychological treatment, and a path to request asylum, but the government did not report how many asylum-seekers utilized this program during the reporting period. In May 2019, OFPRA internally published guidelines to evaluate and process asylum claims on the basis on labor trafficking. A large collective of anti-trafficking NGOs believed the new law on asylum and immigration, which eased restrictions on migrant deportation, limited victims' ability to receive temporary residence due to new time-bound restrictions on permit applications and more stringent approval criteria. GRETA reported police arrested and prosecuted child victims of forced begging and forced criminality without screening for trafficking indicators. Criminal courts could order traffickers to pay restitution to victims who were citizens of France or when the act was committed on French territory, the European Economic Community (EEC), or had legal immigration status; however, authorities did not report ordering such restitution. Victims who were citizens of France, the EEC, or had legal immigration status could also bring a civil suit against a trafficker for damages. Victims lacking legal status were ineligible for restitution and damages. GRETA and NGOs reported victim compensation payments were rare.

PREVENTION

The government made uneven prevention efforts. MIPROF continued to coordinate government-wide anti-trafficking efforts and the prevention of violence against women. MIPROF's anti-trafficking steering committee included national, regional, and local governments, as well as NGOs; however, it did not report how many times it met during the reporting period. In October 2019, the government adopted its second national anti-trafficking action plan. The Human Rights Commission continued to serve as the independent rapporteur for trafficking, but resources were insufficient. The rapporteur criticized the newly adopted national action plan, noting obstacles and deficiencies, including the absence of a defined timeframe or budget. The rapporteur also stated that the new plan did not address the flaws of the first plan, which included a prioritization of sex trafficking over labor trafficking, unequal efforts that varied by region, and authorities' continued to conflate engaging in commercial sex and trafficking in persons. The national rapporteur recommended annual plans incorporating specific deadlines, detailed measures, monitoring indicators, costs identified per measure, and a dedicated source of funding. The continued prioritization of sex trafficking led to insufficient efforts to combat labor trafficking. The government made limited efforts to raise national awareness of human trafficking, including publishing a trafficking awareness manual online and media coverage of the release of the national action plan. The government continued to lack a comprehensive and centralized data system on trafficking. Though fraudulent labor recruitment remained a concern during the reporting period, the government did not report holding any labor recruitment or placement agencies accountable for labor trafficking during the reporting period. As of July 2019, the government conducted 25,752 labor inspections but did not report whether any victims were identified during these inspections. In an effort to address labor trafficking, in 2020, the government established a partnership

agreement with employment associations and unions to create a guide to combat trafficking for employers and companies; however, the government did not report tangible outcomes from this effort. French law required large companies with more than 5,000 employees to create plans to mitigate risks of labor exploitation of sub-contractors. In 2019, the government did not report uniformly screening migrants in Mayotte for trafficking indicators prior to their deportation. The government did not report taking steps to address the 3,000 to 4,000 unaccompanied Comorian minors at risk for sex and labor trafficking on the French department of Mayotte by offering protection services, such as medical, shelter, or education.

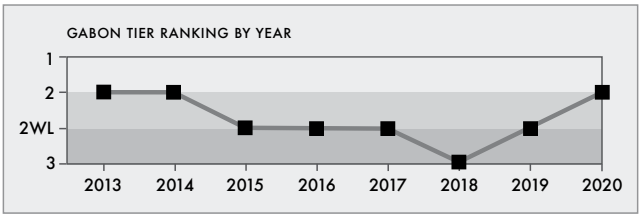
The government made efforts to reduce the demand for child sex tourism by funding programs that raise awareness of the illegality of, and penalties associated with, child sex tourism in airports and with tourism operators, as well as requiring students to complete a training course on sex tourism prior to their departure abroad. The government arrested a French citizen for child sex tourism in Thailand during the reporting period and reported investigating approximately 15 other similar cases. The government made efforts to reduce the demand of commercial sex by convicting at least two purchasers of commercial sex. The government maintained several liaisons and advisors located in source countries to facilitate international anti-trafficking efforts. In 2019, the government signed a counter-trafficking bilateral agreement with China. The government also contributed to several anti-trafficking programs, including in Nigeria and Morocco. The government continued to fund anti-trafficking capacity-building programs across Africa's Gulf of Guinea region and victim support operations in Libya. The government continued to implement an agreement for joint operations and training with the Libyan Coast Guard, as well as the provision of patrol vessels. However, some European and international NGOs criticized this coordinated effort of turning migrant boats back to Libya, citing poor security and human rights conditions inside Libya and an increased risk of trafficking for migrants forced to remain in Libya. The government continued to operate a hotline for children in abusive situations, including trafficking, and Ac-Se operated a hotline for trafficking victims; however, neither hotline reported the number of trafficking-related calls received during the reporting period. The government did not provide systematic anti-trafficking training for its diplomatic personnel, although consular officials received training on identifying forced domestic servitude.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims, and to a limited extent, domestic victims in France. Sex and labor traffickers exploit foreign victims from Eastern Europe, West and North Africa, Asia, and the Caribbean. Nigerian females make up the majority of sex trafficking victims. Traffickers often lure victims with fraudulent offers of economic opportunities and target undocumented workers already in France. Authorities report traffickers encourage Nigerian victims to claim asylum to obtain legal residency and facilitate their continued exploitation. Sex trafficking networks controlled by Nigerians, Bulgarians, Romanians, Chinese, and French citizens exploit women in sex trafficking through debt bondage, physical force, and psychological coercion, including the invocation of voodoo and drug addiction. The government estimates the majority of the 50,000 people in commercial sex in France, about 90 percent of whom are foreign, are likely trafficking victims. Traffickers exploit children, primarily from Romania, West and North Africa, and the Middle East, in sex trafficking in France. In suburban areas, there is a sharp rise in sex traffickers known as "lover boys" coercing vulnerable girls into sex trafficking, often through a sham romantic relationship. NGOs estimate between 5,000 and 8,000 French teenagers are victims of child sex trafficking, with more than half between the ages of 15 and 16. Expansive criminal networks force children to commit crimes. Traffickers exploit the large influx of unaccompanied minors who have entered France in recent years. Roma and unaccompanied minors in France are at risk of forced begging and forced theft. The families of Roma children are often also their traffickers. Immediate or extended family members are the traffickers for 96 percent of victims of forced crime and forced begging; 62 percent of sex trafficking victims knew their traffickers beforehand. The estimated 3,000 to 4,000 unaccompanied Comorian children on the island Mayotte, a French department, remained at risk of labor and sex trafficking. Protection services, such as medical, shelter, and education, are not available to unaccompanied minors on Mayotte, and previous efforts of the Comorian National Human Rights Commission to investigate further were denied. Labor traffickers exploit women and children in domestic servitude, mostly in cases in which families exploit relatives brought from Africa to work in their households; according to a 2019 report, domestic servitude makes up approximately eight percent of all trafficking in France. Nigerian trafficking networks use migrant and drug trafficking routes through Libya and Italy to transport women and girls to France, where they exploit them in trafficking.

GABON: TIER 2

The Government of Gabon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Gabon was upgraded to Tier 2. The government prosecuted more suspected traffickers; identified an adult victim for the first time; facilitated training for more officials and civil society members; adopted its revised penal code, which explicitly included a trafficking in persons offense for the first time; and finalized and adopted its anti-trafficking national action plan. However, the government did not meet the minimum standards in several key areas. While the government amended its penal code, the law still did not criminalize all forms of trafficking. The government did not effectively address judicial corruption and reported identifying fewer victims overall.



PRIORITIZED RECOMMENDATIONS:

Fully investigate credible reports of government corruption related to trafficking and prosecute complicit officials. • Finalize and resource the Ministry of Justice-led inter-ministerial committee for working level officials. • Vigorously investigate and prosecute suspected traffickers, and seek to convict traffickers through independent and fair trials. • Develop standard operating procedures for identifying and referring adult victims to care. • Increase efforts to proactively identify adult and child victims of trafficking. • Regularly convene the Special Criminal Session in order to increase the number of trafficking cases heard. • Amend the penal code to criminalize all forms of trafficking and to ensure the penalties for adult sex trafficking are commensurate with penalties for other grave crimes, such as a rape. • Develop and

institute a course on victim-centered trafficking investigations in Gabon's National Magistrate School to increase law enforcement and judicial officials' ability to prosecute trafficking cases while preventing the re-traumatization of victims. • Launch a nationwide sensitization campaign to raise awareness of trafficking in markets and domestic servitude. • Expand training for social workers, law enforcement officers, labor inspectors, and judicial staff on the 2019 penal code to promote effective investigations, prosecutions, and convictions of traffickers found guilty following an independent and fair trial. • Increase financial or in-kind support to government and NGO shelters and dedicate resources towards implementing the country's anti-trafficking national action plan. • Develop an information management system to capture nationwide investigation and victim identification data in partnership with international organizations.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. In July 2019, the president signed Gabon's revised penal code into law, which explicitly included a trafficking in persons offense for the first time; however, the new anti-trafficking provisions only criminalized some forms of sex trafficking and labor trafficking. Specifically, the penal code limited the definition of trafficking in persons to crimes involving an "exchange for remuneration or any other advantage or the promise of remuneration or other advantage," thereby not encompassing all forms of trafficking. Articles 342-350 of the revised penal code prescribed penalties of up to seven years' imprisonment and a fine of one million Central African francs (CFA) ($1,730) for trafficking offenses involving adult victims and up to 15 years imprisonment and a fine of up to 100 million CFA ($172,970) for those involving child victims. These penalties were sufficiently stringent but with respect to adult sex trafficking, not commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the penal code established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime; penalties were increased to up to 10 years' imprisonment and a fine of one million CFA ($1,730) if such factors were involved. Finally, the penal code also conflated the crimes of human smuggling and trafficking in persons.

The government did not maintain comprehensive law enforcement statistics as a result of its systemic information management challenges. A lack of high-level coordination between ministries further contributed to the government's limited capacity to collect and manage anti-trafficking law enforcement data. Police officers in Libreville reported initiating three investigations for forced labor in 2019 under penal code articles 342-350, compared with investigating 17 suspected child trafficking cases in 2018. A Ministry of Justice representative reported the government submitted 20 cases for prosecution in 2019 under penal code articles 342-350, compared with three child trafficking cases the previous year. The government convicted one trafficker and found one suspect not guilty in a separate trial in 2019, compared with convicting one trafficker in 2018. Only the country's Special Criminal Session court was authorized to hear trafficking cases because it is a crime equivalent to murder in the Gabonese legal system; ministerial reshuffles at the end of 2019 resulted in the government rescheduling its latest Criminal Session from December 2019 to April 2020.

Due to a lack of training and corruption, prosecutorial judges tasked with investigating trafficking cases did not always investigate cases brought to their attention, which prevented the prosecution of some trafficking cases. Experts alleged some traffickers bribed judges to actively delay or dismiss trafficking cases. Although corruption and official complicity in trafficking crimes remained significant concerns, the government did not report investigating, prosecuting, or convicting complicit government employees.

Law enforcement officials coordinated with the Republic of the Congo to extradite a suspected Gabonese sex trafficker back to Libreville in December 2019, where the suspect is currently awaiting trial for pimping, rape of a minor, endangering the life or health of others, and potentially, trafficking in persons; the case remained ongoing at the close of the reporting period. In January 2020, officials collaborated with an international organization to train approximately 70 law enforcement, social welfare, and civil society actors on victim-centered trafficking investigations. The government hosted a training in October 2019 for more than 50 magistrates in coordination with a donor to enhance justice sector officials' ability to prosecute trafficking crimes in accordance with the country's revised penal code.

PROTECTION

The government decreased efforts to identify and protect victims according to incomplete statistics officials provided. The government uses a Trafficking in Persons Procedural Manual, developed in coordination with an international organization that defines standard procedures for the identification, extraction from exploitive situations, short-term care and repatriation of child victims. Experts described the referral process as appropriate for children, although the government does not have standard procedures for identifying adult victims. Social welfare and law enforcement officers in Libreville reported identifying and referring 31 trafficking victims—30 children removed from forced labor and Gabon's first identified adult victim—to shelters providing medical, legal, and psychological care. Officials reported identifying 50 child trafficking victims in 2018 and 65 in 2017. The government maintained inadequate funding to NGOs providing shelter and services to victims, and a lack of shelter space to accommodate all trafficking victims persisted. The government continued to fund two NGO-run shelters offering holistic services to trafficking victims, orphans, and street children, providing financial and in-kind support, including funding for social workers, medical support, psychological services, legal assistance, and tuition. Some officials continued to use their own money to fill gaps in government funding to assist victims. The same services were available for male, female, foreign, and Gabonese victims, including those repatriated from abroad. There were no government or NGO-run shelters specifically designated for adult victims, although adult victims could potentially access government services for victims of domestic abuse or other forms of violence. The government did not report any victims using these services during the reporting period. Shelters provided services to adults and some allowed child trafficking victims to remain after they reached 18 years of age; however, the government did not report referring any adults to such facilities during the reporting period. Officials had the authority to permit adult male victims to leave shelters unchaperoned but not adult female victims, stating concerns related to safety and preventing re-trafficking.

The Ministry of National Solidarity, in coordination with foreign embassies, assisted in the repatriation of 12 foreign child trafficking victims, compared with zero in 2018 and 42 in 2017. The government could provide a victim with immigration relief and resettle them in Gabon if the victim faced threats to their safety in their country of origin, but officials did not report any victims utilizing this legal alternative during the reporting period. While the government encouraged victims to cooperate with authorities to provide testimony for the prosecution of alleged traffickers, law enforcement officers admitted they sometimes took victims' testimony at the time of the arrest of the suspected traffickers or identification of the victim, acknowledging this approach is neither victim-centered, nor the most effective. Police officers in Libreville reported they had modified their approach to interviewing victims, causing them to delay questioning until

the victim was prepared to cooperate, after receiving training from the government and an international organization. While the government has sought restitution for trafficking victims in the past, it did not report doing so during this reporting period. Victims could file civil suits against their traffickers, but there were no known cases of such action, in part due to lack of knowledge of the option. There were no reports authorities detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, due to nascent efforts to identify adult trafficking victims, some may have remained unidentified within the law enforcement system.

PREVENTION

The government increased prevention efforts. The Ministry of Justice reported Gabon's prime minister approved the anti-trafficking national action plan in early 2020. In July 2019, the government—with support from an international organization and in collaboration with civil society—organized an awareness campaign against trafficking and other forms of violence against children, reaching 861 individuals. Additionally, the Ministry of Social Affairs led a training for social workers and first responders in August 2019 on child protection issues, including trafficking in persons, in the northeastern province of Ogooué Ivindo. Between November 2019 and January 2020, the government supported a Gabonese NGO's sensitization campaign in Libreville by providing access to official venues. Officials did not disclose funding levels for Gabon's anti-trafficking programming and decreasing oil revenue and seven ministerial reshuffles in 2019 resulted in dysfunctional high-level coordination hindering the government's ability to support working level law enforcement officers, social welfare officials, and civil society representatives. The government did not report efforts to reduce the demand for commercial sex acts. Officials—with foreign donor support—continued to provide anti-trafficking training to approximately 450 Gabonese troops prior to their deployment on an international peacekeeping mission in the Central African Republic. The government did not provide anti-trafficking training for its diplomatic personnel.

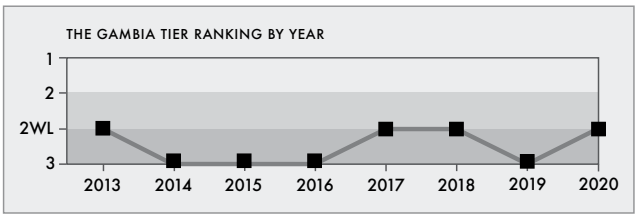
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Gabon, and traffickers exploit victims from Gabon abroad. Traffickers exploit girls in forced labor in domestic service, markets or roadside restaurants; force boys to work as street vendors, mechanics, microbus transportation assistants, and as laborers in the fishing sector; and coerce West African women into domestic servitude or commercial sex within Gabon. West African traffickers reportedly exploit children from their countries of origin to work in Libreville markets such as N'Kembo, Mont Bouét, PK7, and other urban centers including Port-Gentil. In eastern provinces within the country, shopkeepers force or coerce Gabonese children to work in markets. In some cases, smugglers who assist foreign adults migrating to Gabon subject those migrants to forced labor or commercial sex after they enter the country via plane or boat with falsified documents. Some victims are economic migrants transiting Gabon from neighboring countries en route to Equatorial Guinea.

Traffickers appear to operate in loose, ethnic-based criminal networks, at times involving female traffickers—some of whom are former trafficking victims—in the recruitment and transportation of victims from their countries of origin. In some cases, families willingly give children to intermediaries who fraudulently promise education or employment and instead subject the children to forced labor through debt bondage. Roadside bars—or "*macquis*"—are a common sector where traffickers sexually exploit women, and the Libreville neighborhood of Lalala is an area where some brothel owners reportedly exploit minors in child sex trafficking. Some traffickers procure falsified documents for child trafficking victims identifying them as older than 18 years to avoid prosecution under the child trafficking law. Traffickers often operate outside the capital to avoid detection by law enforcement and take advantage of Gabon's porous borders and unguarded beaches to import victims by car or boat. Authorities report some transnational organized crime rings profit from human trafficking in addition to smuggling counterfeit medication and illicit drugs. Experts report the nationality of the actors involved in trafficking rings generally depends on the stage of the trafficking process. Fraudulent recruiters in source countries such as Benin and Togo often share the nationality of the victim; transporters or "*passeurs*" generally come from transit countries such as Nigeria and Cameroon; and West African residents or Gabonese are predominantly the final beneficiaries of the exploitation.

THE GAMBIA: TIER 2 WATCH LIST

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore The Gambia was upgraded to Tier 2 Watch List. These achievements included increasing investigations, identifying more trafficking victims, improving security at the Department of Social Welfare (DSW) shelter, coordinating with international organizations to increase training for officials, and significantly increasing efforts to raise public awareness of trafficking, including of child sex trafficking. In addition, the government encouraged former president Yahya Jammeh's victims of sexual exploitation to testify in the Truth, Reconciliation, and Reparations Commission (TRRC). Despite these achievements, the government did not convict a trafficker for the third consecutive year, victim services remained inadequate overall, and some law enforcement officers allegedly requested bribes to register trafficking complaints.



PRIORITIZED RECOMMENDATIONS:

Direct and fund law enforcement to investigate all reported trafficking cases, including those brought forward by civil society. • Increase efforts to vigorously investigate, prosecute, and convict traffickers, including allegations of child sex tourism. • Cease using extra-judicial or administrative remedies to resolve human trafficking cases. • Develop and train government officials on comprehensive standard procedures to proactively identify trafficking victims, including among people in commercial sex and other vulnerable groups. • Increase funding and in-kind support to facilitate training for social workers to provide trafficking victims adequate social services. • Improve witness and victim protection measures to ensure victim confidentiality and privacy. • Train law enforcement, prosecutors, and judges to investigate and prosecute all forms of trafficking using the 2007 Trafficking in Persons Act. • Raise awareness of child sex trafficking among civil society, including how to report cases. • Amend the labor law to extend protections to domestic workers. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts but law enforcement overall remained inadequate. The 2007 Trafficking in Persons Act, as amended in 2010, criminalized sex trafficking and labor trafficking and prescribed penalties of 50 years to life imprisonment and a fine of between 50,000 and 500,000 dalasi ($980-$9,800). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government reported 15 new investigations—six sex trafficking cases and nine cases involving forced labor in domestic work in the Middle East—and continued three prosecutions from previous reporting periods, which remained ongoing at the end of the reporting period; the government did not initiate any new prosecutions during the reporting period. This was compared with one investigation and two prosecutions in the previous reporting period. For the third consecutive year, the government did not convict any traffickers. International organizations reported that official corruption, including police officers requesting bribes to register trafficking complaints, impeded law enforcement efforts. An NGO reported former government officials had procured women through fraud and coercion to engage in sex acts with former president Jammeh while he was in office; the allegedly complicit officials are no longer in The Gambia, nor is the former president. Two of the victims of sexual abuse by the former president testified to Jammeh's abuses in the government's TRRC during the reporting period; per her request, the government protected one victim's identity. The law that created the TRRC specifies that upon submission of the TRRC's final report, the government will make decisions on prosecution of the specific allegations made during the Commission's operation. Aside from the TRRC process, the government did not report any investigations, prosecutions, or convictions of former government employees for complicity in human trafficking offenses.

The National Agency Against Trafficking in Persons (NAATIP) trained all border posts on human trafficking in 2019. In December 2019, NAATIP coordinated with an international organization to train Tourism Security Unit officers on victim identification; officers from the police force, immigration department, state intelligence services, and Drug Law Enforcement Agency also attended the training. In December 2019, NAATIP organized another training for law enforcement, prosecutors, and judges on trafficking investigations and prosecutions. Authorities acknowledged law enforcement and judicial personnel continued to lack adequate resources and training to investigate and prosecute trafficking offenses and indicated that more training and awareness raising was needed to increase the capacity of law enforcement and judicial personnel. NGOs and international organizations attributed underreporting of sexual crimes, including sex trafficking and child sex tourism, to cultural taboos and a penchant to resolve these issues through informal resolution mechanisms rather than the formal justice system. An international organization reported that effective enforcement of child protection laws, especially provisions regarding child sex trafficking and child sex tourism, was impeded by lack of awareness of anti-trafficking laws and ensuing penalties; lack of adequate human, technical, and financial capacity to respond to reported cases; and significant gaps in providing specialized services and assistance to victims, especially child victims.

PROTECTION

The government modestly increased efforts to identify and protect trafficking victims. The government identified 12 victims, an increase compared with identifying four victims during the previous reporting period. NGOs reported identifying and assisting an additional six victims. Of the 18 victims identified by the government and NGOs, six were Nigerian women and girls exploited in sex trafficking, two were Sierra Leonean women identified en route to exploitation in the Middle East, and 10 were Gambians coerced to work in domestic service in Lebanon and Kuwait. Law enforcement had standard operating procedures (SOPs) to proactively identify potential trafficking victims amongst vulnerable populations, including unaccompanied minors and homeless children; however, the SOPs were limited in scope and officials did not use them consistently. During the reporting period, the government collaborated with an international organization to draft and approve SOPs for the identification of child trafficking victims among vulnerable populations, including child migrants. The government did not have formal referral procedures; however, during the reporting period the government began developing a national referral mechanism with the assistance of an international organization. While law enforcement referred women and children exploited in commercial sex to DSW for care, officials did not systematically screen adults in commercial sex for indicators of sex trafficking. Some border control agents had knowledge of trafficking and screened for trafficking among adults traveling with several minors.

NAATIP referred eight identified victims to the DSW shelter for care; the government reported the other four victims identified by the government declined shelter services and preferred immediate reintegration with their families. DSW operated a shelter in Bakoteh for vulnerable persons including trafficking victims, abandoned children, the elderly, and victims of domestic violence. The government allocated 600,000 dalasi ($11,760) to victim assistance in 2019. The shelter offered basic services such as housing, medical care, and limited counseling to children and women; adult victims could leave the shelter unchaperoned. Foreign donors assisted in renovating the shelter and increasing the capacity of shelter staff, including improving psycho-social assistance. To address previously reported security inadequacies at the shelter, an international organization trained shelter staff on shelter security measures; following the training, the government hired an additional security guard and implemented stricter security protocols. The shelter could assist Gambian victims exploited abroad after their repatriation, as well as both foreign and domestic victims. The Sierra Leonean embassy assisted its citizens identified in The Gambia during the reporting period. An international organization assisted in the repatriation of Gambian trafficking victims identified in Lebanon and Kuwait and continued assisting the government to repatriate trafficking victims from Lebanon identified in previous reporting periods. The director of NAATIP traveled to Beirut to meet with the victims and discuss what support the government could provide. DSW also operated a drop-in center for street children. Shelters were concentrated around the capital, leaving some victims in rural areas without access to assistance.

Provision of government shelter and services was not dependent on victims' participation in law enforcement proceedings. The government did not have a formal witness protection policy and victims' identities were not always kept confidential; victims, at times, were reluctant to cooperate in investigations due to fear of retaliation by their traffickers. The government allows victims to provide testimony via video or written statements; however, no victims reportedly did so during the reporting period. The 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas for the duration of legal proceedings, but there were no other legal alternatives provided in cases in which foreign trafficking victims removed to their countries of origin may have faced hardship or retribution. Victims could file civil suits against their traffickers, but there were no reports any such cases were filed during the reporting period in part due to low awareness of the option. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers

compelled them to commit; however, inconsistent application of trafficking identification procedures may have left some trafficking victims unidentified within the law enforcement system.

PREVENTION

The government modestly increased prevention efforts. The Ministry of Justice allocated 300,000 dalasi ($5,880) per month to NAATIP for salaries and administrative costs in the 2019 fiscal year, an increase from 150,000 dalasi ($2,940) per month in the 2018 fiscal year. The government did not provide additional funding for implementation of the 2016-2020 anti-trafficking national action plan, but NAATIP continued to implement the plan using its budget. During the reporting period, the Department of Strategic Policy and Delivery in the Office of the President assumed leadership of the government's anti-trafficking efforts and re-established the National Task Force on Trafficking in Persons. NAATIP organized an increased number of public awareness activities during the reporting period, including a public procession to commemorate World Day against Trafficking in Persons in July 2019 and outreach to schools throughout the reporting period. In October 2019, NAATIP trained 30 travel agencies and airlines on victim identification. In November 2019, NAATIP trained civil society organizations on reporting trafficking cases, especially child sex trafficking. The government previously operated a 24-hour trafficking-specific hotline in four languages; however, the hotline was suspended due to inadequate training and capacity.

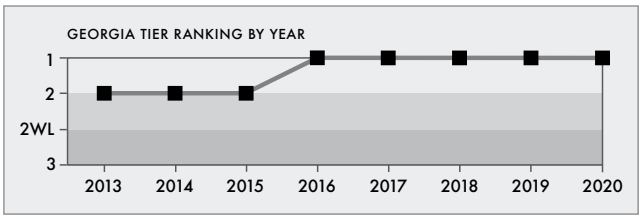
In partnership with an NGO, the Ministry of Education continued to encourage reputable Quranic schoolteachers to educate students on trafficking and not force them to beg; it incentivized these behaviors by providing monthly cash transfers and food rations to 17 schools that it regularly verified did not exploit students in forced begging. As part of the program, the ministry and NGO also provided science, math, and English teachers to broaden the schools' curricula, which has benefited an estimated 1,500 children since the program began in 2012. NGOs reported that of the 11 original DSW-organized neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation, only two remained occasionally active; NGOs reported both groups were untrained and lacked the capacity to investigate or effectively report potential cases. Neither group reported identifying child sex trafficking victims or suspected child sex tourists during the reporting period. Despite reports of women exploited through fraudulent labor recruitment, the government did not have effective policies to regulate foreign labor recruiters or to penalize them for fraudulent recruitment. In July 2019, the government signed a memorandum of understanding with the Government of the United Arab Emirates (UAE) for the protection of Gambian workers in the UAE but did not implement it prior to the end of the reporting period. Domestic workers were not protected under the national labor law, rendering them vulnerable to exploitation. The government made limited efforts to reduce the demand for commercial sex acts and child sex tourism by displaying posters in resort areas targeting potential buyers of sex and posting Tourism Security Unit officers in the Tourism Development Area. In addition, Gambian law allows for the prosecution of suspected sex tourism offenses committed abroad. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Gambia, and traffickers exploit victims from The Gambia abroad. Within The Gambia, women, girls, and, to a lesser extent, boys are subjected to sex trafficking and forced labor in street vending and domestic work. Traffickers recruit women and children from West African countries for sex trafficking in The Gambia. Some families encourage their children to endure such exploitation for financial gain. Reporting from an international organization indicates the number of boys exploited in sex trafficking is growing. Child sex tourists, primarily from Canada, Germany, the Netherlands, Scandinavian countries, and the United Kingdom, subject the majority of these victims to sexual exploitation. Observers believe organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. An international organization reported some sex tourists established relationships with children through organizations registered as charities or approached children under the guise of sponsorship for their education. The same organization reported sex tourists gain access to children through intermediaries or already have information from the internet about areas where they can have access to children. Sex traffickers increasingly host child sex tourists in private residences outside the commercial tourist areas of Banjul, making the crime harder to detect. Gambian boys attend Quranic schools in The Gambia, Guinea Bissau, and Senegal, and some corrupt teachers force their students into begging, street vending, and agricultural work. NGOs identified Gambian children in forced labor in neighboring West African countries and Mauritania. Traffickers allegedly have exploited Sierra Leonean children as "cultural dancers" in The Gambia. During the reporting period, Gambian authorities identified Sierra Leonean victims en route to exploitation in the Middle East. Traffickers exploit Gambian women in forced labor and sex trafficking in the Middle East, including Lebanon and Kuwait. Authorities have identified Gambian trafficking victims in Egypt, Kuwait, UAE, Finland, Cyprus, and Algeria in previous reporting periods. Gambian migrants attempting to travel to Europe through irregular routes, known as "the Backway," are vulnerable to trafficking and abuse. Between January 2017 and October 2018, an international organization repatriated at least 3,500 Gambians from Libya, many of whom were at risk for trafficking.

GEORGIA: TIER 1

The Government of Georgia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Georgia remained on Tier 1. These efforts included increasing overall prosecution and victim protection efforts. The government prosecuted more suspects, identified more victims, and provided more comprehensive victim assistance. The government increased the number of mobile identification groups from four to six and continued proactive identification efforts. Although the government meets the minimum standards, the government required foreign victims to remain in-country through the end of the trial, likely hindering victim cooperation, particularly from foreign victims wanting to repatriate, due to slow court proceedings. The government did not provide adequate public assessments or information on its efforts and at times lacked transparency. In addition, obtaining official victim status through the Permanent Group, a five-member board of non-governmental and international organization representatives, was increasingly difficult. While the government expanded the mandate of the Labor Inspectorate, including conducting unscheduled inspections, the Labor Inspectorate did not have the staff, resources, and training to conduct labor oversight responsibilities fully.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 143 of the criminal code. • Increase efforts to identify victims proactively, particularly individuals in commercial sex, and Georgian and foreign victims in vulnerable labor sectors. • Encourage victims' participation in investigations and prosecutions through victim-centered court procedures, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Establish procedures to improve the Permanent Group's ability to identify victims consistently and accurately. • Improve law enforcement capacity to investigate complex cases, including advanced training on money laundering, organized crime, and digital evidence. • Increase transparency of the inter-ministerial trafficking coordination council and regularly publish information on the government's anti-trafficking efforts. • Further incorporate the Labor Inspectorate into anti-trafficking efforts and increase its capacity and training to identify victims. • Improve measures to order restitution for victims, including training prosecutors and judges, asset seizure, and legal assistance. • Target awareness-raising campaigns about the existence of trafficking, legal recourse, and available protection services to vulnerable groups.

PROSECUTION

The government increased law enforcement efforts. Article 142 and 143 of the criminal code criminalized sex trafficking and labor trafficking, and prescribed penalties ranging from seven to 12 years' imprisonment for offenses involving an adult victim, and eight to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 17 cases (19 in 2018); 11 were sex trafficking cases and six forced labor cases, including five forced begging cases, compared with 10 sex trafficking cases, seven forced labor cases, and two cases of both sex trafficking and forced labor in 2018. Law enforcement continued to investigate four sex trafficking cases and three forced labor cases from the previous reporting period. The government prosecuted 29 defendants (five in 2018); 26 for child sex trafficking and three for forced begging, compared with three for sex trafficking and two for forced labor in 20 18. Courts convicted three traffickers for forced begging (four sex traffickers in 2018); two traffickers received eight years' imprisonment, and one received nine years' imprisonment.

The government maintained several specialized units, including the Anti-Trafficking and Illegal Migration Unit within the Central Criminal Police Department and mobile groups under the Ministry of Internal Affairs (MOIA). The MOIA increased the number of mobile victim identification groups from four to six to proactively investigate trafficking and inspect hotels, bars, bathhouses, nightclubs, casinos, and other high-risk businesses; mobile groups inspected 107 businesses (98 in 2018). The MOIA and the Prosecutor General's Office continued to operate a task force in the Adjara region with specialized investigators and prosecutors. Observers reported the slow pace of criminal investigations and prosecutions discouraged victims' cooperation. The government continued to develop capabilities to investigate trafficking cases, but authorities required additional advanced training on corroborating victim testimonies and evidence collection in complex cases involving money laundering, organized crime, and digital evidence. In previous years, observers reported a lack of transparency following police raids on brothels, including information on what happened to individuals in prostitution. In May 2018, the government adopted a new pimping article in its penal code that increased the ability of authorities to investigate and prosecute trafficking crimes; however, some experts noted the lower penalties under these articles might result in authorities pursuing lesser charges for trafficking crimes because pimping crimes are easier to prove. Experts also noted concerns that trafficking victims involved in these pimping cases may go unidentified more frequently if officials did not pursue the case as trafficking crimes. The government reported the continued inability to conduct anti-trafficking efforts within the Russian-occupied Georgian territories of Abkhazia and South Ossetia. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. All police cadets received basic training on trafficking issues, and the government, at times in cooperation with international organizations, trained investigators, financial investigators, prosecutors, judges, labor inspectors, court staff, and victim coordinators. The government fulfilled 10 mutual legal assistance requests from Turkey and Azerbaijan and made four mutual legal assistance requests of Russia, Ukraine, and the United States. The government extradited a suspected trafficker to Moldova and cooperated with the Democratic Republic of the Congo, Russia, Turkey, and Ukraine on trafficking cases. The government signed cooperation agreements with EUROJUST, the Czech Republic, and France and deployed three officers to France to support local law enforcement.

PROTECTION

The government increased protection efforts. The government identified 30 victims (five victims in 2018); 24 were victims of sex trafficking and six were victims of forced begging (three were victims of sex trafficking and two were victims of forced begging in 2018); 28 were female and two were male (all were female victims in 2018); all 30 victims were children (two children in 2018). Mobile groups and task forces screened 651 individuals (395 in 2018) in commercial sex or employed in vulnerable sectors, such as hotels, bars, nightclubs, and bathhouses, for trafficking indicators. Authorities interviewed another two individuals deemed "high-risk" (17 in 2018) due to work at businesses that violated labor standards. Authorities screened 2,521 Georgian nationals deported from other countries for trafficking indicators at the international airport and border crossings (3,009 in 2018). The government continued to use guidelines for victim identification, including the proper treatment of victims, screening for indicators at border posts, and victim-centered interview practices. A multi-disciplinary national referral mechanism provided standard operating procedures for officially identifying and referring victims to services. Law enforcement officially recognized victims who participated in investigations, and the Permanent Group assessed and officially recognized victims who declined to participate in investigations; both recognitions granted the same victim protection and assistance. The Permanent Group comprised a five-member board of non-governmental and international organization representatives and was required by statute to convene and assess a potential victim within 48 hours. Law enforcement officially recognized all 30 identified victims (all five victims in 2018). While the government adopted improvements to the procedures of the Permanent Group, experts reported the process of obtaining official victim status through the Permanent Group was increasingly difficult. For example, the Permanent Group rejected a case from an international organization that identified two potential victims with clear indicators of forced labor.

Government-run crisis centers in five cities and NGOs provided

initial psychological care, medical assistance, legal support, and temporary shelter for potential victims awaiting official victim status. Additionally, the government operated anti-trafficking shelters in Tbilisi and Batumi and other victim assistance programs; the government allocated 591,000 lari ($205,920) to the government-run anti-trafficking shelters, compared with 548,960 lari ($191,280) in 2018. The government provided medical aid, psychological counseling, legal assistance, childcare services, reintegration support, and a one-time financial payment of 1,000 lari ($350) to victims. Child victims received the same assistance specialized for minors under the government's care, in addition to custodial care, education, and family reintegration programs. The government-run shelters were staffed by a nurse and psychologist and offered separate sections for men, women, and children. Victims could initially stay at the shelter for three months, which authorities could extend upon the victim's request; the government-run shelters accommodated six victims (three in 2018). Shelter staff chaperoned victims when leaving the shelter, but victims could request to leave the shelter unchaperoned. One victim received legal aid, one received medical care, and none received the 1,000 lari ($350) in cash assistance, compared with five victims receiving legal aid, one medical care, and one 1,000 lari ($350) in cash assistance in 2018. The government amended the law to remove a clause that denied victims the 1,000 lari ($350) cash assistance if they received restitution from their trafficker in court; the amendment was awaiting parliamentary approval as of the end of the reporting period. While observers occasionally visited the two government-run anti-trafficking shelters, experts reported the inability to assess the quality of services at the two government-run shelters due to a lack of independent evaluations of the operations and conditions. In previous years, observers reported government-run shelters focused on victims of domestic violence due to the low number of identified trafficking victims and were unable to provide specialized services to trafficking victims.

The government did not report any cases of penalization of victims for unlawful acts traffickers compelled them to commit. The government provided equal services for domestic and foreign victims and granted foreign victims renewable one-year residence permits with the ability to seek legal employment; one victim received a residence permit (four in 2018). The government could provide repatriation assistance to Georgian victims returning to Georgia and foreign victims wishing to leave Georgia, but reported no victims required repatriation assistance (none in 2018). The law required closed-door sessions for court proceedings and allowed victims to leave the country pending trial; however, experts reported law enforcement required victims to remain in-country through the end of the trial, likely hindering victim cooperation, particularly from foreign victims wanting to repatriate, due to slow court proceedings. Twenty-four victims assisted law enforcement (five in 2018). The Prosecutor General's Office's Victim-Witness Coordinators provided counsel to victims from the beginning of the investigation through the end of the court proceedings; Victim-Witness Coordinators provided assistance to eight victims and 10 witnesses (four victims and 12 witnesses in 2018). The law allowed recorded testimony or testimony by other technological means; none of the trials used such measure (none in 2018). The law also allowed the possibility of placing a victim into the state's witness protection program; no victims required the use of witness protection in 2018 and 2019. Observers reported prosecutors and judges applied victim-centered approaches to prevent re-traumatization during trial. No trafficking victims have ever received restitution from their traffickers, and observers highlighted the failure to freeze and seize criminal assets as an obstacle to pursuing restitution from traffickers.

PREVENTION

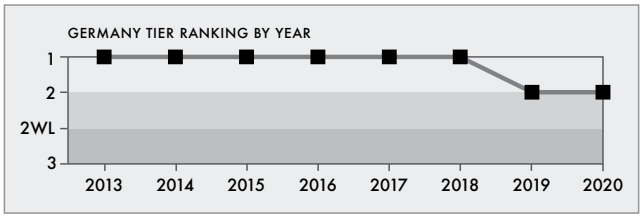
The government maintained prevention efforts. The Inter-Agency Council on Combating Trafficking in Persons (TIP Council) implemented the 2019-2020 national action plan, but observers continued to report the TIP Council did not provide public assessments of government efforts and lacked transparency. The General Prosecutor's Office managed a working group on forced labor, which met four times (three in 2018). While the government organized awareness campaigns targeting students, parents, minority groups, internally displaced persons, and children, an international organization continued to report Georgian authorities were reluctant to implement large-scale awareness campaigns in major cities due to the negative impact they believed it would have on the tourism industry. The government continued to disseminate leaflets on various trafficking issues, including at border crossings, universities, tourism information centers, metro stations, and public service halls throughout the country. Government officials funded and participated in a number of television, radio, and print media programs to raise awareness. The government continued to fund an anti-trafficking hotline operated by the MOIA and another hotline operated by the State Fund that received calls from trafficking victims; the hotlines received 65 trafficking-related calls (69 in 2018). Authorities issued 14 temporary identification documents to homeless children and five for minor victims of violence, compared with 19 temporary identification documents to homeless children, five to minor victims of violence, one permanent identity card, and five passports to known or suspected trafficking victims in 2018. The Law on Labor Safety entered into force in September 2019 and expanded occupational safety and health standards, including unannounced inspections for the purpose of occupational and safety regulations; however, experts reported the Labor Inspectorate did not have the staff, resources, and training to conduct labor oversight responsibilities fully, including for forced labor, particularly in Batumi. Additionally, the government did not have a work permit system for migrant workers nor did it license and monitor recruitment agencies. Labor inspectors inspected 149 businesses (135 in 2018); of these, 133 were scheduled inspections and 16 were unannounced inspections with one case referred to the police for further investigation. Labor inspectors did not fine any foreign laborer recruiters for failing to provide information on Georgian citizens assisted to find work outside the country (five in 2018). The government made efforts to reduce the demand for commercial sex, including by conducting awareness campaigns.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Georgia, and traffickers exploit victims from Georgia abroad. Traffickers recruit victims with false promises of well-paying jobs in tea processing plants, hospitals, salons, restaurants, and hotels. Traffickers exploit women and girls from Georgia in sex trafficking within the country, and in Turkey and the United Arab Emirates. Georgia is also a transit country for women from Kyrgyzstan, Tajikistan, and Uzbekistan exploited in Turkey. Traffickers exploit women from Azerbaijan and Central Asia in sex trafficking in the tourist areas of the Adjara region and in larger cities, like Tbilisi and Batumi, in saunas, brothels, bars, strip clubs, casinos, and hotels. Georgian men and women are exploited in forced labor within Georgia and in Turkey, United Arab Emirates, Egypt, Cyprus, and Iraq. Georgian, Romani, and Kurdish children are subjected to forced begging and coerced into criminality in Georgia. Chinese women in commercial sex and Southeast Asian women working in massage parlors are vulnerable to sex trafficking. No information was available about the presence of human trafficking in the Russian-occupied Georgian regions of Abkhazia and South Ossetia; however, the government and NGOs consider internally displaced persons from these occupied territories particularly vulnerable to trafficking with some observers reporting anecdotal evidence of cases of forced labor.

GERMANY: TIER 2

The Government of Germany does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Germany remained on Tier 2. These efforts included increasing the number of investigations, prosecutions, and convictions, as well as funding for victim protection. However, the government did not meet the minimum standards in several key areas. Although the government investigated, prosecuted, and convicted more suspects in 2018, fewer individuals convicted under only a trafficking offense served prison time compared to the year prior. The high number of suspended sentences for trafficking convictions, with only 23 percent of convicted sex traffickers in 2018 serving prison time, undercut efforts to hold traffickers accountable and did not meet the minimum standard generally requiring incarceration for convicted traffickers. The government identified fewer victims and had incomplete data on the number of victims and those provided with care. The federal government also remained without a national victim identification and referral mechanism for all forms of trafficking, a national action plan, and a national rapporteur.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected labor and sex traffickers, and sentence convicted traffickers to adequate penalties, which should involve serving significant prison terms. • Increase prioritization of labor trafficking, including victim identification and investigation and prosecution of labor traffickers. • Ensure equitable treatment of victims by creating a national identification and referral guideline for all forms of trafficking across all states. • Establish a process to ensure systematic provision of care for child victims and extend more specialized care, services, and accommodations for youth and male victims. • Adopt a national anti-trafficking action plan. • Increase awareness of available training for judges on adjudicating trafficking cases, both through focused courses on trafficking and similar modules in broader training courses. • Increase the capacity of investigators, prosecutors, and courts with specific expertise on trafficking cases to minimize delay in bringing cases to trial. • Increase worker protections by eliminating recruitment or placement fees charged to workers by German labor recruiters and ensuring employers pay any recruitment fees. • Implement strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting them for fraudulent labor recruitment. • Appoint a national rapporteur to provide independent review of government efforts on both labor and sex trafficking. • Establish a uniform and comprehensive data collection system, including publicly available disaggregated data on sentencing where courts convict defendants of both trafficking and one or more other serious crimes. • Increase harmonization of the institutional framework and coordination structures at the federal and state levels. • Increase efforts to order restitution for victims.

PROSECUTION

The government maintained law enforcement efforts. The criminal code criminalized sex trafficking and labor trafficking under Sections 232, 232(a), 232(b), 233, and 233(a) and prescribed punishments of six months to 10 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The law did not require proof of force or coercion to prosecute suspected sex traffickers when victims were younger than 21. The complex wording and scope of the trafficking and exploitation sections in the Criminal Code (Sections 232 to 233a) reportedly resulted in state prosecutors sometimes charging suspected traffickers with offenses considered easier to prove than coercion in labor and sex trafficking. As a federal system, jurisdiction for criminal prosecutions in Germany rested with state courts and consequently, procedures, staffing, and funding varied from state to state.

State governments conducted 386 pre-trial trafficking investigations of 602 suspects in 2018, the most recent year for which the government had comprehensive statistics (compared to 340 investigations into 552 suspects in 2017). Of the investigations, there were 356 for sex trafficking (compared to 327 in 2017), 21 for labor trafficking (compared to 11 in 2017), two for forced begging (compared to two in 2017), and seven for forced criminality (compared to zero in 2017). Police identified 552 suspects for sex trafficking (compared to 523 in 2017), 30 for labor trafficking (compared to 27 in 2017), 10 for forced begging (compared to two in 2017), and 10 for forced criminality (compared to zero in 2017). Minors were victims in 38 percent of investigations. German citizens comprised 21 percent of the suspects, followed by Bulgarians (19 percent), and Romanians (13 percent), remaining relatively the same as prior years. However, the number of Nigerian and Hungarian suspects increased compared to 2017. Almost half (46 percent) of the suspects were either family or known to the victim prior to exploiting victims in sex trafficking.

While the government investigated, prosecuted, and convicted more suspects in 2018, fewer individuals convicted under only a trafficking offense served prison time compared to the year prior. The states collectively prosecuted 96 defendants for trafficking in 2018, compared to 76 in 2017. Courts convicted 68 traffickers, compared to 50 in 2017. Of the 68 convictions in 2018, 40 (59 percent) resulted in suspended sentences and traffickers served no prison time (compared to 26 in 2017), 12 traffickers (17 percent) received only fines (compared to seven in 2017), 16 traffickers (24 percent) received and served prison terms (compared to 18 in 2017), and five traffickers received neither prison sentences nor fines. Of the 16 traffickers who received prison time, sentences ranged from less than one year to 10 years—one trafficker was sentenced to less than one year, two traffickers were sentenced to one to two years, six traffickers were sentenced to two to three years, five traffickers were sentenced to three to five years, and one trafficker was sentenced to five to 10 years' imprisonment. In comparison, a higher percentage of defendants convicted of rape in 2018 served prison time (58 percent). For all cases in which a court convicted a defendant of multiple crimes, government statistics filed it only under the charge that has the highest statutory sentence. Therefore, official statistics did not include cases in which the court convicted a defendant of trafficking and where that defendant received an aggregate sentence for another crime that carried a higher statutory sentence. Under German sentencing practices, judges typically suspended sentences under two years, particularly for first-time offenders, for most crimes, including human trafficking. This practice weakened deterrence, potentially undercut efforts of police and prosecutors, and created potential security and safety concerns, particularly for victims who cooperated with investigations and prosecutions. Compared to 2017, the government nearly doubled its labor trafficking investigations in 2018. While the government did not

breakout the total number of suspects prosecuted or traffickers convicted for labor trafficking, they reported prosecuting at least five suspects and convicting at least four traffickers, none of whom served jail time. This compared with five prosecuted and three convicted, but only received fines, in 2017. Current standards in classification and procedure in data collection, in addition to strict privacy laws, continued to result in incomplete data and underreporting. This likely lowered both the reported number of trafficking convictions and the average length of sentences. Notable cases during the reporting period included a case in June 2019 where the government issued its first trafficking conviction for forced criminality and several cases where traffickers were issued significant sentences, including one sentence of nine and a half years. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. In August 2019, the government reported convicting and sentencing a German male to 13.5 years of prison for child sex tourism while he was in Thailand.

Frequent turnover, insufficient personnel, and limited dedicated trafficking resources could hinder law enforcement efforts, sometimes leading to protracted court cases that were ultimately dismissed due to the statute of limitations or the unwillingness of victims to participate in prolonged proceedings. Most, but not all, states had dedicated anti-trafficking investigation units; a couple of states had specialized prosecutors, but no states had judges or courts that specialized in trying or hearing human trafficking cases. Although prosecutors with experience assisting victims through trial processes frequently led sex trafficking cases, labor trafficking cases were more often assigned to financial, economic, or organized crime sections that lacked similar experience. The government and state-funded NGOs continued to organize and provide training to law enforcement officials, prosecutors, and social workers through various workshops, webinars, and seminars throughout the reporting period. In 2019, a state-funded NGO provided anti-trafficking legal training to 30 investigators, and the police provided anti-trafficking training to 200 police officers and youth welfare office managers, specifically for minors. The government's service center for agencies and professionals working on trafficking cases, Servicestelle, continued to provide training to prosecutors on forced labor and provided a new anti-trafficking training to local job center personnel. States also continued to train law enforcement officials. While judges could not be compelled to attend training courses, many voluntarily participated in some form of training including at the German Judicial Academy. The federal criminal police (Bundeskriminalamt or BKA) maintained an information portal for federal and state police forces with information on current trends, guidelines, and investigative tools for combating trafficking; Servicestelle also maintained an online platform that provided access to information on guidelines, agreements, and counseling centers for victims. Federal and state-level police continued to collaborate with EUROPOL and foreign governments, notably Romania, Bulgaria, and Nigeria, conducting trainings and investigating trafficking cases. These efforts resulted in the arrest of four suspected Romanian child sex traffickers. Through an international program, German police cooperated with Nigerian police on anti-trafficking efforts twice in 2019. During the reporting period, Germany extradited 26 suspected traffickers to 11 countries and received 18 trafficking suspects from eight countries.

PROTECTION

The government made uneven protection efforts. In 2018, the most recent year for which comprehensive statistics were available, state government authorities, who are responsible for protection efforts, identified 503 trafficking victims, compared to 669 in 2017. Of these, 430 were victims of sex trafficking (489 in 2017) and 63 of labor trafficking (180 in 2017). In 2018, authorities identified two Romanian victims of forced begging, as well as eight victims of forced criminality. Almost all sex trafficking victims were female (96 percent) and nearly half (48 percent) of all sex trafficking victims were younger than 21. The majority of identified sex trafficking victims were German (79), Bulgarian (66), Romanian (63), and Nigerian (61). The majority of labor trafficking victims were male (86 percent) and were Ukrainian (27), Vietnamese (9), and Hungarian (7). Compared to 2017, where there were several large investigations (180), there was a significant decrease in the number of labor trafficking victims identified in 2018; however, when compared to 2016 (48) and 2015 (54), the number of identified labor trafficking victims was similar. Most labor trafficking victims were identified in the construction (38) and catering (12) sectors. The police continued to proactively identify the majority of human trafficking victims. While the government did not report the total number of victims that received care, of the 430 identified sex trafficking victims, 157 were referred to victim protection services and received care through specialized counseling centers. However, in its 2019 report, GRETA noted that the official figures of identified trafficking victims do not reflect the true scale of the trafficking in Germany due to the absence of a comprehensive and coherent approach to detecting and identifying victims, including amongst migrants and asylum-seekers, problems with data collection, and insufficient prioritization of labor trafficking. During the reporting period, some NGOs reported that the number of sex trafficking victims increased following the implementation of the prostitution law, while other NGOs continued to express concern that the most vulnerable victims of trafficking would either not register or register without disclosing trafficking crimes; despite this, sex trafficking victim identification did not correspondingly increase.

Germany did not have a single national victim identification or referral mechanism to address all forms of trafficking and both children and adults remained without systematic provision of care, though there was a national identification tool for children. Investigations and prosecutions were handled at the state level; each state had a separate system to refer victims to either state-run support or NGOs, and several states had written identification guidelines for some, but not all, forms of trafficking. However, not all states had referral agreements for victims of all forms of trafficking, including forced begging and forced criminality. The Federal Agency for Migration and Refugees (BAMF) continued to utilize its standard operating procedures and trafficking indicator lists to identify potential victims in the asylum protection system and made referrals to counseling centers, though NGOs continued to suggest improvements in victim identification. BAMF introduced a new training module in 2019 that focused specifically on human trafficking and reached approximately 80-100 asylum decision makers. Each BAMF branch office in Germany included at least one representative to assist in identifying and supporting potential victims of trafficking. Fifteen of 16 states had cooperation agreements in place between police and NGOs for various purposes.

The government provided victim services through the Network against Trafficking in Human Beings (KOK), the government-funded NGO network charged with coordinating and overseeing victim support efforts across Germany. National government funding for the KOK's management operations was €1.5 million ($1.69 million) total for the three-year period of 2019-2021, an increase from €370,000 ($415,730) in 2018 and €343,000 ($385,390) for 2017. State governments also supported trafficking victims; for instance, in 2019, the Bavarian labor ministry continued providing €600,000 ($674,160), while North Rhine Westphalia funded €1.7 million ($1.91 million) to support eight counseling centers specifically for sex trafficking victims, a significant increase from €1 million ($1.12 million) in 2018. Government-funded NGO counseling centers served both labor and sex trafficking

victims, although many centers only had a mandate to work with female sex trafficking victims. Trafficking-specific NGO service providers operated in 45 cities, providing shelter, medical and psychological care, legal assistance, vocational support, and assistance acquiring residence permits. Trade union-affiliated and migrant counseling centers also supported labor trafficking victims. There was limited comprehensive or long-term support across the centers for children and male trafficking victims, and KOK noted overall availability of services and shelters was inconsistent across states. The Prostitute Protection Act of 2016 mandated individuals in commercial sex register for a license and required counseling sessions, including on health and legal rights. The law required officials across all states to screen for trafficking indicators during registration, during which officials identified numerous individuals subjected to force, fraud, or coercion. While foreign migrant and asylum-seeking victims are entitled to social benefits and deportation relief, unidentified victims among the asylum-seeking population remained vulnerable as they could be deported back to their first country of EU entrance without first receiving victim protection. Prosecutors, together with other authorities, offered undocumented victims a reflection period of three months to decide if they would testify in court, but the government did not report how many victims received this reflection period. Victims who agreed to testify could remain and work in Germany through the duration of the trial. The law granted officials the authority to issue residence permits to victims in cases of humanitarian hardship, for public interest, or who faced injury or threats to life or freedom in their countries of origin; however, GRETA noted there were significant discrepancies from state to state in the application of the law. Family members were eligible for residency in certain circumstances. Subject to certain requirements, victims could join criminal trials as joint plaintiffs and were entitled to free legal counsel and pursuit of civil remedies as part of the criminal proceeding.

While the law allowed for compensation from the government, it could only be awarded to victims who had experienced direct physical violence, and the government did not report whether it awarded compensation to any victims during the reporting period. The government amended the Victims of Crime Act in November 2019, which will address the requirement of physical violence and expand protections to include psychological violence once it enters into force in January 2024; this may result in more restitution awards to trafficking victims. The government did not report that any victims received restitution during the reporting period. The government also did not report awarding damages to any victims through civil suits. The law entitled victims to an interpreter and a third-party representative from a counseling center to accompany them to all interviews. The law also exempted trafficking victims from criminal prosecution for minor unlawful acts traffickers compelled them to commit. The law provided legal alternatives to removal to countries in which victims would face retribution or hardship. A joint operation between federal police, the Financial Monitoring Unit to Combat Illicit Employment (FKS), and an NGO, resulted in the identification of 160 Serbian workers; however, rather than recognize the workers as suspected trafficking victims and despite the disagreement of other relevant government authorities, immigration authorities instead penalized the workers by refusing to issue certificates that would entitle them to victim protections and issued a two-year entry ban to some of them for working illegally in Germany. Victims of trafficking seeking to transfer asylum claims to Germany were occasionally returned to their original arrival country, which sometimes included their traffickers. NGOs and GRETA reported that victims were not systematically informed of their rights. The government encouraged victim cooperation with law enforcement efforts by passing the 2019 Modernization of Criminal Procedures Act, which allowed victims to submit video testimony. During the reporting period, the government took measures to lessen the burden and re-traumatization of victims by not always requiring victim testimony in trials. The government offered witness protection as needed, and police would accompany witnesses to trials; in 2019, a total of 17 trafficking victims were provided witness protection (14 percent of all those provided witness protection).

PREVENTION

The government maintained efforts to prevent trafficking. Germany remained without an anti-trafficking national action plan. The government did not have a dedicated anti-trafficking coordination committee addressing all forms of trafficking, but had three federal-state interagency working groups that coordinate with each other and addressed all forms of trafficking. The government remained without a national rapporteur, a key recommendation of GRETA's 2019 and 2015 reports. The federal government, through NGOs, co-funded and implemented various awareness campaigns, in addition to efforts at the state level. The federal government did not have a trafficking-specific hotline, but continued to fund a 24/7 hotline in 17 languages for women affected by violence; in 2018, the hotline received calls from 68 potential trafficking victims (compared to 120 in 2017).

The government did not effectively regulate labor recruiters and did not hold any civilly or criminally liable for fraudulent recruiting during the reporting period, though several investigations were ongoing. The law allowed German labor recruiters to charge workers recruitment fees, which increased vulnerability to labor trafficking. Private labor recruiters did not require a license to operate. During the reporting period, NGOs expressed concern regarding the labor recruitment process, and there were reports of Polish companies forging immigration documents, paying below minimum wage, charging exorbitant housing fees, and threatening retaliation and reporting of illegal immigration status if workers complained.

For domestic workers employed by embassies in Berlin, authorities conducted annual in-person interviews without employers present and required proof of salary. The government passed the Act of Illicit Work and Illicit Employment with the intention of addressing labor trafficking by streamlining data exchange between relevant law enforcement offices and by extending the mandate of FKS to include trafficking, thereby increasing staff that could potentially identify forced labor victims. FKS did not have the authority to perform labor inspections of workers in domestic households without the home owners' consent, potentially increasing vulnerability to trafficking. The government did not make efforts to reduce the demand for commercial sex acts. The government demonstrated efforts to reduce the demand for international sex tourism by German nationals by convicting a German male and sentencing him to 13.5 years of prison for child sex tourism in August 2019.

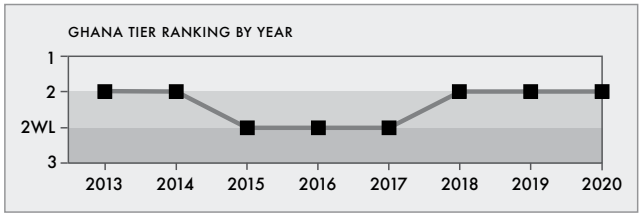
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Germany. Most identified sex trafficking victims in Germany are EU citizens, primarily German citizens, Bulgarians, and Romanians (of which a significant percentage are ethnic Roma). Victims also come from most other regions of the world, particularly China, Nigeria, and other parts of Africa. Family members in organized groups force victims into trafficking situations, and reports estimate around 11 percent of sex trafficking victims are recruited by trusted family members. Similarly, Roma families sometimes force their children, both male and female, into commercial sex on the streets. Authorities continue to report the prevalence of young male traffickers, known as "lover boys," coercing girls and women into sex trafficking, often through a sham romantic relationship. Traffickers continue to target migrants and refugees upon arrival. Traffickers continue

to fraudulently recruit and later coerce Nigerian women and girls to stay in exploitative situations using a "voodoo oath" they are forced to swear. Some NGOs report that the number of sex trafficking victims increased following the implementation of the 2016 prostitution law. The Nigerian and European mafias increasingly cooperate to facilitate human trafficking from Africa. Several foreign governments continue to report German citizens engage in sex tourism abroad. Labor trafficking victims are predominantly male and European, including from North Macedonia, Latvia, Ukraine, Bulgaria, Poland, and Romania, but also Afghanistan, Pakistan, and Vietnam. Traffickers exploit victims of forced labor primarily at construction sites, but also in hotels, meat-processing plants, seasonal industries, and restaurants, and as caregivers in private homes, with reported increases in the number of child victims. Traffickers subject Roma and foreign unaccompanied minors to sex trafficking, forced begging, and other coerced criminal behavior.

GHANA: TIER 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ghana remained on Tier 2. These efforts included identifying more potential victims of trafficking and providing comprehensive services for victims in the newly established government shelter for adult female trafficking victims. The government also investigated and prosecuted more trafficking cases and sentenced more convicted traffickers to significant prison terms; continued to implement standard operating procedures (SOPs) for identification and referral of trafficking victims in some regions; and continued cooperative efforts among police, social welfare, and civil society actors to identify and remove children from trafficking situations. The government also increased its support for implementing Ghana's anti-trafficking national action plan, training for officials and traditional leaders, and conducting public awareness activities. However, the government did not meet the minimum standards in several key areas. The lack of adequate resources for anti-trafficking law enforcement and social welfare personnel continued to hinder investigations, prosecutions, and protection efforts. The government did not expend funds allocated to the Human Trafficking Fund (HTF) to address the lack of sufficient protection services for adult male and child trafficking victims, and it did not take steps to improve protections for Ghanaian migrant workers before departing and while abroad, particularly in the Gulf. The government did not adequately address corruption, including complicit officials who facilitated trafficking, and it did not amend the anti-trafficking act regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and sentence convicted traffickers under the Human Trafficking Act, including complicit officials. • Provide increased resources to police and social welfare personnel to enable them to respond effectively to reports of suspected sex or labor trafficking, collect and preserve evidence, and protect potential victims. • Expend funds allocated to the HTF to support comprehensive trauma-informed care and reintegration services for adult and child trafficking victims. • Amend the 2015 implementing regulations for the 2005 Ghana Anti-Trafficking Act to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. • End the ban on recruitment of Ghanaian workers to countries in the Gulf, increase efforts to educate all migrant workers on their rights before going abroad, ensure migrant workers have written contracts, and take steps to ensure any recruitment fees are paid by employers. • Investigate and prosecute recruitment agents and others suspected of participating in trafficking Ghanaian migrant workers. • Improve implementation of SOPs for screening, identification, referral, and protection of trafficking victims throughout Ghana. • Increase the collaboration between investigators and prosecutors during case development and throughout the prosecution of human trafficking cases. • Provide advanced training to law enforcement on surveillance and evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act. • Implement trafficking data collection procedures that track investigations, prosecutions, victims identified by enforcement and protection agencies, and assistance provided.

PROSECUTION

The government increased its anti-trafficking law enforcement efforts. The 2005 Human Trafficking Act, amended in 2009, criminalized sex trafficking and labor trafficking. The Human Trafficking Act prescribed penalties of a minimum of five years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, the 2015 regulations for this Act, which are non-discretionary and have the force of law, provided specific guidance on sentencing depending on the circumstances; in general, the term is not less than five years and not more than 25 years, but if a parent, guardian or other person with parental responsibilities facilitates or engages in trafficking, they are liable to a fine, five to 10 years' imprisonment, or both. By allowing for a fine in lieu of imprisonment, these penalties were not commensurate with those for other serious crimes, such as rape.

The government reported initiating 137 investigations into suspected human trafficking during calendar year 2019, compared with 82 investigations in 2018. Of the 137, the Ghana Police Service (GPS) Anti-Human Trafficking Unit reported 92 investigations of trafficking crimes, compared with 67 investigations in 2018. Of these, 64 were labor trafficking investigations involving 243 potential victims, the majority of whom were foreign national boys; and 28 were sex trafficking investigations, nearly all of which involved transnational trafficking of Nigerian women and girls. The Ghana Immigration Service (GIS) reported investigating 42 trafficking cases, compared with 14 cases in 2018; of these, 35 were suspected labor trafficking cases involving 244 potential victims, nearly all of whom were Ghanaian women; seven were cases of sex trafficking involving 36 women and girls, primarily from Nigeria. The Economic and Organized Crime Office (EOCO) in the Attorney General's Department investigated two labor trafficking cases involving five Ghanaian potential victims, and the Bureau of National Investigation investigated one case with 11 potential victims. These agencies also investigated 13 possible trafficking cases that were determined to be non-trafficking offenses. In 2019, the government initiated more prosecutions under the human trafficking act (20 prosecutions compared with 13) in cases involving fewer alleged traffickers (33 alleged traffickers compared to 42) than the preceding year. The government prosecuted 18 defendants for alleged labor trafficking (30 in 2018) and 15 defendants for alleged sex trafficking (12 in 2018). Additionally, the government continued three labor

trafficking prosecutions involving four alleged traffickers initiated in 2017 and 2018. As in previous years, police prosecutors, whose lack of formal legal training impeded their ability to prosecute complex crimes such as trafficking, initiated most of the trafficking cases (20 of 23 cases involving 28 of 37 defendants). The GPS prosecuted 22 alleged traffickers; GIS prosecuted six alleged traffickers; and state attorneys prosecuted nine alleged traffickers. In 2019, the government convicted 10 traffickers (compared with seven in 2018), all prosecuted by GPS prosecutors, and sentenced eight of 10 traffickers to prison terms of at least two years. The court sentenced two labor traffickers to fines of 3,600 cedis ($640) or 15 months' imprisonment if not paid and five traffickers to two to five years' imprisonment and fines of 600 to 1,440 cedis ($110 to $250). The court sentenced three convicted sex traffickers to prison terms of three to seven years. The government prosecuted and convicted fewer child labor trafficking suspects using the Children's Act of 1998 (five in 2019; 14 in 2018), which the government used in past years when evidence was insufficient for a trafficking violation. The government also investigated and charged two individuals for operating a labor recruitment firm without a license (compared with no illegal recruitment investigations, prosecutions, or convictions in 2018); the prosecution was pending at the end of the reporting period. Despite continued allegations of corruption and political interference in cases, NGOs reported that the government pursued police investigations and prosecutions of suspected human trafficking during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Government officials and NGOs continued to report that law enforcement was severely under-resourced and lacked sufficient office and interview space, equipment, land and marine vehicles, and funds for operational logistics. This, combined with a lack of shelter facilities for identified victims in most regions, delayed investigations, operations to remove potential victims from exploitative situations, and prosecutions. Officials also continued to report that inadequate evidence collection by law enforcement hampered prosecution of suspected traffickers under the anti-trafficking act, and NGOs cited the need for increased collaboration between prosecutors and police during case build-up prior to and/or after operations to remove children from trafficking situations. The government continued law enforcement training by supporting introductory anti-trafficking training for 217 GIS recruits (compared to 720 recruits) and 300 GPS recruits (compared to 417 recruits); as well as human trafficking training for 180 GPS officers (compared to 118 officers in the prior year). The government expanded its support for training by conducting human trafficking training for Human Trafficking Secretariat (HTS) personnel and staff of the government's new shelter for trafficking victims, as well as 195 national service personnel. In collaboration with NGOs and other donors, the government provided in-kind support for seven training programs for nearly 200 investigators, judges, and social welfare and labor personnel.

PROTECTION

The government increased its overall protection efforts. The government reported identifying 611 potential victims of trafficking, compared with 348 potential victims identified during the previous year. The government identified fewer potential child victims of trafficking (200 compared to 252), and in contrast to the preceding year, the vast majority of the children identified in 2019 were not Ghanaian. GPS identified many children from neighboring countries during street operations, and social welfare provided them short-term care in a government shelter. Of the 611, the GPS identified 304 potential victims compared with 285 potential victims in 2018; 243 were potential victims of labor trafficking, most of whom were foreign national children. The GIS identified 280 potential trafficking victims compared with 55 in 2018; 244 were potential victims of labor trafficking, nearly all of whom (240) were Ghanaian women intercepted at the border before departing Ghana. In their sex trafficking cases, GPS and GIS identified 97 female potential victims (36 girls); nearly all (92) were foreign nationals, primarily from Nigeria, but also from Côte d'Ivoire, Democratic Republic of the Congo, and Vietnam. The EOCO, the Bureau of National Intelligence, and the Department of Social Welfare identified 27 Ghanaians, most of whom were potential victims of labor trafficking. In addition, NGOs reported to the government that they identified 172 potential victims of trafficking. The government reported referring all 783 potential victims of trafficking for various forms of support and care. In some regions, trained government officials implemented SOPs that outline the roles of law enforcement and social welfare officers in screening, identification, referral, and protection of trafficking victims during and following operations to remove victims from suspected trafficking situations; however, NGOs reported a lack of logistical resources hampered implementation of SOPs in some cases.

The government increased its direct support for protection services for victims of trafficking by training staff and opening and operating a shelter for adult female victims of human trafficking during 2019. The government increased its support for services and expended 219,580 cedis ($38,800) for the care of 63 trafficking victims. Of this amount, the HTS expended 79,180 cedis ($13,990) for shelter, food, and care; 136,000 cedis ($24,030) for medical treatment; and 4,400 cedis ($780) to private shelters that provided victim care. Services for women and children included shelter, medical screening and care, needs assessment, psycho-social care, education and skills training, interpretation for foreign national victims, assistance obtaining identity documents, registration with the national health service, and assistance during legal proceedings. Most of the survivors who received services in the new government shelter were Ghanaian women who returned from trafficking situations in the Middle East. Some Nigerian, Congolese, and Vietnamese survivors of sex trafficking also received care in the shelter. The government's foreign missions assisted with travel documents for Ghanaian victims abroad, and international donors supported the repatriation, rehabilitation, and reintegration of 23 Ghanaian survivors of trafficking. Ghanaian officials collaborated with the Nigerian, Congolese, Togolese, and Burkinabe foreign ministries to obtain identity and travel documents and interpreters, and facilitated repatriation of these nationals. Foreign victims could seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest. Although no victims sought temporary or permanent residency during the year, two Nigerian female survivors stayed in Ghana to complete vocational training supported by an NGO. The government provided comprehensive care for one male survivor; but, due to the absence of a shelter for adult male victims of trafficking, most men received short-term housing support before reintegration. Relying primarily on private facilities operated by NGOs and faith-based organizations, the government referred most child trafficking victims to either one government-operated shelter for abused children or to one of nine privately operated shelters that provided or coordinated the provision of services, including community reintegration. The government signed a long-delayed memorandum of understanding that outlined the government's and a donor's support for establishment and operation of a specialized shelter for child trafficking victims. The donor transferred 22,000 cedis ($3,890) for child victim care, but the government did not open the shelter or expend the funds during the reporting period. The overall shelter capacity for child trafficking victims remained insufficient for the number of victims referred for care.

NGOs reported continued cooperation with national, regional, and local government officials through partnerships to prevent child trafficking and in preparation for and during law enforcement-

led operations that were coordinated with local social welfare workers, who were responsible for screening victims, securing care orders through the district courts, and arranging placement for child victims. The government reported an increased number of adult victims (73 in 2019; 20 in 2018) participated voluntarily in prosecutions and received support, transport funds, and safe lodging during court proceedings; but, officials and NGOs reported that prolonged adjournments slowed prosecutions and impeded the participation of victims and other witnesses. Numerous child victims also participated as witnesses, and some courts provided child-friendly waiting rooms and enabled children to provide testimony via video transmission from another room or in judges' chambers. Ghanaian law permits victims of trafficking to pursue monetary damages by filing a civil suit, but the government did not report any such suits during the reporting period. A hotline, administered in English and three local languages, received 3,013 calls related to domestic violence and other issues; it reported no calls related to human trafficking. There were no reports that officials fined, detained, or penalized trafficking victims for unlawful acts that traffickers compelled them to commit.

PREVENTION

The government increased anti-trafficking prevention efforts. The government convened four meetings of the Human Trafficking Management Board (HTMB)—the inter-ministerial committee mandated to meet quarterly, administer the HTF, advise the Ministry of Gender, Children and Social Protection on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims. The government released one million cedis ($176,680) to the HTF but did not expend these funds. The government allocated 181,510 cedis ($32,070) to the HTS for implementation of Ghana's 2017-2021 National Plan of Action for the Elimination of Human Trafficking in Ghana (NPA) in 2019, an increase from 130,000 cedis ($22,970) in 2018. The HTS printed and disseminated the NPA and public awareness materials, organized training for a wide array of officials and traditional leaders, convened numerous human trafficking stakeholders meetings and public awareness events at the national, regional, district, and community levels, and used radio and television to raise awareness of trafficking in Ghana. With donor support, the HTMB conducted stakeholder and internal assessments of NPA progress, which identified the need for additional government funding to fully implement the NPA. In collaboration with an international organization and NGOs in fulfillment of a bilateral partnership, representatives of the enforcement and protection agencies responsible for addressing child trafficking met four times to improve coordination of anti-trafficking efforts; however, the government did not implement use of a standardized trafficking data collection system developed through the partnership. The local government authorities and community leaders in 34 communities in three regions continued to partner with an NGO to conduct community-level activities on child trafficking prevention, identification and reintegration of child trafficking victims, and increasing access to social and economic services for families of survivors. Child protection community leaders in 10 districts also worked with an NGO to develop district-level budgets specifically aimed at combating child labor and child trafficking. The government provided in-kind support for labor inspector training on identifying child labor and human trafficking in formal and informal sectors, but a lack of resources continued to impede effective labor inspections, and inspectors did not remove any children from exploitative child labor situations.

Reports continued to indicate that registered and unregistered agents recruited Ghanaian workers and, with the assistance of some immigration officials, facilitated their travel out of the country without the required exit documents. Despite the government's ban on recruitment for domestic work and hospitality jobs in the Middle East since 2017, sex and labor traffickers continued to exploit many Ghanaian women and men there. The government reported it negotiated a labor recruitment agreement with the United Arab Emirates in 2019, but it did not report on its efforts to implement this agreement or the labor agreement with Qatar negotiated in 2018. The government reported no efforts to decrease the demand for commercial sex acts. Ghanaian troops and security forces received anti-trafficking training provided by foreign donors prior to their deployment abroad on peacekeeping missions. The government provided training on human trafficking for its diplomatic personnel.

TRAFFICKING PROFILE

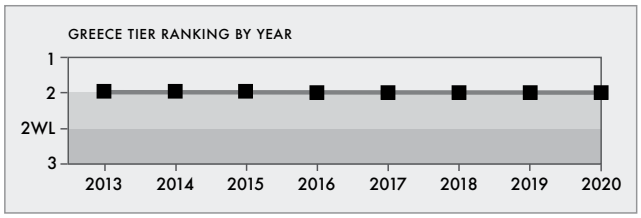
As reported over the past five years, human traffickers exploit domestic and foreign victims in Ghana, and traffickers exploit victims from Ghana abroad. Traffickers subject Ghanaian boys and girls to forced labor within the country in inland and coastal fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture, including cocoa, which represents one-quarter of the child labor in Ghana. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities and that many of these children are victims of forced labor, not allowed to attend school, given inadequate housing and clothing, and controlled by fishermen through intimidation, violence, and limited access to food. Traffickers force boys as young as five years old to work in hazardous conditions, including deep diving, and many suffer waterborne infections. Girls perform work on shore such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse and forced marriage for the purpose of exploitation. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that traffickers had subjected children from nearly one-third of the 1,621 households surveyed to forced labor, primarily in inland fishing and forced labor in domestic work. Organized traffickers who target vulnerable parents and communities facilitate child trafficking in the fishing industry in Ghana and other West African countries. Relatives often send girls via middlemen to work in harsh conditions in forced labor in domestic work. Children in northern regions of Ghana whose parents use middlemen or relatives to send them to work in agriculture in the south during school breaks or the dry season are at increased risk for forced labor. Ghanaian girls and young women from northern regions move to urban centers throughout Ghana to seek work as porters; they are at risk for sex trafficking and forced labor. Ghanaian children who do not have access to school or who can attend only intermittently due to limited space and the double track school schedule are at risk for sex and labor trafficking. Traffickers subject Ghanaian girls, and to a lesser extent boys, to sex trafficking in urban areas across Ghana. Some Ghanaian girls are forced into labor as part of a ritual to atone for sins of a family member.

Ghanaian women and children are recruited and sent to the Middle East and Europe, or to other parts of West Africa, for forced labor and sex trafficking. NGOs report the use of internet platforms to recruit Ghanaians seeking work overseas. Donor-funded research in 2018 indicates that the vast majority of Ghanaian migrants recruited by registered and unregistered agencies or agents for employment in the Middle East are female domestic workers, aged 20 to 34 years with at least a junior high education, who migrated for better job opportunities. Most recruiters or intermediaries used informal procedures with contracts that lacked worker protections; some contracts contained false or little information, and some were verbal. Nearly all the Ghanaian domestic workers were employed by families and most reported the work experience did not match the promises; their passports were seized at arrival; and the experience was abusive. Abuses included threats, sexual assault, beatings, and denial of food. Unscrupulous agents arrange transport of Ghanaians seeking employment in Europe and the

Middle East through North Africa, where traffickers exploit, hold involuntarily, and extort funds from the victims. Fraudulent recruiters lure Ghanaian men under false pretenses to go to the Middle East, where traffickers subject them to forced labor and sex trafficking. Traffickers coerce some Ghanaian men and women into labor and sex trafficking in the United States. Traffickers lure Nigerian women and girls to Ghana with the promise of a good job and coerce them into commercial sex to pay exorbitant debts for transportation and lodging. Traffickers also coerce some Ghanaian and Nigerian labor migrants into commercial sex as the traffickers demand more money for transit and document costs. Traffickers subject children from West African countries to forced labor in Ghana in agriculture, fishing, or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany

GREECE: TIER 2

The Government of Greece does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Greece remained on Tier 2. These efforts included identifying more victims and standardizing data collection for victim statistics. The anti-trafficking unit (ATU) continued robust investigative efforts, and the government operationalized a multi-disciplinary national referral mechanism (NRM) with appropriate standard operating procedures. Government and civil society representatives reported the government began implementation of the NRM and continued to report excellent cooperation with ATU. However, the government did not meet the minimum standards in several key areas. Authorities temporarily suspended asylum applications for the month of March as part of efforts to secure its land border with Turkey, which prevented victims from self-identifying and cooperating with authorities. The government lacked proactive identification efforts for forced labor, and some first responders rejected sex trafficking victims who self-identified and, at times, sent them back to the trafficker. Government-run shelters lacked sufficient capacity, resources, and space to provide assistance and accommodation, with specialized support for victims remaining inadequate or inaccessible. Victims waited up to two years to receive official victim status, and court proceedings often lasted two to six years, which hindered cooperation from victims and key witnesses and resulted in acquittals of suspected traffickers.



PRIORITIZED RECOMMENDATIONS:

Increase proactive identification efforts for victims of forced labor and victims among vulnerable populations, such as unaccompanied children, migrants, refugees, and asylum-seekers. • Strengthen specialized services including shelter and psycho-social support for all victims, including children, adult males, and victims in rural areas. • Vigorously investigate, prosecute, and convict traffickers. • Decrease the length of court proceedings for trafficking cases. • Encourage victims' participation in investigations and prosecutions by providing alternative methods to testify, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Take concrete steps to expedite the official victim identification process and fully disconnect official victim status from law enforcement cooperation. • Allocate sufficient resources to implement the national action plan for combating trafficking. • Develop policies for victim-centered prosecutions and implement witness protection provisions already incorporated into law. • Provide training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions, particularly in rural areas and for non-specialized staff. • Train first responders on victim identification and the national referral mechanism. • Standardize data collection and produce accurate data on anti-trafficking efforts. • Improve measures to order restitution for victims, including training prosecutors and judges, asset seizure, and legal assistance.

PROSECUTION

The government maintained law enforcement efforts. Article 323A of the criminal code criminalized sex and labor trafficking and prescribed penalties of up to 10 years' imprisonment and a fine. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Police investigated 25 cases with 148 suspects (28 cases with 136 suspects in 2018); 21 were sex trafficking cases and four were forced labor cases (27 were sex trafficking cases and one was a forced labor case in 2018). The government prosecuted 33 defendants (25 in 2018); 20 for sex trafficking and three 13 for forced labor (22 for sex trafficking and three for forced labor in 2018). First instance courts convicted 15 traffickers (14 traffickers in 2018); 11 for sex trafficking and four for forced labor (11 for sex trafficking and three for forced labor in 2018). Courts acquitted 18 individuals for sex trafficking and five individuals for forced begging. Judges issued sentences ranging from four months' to 27 years' imprisonment with fines from €50,800 ($57,080) to €100,000 ($112,360), compared with two to 24 years' imprisonment with fines from €10,000 ($11,240) to €75,000 ($84,270) in 2018.

The Hellenic Police maintained an ATU within the Organized Crime Division composed of two units with 37 officers in Athens and 10 officers in Thessaloniki who investigated trafficking and vice crimes, and 12 smaller units across municipalities that investigated trafficking and organized crime. ATU officers conducted 347 joint inspections with labor inspectors and social workers from the National Social Solidarity Center (EKKA). ATU regularly inspected brothels, bars, and massage parlors, but observers reported the 12 smaller units often consisted of three or four officers to handle trafficking cases among many other duties and lacked the resources and staff to conduct proactive investigations. ATU, in cooperation with an NGO, created a victim-centered interview room in the Athens police headquarters. NGOs continued to report good cooperation with law enforcement and excellent cooperation with ATU. The government appointed trained prosecutors in Athens and Thessaloniki to handle trafficking cases. The government removed pimping from the criminal code, which police, prosecutors, and judges reported had been used to justify inspections on brothels and to prosecute traffickers when stronger evidence was unavailable. The government maintained institutionalized training programs on trafficking for police, the coast guard, judges, and the asylum service. In addition, the government, in cooperation with NGOs and international organizations, trained police, prosecutors, judges, and labor inspectors on various anti-trafficking issues. Observers reported, however, that non-specialized police, prosecutors, and judges, particularly in rural areas and islands, lacked an understanding of trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking, but authorities reported an ongoing investigation into the wife of a former Greek ambassador accused of conducting domestic servitude in the ambassadorial

residence. The government conducted a joint investigation with Italy, shared information with Albanian and Bulgarian authorities, and requested mutual legal assistance from Slovenia.

PROTECTION

The government maintained victim protection efforts. The government identified 150 victims (31 in 2018), some of whom fell into more than one category of exploitation; 111 were sex trafficking victims, 68 were forced labor cases, including 42 cases of forced begging, two cases of forced criminality, and one case of recruitment for armed operations (30 were victims of sex trafficking and one of forced labor in 2018); 116 were female, 28 were male, two were transgender, and no information on four victims (27 female and four male in 2018); 49 were minors (nine minors in 2018); and 126 were foreign victims (26 foreign victims in 2018). The government standardized data collection and, unlike previous years, aggregated and produced all statistics on victim identification from government and civil society stakeholders. Observers commended ATU's ability to consistently identify victims but noted other government efforts were largely reactive and reliant on self-identification. The Hellenic National Public Health Organization and regional asylum officers screened migrants, asylum-seekers, and unaccompanied children for trafficking indicators at island Reception and Identification Centers (RIC); regional asylum offices identified 15 victims (two in 2018). However, asylum-seekers waited longer than a month for their screening due to a lack of staff and resources, resulting in a trafficking survivor re-victimized in a migrant camp while waiting for legal documents and RIC screening procedures. Each RIC designated a trafficking focal point who collected information on potential trafficking cases, but many staff working at RICs were on short-term contracts, which limited their experience and training to identify victims. Civil society and media continued to report incidents in which authorities allegedly assaulted and harassed refugees and migrants, forcibly removing them to Turkey. Greece temporarily suspended asylum applications for the month of March in response to the movement of thousands of people in Turkey to the Greece-Turkey land border in Evros. The border closure prevented victims from self-identifying or cooperating with authorities. Observers reported a lack of identification efforts for victims of forced labor, particularly in the agriculture sector, cleaning and domestic service, and the tourism industry; however, labor inspectors reported the difficulties in conducting inspections in rural areas and on islands due to the community receiving prior notice before inspections from local citizens. Proactive identification among vulnerable unaccompanied children also remained inadequate, including for forced begging and forced criminality. International organizations reported some first responders could not distinguish between sex trafficking and commercial sex, rejected sex trafficking victims who self-identified, and, at times, sent them back to the trafficker.

The government launched a multi-disciplinary NRM, including appropriate standard operating procedures and referral forms. The NRM required first responders to inform and coordinate with EKKA when potential victims were identified for victim care and placement; government entities referred 68 victims and civil society organizations referred 82 victims. The government, separately and in cooperation with international organizations and NGOs, trained law enforcement, immigration officers, social service workers, labor inspectors, and health workers on victim identification and new referral procedures. The law authorized public prosecutors to officially recognize victims based on information collected by law enforcement or a psychologist and a social worker, if a victim did not want to cooperate with law enforcement. However, observers reported inconsistent use of psychologists and social workers for identification procedures; only victims who cooperated with investigations received the status, and procedures could take up to two years for victims to receive official status. Official victim status entitled foreign victims to a renewable one-year residence and work permit; victims without this status only had access to immediate support and assistance. Additionally, the government did not recognize victims who were exploited abroad but identified in Greece. Of the 150 victims identified by the government, public prosecutors granted official victim status to only two victims, while 25 victims were in the process of receiving official victim status; 44 victims were EU citizens and 24 were Greek citizens who did not need a residence and work permit.

The government, in cooperation with NGOs, provided shelter, psycho-social support, medical care, legal aid, and reintegration support. The government was unable to determine how much total funding was spent on victim protection and did not allocate funding to civil society, with the exception of projects co-financed by the EU and state budget funds. EKKA secured €631,840 ($709,930) from EU security funds to support the NRM from 2018 to 2022 and maintained a memorandum of understanding with an NGO to host a legal consultant and two anti-trafficking advisors. Two agencies provided shelter and general support services to trafficking victims: the General Secretariat for Family Policy and Gender Equality (GSFPGE) operated 19 shelters and 42 counseling centers for female victims of violence, and EKKA operated two long-term shelters, an emergency shelter, and two Social Support Centers for vulnerable populations in need of assistance. GSFPGE and EKKA shelters assisted 12 victims (nine victims in 2018). However, EKKA and GSFPGE shelters rejected some victims from accessing support due to the lack of capacity, resources, and space to provide assistance and accommodation. Victims in rural areas and islands had little access to support services and often were accommodated in police stations, hospital wards, or received no assistance. Observers reported a lack of specialized shelters for victims with only one NGO-run shelter providing specialized assistance for female trafficking victims. Only an NGO-run shelter for sexually exploited men and short-term government shelters for asylum-seekers or homeless persons could accommodate male victims. Government-run shelters, NGO-run shelters, and facilities for unaccompanied minors accommodated child victims but did not provide specialized support. Central and local governments also maintained cooperation agreements with some NGOs to house, protect, and assist vulnerable children, including trafficking victims, and allocated buildings to use as shelters. Observers reported overcrowded facilities for child victims, and authorities held vulnerable unaccompanied children in police cells up to several months due to a lack of shelters. Victims who did not apply for official recognition could receive a residence and work permit by applying for asylum or for a residence permit on humanitarian grounds; the government issued two residence permits (10 in 2018) and renewed an additional 13 for certified victims (13 in 2018); the government did not provide statistics on residence permits or granting of asylum to victims who lacked official recognition. The process to receive residence permits was difficult without an attorney and took time.

The government may have deported, detained, or restricted freedom movement of some trafficking victims due to inadequate identification efforts. Prosecutors relied heavily on victim testimony without corroborating evidence, and court proceedings often lasted two to six years, which hindered cooperation from victims and key witnesses. For example, an appeals court unanimously acquitted 20 traffickers convicted of sex trafficking in November 2018 after the four victims that testified against them in lower courts did not attend court proceedings. The government did not provide funding for travel and other expenses for victims to attend court hearings, and some suspected traffickers intentionally postponed court appearances to increase the chances of victims being unwilling to testify in court and/or

may have paid bribes to repatriated victims to preclude them from testifying. In previous years, observers reported traffickers likely bribed state-certified interpreters to alter the content of victim statements or influence their testimony. The law entitled victims to mental health professionals during court proceedings and the use of audiovisual technology for remote testimony, but many courts lacked the capabilities to deploy these resources and some judges did not allow it, even in cases where the lack of these benefits could cause re-traumatization. The law provided for witness protection and non-disclosure of the witness' personal information; however, no trafficking victims received full witness protection privileges to date; police only escorted victims during trials; and courts revealed victims' identities during proceedings. Prosecutors did not request restitution for victims in criminal proceedings; no victims to date had received restitution from their traffickers. Greek law entitled victims to file civil suits against traffickers for compensation; no victims to date had received compensation from their traffickers.

PREVENTION

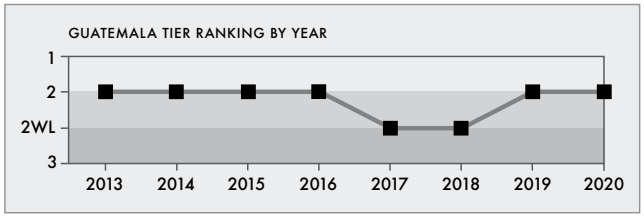
The government maintained efforts to prevent trafficking. The Office of the National Rapporteur on Human Trafficking (ONRHT) continued to coordinate government-wide anti-trafficking efforts despite lacking sufficient resources. The government reported completing all deliverables for 2019 in the national action plan (NAP) for 2019-2023, monitored anti-trafficking efforts, and made assessments publicly available; however, experts reported the government did not allocate sufficient resources to anti-trafficking efforts and implementation of the NAP. The government developed a national database for victims and organized awareness campaigns targeting the general public, students, teachers, and clergymen. ONRHT, in partnership with an international organization and the Athens municipal government, continued a pilot project to prevent forced labor in local governments' supply chains. The government provided free airtime for public service announcements for NGOs and agencies on trafficking issues. From January to June 2019, the government conducted 11,628 inspections of businesses. From July to September 2, 2019, under a new government that collected different statistics, the government conducted 12,987 inspections of businesses and identified 1,357 undeclared employees, for which it issued fines totaling €15 million ($16.9 million). Figures for the number of undeclared workers and fines were not available from January to July 2019. In 2018, the government inspected 3,869 businesses with 5,689 undeclared workers and issued fines totaling €58.9 million ($66.2 million). Labor recruitment agencies could be subjected to inspection, but the lack of competent staff to conduct such inspections resulted in limited oversight. The government made efforts to reduce the demand for commercial sex acts by conducting awareness campaigns. The government operated two hotlines: one for female victims of violence and another for individuals in vulnerable situations.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Greece, and traffickers exploit victims from Greece abroad. Traffickers operating in Greece are primarily Greeks and other Western and Eastern Europeans, but some are also from the Caucasus and Central Asia. Traffickers subject some women and children from Eastern and Southern Europe, South and Central Asia, China, Georgia, Iraq, Nigeria, and Russia to sex trafficking in unlicensed brothels, on the street, in strip clubs, in massage salons, and in hotels. Victims of forced labor in Greece are primarily children and men from Africa, Eastern Europe, and South Asia. Migrant workers from Afghanistan, Bangladesh, Iran, and Pakistan are susceptible to debt bondage, reportedly in agriculture. Traffickers force marginalized Romani children from Albania, Bulgaria, and Romania to sell goods on the street, beg, or commit petty theft. An increase in unaccompanied child migrants has increased the number of children susceptible to exploitation. Unaccompanied children, primarily from Afghanistan, engage in survival sex and are vulnerable to trafficking. Refugee and migrant women, especially those living in the island RICs, were highly vulnerable to trafficking. Most migrants and asylum-seekers are believed to rely on smugglers at some point during their journey and in some instances are forced into exploitation upon arrival in Greece.

GUATEMALA: TIER 2

The Government of Guatemala does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Guatemala remained on Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers; dedicating additional resources to increase judicial and prosecutorial capacity outside the capital; increasing regional coordination on trafficking cases; identifying and providing services to more victims; developing new victim identification; and launching several new awareness-raising campaigns, including for vulnerable populations. The government inaugurated a new specialized court to handle child trafficking cases and created a new inter-institutional database to manage human trafficking cases. However, the government did not meet the minimum standards in several key areas. The government decreased funding for victim protection and did not have adequate shelters for all identified trafficking victims. The government did not improve overall monitoring and oversight over its shelters providing for child trafficking victims, referred only 32 percent of victims to care, and specialized victim services remained inadequate given the scope of the problem and lack of services for adult victims. Corruption and complicity remained significant concerns.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses, with increased focus on suspected cases of forced labor. • Increase funding for and access to victim protection, particularly shelters and specialized services, to include vulnerable populations. • Investigate and hold government officials criminally accountable for complicity in trafficking. • Increase training efforts to identify trafficking victims, particularly among vulnerable populations, such as working children, returning migrants, individuals in prostitution, and children apprehended for illicit gang-related activities. • Increase efforts to proactively look for indicators of forced labor, including in the agricultural sector where workers were particularly vulnerable to forced labor. • Improve the monitoring, oversight, and capacity of shelter operations for child trafficking victims nationwide to address overcrowding, abuse, and neglect. • Amend the 2009 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase efforts to investigate, prosecute, and convict child sex tourists and others engaged in sex trafficking of children. • Expand training for judges and prosecutors to include training on

the use of forensic and other evidence to ensure trafficking cases are investigated and prosecuted as such rather than as lesser offenses. • Provide reintegration and witness protection support to victims once they leave shelters to prevent re-trafficking. • Increase funding for public awareness campaigns. • Create a trafficking-specific hotline capable of answering calls in Spanish and indigenous languages.

PROSECUTION

The government increased law enforcement efforts. The anti-trafficking law of 2009 criminalized sex trafficking and labor trafficking and prescribed penalties from eight to 18 years' imprisonment and a fine. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not consider the use of force, fraud, or coercion as an essential element of an adult trafficking offense. The law defined trafficking broadly to include all labor exploitation and illegal adoption without the purpose of exploitation. The government initiated investigations of 332 complaints of trafficking-related offenses, compared with 272 complaints in 2018 and 254 complaints in 2017. In 2019, the government reported 211 of these complaints were specifically regarding trafficking rather than related offenses, compared with 140 of these complaints in 2018 and 127 in 2017. The Human Rights Ombudsman reported receiving 24 complaints of potential trafficking, which it referred to the Public Ministry; this compared with 23 complaints in 2018. The National Civil Police maintained the Special Directorate for Criminal Investigation (DEIC), which has a unit assigned specifically to combat trafficking. However, DEIC staff remained in constant rotations, which reduced awareness and understanding of trafficking investigation protocols. Observers noted that National Civil Police officers across the country had a lack of understanding of human trafficking.

Authorities prosecuted 71 defendants (68 involving sexual exploitation and three forced labor) for trafficking, compared with 32 defendants for trafficking in 2018, 52 defendants in 2017, and 43 defendants in 2016. Observers noted prosecutors did not utilize the criminal charge of trafficking in some parts of the country, which resulted in some trafficking crimes prosecuted as sexual assault. Authorities secured 16 convictions involving 25 traffickers in 2019, with sentences ranging from eight to 16 years' imprisonment and fines starting at 300,000 Guatemalan quetzals ($39,010). This compared with 14 convictions against 22 traffickers in 2018 and 19 convictions in 2017. The Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) held bimonthly meetings during 2019 with various law enforcement and judicial entities to analyze and discuss prosecutions and sanctions of trafficking cases and ensure cases prosecutions were in accordance with Guatemalan law. The government was unable to provide an update to the 2018 case with trafficking charges against two government employees by the close of the reporting period. SVET and NGOs noted a lack of specific measures to deter, prosecute, and penalize government complicity in trafficking crimes.

The government dedicated resources to increase investigative and prosecutorial capacity outside the capital. The Public Ministry opened a regional prosecutor's office on anti-trafficking in Quetzaltenango in June 2019 to cover the western area of Guatemala. The judicial system inaugurated two special first instance criminal courts to prosecute trafficking-related crimes, one in Quetzaltenango and one in Guatemala City, to cover jurisdictions in the central and western regions of Guatemala; these courts will foster judicial expertise in trafficking cases. Observers noted that the specialized prosecutor's office in Quetzaltenango made progress on trafficking cases despite limited staffing, training, and resources. The judiciary also had local courts specialized in trafficking crimes in the departments of Quetzaltenango, Retalhuleu, San Marcos, Suchitepequez, Solola, Quiche, and Huehuetenango. In June 2019, the judiciary inaugurated a specialized court with support from a foreign government, the Integrated Attention Model for Children and Adolescents (MAINA), which consisted of 11 government institutions to provide care for child trafficking victims during the investigation process. MAINA was an effort led by the Public Ministry to reduce processing times significantly for child trafficking cases; it has expedited the prosecution of perpetrators in the Guatemala City metropolitan region by providing a specialized 24-hour court for hearings and a forensics laboratory for on-site laboratory capacity. SVET provided technical assistance to the new courts. The judicial system, however, continued to be an obstacle in seeking justice for trafficking crimes. Investigations often took longer than one year due to the judicial system's limited capacity, the Public Ministry's lack of resources, and the lengthy appeals process that could last two to three years. The judiciary trained 50 judges from eight departments in the western region on trafficking cases and how to standardize coordination for trafficking case trials. SVET held inter-institutional government workshops to share experiences and analyze trafficking cases with the Public Ministry, the judiciary, and the National Civil Police. The judiciary signed a letter of understanding with a Canadian international organization to collaborate on opening specialized courts for trafficking crimes and with an international organization to train judges on trafficking crimes and child protection services. The Guatemalan Supreme Court signed a memorandum of understanding (MOU) with an international organization to facilitate expanded training to judges and magistrates for establishing cases with trafficking victims. Observers reported recent training for judges improved their awareness of and ability to identify trafficking crimes, but judges needed more training. Some judges, especially in the interior, lacked adequate training to apply forensic evidence in prosecutions, which led to cases tried as sexual assault rather than trafficking. The government had specialized police and prosecutors handle cases of human trafficking, including forced labor, although local experts reported some prosecutors lacked adequate training.

The government cooperated with Belize, Colombia, El Salvador, Honduras, Mexico, Nicaragua, Spain, and the United States on trafficking cases. Through international cooperation with a foreign government, the Public Ministry received financial and technical support to combat trafficking. The government signed an MOU with El Salvador and Honduras to expand cooperation to identify, dismantle, and deter illicit trafficking of migrants and trafficking in persons. The government's Ministry of Labor and Public Ministry signed an inter-institutional agreement to expand cooperation on combatting labor trafficking. The government provided or participated in training on trafficking indicators and processing trafficking cases for law enforcement officials and the judiciary. The government signed a border security agreement with a foreign government to establish a training program aimed at building capacity to identify human trafficking in the border regions.

PROTECTION

The government increased protection efforts, but provided shelter and services to fewer victims. SVET identified 678 trafficking victims (518 female victims, 158 male victims, and two non-binary victims, including children) in 2019, compared with 371 in 2018, 316 in 2017, 484 in 2016, and 673 in 2015. Reported data did not specify the types of trafficking involved in those cases. SVET developed the National Database of Trafficking in Persons Victims, the first inter-institutional database for detailed trafficking victim information, with close coordination from members of the Inter-institutional Commission Against Trafficking-in-Persons (CIT). SVET also developed an online application for mobile phones

for emergency attention to trafficking victims. Of the 678 victims identified, SVET referred 217 to shelter and services; this compared with the government and NGOs providing shelter and services to 238 trafficking victims in 2018 and 127 trafficking victims in 2017. There were three government-run shelters and four main NGO-run shelters that could house trafficking victims. In 2019, shelters began providing differentiated and specialized services and treatment plans for trafficking victims and compared with those of sexual exploitation. In cooperation with other government agencies and NGOs, the government provided services to victims such as food, housing, psychological care, healthcare, education, and apprenticeships. Observers reported NGOs provided the highest quality and most comprehensive care for child victims. Foreign victims had the same access to care as domestic trafficking victims. Shelters could also provide services and housing to victims with disabilities. There were no shelters, government- or NGO-run, for male trafficking victims. The government was unable to report the number of victims housed in government-run shelters; this compared with 77 trafficking victims (74 females and three males) in 2018, 89 trafficking victims (82 females and seven males) in 2017, and 77 in 2016. Adult and child victims stayed in shelters for 46 days on average.

The government provided 7.04 million quetzals ($915,470) in funding in 2019 for government-run shelters and specialized services, compared with 19.4 million quetzals ($2.52 million) in 2018 and 17.6 million quetzals ($2.29 million) in 2017. In November 2019, the congress revived the Institute for Assistance and Assistance to Victims of Crime and put it under the direct supervision of the President's Office. Congress approved a 50 million quetzal ($6.5 million) budget for the Institute's operations in 2019, which provided legal, psychological and counseling services to victims of violent crime nationwide, including trafficking victims. The ombudsman for Human Right's Office (PDH) had a specialized focus for the rights of trafficking; the PDH's budget was lowered by congress, putting its capacity and anti-trafficking activities at risk. Government funding for victim protection, particularly for shelters, remained limited.

Officials used an inter-institutional protocol for the screening, protection, and referral of trafficking victims. SVET also had a protocol for its Immediate Response Team, which had a formal process for identifying, referring, and protecting victims in the short-term. In 2019, SVET created new protocols for victims of sexual violence, including trafficking: Integral First Response Model of Attention for Adult Victims of Violence, Sexual Exploitation and Trafficking; Protocol of Action in Temporary Specialized Shelter for the Care of Adult Women Migrants Victims of the Crime of Trafficking in Persons; and Updated Social Assistance Directory containing information about shelters and other social welfare organizations in Guatemala. SVET shared its protocol for screening for trafficking victims with the National Civil Police, the Secretary of Social Welfare (SBS), Public Ministry, Ministry of Health, and the Attorney General's Office. However, the SVET's Protocol of Action did not include thorough screening for vulnerable groups, and the protocol was not widely known by other institutions in the government. SVET also created a guide to strengthen comprehensive care by the government and NGOs for LGBTI persons who were victims of human trafficking. The National Civil Police agency's criminal investigative unit did not maintain a victim care team. While SBS has improved its specialized attention to trafficking victims in its shelters, officials noted that due to insufficient victim identification mechanisms, there may be some unidentified trafficking victims in non-trafficking shelters. SVET reported improved regional coordination on anti-trafficking efforts, with better coverage in Huehuetenango, Quetzaltenango, Solola, Quiche, Retalhuleu, Totonicapan, Suchitepequez, and San Marcos.

The courts referred underage trafficking victims to shelters. National Police officers accompanied minor victims to the shelters. The Ministry of Development had a care program to support victims, including trafficking victims, of sexual violence under 14 years old. In January 2019, the SBS assumed ownership and leadership over two formerly SVET-managed shelters in Coatepeque and Guatemala City for minor trafficking victims. An NGO and international organization provided operational assistance and training to SBS employees to ensure the two shelters remained operational and provided quality specialized care for victims and technical support for transfer of the shelters. No NGOs identified any problems with the transition. However, other observers noted instances of inter-agency competition and lack of coordination between SVET and SBS that affected shelter functioning and complicated victim care. In addition to its help with processing trafficking crimes of minors, the Public Ministry's new MAINA facility provided specialized services (medical, psychological, socioeconomic, and legal) for minor victims of crime, including trafficking, sexual violence, and abuse. SVET repurposed and renovated its shelter in Coban for adult migrant trafficking victims, which included transgender women. An NGO maintained a specialized shelter for unaccompanied minors that assisted repatriation, discouraged irregular migration, and screened for trafficking.

Although Guatemalan law required judges to make all referrals to public or private shelters, in practice, judges often did not make timely referrals, delaying access to needed assistance. Judges at times referred child victims to their families, leaving some vulnerable to re-trafficking, as family members often were involved in their exploitation. Experts noted there was a shortage of shelters for child trafficking victims. The government screened returning unaccompanied children for trafficking indicators using SBS protocols for the attention and reception of such children in two government shelters. Some observers noted that some government and private shelters lack basic security features such as sufficient security cameras and/or security guard presence on the shelter compound. The government made efforts to improve its operations of government shelters, but overall monitoring and oversight, especially for children, remained weak. The government has still not implemented structural changes to overhaul the system in the aftermath of the March 2017 fire in an overcrowded government-managed shelter, which resulted in the deaths of 41 girls and injuries to others. The shelter had previously faced allegations of corruption, sexual exploitation, and a UN investigation into the shelter's management.

Observers noted there was still no comprehensive government-led mechanism to provide follow-up and reintegration support to victims after leaving shelters, nor did the government have sufficient expertise or organizational structures to do so, which could jeopardize victims' safety and increase vulnerability to re-trafficking. For example, in the SBS-run government shelter for female children and adolescent victims of trafficking crimes in Guatemala City, there was no formal program or mechanism to guide victims into a life after the shelter. Many victims lacked family connections to return to upon leaving the shelter on their 18th birthday. Shelter release remained an abrupt and jarring experience for victims. The Ministry of Labor, National Police, and Public Ministry signed an agreement for expanded inter-institutional coordination focused on identification and referrals for victims of labor exploitation and forced labor. While some government officials received training on implementing another protocol for identifying potential forced labor victims during labor inspections, NGOs expressed concern the labor ministry did not proactively look for indicators of forced labor, including in the agricultural sector where workers were particularly vulnerable to forced labor.

Authorities encouraged victims to assist in the investigation and prosecution of traffickers and made options available for victim testimony either via video, in a Gesell Chamber, or from behind a partition in the courtroom to protect the victim's identity and privacy; victims could also participate in a witness protection program. The two new specialized first instance courts had specialized psychological services for victims and extra layers of confidentiality for witnesses who might be traumatized and/or intimidated to testify. The Public Ministry employed social workers and psychologists to serve as liaisons between the office and victims, accompany victims through the proceedings against their traffickers, and assist victims in accessing medical services. Although the Public Ministry reported it had assisted 270 individuals with these services in 2018, it did not report how many it assisted in 2019. Judges must order restitution when sentencing traffickers. The government, however, did not report any victims as having received restitution from 2017-2019, compared to seven victims who received restitution in 2016. The judiciary reported judges consistently order restitution, but observers reported a gap in enforcement of orders for payments and the inability of those convicted to pay restitution. Guatemalan law provided legal alternatives to the removal of foreign victims who may face hardship or retribution upon return to their home countries; the government did not provide data for the number of victims repatriated during the reporting period. Finding legal employment remained a problem for victims, with no specific system or program in place to help victims find employment. Civil society expressed concern some adult foreign victims chose to leave shelters and return to their home countries due to the lengthy investigation processes. The Public Ministry signed a cooperation agreement with Canada to improve victim service provisions.

PREVENTION

The government maintained prevention efforts. SVET served as the secretariat for CIT, coordinated government efforts against trafficking, and implemented the national anti-trafficking action plan for 2018-2024. Experts commented SVET had a relatively small budget, had relatively limited reach primarily in urban areas, and limited political support from elsewhere in the government. The Ministry of Labor reported it faced human and financial resource shortages in its ability to conduct labor inspections and identify forced labor cases. Out of 229 labor inspectors, only 60 inspectors received human trafficking training during the reporting period. Observers noted that some civil society institutions on the CIT continued to report CIT was not inclusive of civil society perspectives. In 2019, SVET developed the Intersectoral Commission on Information Technology and Communication, which addressed trafficking crimes that utilize technology. The plan involved the Ministries of Interior, Education, Secretariat of Social Communication from the Executive, the Secretariat of Science and Technology, National Civil Police, National Council of Youth, the Judiciary, the Public Ministry, and Solicitor's Office. The SVET published its work plans and statistics on trafficking cases as well as government responses on its public website; SVET and PDH published their annual trafficking reports. The Public Ministry's anti-trafficking unit began creating an assessment of its trafficking cases. The SVET and the PDH had budgetary restrictions and a lack of support from the central government for its plans of prevention and awareness.

The government held a series of public events on the government's anti-trafficking efforts, involving high-level government representatives, in July 2019 to commemorate the World Day against Trafficking. In July, SVET launched its Blue Heart awareness campaign in digital ads, billboards, social media, radio, and television to educate the public on trafficking issues. With help from a foreign donor, SVET continued its campaign to combat commercial sexual exploitation of children in the travel and tourism industry by placing billboards and commercials in movie theaters, radio stations, and at the main national airport. The government conducted 46 different training sessions for journalists, first responders, NGO employees, psychologists, social workers, health sector workers teachers, federal and state-level government officials, and vulnerable populations such as youth and indigenous populations. SVET developed a virtual reality video game for adolescents and children to learn about the dangers and prevalence of trafficking crimes. The government did not operate a trafficking-specific hotline but encouraged the public to call three hotlines operated by the National Civil Police, the Attorney General's office, and the PDH ombudsman, which operate 24 hours a day year-round, were available in the Spanish and Mayan languages, and accepted reports anonymously. SVET held trainings with 297 agents of the National Civil Police call center to improve the identification of trafficking cases. SVET partnered with the Guatemalan Tourism Institute to train 189 taxi drivers about child sexual exploitation, including how to spot victims, report suspected crimes in progress, and the connection of child sexual exploitation with tourism in Peten, Izabal, Suchitepequez, Retalhuleu, Zapaca, and Guatemala City.

The government developed draft regulations in 2017 related to labor recruiting of Guatemalan workers, but had not finalized or implemented them by the end of the reporting period. The government signed an agreement with the United States to formalize recruitment of temporary Guatemalan migrant labor to work in the United States; facilitation of a legal means of working in the United States will combat the susceptibility of some to being trafficked to the United States for forced labor. SVET collaborated with the Ministry of Labor and a public university to create a national certification program, "Certificate in Prevention and Combat of Exploitation," for National Civil Police agents. The government did not make efforts to reduce the demand for commercial sex acts. The government increased coordination with Mexico to deploy Guatemalan police, health, and other officials to border towns to promote the awareness of migrants of, and ensure the protection from, trafficking. Guatemalan border police found evidence of some adults kidnapping minor children to try to claim parent-child relationships when crossing borders.

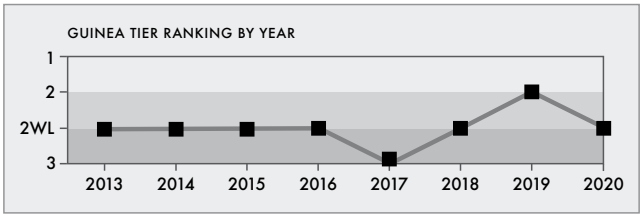
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guatemala, and traffickers exploit victims from Guatemala abroad. Traffickers exploit Guatemalan women, LGBTI persons, girls, and boys in sex trafficking within the country and in Mexico, the United States, Belize, and other foreign countries. Foreign child-sex tourists, predominantly from Canada, the United States, and Western Europe, as well as Guatemalan men, patronize child sex trafficking victims for commercial sex acts. Traffickers exploit women and children from other Latin American countries and the United States in sex trafficking in Guatemala. The government has noted an increasing number of women traffickers. Traffickers exploit Guatemalan men, women, and children in forced labor within the country, often in agriculture or domestic service, and in the garment industry and domestic service in Mexico, the United States, and other countries. Experts identified the coffee, broccoli, sugar, stone quarry, and fireworks manufacturing sectors as at risk for the potential use of child forced labor. Forced labor in domestic service in Guatemala sometimes occurs through forced marriages. Traffickers particularly target indigenous Guatemalans, including children, for forced labor, including in tortilla-making shops in Guatemala and in foreign countries. Traffickers exploit Guatemalan children in forced begging, street vending, and as street performers, particularly within Guatemala City and along the border with Mexico. Child victims' families are often complicit in their exploitation. Criminal organizations, including gangs,

exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion. Traffickers exploit some Latin American migrants transiting Guatemala en route to Mexico and the United States in sex trafficking or forced labor in Mexico, the United States, or Guatemala. Traffickers have exploited victims in migrant shelters. Police, military, and elected officials have been placed under investigation for paying children for sex acts, facilitating child sex trafficking, or protecting venues where trafficking occurs.

GUINEA: TIER 2 WATCH LIST

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included drafting a new anti-trafficking national action plan, providing some support to eight victims exploited in the Middle East, and integrating anti-trafficking modules into law enforcement academy curriculum. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government significantly decreased efforts to investigate and prosecute trafficking crimes and did not convict any traffickers during the reporting period. Efforts to identify victims remained inadequate and the government did not support NGOs providing victim services. It did not allocate sufficient resources to the anti-trafficking committee (CNLTPPA) for the fourth consecutive year and did not provide sufficient funding to the Office for the Protection of Gender, Children, and Morals (OPROGEM), the police unit responsible for trafficking investigations. Despite the prevalence of child forced begging in Quranic schools, Guinean authorities have never prosecuted a corrupt Quranic teacher for forced begging. Therefore Guinea was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict suspected traffickers, and sentence convicted traffickers to prison terms in line with the law. • Increase efforts to investigate, prosecute, and convict complicit officials and corrupt Quranic teachers. • Amend the penal code to remove sentencing provisions that allow fines in lieu of imprisonment and increase penalties prescribed for forced begging. • Approve and allocate resources to fully implement the draft national action plan. • Significantly increase efforts to identify trafficking victims among vulnerable populations, including children in Quranic schools, workers in artisanal mining sites, women traveling to the Middle East in potential fraudulent recruitment schemes, and North Korean workers and other foreign nationals, and refer them to appropriate services. • Increase funding for OPROGEM and the CNLTPPA to allow them to fulfill their mandates. • Expand victim care by increasing financial or in-kind support to NGOs that provide victim services. • Train officials on systematic procedures to identify trafficking victims and refer them to services. • Provide OPROGEM and labor inspectors the resources and training necessary to monitor and regulate recruitment agencies and investigate cases of forced labor. • Increase efforts to raise public awareness of trafficking, including of internal child forced labor, forced begging in Quranic schools, and adult trafficking. • Enhance collaboration and information sharing among all government agencies involved in combating trafficking. • Develop and implement extradition agreements for traffickers with countries in Africa and the Middle East. • Increase efforts to provide restitution and compensation to trafficking victims. • Provide information to trafficking victims regarding procedures for compensation through civil suits against their traffickers. • Improve data collection and analysis on human trafficking in Guinea.

PROSECUTION

The government decreased its law enforcement efforts. Articles 323 and 324 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to seven years' imprisonment, a fine, or both for trafficking offenses involving an adult victim, and five to 10 years' imprisonment, a fine, or both for those involving a child victim. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes, such as rape. Article 343 of the penal code separately criminalized forced begging and prescribed penalties of one to three years' imprisonment and a fine; these penalties were not sufficiently stringent. The National Assembly approved revisions to the children's code, which was pending promulgation by the president at the end of the reporting period. Two international organizations provided technical assistance for the drafting of the revised code.

The gendarmes and OPROGEM were the lead government entities responsible for investigating trafficking cases, and the General Secretary for Special Services, Counter-Narcotics, and Combating Organized Crime could investigate transnational trafficking cases. The government did not report comprehensive law enforcement data. In 2019, with data from five out of 34 prefectures, the government reported at least three investigations, three prosecutions, and zero convictions; this was a significant decrease from 62 investigations, 54 prosecutions, and 55 convictions it reported in 2018 with data from all 34 prefectures. Due to poor record keeping and the conflation of smuggling and trafficking crimes, it is possible 2018 law enforcement data included smuggling crimes. OPROGEM investigated 29 cases of child labor, 14 of which were referred to the Ministry of Justice for prosecution; however, it is not clear whether any of the child labor cases involved forced labor. Despite the prevalence of Guinean children exploited in forced begging in Quranic schools in Guinea and surrounding countries, the government has never prosecuted a corrupt Quranic teacher for child forced begging. An NGO reported magistrates, who did not understand the serious nature of trafficking, often refused to sentence convicted traffickers to prison. The government did not report any investigations, prosecutions, or convictions of complicit officials; however, corruption among law enforcement and the judiciary—suspected to be especially prominent among labor inspectors, customs directors, and heads of police stations—remained a concern and impeded overall anti-trafficking efforts. The government made some efforts to address official corruption more broadly by sending 13 officials to donor-funded anti-corruption training. The government did not report whether it continued the investigation, initiated in 2017, of three airport officials who were reportedly complicit in the sex trafficking of Guinean women in transit to Kuwait.

The government did not sufficiently resource OPROGEM, which continued to inhibit its ability to consistently investigate potential trafficking crimes. The last time the government dedicated a budget to OPROGEM was in 2016 when it allocated 256 million Guinean francs ($27,290). The government reported a lack of general knowledge about trafficking, and the trafficking provisions of the 2016 penal code, persisted among government officials,

especially judges and prosecutors in lower courts. To address low understanding of trafficking among magistrates, the CNLTPPA led efforts to train law enforcement and judicial officials on trafficking laws and their application. The CNLTPPA, in collaboration with an international organization and a foreign donor, organized two training workshops in Conakry for 60 law enforcement and judicial officials during the reporting period. The workshops trained officials from Guinea's three law enforcement training academies, as well as officials from half of Guinea's prosecutors' offices. The Ministry of Security integrated course curriculum from the training into the core curriculum of Guinea's two national police academies. The lack of extradition agreements with countries in Africa and the Middle East impeded prosecutions of traffickers from those countries.

PROTECTION

The government maintained inadequate efforts to identify and protect trafficking victims. In collaboration with an international organization, the government developed standard operating procedures (SOPs) for victim identification and referral to services; however, the CNLTPPA was unable to approve the SOPs as a result of civil unrest which began in early 2020. Lack of training for and coordination between ministries' government officials, as well as inconsistent and sometimes unavailable government services, continued to inhibit victim identification and assistance efforts. The government did not report comprehensive victim identification data, but reported identifying eight women who had returned from Kuwait and North Africa after being forced to work in domestic service; this compared with five potential child trafficking victims intercepted en route to exploitation in 2018. An international organization repatriated the eight women back to Guinea, and the government provided psychological and medical assistance to the victims. The government reported identifying 29 child labor victims in 2019, some of whom may have been forced labor victims. The government continued to rely on NGOs and foreign donors to provide and finance the majority of victim care. NGOs, however, did not have adequate resources for victim services; observers reported there was a lack of shelters overall. One of the few NGOs capable to provide shelter to child trafficking victims was forced to close their last two shelters during the reporting period due to lack of funding. An international organization-funded transit center for returning migrants was the only available shelter to host trafficking victims at the end of the reporting period. Government health facilities and social workers could at times provide medical and psycho-social services. Law enforcement referred child trafficking victims to NGOs on an ad hoc basis. When NGO shelters were unavailable, the Ministry of Social Action at times placed victims with host families.

The government did not encourage trafficking victims to participate in the investigations or prosecutions of their traffickers. Reports indicated victims and their parents were reluctant to file claims against traffickers due to a lack of confidence in the judicial system. The 2016 penal code allowed NGOs to become plaintiffs on behalf of victims; the government did not report if this provision had been utilized. Articles 392-396 of the child protection code provided child trafficking victims the right to legal representation and a ministry-appointed guardian, but due to the lack of financial and human resources, the government did not provide these services during the reporting period. The government collaborated with a law firm to provide legal assistance to women and child trafficking victims; NGOs operated general legal clinics to advise victims of crime, including trafficking. While victims could legally obtain restitution from the government, the government did not report requesting restitution during the reporting period. Victims could file civil suits against their traffickers; however, no victims pursued this option due to lack of awareness. Aside from general Economic Community of West African States (ECOWAS) protocol on freedom of movement, the government did not have formal policies to provide temporary or permanent residency to victims from countries where, if repatriated, they would face hardship or retribution. However, it could provide work and residence permits to such victims on an ad hoc basis. The government did not report any victims requested these services during the reporting period. There were no reports the government penalized victims for unlawful acts traffickers forced them to commit; however, due to weak victim identification, authorities may have detained, prosecuted, or deported some trafficking victims during the year.

PREVENTION

The government maintained modest efforts to prevent trafficking but did not provide adequate and sustained resources to support anti-trafficking efforts. The CNLTPPA drafted a new 2020-2025 anti-trafficking national action plan; the plan was scheduled to be approved in March 2020, but civil unrest prevented the CNLTPPA from convening itself to vote on the new action plan. For the fourth year, the government did not provide resources for anti-trafficking activities for the CNLTPPA or its associated ministries. The lack of funding, personnel, coordination, social unrest, and training hindered the government's national-level efforts to combat trafficking. The CNLTPPA organized discussion sessions with a national trade union to highlight labor unions' role in combating trafficking. In addition, the CNLTPPA organized trainings for local leaders and religious, youth, and women's groups in N'Zerekore and Kankan on identifying trafficking and services available for victims. The CNLTPPA also arranged a press conference to commemorate World Day against Trafficking in Persons in July 2019. The government had a toll-free hotline to report violence against women and children, which could include trafficking cases; however, it did not report if it received any trafficking-related calls. The government had policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment; however, neither OPROGEM nor the Ministry of Labor had the resources or the trained personnel to monitor and enforce these policies consistently and did not report referring any potential cases for law enforcement investigations. In an effort to address forced begging of Guinean boys in Quranic schools in neighboring West African countries, the Ministry of Social Action coordinated interagency border control units to ensure children crossing international borders were traveling with family. The government did not make efforts to reduce the demand for commercial sex.

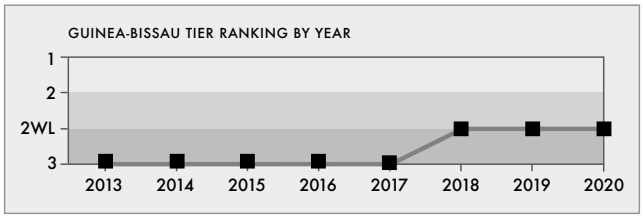
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea, and traffickers exploit victims from Guinea abroad. Women and children are the most vulnerable to trafficking. Parents send girls to intermediaries who subject them to forced labor in domestic service and sex trafficking. Traffickers exploit boys in forced labor in begging, street vending, shoe shining, mining for gold and diamonds, in herding, fishing, and agriculture, including farming and on coffee, cashew, and cocoa plantations. Some government entities and NGOs allege forced labor within Guinea is most prevalent in the mining sector. Traffickers exploit men, women, and children in forced labor in agriculture. Reports indicate children are sent to the coastal region of Boke for forced labor on farms. Children from villages in Middle and Upper Guinea may be more vulnerable to trafficking due to the region's lack of schools and economic opportunities. Government officials recognize the town of Koundara in northwestern Guinea as a transit point for traffickers. Some traffickers take children with parents' consent or under the false pretenses of providing an education and exploit them in forced begging in Quranic schools in Senegal—via Koundara—Mauritania, and Guinea-Bissau, or forced labor in West African gold mines. Some corrupt Quranic teachers force boys attending Quranic schools to beg. During the reporting

period, NGOs alleged organized networks exploited children in forced begging. Traffickers submit Guinean children to forced labor in Cote d'Ivoire. Guinea is a transit country for West African children subjected to forced labor in gold mining throughout the region. A small number of girls from West African countries migrate to Guinea, where traffickers exploit them in domestic service, street vending, and—to a lesser extent—sex trafficking. Child sex trafficking is visible in Conakry and in mining cities such as Kamsar, Lero, and Siguiri. North Koreans working in Guinea may have been forced to work by the North Korean government. Guinean authorities alleged traffickers coerce Chinese women into commercial sex in Chinese-owned bars and restaurants in Conakry. Guinean women and girls are victims of forced labor for domestic service and sex trafficking in West Africa, Europe, and the Middle East, as well as the United States. Guinean-Egyptian trafficking networks fraudulently recruit women for domestic work in Egypt and exploit them in commercial sex. Irregular migration towards Europe leads to the development of trafficking networks facilitating the travel and financing of trafficking by land from Guinea to North Africa. During the previous reporting period, an international organization estimated approximately 1,040 Guineas were victims of trafficking in North Africa. Reports indicate trafficking networks fraudulently recruit Guinean, Liberian, and Sierra Leonean women for work abroad, using the Conakry airport to transport victims to exploitative situations in Kuwait and Qatar; an international organization reported fraudulent recruitment for forced labor in domestic service in the Middle East, especially Egypt and Kuwait, increased during the reporting period. There have been reports some Guinean men marry Guinean girls, take them to Angola, and sell the girls to local brothels while the men work in diamond mines. In previous years, authorities have identified Guinean forced labor victims in Finland. Sex traffickers exploit Thai and Chinese women in Guinea.

GUINEA-BISSAU: TIER 2 WATCH LIST

The Government of Guinea-Bissau does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included continuing to identify child forced begging victims, cooperating with Moroccan authorities on an international criminal investigation, and approving a new national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government has never convicted a trafficker, and the government identified fewer trafficking victims. In addition, the government continued to lack resources and political will to comprehensively combat trafficking. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Guinea-Bissau was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Guinea-Bissau remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers, including corrupt Quranic teachers who subject boys to forced begging and hotel staff that facilitate child sex tourism in the Bijagos, and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Cease using extra-judicial or administrative remedies to resolve human trafficking cases. • Hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged trafficking offenses and efforts to interfere with ongoing investigations. • Allocate sufficient financial and in-kind resources to implement the anti-trafficking national action plan. • Provide resources to the Judicial Police at a level that better enables criminal investigations and expands its area of operation, such as in the Bijagos and Catió. • Develop and train law enforcement on formal written procedures to identify and refer trafficking victims to services. • Increase training for officials on the 2011 anti-trafficking law and procedures to refer trafficking cases to the Judicial Police. • Increase support for NGOs to ensure all identified victims—especially child victims of forced begging—receive services and foreign victims are safely repatriated, minimizing the potential for re-trafficking. • Increase efforts to coordinate repatriation of trafficking victims with the Government of Senegal. • Develop an effective national anti-trafficking program through regular meetings of the anti-trafficking committee and allocation of funding for its activities. • Significantly increase efforts to raise awareness of human trafficking, especially forced begging and child sex trafficking. • In collaboration with NGOs, allocate adequate space and facilities for a victim shelter in Bissau. • Develop a national referral mechanism for victims. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism.

PROSECUTION

The government maintained inadequate law enforcement efforts. Public Law 12/2011 criminalized sex trafficking and labor trafficking and prescribed penalties of three to 15 years' imprisonment and the confiscation of any proceeds from the crime. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. In February 2019, the government drafted amendments to the Code of Child Protection in an effort to harmonize it with international laws on human trafficking, but the legislature had not yet adopted the amendments by the end of the reporting period. The government investigated nine trafficking cases during the reporting period. All nine were child forced begging cases, with five of these cases referred to the Public Ministry for prosecution; prosecutions were not yet formally initiated at the end of the reporting period. The government did not report any prosecutions or convictions during the reporting period. The government has never convicted a trafficker under the anti-trafficking law. This was a decrease compared with investigating 23 cases of child trafficking and prosecuting one alleged trafficker during the previous reporting period. During the reporting period, the Judicial Police cooperated with the Government of Morocco to investigate a case of fraudulent recruitment for forced labor in domestic service after Moroccan authorities identified two Bissau-Guinean women in Morocco; the investigation was ongoing at the end of the reporting period. Despite past reports of official complicity, the government did not report investigating, prosecuting, or convicting any corrupt or complicit officials for trafficking crimes. Guinea-Bissau's judicial system lacked sufficient human and physical capital to function effectively, and corruption remained pervasive.

The Judicial Police had a specialized unit that investigated trafficking cases; however, it did not have nationwide coverage or a dedicated budget for investigations. The police, National

Guard, judiciary, and prosecutors all suffered from a chronic lack of funding, which hindered their efforts to combat human trafficking. The Judicial Police were largely absent outside the capital. The National Guard and local police in rural areas had neither the training nor the capacity to investigate trafficking crimes and did not always refer such cases to the Judicial Police, which impeded investigations into forced child begging in eastern regions and child sex trafficking in the Bijagos. In addition, police and judges often resolved intra-familial labor and abuse cases—which could include forced child labor and child sex trafficking by family members—through non-judicial means or tried them as domestic violence cases. When parents broke such agreements and police transferred the cases to court, officials noted community leaders often pressured courts to drop the cases. The government contributed trainers from the Ministry of Women, Children and Social Cohesion's Institute for Women and Children (IMC) and the National Guard to international organization-funded trainings for police officers and civil society actors on the 2011 anti-trafficking law, national referral mechanisms, trauma-informed care, and data management. However, some law enforcement and judicial officials remained unaware of the 2011 anti-trafficking law.

PROTECTION

The government maintained inadequate efforts to identify and protect victims. The government identified 158 trafficking victims—53 child forced labor victims and 105 child forced begging victims—and referred all victims to care during the reporting period. It also identified 22 forced marriage victims, some of whom may have been trafficking victims. This was a decrease compared to the government's identification of 171 trafficking victims and seven potential victims in 2018. In addition, an NGO reported assisting seven children forced to harvest cashews, and an international organization assisted 161 child forced begging victims. The government did not have formal procedures to identify trafficking victims or refer them to care; draft victim identification procedures, written with the assistance of an international organization in the previous reporting period, remained unfinished. During the reporting period, IMC collaborated with an international organization to develop a form for officials to use when they identify a potential trafficking victim. Because of the country's high rate of illiteracy, including among its security services, written victim identification procedures will need to be augmented with extensive hands-on training. The government did not continue work on a national referral mechanism begun in the previous reporting period with funding from a foreign donor and the assistance of local facilitators. During the previous reporting period, IMC and their NGO partners validated a national policy document intended to protect children of all ages, but the government had not yet adopted it. The IMC was responsible for victim services and coordination of services among various entities; however, it had no operating budget nor vehicles for victim services. The government did not have a specific fund for victim services and relied on international organizations and local NGOs to provide nearly all victim services; these NGOs subsequently relied on international donors for funding. Unlike the previous reporting period, the government did not contribute to NGOs providing assistance to trafficking victims. Three NGO shelters were accessible to trafficking victims but were severely overcrowded and underfunded; one was unable to receive victims due to lack of funding, and some shelter volunteers used their own homes to house victims temporarily. Shelter was only available for child victims, and only one NGO shelter provided trafficking-specific services. The quality of victim care at these facilities was generally poor due to lack of funding. The government did not have formal procedures to encourage victims to participate in investigations or prosecutions against their traffickers. Victims could not obtain restitution from the government. In addition, victims could not file civil suits against their traffickers. There were no legal alternatives to removal to countries in which victims would face hardship or retribution. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to a lack of formal identification procedures, some victims may have remained unidentified within the law enforcement system. Observers noted that more coordination was needed between the governments of Guinea-Bissau and Senegal regarding repatriating child forced begging victims.

PREVENTION

The government decreased efforts to prevent trafficking. The inter-ministerial committee—led by the IMC and including government agencies, NGOs, and religious groups—met four times during the reporting period but lacked funding for anti-trafficking activities, which weakened its response to trafficking and the development of an effective national anti-trafficking program. In part due to an ongoing political crisis, the government did not demonstrate political will to address trafficking at the highest levels of government. The government and civil society actors were unable to coordinate and communicate on anti-trafficking efforts, such that there was duplication of efforts by NGOs and the National Guard in some areas. Although, observers noted an increase in communication between the government and NGOs on responding to the problem of forced begging among *talibés*. The government drafted a new national action plan to address human trafficking; the Minister of Women, Family and Social Protection approved the action plan during the reporting period. IMC provided materials to local community committees to conduct awareness raising campaigns in Gabu and Bafata. IMC conducted a national public awareness campaign, but it had limited reach due to lack of funding and engagement from high-level political officials. IMC and the Ministry of Tourism continued implementing the code of conduct against sexual exploitation in the tourism sector in the Bijagos islands, Bubaque, Sao Domingos, and Bissau. Activities in the code of conduct included increasing public awareness of child sex trafficking in Bissau and the Bijagos, encouraging hotels to combat these crimes, training various hotel owners and managers on child sex trafficking, and building the capacity of tourism inspectors. The labor inspectorate, housed within the Ministry of Labor, Civil Service and Public Administration, did not receive regular funding from the government and lacked personnel, material resources, and training to investigate forced labor nationwide. In addition, the government did not have the means to inspect local *daaras* (Quranic schools) to ensure they did not force children to beg. Domestic workers were not covered by labor laws, which left them vulnerable to trafficking; amendments to the labor code that would cover these gaps have been pending in the national assembly since 2015. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

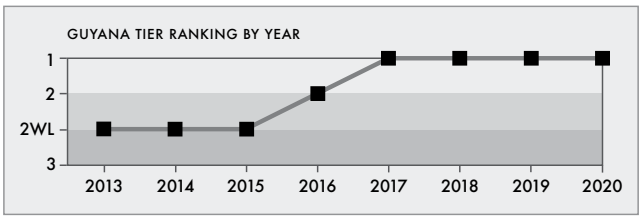
As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea-Bissau, and traffickers exploit victims from Guinea-Bissau abroad. Many Bissau-Guinean boys attend Quranic schools led by corrupt Quranic teachers. Some exploitative Quranic teachers force or coerce their students, called *talibés*, to beg and do not provide an education, including at some schools in Bissau's Afia neighborhood. The traffickers are principally men from the Bafata and Gabu regions—often former *talibés* or men who claim to be working for a Quranic teacher—and are generally well-known within the communities in which they operate. Corrupt Quranic teachers increasingly force Guinean, Gambian, and Sierra Leonean boys to beg in Bissau and exploit Guinea-Bissau's weak institutions and porous borders to transport large numbers of Bissau-Guinean boys to Senegal—and to a

lesser extent Mali, Guinea, and The Gambia—for forced begging in exploitative *daaras*.

Traffickers force Bissau-Guinean boys into street vending and forced labor in the agricultural and mining sectors in Senegal, especially in the southern cities of Kolda and Ziguinchor. Traffickers force West African boys to harvest cashews during Guinea-Bissau's annual harvest, and some are recruited for work in the harvest but then are forced to beg. Traffickers exploit some Guinean boys for forced labor in shoe shining in Guinea-Bissau. Traffickers exploit Bissau-Guinean girls in sex trafficking and forced labor in street vending and domestic work in Guinea, The Gambia, and Senegal, as well as in Spain. Senegalese trafficking networks recruit Bissau-Guinean girls for modeling jobs or traveling football clubs but subject them to sex trafficking. Bissau-Guinean girls are exploited in domestic servitude and in sex trafficking in bars, nightclubs, and hotels in Bissau. Bissau-Guinean girls from the Bijagos—and to a lesser extent mainland girls and boys—are exploited in child sex tourism in the Bijagos, an archipelago off the coast of Guinea-Bissau that is far from the mainland and largely devoid of government and law enforcement presence. Although the extent of child sex tourism is unknown, it is widely acknowledged among civil society, NGOs, and mid-level government officials. In most cases, French nationals own hotels on the islands and use Bissau-Guinean intermediaries to exploit island girls aged 13 to 17 years old for French and Belgian child sex tourists. International sources report these same hotel owners provide jobs and significant support to the island community, wielding influence that can deter victims from notifying law enforcement. Some families may encourage their children to endure such exploitation for financial gain. Bissau-Guinean men from the mainland fuel local demand for commercial sex on the islands. During previous reporting periods, there were reports of official complicity in human trafficking among island officials and in the judiciary.

GUYANA: TIER 1

The Government of Guyana fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Guyana remained on Tier 1. The government demonstrated serious and sustained efforts by completing a draft amendment of the Combating Trafficking of Persons Act, sentencing a convicted trafficker to a total of 15 years imprisonment, drafting a national action plan to eliminate child labor, completing standard operating procedures for investigating and prosecuting trafficking cases, and opening its first trafficking shelter outside of the capital area. Although the government meets the minimum standards, it investigated and prosecuted fewer suspected traffickers, identified fewer victims of trafficking, and did not provide adequate screening or shelter for child and male victims. There are insufficient labor inspectors and their training in human trafficking is inadequate.



PRIORITIZED RECOMMENDATIONS:

Implement and train law enforcement officials and front-line responders in written trauma-informed victim identification and referral procedures. •Reduce delays in court proceedings and pretrial detention of suspects. •Fund specialized victim services, particularly for child, adult male, and Venezuelan victims in their native language. • Vigorously investigate and prosecute sex and labor trafficking cases under the TIP Act, including those involving child victims. • Hold convicted traffickers, including complicit public officials, accountable by investigating, prosecuting, convicting, and imposing sufficiently stringent sentences. • Hold police and law enforcement officials accountable for abuse of vulnerable individuals and intimidation of victims in shelters. • Provide additional protection for victims to testify against traffickers in a way that minimizes re-traumatization. • Strengthen the capacity of labor inspectors to identify and refer victims of labor trafficking. • Track and report data on trafficking cases reported to the trafficking hotline and by labor inspectors. • Execute and publish a robust monitoring and evaluation framework for anti-trafficking policies and efforts. • Engage with officials involved in anti-trafficking activities in other countries to exchange best practices in trafficking investigation and screening, including ways to maintain shelter location confidentiality.

PROSECUTION

The government maintained minimal law enforcement efforts. The Combating Trafficking of Persons Act of 2005 (TIP Act) criminalized sex trafficking and labor trafficking and prescribed penalties of three years to life imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government finalized an amendment to the TIP Act to specifically remove the requirement of force, fraud, or coercion in the trafficking of children. The Ministry of Social Protection (MoSP) was the lead agency responsible for coordinating trafficking efforts, overseeing the Counter-Trafficking Unit, and participating on the government's Ministerial Task Force on Trafficking in Persons (Task Force). In 2019, the government reported 27 new investigations (25 for sex trafficking and two for labor trafficking), a decrease from 30 new investigations in 2019 and 4 in 2018. Police made 55 arrests in cases of sex trafficking and labor trafficking and continued investigations in 19 trafficking cases initiated in 2018. The government reported three new prosecutions of suspected traffickers in 2019 (one for sex trafficking and two for labor trafficking), a decrease from 11 prosecutions in 2018 and 17 in 2017. Authorities convicted one trafficker for sex trafficking of a minor and an adult female, compared with one conviction in 2019. The court sentenced the convicted trafficker to 10 years' imprisonment for trafficking a minor and an additional five years for trafficking an adult victim, or 15 years total. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, although the government screened Venezuelan women and children who experienced human rights abuses, including sexual exploitation by government officials. The government reported that the appeal of a 2017 case in which the government required the trafficker to pay restitution without imprisonment, a penalty inconsistent with the law, was still pending at the end of the reporting period. Observers noted there were frequent, widespread reports of physical and sexual abuse of children and allegations that some police officers could be bribed to make such cases "go away". The government did not report on the appeal of a former police officer convicted of sex trafficking and released on bail in 2016, still pending at the end of the reporting period. The government added immigration officials at major transit points to screen all arriving and departing migrants. Despite training for some judicial, prosecutorial, and law enforcement officials, trafficking and other major criminal prosecution cases took an average of two years in process and pretrial detention averaged three years. The government trained 221 law enforcement officers on trafficking victim identification and referral procedures and 48

judicial officers on standard operating procedures for prosecuting human trafficking cases with the assistance of international organizations during the reporting period.

PROTECTION

The government maintained inadequate efforts to protect victims and identified fewer victims, despite an increase in Venezuelan refugees. Victim assistance remained a serious concern, especially in areas outside the capital and for Venezuelan child and male victims. In 2019, the government identified 102 victims (63 sex trafficking and 39 labor trafficking), a decrease from 156 identified victims in 2018 and 131 in 2017. The victims came from Guyana as well as the Dominican Republic, Haiti, and Venezuela. Ninety-five were female and seven male, with 10 minors. Three were referred by an international organization. The government referred 99 out of 102 victims to shelter and 98 to protective services, compared with 93 out of 131 victims in 2018. It is not clear if victims received individualized care plans. Due in part to the noticeable increase of victims from Venezuela, the government began work on standard operating procedures to identify and refer trafficking victims for protection with assistance from an international organization but did not adopt them by the end of the reporting period. The government provided 60 million Guyanese dollars (GYD) ($279,070) to NGO-managed shelters providing housing for adult female victims of gender-based violence and trafficking in 2019, the same amount provided in 2018. Victims could receive shelter, food, training, and psychological therapy. The government also provided 2 million GYD ($9,300), a decrease from 3.5 million GYD ($16,280) last year, in direct financial assistance to victims who chose not to stay in a shelter. Authorities opened the first shelter for trafficking victims outside the capital. There were inadequate trafficking shelters for male or child trafficking victims; few provided trauma-trained staff or long-term facilities. MoSP provided intake counselling to child victims whom it placed in shelters co-managed with NGOs. MoSP placed some children into foster care or reintegrated them with their families, while authorities placed adult male victims at non-specialized night shelters on an ad hoc basis.

To protect victims' privacy and identities, some human trafficking cases were heard in camera, and the government strongly advised the media to avoid taking photos of the victims. Observers reported police and other authorities intimidated some victims into staying at shelters against their will, did not allow family visits until trials were completed, and cut short some victims' phone calls if they spoke in their native language. The government reported victims could leave shelters at will, although occasionally measures were necessary to prevent victims from giving out shelter locations. MoSP provided protection and counseling for child victims, and one of the NGO shelters provided counseling for adult victims, accommodation for up to six months, and training to help develop self-sufficiency. The MoSP funded transportation costs and police escorts for victims staying outside a shelter who were willing to attend court proceedings and granted deportation relief to 135 foreign victims. The government reported granting foreign victims temporary residence status and work permits if requested. The government reported facilitating the repatriation of one Guyanese national trafficked abroad, to whom it provided counseling and reintegration assistance.

PREVENTION

The government increased efforts to prevent trafficking. The Task Force met monthly and initiated several activities including an awareness campaign and training events. As part of implementation of the national action plan against trafficking, the Task Force initiated a review of the TIP Act with NGOs and the international donor community. The government reported drafting an amendment to remove the requirement for force, fraud, or coercion in child trafficking, but this was not adopted due to the restrictions of constitutional authority on the caretaker government. The Ministry of Public Security conducted a one-day training session for education guidance counselors and welfare officers in identifying trafficking indicators. The Task Force also awarded a consultancy contract for the drafting of a code of conduct for the Task Force and a human trafficking training manual. The government monitored human trafficking in the country and released the results of monitoring in the media. The government reported that 25 hotline calls resulted in trafficking investigations during the reporting period. The government did not make efforts to reduce the demand for commercial sex acts. Labor officers frequently conducted impromptu visits to work sites and business premises in the mining and logging districts and capital city to investigate suspect labor practices and possible violations. The government drafted a National Action Plan to Eliminate Child Labor to deal with challenges in recruiting, retaining, and training labor inspectors to more effectively monitor child labor and extractive industry workers, particularly in light of Guyana's fast-growing oil operations where children are particularly vulnerable to forced labor. Authorities reported six child labor violations; citations were issued for two child labor violations in the extractive and service industries, and criminal charges were filed in the two cases of child sex trafficking. The government did not report whether the criminal charges were filed under the TIP Act, the Protection of Children Act, or the Employment of Young Persons and Children Act; the latter two laws have lesser penalties than the TIP Act.

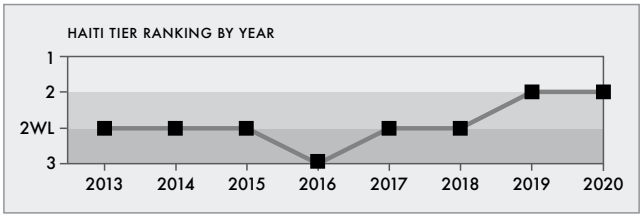
TRAFFICKING PROFILE

As reported over the last five years, human traffickers exploit domestic and foreign victims in Guyana, and traffickers exploit victims from Guyana abroad. Women and children from Guyana, Brazil, the Dominican Republic, Haiti, Suriname, and Venezuela become sex trafficking victims in mining communities in the interior and urban areas. The government notes a large increase in the number of trafficking victims from Venezuela. Authorities identified child victims of sex trafficking as well as forced labor in the fast-growing extractive and service industries. Traffickers exploit victims in labor trafficking in mining, agriculture, forestry, domestic service, and in shops. While both sex trafficking and labor trafficking occur in remote interior mining communities, limited government presence in the country's interior renders the full extent of trafficking unknown. Traffickers exploit Guyanese nationals in sex and labor trafficking in Jamaica, Suriname, and other Caribbean countries

HAITI: TIER 2

The Government of Haiti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Haiti remained on Tier 2. These efforts included investigating more traffickers, establishing an executive secretariat to improve monitoring and analysis of trafficking within the National Anti-Trafficking Committee, addressing the weak judicial system and lack of awareness about trafficking among law enforcement officials with targeted training, prosecuting labor trafficking offenses, and building capacity for alternative shelters for vulnerable minors. However, the government did not meet the minimum standards in several key areas. The government did not convict traffickers during the reporting year. The government did not allocate sufficient funding for its anti-trafficking efforts or victim services and did not implement its standard operating procedures for victim identification. The government did little

to combat the system of child domestic servitude (*restavek*).



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials and those responsible for domestic servitude and child sex trafficking. • Fund and continue to implement the national anti-trafficking action plan, in particular funding victim assistance and establishing victim shelters. • Train police, prosecutors, judges, and victim service providers in victim-centered and trauma-informed formal procedures to identify, protect, and refer trafficking victims to appropriate shelters and services. • Educate the Haitian public with traditional and social media about children's rights to freedom and education, and ban forced labor of domestic workers, including domestic servitude. • Continue to develop Haiti's nascent foster care system and alternative residential care for children. • Train more labor inspectors in trafficking indicators, increase worksite inspections for indicators of labor trafficking, and increase collaboration with law enforcement to prosecute labor trafficking cases. • Develop laws or policies to regulate foreign labor recruiters, ban worker-paid fees, and raise awareness among potential migrant laborers. •Implement measures to address the vulnerabilities leading to forced labor in domestic service, including establishment of a minimum age for domestic work and protecting child victims of neglect, abuse, and violence.

PROSECUTION

The government maintained law enforcement efforts. The 2014 Anti-Trafficking (TIP) Law (No.CL/20140010) criminalized sex trafficking and labor trafficking and prescribed penalties of seven to 15 years' imprisonment and a fine ranging from 200,000 to 1.5 million gourdes ($2,280 to $17,110), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law provided for increased penalties of up to life imprisonment when the victim was a minor. Despite civil unrest affecting transportation, courtrooms, and offices, the government investigated nine trafficking cases involving 19 suspects during the reporting period, compared with nine trafficking cases in 2018 and two cases in 2017. The police Brigade for the Protection of Minors (BPM) reported investigating cases involving 33 defendants for forced labor of minors. The government initiated one prosecution for sex trafficking during the reporting period, compared with seven prosecutions in 2018 and two prosecutions in 2017. The government did not report any convictions during the reporting period, although the conviction of a trafficker in March 2019 for sex trafficking of a minor previously unaccounted for was reported. The court sentenced the trafficker to 15 years' imprisonment and ordered him to pay a fine of 100,000 gourdes ($1,140) at the end of the prior reporting period. The government reported six convictions in 2019 and one conviction in 2017. The Border Police Force arrested 51 individuals suspected in 35 trafficking cases during the reporting period.

Observers reported allegations that judicial officials in border jurisdictions, such as justices of the peace, sometimes took bribes to free detained suspected human traffickers, which contributed to an environment where traffickers largely operated with impunity. While there were no reported cases of official complicity, immunity for high officials and difficulty in initiating prosecutions against lower ranking public officials would make it difficult to prosecute complicit officials. The outdated penal and criminal procedural code continued to delay cases, as did the lack of oversight by the Superior Council of the Judiciary (CSPJ) charged with independently overseeing the judiciary. The CSPJ filled the vacancy of the CSPJ Inspections Unit Chief, whose role influenced the timeliness of judicial adjudication and reduced pretrial detention. The Ministry of Justice and Public Security's Legal Assistance Offices had identified trafficking cases, but many of the cases ended in the accused being released without trial in 2018. The National Committee for the Fight Against Human Trafficking (CNLTP) actively monitored trafficking cases in the court system and sent members to towns outside of the capital to observe the prosecution of trafficking-related cases and advocate for the victims. The government increased training on trafficking prevention, victim care, and the application of the TIP Law; the Haitian Magistrate's School (EMA) led six seminars on the law for 128 prosecutors, judges, and police officers between May and September in an effort to address weaknesses in the system. EMA also organized a seminar on sexual and gender-based violence and human trafficking for 170 representatives of the national police, judges, and civil society representatives. The CNLTP collaborated with an international partner in December to train 19 immigration officials in the profiles of traffickers and potential victims. A group of Haitian anti-trafficking leaders, including a senator, members of CNLTP, media, and civil society participated in an international exchange program in May on innovative law enforcement strategies to prevent and prosecute trafficking and policy initiatives to provide social services to victims. Ten judicial and law enforcement officials participated in training on identifying human trafficking indicators and child exploitation at an overseas course in June. The National Migration Office collaborated with an international organization to install a new migration information database at a major border crossing point in November to assist with identifying suspected traffickers. The CNLTP and the national police coordinated with their counterparts in the Dominican Republic on an investigation involving a Dominican national who was a victim of sex trafficking in Haiti.

PROTECTION

The government maintained efforts to identify and protect victims of trafficking; however, outside observers and government interlocutors noted the government provided limited services to victims of trafficking and largely depended on partners to fund and provide services. Although the government did not systematically track data regarding victim identification, the border police turned over 24 potential victims of trafficking to the Haitian Social Welfare Agency (IBESR) during the reporting period. An NGO also reported that there were three victims identified during the reporting period. Due to the lack of a budget, authorities relied on international organizations and NGOs to fund and provide services in a piecemeal fashion, which became an increased challenge because of the large number of Haitians repatriated from The Bahamas, Turks and Caicos, and the Dominican Republic during the reporting period. IBESR referred child victims to government-registered residential care centers for services, which varied from short-term medical and counseling services, family tracing, and pre-return assessments to limited support before returning children to their families. As a measure to prevent an increase in child trafficking during the ongoing pandemic, IBESR informed orphanages and residential childcare centers that they could not receive additional children or transfer children out of their institution without the consent of IBESR and the Ministry of Public Health. Experts noted that the lack of government-run shelter facilities impeded prosecutions because the government's policy of returning child victims to their families made it difficult to locate witnesses to testify against the

accused. Despite IBESR's policy restricting unaccompanied minors from leaving the country without written parental authorization, officials indicated that the porousness of the Haiti-Dominican Republic border allowed traffickers to move vulnerable individuals across for labor trafficking and sex trafficking.

The TIP law tasked the CNLTP with developing standard operating procedures (SOPs) to guide officials in the identification and rehabilitation of trafficking victims; the staff of CNLTP collaborated with two international organizations to complete the SOPs. The law required the government to provide protection, medical, and psycho-social services to victims and to create a government-regulated fund to assist victims. However, as in the past two years, the government did not approve a national budget, and therefore there was no funding for victim services. The government continued to rely on international organizations and NGOs to provide care. The TIP law also stipulated money and other assets seized during trafficking investigations should fund services for trafficking victims and the CNLTP; however, there was no evidence this occurred. The government did not have a formal program to assist victims who returned to Haiti, but authorities worked with other countries' maritime and airline services to receive and screen returned Haitians for trafficking indicators and facilitated their reintegration with family members. The government reported that IBESR staff and labor inspectors have not received sufficient training on child labor issues, despite a study indicating that more than 286,000 children— some of whom were likely exploited in forced labor—were working in domestic service. Government officials have rarely used the TIP law to prosecute and convict the perpetrators of exploitation of child domestic servants. BPM investigated calls referred from a 24-hour trafficking hotline, but the lack of a minimum age for domestic work and exceptions in the laws governing child labor rendered investigations and prosecutions of child domestic servitude difficult. There was no government agency with overall responsibility for adult trafficking victims, and the lack of resources and a system for tracking the crime indicated that victims have fallen through the gaps. The TIP law included provisions for temporary residency for foreign victims during legal proceedings, as well as access to legal counsel, interpretation services, and permanent residency; however, the government did not provide these services. There were no facilities for video depositions or child-friendly spaces during legal proceedings. The law mandates that legal assistance must be provided to trafficking victims and protects victims from culpability for unlawful acts their traffickers compelled them to commit. Judges could mandate civil restitution for related crimes under Haiti's civil code, but did not do so during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. The Minister of Social Affairs and Labor (MAST) appointed two officials to the Executive Secretariat of the Committee to monitor trafficking in persons developments nationwide, analyze trafficking trends, and draft reports. CNLTP completed the annual trafficking in persons report for 2018-2019 as part of the 2017-2022 national action plan. The government's 2018-2019 draft budget included funding for the CNLTP, but parliament did not pass a budget for the second year in a row. In 2016, the most recent year CNLTP received funding, it received 10 million gourdes ($114,080). A lack of resources and buy-in from its constituent ministries hampered progress in the reporting period on implementing provisions of the TIP law and the establishment of a special fund for trafficking in persons to support anti-trafficking initiatives and assist victims. The CNLTP partnered with an international donor on a $5.6 million project to develop an anti-trafficking in persons task force of law enforcement, judicial actors, and IBESR representatives to focus on identification of trafficking cases and victims, support investigations and prosecutions, and support the establishment of CNLTP subcommittees in all 10 regions of the country.

The CNLTP officially presented the national action plan to the public in July in collaboration with its partner organization and another country. CNLTP members raised awareness of trafficking by working with the Human Rights Ombudsman (OPC) and an international partner to organize trainings for 21 regional-level journalists, media correspondents, and newsroom directors from across Haiti in December. The OPC partnered with an international organization to train 24 provincial representatives and affiliated youth human rights group members on human trafficking and the role of national institutions in the fight against trafficking. MAST, together with IBESR and the BPM, hosted events during the reporting period to raise awareness on forced child labor, and MAST officials received training on identifying forced labor from international labor experts. The government's National Tripartite Committee developed a national action plan to combat the worst forms of child labor and updated the list of hazardous work for children younger than 18 as part of the national child labor policy. In April, the CNLTP discussed human trafficking and the government's anti-trafficking efforts on radio stations in several regions and participated in a prominent radio show in one of the biggest border towns. The government collaborated with another country to recognize International Trafficking Day in July by presenting the national action plan to the public. The Director General of IBESR gave an interview published by international press about the government's efforts to establish foster homes as an alternative to abusive orphanages and about the government's barring unlicensed orphanages from opening.

The continued dysfunction of the Haitian civil registry system and weak consular capacity to provide identity documents left many Haitians at risk of remaining undocumented in the Dominican Republic and subject to deportation—recognized risk factors for vulnerability to trafficking. Although the labor code required labor recruiters and businesses to obtain a license, Haiti did not have effective laws or policies to regulate foreign labor recruiters, prevent fraudulent recruiting, plans to raise awareness of the risks for potential migrant laborers. The government lacked staff and resources to inspect worksites for indicators of labor trafficking, although 50 labor inspectors were trained to detect forced labor in labor sites. The government did not take proactive measures to prevent trafficking by its diplomats, although the TIP law provides strict sanctions for public officials complicit in trafficking. The government did not make efforts to reduce demand for commercial sex acts.

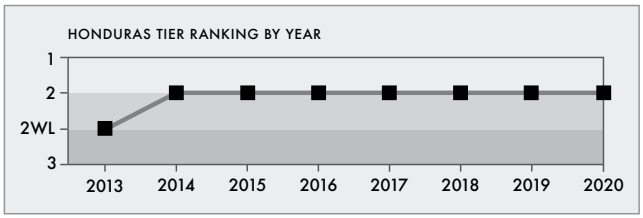
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Haiti, and traffickers exploit victims from Haiti abroad. Most of Haiti's trafficking cases involve children in forced labor in domestic service, commonly called *restavek*, who often are physically abused, receive no payment for services rendered, and have significantly lower school enrollment rates. A joint government and international organization report found one in four Haitian children do not live with their biological parents and an estimated 286,000 children younger than age 15—some of whom are likely exploited in forced labor—work as domestic servants. Many children flee situations of domestic servitude, become street children, and face further risk of retrafficking. A study released in 2018 found significant numbers of children in orphanages are likely victims of trafficking and approximately 50 of the total 750 orphanages in Haiti are either licensed or becoming officially licensed. Female foreign nationals, particularly citizens of the Dominican Republic and Venezuela, are particularly at risk for sex and labor trafficking in Haiti. Traffickers also target children in private and NGO-sponsored residential care centers; Haitian children working in construction, agriculture, fisheries, domestic work, begging, and street vending in Haiti and the Dominican

Republic; internally displaced persons, including those displaced by Hurricane Matthew and the 2010 earthquake; Haitians living near the border with the Dominican Republic; Haitian migrants, including those traveling to or returning from the Dominican Republic, The Bahamas, Turks and Caicos, Brazil, Mexico, or the United States; and LGBTI youth often left homeless and stigmatized by their families and society. Haitian adults and children are at risk for fraudulent labor recruitment and forced labor, primarily in the Dominican Republic, other Caribbean countries, South America, and the United States.

HONDURAS: TIER 2

The Government of Honduras does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Honduras remained on Tier 2. These efforts included increasing prosecutions, convictions, and sentencing of traffickers, and adding two new prosecutors to its anti-trafficking unit. The government coordinated with several foreign governments to secure the conviction of a Honduran trafficker who operated in an international network of Belizean traffickers. The government improved screening of children migrating out of, and returning to, Honduras and repatriated 27 Honduran nationals through its diplomatic missions. The government increased its public awareness campaigns and prevention training activities, particularly related to migrant children and victims of forced displacement. The First Lady's Migration Task Force mobilized several executive branch agencies to coordinate activities designed to stop irregular migration and associated trafficking risks. The government did not meet the minimum standards in several key areas. The government did not allocate sufficient resources for prosecution and protection activities. The government again demonstrated inadequate efforts to address forced labor crimes through prosecution, identification and protection of victims of forced labor, and prevention of such crimes.



PRIORITIZED RECOMMENDATIONS:

Increase law enforcement investigations and labor inspections to identify forced labor among domestic and agricultural workers. • Increase efforts to prosecute trafficking offenses and to convict and sentence traffickers, particularly for crimes involving forced labor and forced criminal activity. • Develop and implement new victim identification and referral mechanisms for forced labor cases, including forced criminal activity. • Strengthen efforts to prosecute and convict public officials for complicity in trafficking offenses. • Increase government funding for victim services, including to NGOs. • Increase the identification and assistance of all victims, including among particularly vulnerable populations such as adult migrants. • Enforce laws punishing brokers for illegal practices that facilitate trafficking, such as fraudulent offers of employment or illegal fees for migration or job placement. • Increase training and dedicated resources for anti-trafficking police and prosecutorial units, as well as the "immediate response team."

PROSECUTION

The government increased prosecution efforts but maintained inadequate efforts to prosecute forced labor crimes. The 2012 Honduran anti-trafficking law criminalized sex and labor trafficking and prescribed penalties ranging from 10 to 15 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The Honduran National Congress adopted a new penal code in May 2019, which is expected to enter into force June 2020 and includes amended anti-trafficking provisions. While the new law aligned the definition of trafficking with the definition under international law by including force, fraud, or coercion as an essential element of the crime, it also significantly lowered the penalties for trafficking offenses to five to eight years' imprisonment. By doing so, the penalties for sex trafficking will no longer be commensurate with the penalties prescribed for other grave crimes, such as rape.

The government reported investigating 91 cases of suspected trafficking, compared to 145 cases in 2018, 121 cases in 2017, and at least 41 cases in 2016. The government launched 14 law enforcement operations to identify nightclubs, massage houses, and other locations where traffickers allegedly exploit minors, men, women, and LGBTI individuals in sex trafficking; as a result of these operations, the police made 32 arrests and identified 41 minors from criminal groups, some of whom were trafficking victims. Among these efforts, the Attorney General's specialized anti-trafficking unit, created in 2018, coordinated two major law enforcement operations that led to the arrests of traffickers and victims identified. Authorities initiated prosecutions of 55 suspects (37 for sex trafficking, 16 for procuring commercial sex acts, and two for forced labor), compared to 35 suspects (29 for human trafficking, six for procuring commercial sex acts) in 2018, 84 suspects (82 for sex trafficking, two for forced labor) in 2017, and 41 suspects for sex trafficking in 2016. The government convicted 34 traffickers (33 for sex trafficking/procuring commercial sex acts and one forced labor); this compared to 16 traffickers (10 for human trafficking and six for procuring commercial sex acts) in 2018, eight traffickers in 2017, and nine traffickers in 2016. Courts sentenced convicted traffickers with sentences ranging from four to 52 years' imprisonment along with monetary fines of 75 to 200 times the minimum wage; this compared to five to 15 years' imprisonment in 2018, two years house arrest to 15 years' imprisonment in 2017, and six to 15 years' imprisonment in 2016. The government continued prosecutions of a current and a former government official accused of sex trafficking in 2017, and reported each case remained pending trial at the end of the reporting period. The government also investigated an alleged crime of sexual exploitation of a female prisoner within a correctional facility. Corruption and official complicity in trafficking crimes remained significant concerns.

The government strengthened its specialized anti-trafficking unit by adding two new prosecutors, for a total of 10 prosecutors, and also incorporating a cybercrime unit to strengthen its investigations of trafficking crimes on social media platforms. Experts, however, observed the government remained understaffed and lacked sufficient resources to investigate and prosecute trafficking crimes. Civil society organizations reported prosecutors often charged suspected traffickers for lesser crimes with lower penalties, such as pimping. An NGO noted courts delayed trafficking cases despite a requirement in the anti-trafficking law to process such cases in a timely manner. Experts stated the absence of specialized human trafficking courts in Honduras was an obstacle to successful prosecutions

and convictions, because many judges did not have specialized knowledge of or experience in dealing with human trafficking cases. The government cooperated with the governments of Argentina, Belize, Spain, Guatemala, Mexico, and the United States to investigate trafficking cases and detain suspects. Through this coordination, the government secured the conviction of a Honduran trafficker who operated in an international network of Belizean traffickers. In November 2019, law enforcement officials met with representatives from the Governments of Guatemala and El Salvador in San Salvador to discuss the improvement of mechanisms to investigate trafficking crimes and counteract human trafficking in the region.

PROTECTION

The government maintained protection efforts but demonstrated weak identification and protection efforts for forced labor victims. The government identified 75 victims in 2019 (66 sex trafficking and 9 labor trafficking), compared to 73 victims in 2018 (63 sex trafficking and 10 labor trafficking), 150 victims in 2017 (84 sex trafficking and 66 labor trafficking), and 111 victims in 2016. The government reported that NGOs identified an additional 78 victims in 2019. The Inter-institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT) used an "immediate response team" protocol for identifying and referring sex trafficking victims and distributed the protocol to other institutions, but authorities lacked systematic procedures to identify forced labor victims. The immediate response team, which included a full-time lawyer, psychologist, and social worker, worked with government ministries and civil society organizations to coordinate services for victims, including food, shelter, and health screenings, as well as referrals to longer-term support services, such as psychological, legal, and social services as well as family reintegration and, when necessary, repatriation. The government hired an additional psychologist and a social worker to the immediate response team during the reporting period. The team operated two trafficking-specific hotlines for victim referrals, one of which received 500 calls in 2019, of which 16 were trafficking-related; the hotline referred 15 of these calls to law enforcement. This compared to 65 calls received in 2018 resulting in 25 investigations, 45 calls in 2017, and more than 60 calls in 2016. The government improved screening of children migrating out of, and returning to, Honduras, but inconsistently screened Honduran adults returned from abroad.

The Ministry of Development and Social Inclusion provided psychological services, economic support, and, in coordination with the Ministry of Health, provided services to the 75 newly identified victims and ongoing support to victims identified in previous reporting periods. The Child Welfare Agency administered initial assessments and services for child victims and referred foreign victims for repatriation and Honduran children to certified centers for medical, psychological, and psychiatric services and social reintegration following legal hearings. The foreign ministry, in partnership with international organizations, assisted and repatriated 27 Honduran nationals through its diplomatic missions in Mexico, Belize, Spain, and Guatemala, compared to 12 Honduran nationals through its diplomatic missions in Guatemala, Mexico, and Belize in 2018 and six Honduran nationals through its diplomatic missions in Argentina, France, Guatemala, and Mexico in 2017.

The government provided 5.5 million lempira ($221,400) of funding to CICESCT. This compared to 7.9 million lempiras ($316,000) in 2018 and 2.3 million lempiras ($92,000) in 2017. Other Honduran government agencies provided funds from their budgets for victim assistance. Observers noted that the budget and human resources were not adequate for victim protection efforts, and the government relied heavily on international assistance for its anti-trafficking efforts, including for protection efforts. CICESCT coordinated with several NGOs to provide services and shelter for victims. In 2019, CICESCT provided funding to an NGO to provide shelter and services for adult female victims. The government offered services to sex trafficking victims, but provided services to a disproportionately low number of forced labor victims despite evidence that forced labor is more prevalent in the country. Providers at the local and national levels reported insufficient resources from the government. Government officials also noted the need for increased support for NGOs operating shelters for trafficking victims and for a victim data collection and analysis system.

Of the 75 new victims, 62 participated in the investigations and prosecutions of their perpetrators. The government provided witness protection services to victims who assisted in investigations and prosecutions, which included measures to protect the identity of the victim and witnesses, shelter, and economic, medical, and psycho-social assistance. The government did not report how many victims received these protection services in 2019, compared to 15 victims assisted in 2018. An independent assessment of trafficking in Honduras revealed the majority of victims did not file criminal complaints due to fear of reprisal, a lack of knowledge about the crime, and a low level of trust in the system. The government maintained Gesell chambers in which victims could provide testimony via pre-recorded interviews, and it reported using them 25 times for trafficking cases during the reporting period. Honduran law prohibited the prosecution of trafficking victims who committed crimes during the time they were exploited. NGOs, however, reported authorities did not properly identify many children forced to engage in illegal activities by criminal groups and thus may have treated them as criminals instead of victims. CICESCT coordinated with the National Migration Institute and the Returned Migrant Assistance Center to evaluate cases of migrants who might be trafficking victims. If CICESCT identified a foreign victim, it worked with the victim's local diplomatic representation to secure protection services for the victim. Honduran law allowed foreign victims to receive temporary or permanent residency status, including authorization to work; the government did not identify foreign victims in 2019 who could have received such benefits. Honduran law provided for restitution to be awarded upon a trafficking conviction, but the government did not provide restitution to victims in 2019.

PREVENTION

The government increased prevention efforts, but it demonstrated few proactive efforts to prevent forced labor. CICESCT promoted, monitored, and evaluated the government's anti-trafficking efforts, producing an annual report documenting these efforts. CICESCT consisted of 32 governmental and nongovernmental entities, which met periodically in 2019. The government implemented its 2016-2022 national anti-trafficking action plan by conducting trainings and extensive public awareness campaigns, as well as implementing improved methods to detect trafficking crimes. CICESCT launched a public website and held a variety of public events where it provided anti-trafficking information. First Lady Ana Garcia de Hernandez's Migration Task Force played an important role in mobilizing several executive branch agencies to coordinate activities designed to stop irregular migration and associated trafficking risks. The minister of education provided a guide for teachers supporting reintegration of returned migrant children and victims of human trafficking and forced displacement. The government launched new public awareness campaigns, with a special focus on migratory routes through Guatemala and Mexico, and officially joined the UN Blue Heart Campaign Against Trafficking in Persons. CICESCT provided anti-trafficking training to police, judges, lawyers, immigration officials, municipal authorities, psychologists, social workers, tourism professionals, students, and nongovernmental organization representatives throughout Honduras.

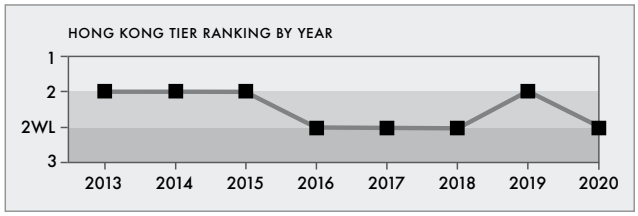
The Ministry of Labor (MOL) conducted 21,949 labor inspections but did not identify any forced labor cases in 2019. Experts noted the number of labor inspectors was not sufficient and inspectors did not have enough office facilities, training, and resources to carry out inspections and enforce the law effectively. Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, full labor inspections and follow-up visits to confirm compliance were far less frequent in other parts of the country. Officials also noted that problems in identification of forced labor victims were due to inadequate enforcement of existing regulations. In September 2019, the government signed a memorandum of understanding with the United States to improve the oversight of labor recruiters in the United States' H visa program. In 2017, the MOL issued new guidelines to enforce the 2015 decree requiring job placement companies to charge fees to employers and not employees, but did not report any enforcement of these guidelines in 2018 or 2019. The Secretariat of Labor and Social Security (STSS) utilized the Regulation for the Operation of Private Employment Agencies and Related Services, the Labor Inspection Law, and the Regulation of the Special Regime and Progressive Affiliation of Domestic Workers to prevent and protect individuals in private employment, including national and foreign national domestic workers, from trafficking. The STSS also implemented an agreement regarding temporary Honduran migrant workers in Canada, which, along with Honduras' consular network, monitored for trafficking crimes involving Hondurans abroad. The law for the recruitment and placement of Hondurans in the cruise industry also aimed to prevent trafficking crimes. The government made efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Honduras, and traffickers exploit victims from Honduras abroad. Traffickers, some of whom are family members or friends, exploit Honduran women and children in sex trafficking within the country and in other countries in the region such as Mexico, Guatemala, El Salvador, Belize, Spain, and the United States. Traffickers particularly target women, children, LGBTI Hondurans, migrants, internally displaced persons, and individuals who are unemployed, in poverty, with low education levels, disabled, and lack access to healthcare. Traffickers exploit Honduran men, women, and children in forced labor in street vending, domestic service, drug trafficking, and the informal sector in their own country, and forced labor in other countries, particularly Guatemala, Mexico, and the United States. Children, including from indigenous and Afro-descendant communities, particularly Miskito boys, are at risk for forced labor in the fishing, mining, construction, and hospitality industries. Children living on the streets are at risk for sex and labor trafficking; fines for child labor are not sufficient to deter violations. Criminal organizations, including gangs, exploit girls in sex trafficking, force children into street begging, and coerce and threaten young males and females to transport drugs, commit extortion, or commit acts of violence, including murder; this occurs primarily in urban areas, but one NGO reported an increase in gang activity in rural areas. Criminals expanded the use of social network platforms to recruit victims and continued to target vulnerable populations. Honduras is a destination for child sex tourists from Canada and the United States. Migrants from Africa, Asia, the Caribbean, Central America, the Middle East, and South America who transit Honduras en route to the United States are vulnerable to being exploited in trafficking. Authorities noted family members took children into prisons to be exploited in commercial sex by prisoners, raising concerns over the potential complicity of prison authorities. Overall corruption helped facilitate trafficking crimes.

HONG KONG: TIER 2 WATCH LIST

The Government of Hong Kong does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included hiring and training 98 new employees within the immigration, customs, labor, and justice departments dedicated to trafficking issues. The government screened more than 7,000 vulnerable individuals for trafficking, the labor department (LD) introduced a victim identification mechanism to its division offices, and the government continued to provide anti-trafficking training to various officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities did not investigate, prosecute, or convict any cases of labor trafficking and investigated significantly fewer cases related to sex trafficking compared to the previous year. Despite the government screening for trafficking indicators, it identified only three victims of trafficking, a decrease from 18 in 2018, and did not provide any victims with government-funded services. Observers reported ineffective implementation of the screening mechanism and a lack of understanding of psychological trauma associated with trafficking continued to result in few victims identified. As in previous years, the government continued to penalize victims for unlawful acts traffickers compelled them to commit. The government did not enact legislation to fully criminalize all forms of trafficking. Therefore Hong Kong was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in accordance with the definition set forth in the 2000 UN TIP Protocol. • Improve the quality of screenings conducted to identify trafficking victims. • Vigorously investigate trafficking cases, prosecute suspected sex and labor traffickers, and sentence convicted traffickers to significant prison terms. • Ensure authorities offer and refer trafficking victims to services. • Cease penalization of victims for unlawful acts traffickers compel them to commit and increase interagency coordination to ensure victims are not punished through immigration proceedings, including prior to investigating their traffickers. • Engage in continuous and regular collaboration with NGOs and social welfare experts to update anti-trafficking policies, to review victim-centered interview processes and investigations, to establish improved services for trafficking victims, and to create in-depth training programs for the judiciary, labor tribunal, and other task force stakeholders. • Ensure foreign victims are provided adequate services in Hong Kong, including prior to their repatriation. • Increase protections for foreign domestic workers to reduce their vulnerability to trafficking, including by removing worker-charged recruitment fees, eliminating the "two week rule," affording workers an option to live outside their place of employment, and creating legal maximum working hours. • Proactively investigate unscrupulous employment agencies and money lenders for their complicity in labor trafficking and sufficiently penalize convicted agency operators. • Allow foreign victims to work and study in Hong Kong while participating in judicial proceedings against their traffickers.

PROSECUTION

The government decreased overall anti-trafficking law enforcement efforts; the absence of laws that fully criminalize trafficking made it difficult to accurately assess the government's prosecution efforts compared to the previous year and made it difficult to determine which law enforcement actions involved human trafficking as defined by international law. Hong Kong law did not criminalize all forms of human trafficking, and the government relied on various provisions of laws relating to prostitution, immigration, employment, and physical abuse to prosecute trafficking crimes. Inconsistent with international law, Section 129 of the crimes ordinance, which criminalized "trafficking in persons to or from Hong Kong," required transnational movement and did not require the use of force, fraud, or coercion. Section 129 prescribed penalties of up to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as rape. Section 130 criminalized the harboring, controlling, or directing of a person for the purpose of prostitution and prescribed penalties of up to 14 years' imprisonment. Section 131 criminalized procuring a person to engage in commercial sex acts and prescribed penalties of up to 10 years' imprisonment. Section 137 criminalized living on the earnings of commercial sex acts of others and prescribed penalties of up to 10 years' imprisonment.

The government reported investigating nine cases related to sex trafficking in 2019, a significant decrease compared with 136 investigations in 2018. The government did not report investigating, prosecuting, or convicting any cases of labor trafficking in 2019, an overall decrease compared with 14 investigations, two prosecutions, and zero convictions in 2018. The government did not report the number of sex trafficking prosecutions initiated in 2019, but it reported arresting five suspects (19 in 2018) during investigations for offenses related to sex trafficking, including for violations of section 137 of the crimes ordinance. Courts convicted 10 offenders for sex trafficking related crimes in 2019 (seven in 2018), and sentenced nine to terms of imprisonment ranging from approximately two to 10 months. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

The justice department appointed two additional prosecutors to its designated team responsible for prosecuting trafficking related crimes, and the customs department established a four-person team to train and support front-line staff on trafficking issues. The police force hired an additional 26 officers dedicated to investigating trafficking and exploitation of foreign domestic workers. The government reported having designated points of contact for trafficking issues within relevant agencies since 2018; nonetheless, civil society organizations reported being unable to reach these contacts, including when attempting to refer victims to police, and some reported government officials were unable to ever direct them to a person responsible for trafficking. The immigration and customs departments continued to provide anti-trafficking training to new employees, and the government cosponsored a two-day training with the EU for law enforcement, labor, social welfare, and immigration officials. The police force continued to make an online training available for police officers, and 120 front-line police officers attended a training organized by the Organized Crime and Triad Bureau. In December 2019, the government developed and distributed an information packet on trafficking for officials likely to come into contact with victims.

Law enforcement officials often did not adequately investigate trafficking cases, including those referred to them by NGOs, sometimes dropped cases with clear indicators of trafficking, and did not employ a victim-centered, trauma-informed approach when interviewing victims. The government reported utilizing a "joint investigative process" in trafficking cases to coordinate interviews of victims among law enforcement agencies; however, observers reported weak coordination between law enforcement agencies in practice, which resulted in agencies separately investigating different aspects of cases. Law enforcement also did not adequately investigate operators of unscrupulous employment agencies or money lenders for their roles in facilitating labor trafficking through debt-based coercion. The absence of laws criminalizing all forms of trafficking impeded officials' ability to investigate or charge suspected traffickers, especially in cases where the exploitation began in a victim's home country. This also resulted in the prosecution of trafficking crimes under laws with weak penalties. NGOs reported judicial officials lacked an awareness of trafficking. While the government reported granting immunity to two potential victims to allow them to testify in courts in 2019, well-founded fears of penalization reportedly resulted in many victims choosing not to report their exploitation or declining to cooperate with authorities in investigations.

PROTECTION

The government decreased efforts to protect victims and only identified three victims of trafficking in 2019. Police, immigration, and customs officials utilized a two-tiered identification mechanism to screen vulnerable populations for victims of trafficking. In December 2019, officials at the LD's 10 labor relation division offices began to use the government's standard screening mechanism. Officials referred potential victims for a full identification "debriefing" after determining whether an individual met at least one of seven indicators listed on the standard screening form of the first tier of the identification mechanism. Officials screened more than 7,000 individuals, referred 93 for "full debriefings," but identified only three victims in 2019, a decrease compared with 18 in 2018. Two victims identified by authorities were exploited in sex trafficking, and it was unclear if the third victim was subjected to labor or sex trafficking. The standard screening form listed vulnerable populations authorities were required to screen, but it did not include any groups that would include Hong Kong citizens. The immigration department established a unit in December 2019 to increase oversight of the visa application review process of foreign domestic workers to help facilitate the ability of officials to screen for indicators of trafficking among foreign domestic worker visa applications; in the two months after its establishment, the unit processed 400 cases and provided initial screenings of 140 cases, but it did not identify any victims of trafficking. Observers reported ineffective implementation of the screening mechanism and a lack of understanding of psychological trauma associated with trafficking resulted in few victims identified. NGOs reported law enforcement interviews of victims during the identification process lacked a trauma-informed approach and exacerbated victims' emotional distress. A local NGO reported law enforcement subjected victims to lengthy interviews, sometimes without adequate interpretation or appropriate staff to interview female sex trafficking victims. Some civil society organizations reported that increased collaboration by the government would improve the victim identification process and lead to more effective victim protection efforts.

Identified victims preferred to receive services provided by foreign consulates or NGOs rather than services offered by the government. The government partially subsidized six NGO-operated and three government-operated shelters that served victims of violence, abuse, and exploitation, including trafficking victims. These shelters could provide temporary accommodation, counseling, and medical and psychological services to local and foreign victims, regardless of gender or age. However, contacts reported no trafficking victims stayed in government shelters, likely due to fears that the government would not provide adequate services or compensation. Although the government assisted

two foreign domestic workers to return to Hong Kong to serve as witnesses in trials against employment agencies for overcharging fees, no trafficking victims benefited from this assistance. To enable foreign victims to temporarily remain in Hong Kong, the government could provide visa extensions with fee waivers and could provide victims who were foreign domestic workers with permission to change their employer; the government granted one identified victim a visa extension with fee waiver in 2019. Observers noted inconsistent coordination between immigration and police made it difficult for victims to obtain visa extensions in practice. In addition, victims allowed temporary residency via visa extensions could not work or study in Hong Kong. Hong Kong law allowed victims to seek compensation from traffickers through civil suits and labor tribunals. Nonetheless, observers reported poor translation services, a lack of trained attorneys, the inability to work while awaiting a decision, and judges' inexperience with forced labor cases sometimes impaired victims' attempts to claim back wages or restitution through labor tribunals and deterred some from bringing claims forward.

The government continued to penalize trafficking victims for unlawful acts traffickers compelled them to commit, and observers reported authorities were more likely to penalize victims than their traffickers. Ineffective victim identification and interagency collaboration on trafficking reportedly resulted in the government initiating immigration proceedings against victims rather than investigating or prosecuting their traffickers. Some law enforcement officials also reportedly threatened victims with penalization during victim identification interviews. The government continued to intercept non-local child victims of sex trafficking during anti-vice operations—15 in 2019 compared with 11 in 2018—and failed to identify them as trafficking victims under the screening mechanism or provide them with adequate assistance. Authorities prosecuted one of these victims for an immigration violation and sentenced them to a four-week suspended sentence. Although the government coordinated with the authorities in the receiving country to repatriate these victims, it did not report providing them with sufficient stabilizing services following their initial identification in Hong Kong.

PREVENTION

The government maintained efforts to prevent trafficking; however, the government continued to publicly deny that trafficking is a prevalent crime in Hong Kong. The government continued to make efforts to implement the 2018 "Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers." Nonetheless, observers reported a lack of meaningful progress to combat trafficking in practice, and that the plan did not sufficiently address sex trafficking. An anti-trafficking steering committee led by the Chief Secretary for Administration and an inter-departmental working group led by the security bureau continued to meet. Following the allocation of 62.23 million Hong Kong dollars ($7.99 million) to the government's annual budget during the previous reporting period, the government created 98 new positions within the police, immigration, customs, labor, and justice departments dedicated to trafficking issues. To improve collaboration with civil society, the government held meetings with individual NGOs and international organizations to discuss issues of concern and future collaboration; however, it was unclear if these efforts resulted in concrete and measurable outcomes to combat trafficking during the reporting period. The government did not conduct campaigns to raise awareness of sex trafficking. To improve awareness of the rights of foreign domestic workers and the responsibilities of employers, the government continued to distribute information packets to workers and employers, publish advertisements in Filipino and Indonesian language newspapers, operate workers' rights information kiosks in public areas, work with the Philippine and Indonesian consulates to provide briefings to newly arriving domestic workers, and publish translated versions of standard employment contracts in 11 foreign languages. The government distributed new information cards created by an international organization that listed information on support services available to foreign domestic workers and trafficking victims.

The government's process for evaluating non-refoulement claims, which did not allow claimants to legally work in Hong Kong, made some refugees vulnerable to trafficking. The government's policies requiring foreign domestic workers to live with their employers and to return to their home countries within two weeks after their contracts' termination increased the ability of abusive employers and unscrupulous employment agencies to subject workers to trafficking. Although the immigration department allowed some exploited workers to change their employers without leaving Hong Kong, observers reported the "two week rule" continued to deter workers from reporting or exiting exploitative conditions. The requirement that workers live with their employers enabled exploitative employers to limit workers' freedom of movement and communications and sometimes required workers to live in inadequate conditions. The lack of regulations setting a maximum number of legal working hours for foreign domestic workers also contributed to their vulnerability. The government reported convicting 34 employers of foreign domestic workers for illegally using workers to perform duties outside their contracts (29 in 2018), and convicting three for non- or under-payment of wages (two in 2018); sentences included fines and up to two months' imprisonment. A local NGO noted the government allowed employers who had previously been convicted for exploiting foreign domestic workers to continue to hire workers. The government offered visa extensions with fee waivers to 141 foreign domestic workers determined to be victims of illegal conduct to serve as witnesses (160 in 2018).

Hong Kong law permitted employment agencies to charge job seekers, including foreign domestic workers, up to 10 percent of their first month's salary in recruitment fees. Since enforcement of this rule was lacking, agencies often charged much higher fees and confiscated workers passports and/or contracts as collateral, which perpetuated debt-based coercion. The government required employment agencies to comply with a code of practice covering statutory requirements and standards for Hong Kong-based employment agencies. Despite being a violation of the code of practice, observers reported money lenders and employment agencies often operated at the same address without consequence; this enabled employment agencies complicit in labor trafficking to indebt workers through loans for recruitment fees that were often beyond the legal limits. The Employment Agencies Administration (EAA) conducted approximately 2,000 inspections of employment agencies in 2019. The LD established a team in the EAA in 2019 to increase enforcement of the Employment Ordinance. However, the EAA lacked sufficient resources, and inspections of agencies were ineffective and often only consisted of undetailed reviews of documentation. In addition, observers reported the EAA did not proactively investigate unscrupulous agencies and typically required a victim to make a complaint against an agency before initiating an investigation. The EAA was not regularly open on Sundays—the only non-work day for most foreign domestic workers—preventing some workers from filing complaints. To facilitate the ability of foreign domestic helpers to make inquiries and complaints, LD operated an online portal as well as a 24-hour hotline available in nine languages. In 2019, the LD convicted 10 agencies for overcharging workers, operating without a license, or other violations (10 agencies convicted in 2018). The government imposed a fine of 92,000 Hong Kong dollars ($11,820) on one agency and its director for overcharging fees, and imposed a fine of 120,000 Hong Kong dollars ($15,410) on one unlicensed agency. LD cited non-compliance of the code of practice in decisions to

revoke or reject the renewal of licenses of 13 employment agencies in 2019 (11 in 2018). Nevertheless, some employment agencies reportedly continued to operate—and unlawfully retain workers' passports with impunity—after losing their licenses, sometimes reopening under a different name. In addition, NGOs reported fines and other penalties given to employment agencies exploiting foreign domestic workers were too light and did not act as a deterrent. Despite having the legal discretion to revoke agency licenses administratively, observers reported the EAA over-relied on criminal convictions of agencies to do so. The government made some efforts to reduce the demand for commercial sex acts, including through education programs for children in local schools. The government did not provide anti-trafficking training to its personnel posted overseas.

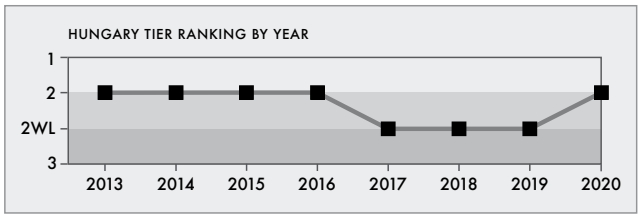
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Hong Kong, and traffickers exploit victims from Hong Kong abroad. Victims include citizens from mainland China, Indonesia, the Philippines, Uganda, Kenya, Thailand, and other Southeast Asian countries, as well as countries in South Asia, Africa, and South America. Traffickers exploit foreign women, including from Eastern Europe, Africa, and Southeast Asia in sex trafficking. There were reports that some women in Hong Kong—often with the assistance of their families—deceive Indian and Pakistani men into arranged marriages that involve forced domestic service, bonded labor in construction and other physically demanding industries, and other forms of abuse via exploitative contracts. Reports indicated drug trafficking syndicates coerced South American women, whom Hong Kong authorities subsequently arrested, to carry drugs into Hong Kong. Some employment agencies reportedly hire foreign domestic workers under false pretenses and force them into commercial sex. Traffickers recruit victims from the Philippines, South America, and mainland China using false promises of lucrative employment and force them into commercial sex, sometimes through debt-based coercion. "Compensated dating" continues to facilitate commercial sexual exploitation of Hong Kong children and adults, making them vulnerable to trafficking. Traffickers exploited victims from Hong Kong in North America in commercial sex.

Traffickers exploit migrant workers in construction, electronic recycling facilities, nursing homes, and private homes. Approximately 400,000 foreign domestic workers, primarily from Indonesia and the Philippines, work in Hong Kong. Some foreign domestic workers become victims of debt bondage in the private homes in which they are employed. A 2018 NGO task force survey of migrant workers found one-third of Indonesian workers in Hong Kong were asked to sign debt agreements as conditions of their employment. In addition, 56 percent of surveyed workers reported having to pay illegal recruitment fees, and 24 percent had their personal documents withheld by employment agencies or employers. A 2016 NGO report estimated as many as one in six foreign domestic workers are victims of labor exploitation in Hong Kong. Some operators of employment agencies subject victims to labor trafficking through debt-based coercion by charging workers job placement fees in excess of legal limits and sometimes withholding their identity documents. The accumulated debts sometimes amount to a significant portion of the workers' first-year salary, and unscrupulous agencies sometimes compel workers to take loans from money lenders to pay excessive fees; a 2017 study estimated foreign domestic workers spend up to 35 percent of their monthly salaries paying back money lenders. Some employers, money lenders, and employment agencies illegally withhold passports, employment contracts, or other possessions until the debt is paid. Some workers are required to work up to 17 hours per day; experience verbal, sexual, or physical abuse in the home; live in inadequate conditions; and/or are not granted a legally required weekly day off. Some foreign domestic workers sign contracts to work in Hong Kong, but upon arrival traffickers coerce or lure them to work in mainland China, the Middle East, or Russia. As demand for foreign domestic workers in Hong Kong increased, NGOs reported workers from countries other than Indonesia and the Philippines were increasingly vulnerable to exploitation.

HUNGARY: TIER 2

The Government of Hungary does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Hungary was upgraded to Tier 2. These efforts included investigating more trafficking cases, including international investigations; prosecuting considerably more traffickers; sentencing all convicted traffickers to significant prison terms; and extraditing more suspected traffickers. Additionally, the National Police appointed specialized trafficking investigators at each of its 19 county headquarters, as well as in the Budapest office. Furthermore, the government amended legislation to include a non-punishment provision and a general protection measure for child trafficking victims and reported identifying more trafficking victims. The government also adopted a national anti-trafficking strategy for 2020-2023 and allocated dedicated financial resources to its related action plan. However, the government did not meet the minimum standards in several key areas. The government's trafficking victim identification mechanism did not apply to foreign victims without legal residence. As a result, government officials did not adequately screen for trafficking indicators or identify victims among third-country nationals, such as asylum-seekers in the transit zones, as well as other vulnerable populations, including domestic workers or children in state-run institutions. The government lacked a framework for identifying, referring, or assisting child victims. Overall services for victims remained scarce, uncoordinated, and inadequate, especially for foreigners and children, for whom there were no dedicated shelters; these gaps left victims at risk of re-trafficking.



PRIORITIZED RECOMMENDATIONS:

Screen for trafficking indicators and proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, children in state-run institutions and orphanages, domestic workers, and individuals in commercial sex. • Significantly increase the quality and availability of specialized victim services for adults and children, including by expanding the national referral mechanism (NRM) to formally include foreign victims without legal residency, and provide sufficient funding to NGOs to offer victim care. • Develop and fund protocols for identification and referral and enhance training for law enforcement and social workers on recognizing indicators of exploitation. • Implement the non-punishment provisions to ensure trafficking victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts their traffickers compelled them to commit. • Increase law enforcement and

judiciary efforts to investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms. • Train law enforcement, prosecutors, and judges on the severity of the crime and the irrelevance of a victim's consent for proving a trafficking crime. • Take additional steps to prevent trafficking of vulnerable children residing in state-run institutions and individuals who leave these institutions. • Increase victim-centered, trauma-informed training for law enforcement, prosecutors, judges, and social workers. • Bolster protection for victims who face serious harm and retribution from their traffickers, including by developing additional longer-term care options to improve reintegration. • Bring the anti-trafficking law in line with international law by more precisely defining exploitation and requiring fraud, force, or coercion as elements of the core offense of adult trafficking.

PROSECUTION

The government increased prosecution efforts. Article 192 of the 2012 criminal code criminalized sex and labor trafficking, but inconsistent with the definition of trafficking under international law, it established the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime. The law broadly defined exploitation as the abuse of power for the purpose of taking advantage of a victim. The prescribed penalties for the base offense ranged from one to five years' imprisonment, while the penalties for trafficking crimes involving aggravated elements ranged from two to 20 years' or life imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes. Additionally, Article 193 criminalized forced labor, with sentences ranging from one to five years' imprisonment for offenses involving an adult victim and two to eight years' imprisonment for those involving a child victim. Article 203 criminalized profiting from "child prostitution" or "paying for sex with a child" and prescribed penalties of up to three years' imprisonment, which were not sufficiently stringent. Penalties under this provision increased only if a person was "supported partly or wholly by profiting" from such exploitation of a child or for maintaining or operating a brothel for the purposes of such exploitation of a child. During the reporting period, the government adopted amendments to Article 192 of the criminal code that changed the penalty provisions for some trafficking crimes; these amendments will come into effect in July 2020.

For the second consecutive year, the government reported the number of registered crimes rather than the number of closed investigations because the data on closed investigations provided in previous years contained possible duplications. This methodological change in reporting made it difficult to compare statistics from previous years. In 2019, police registered 49 trafficking crimes (47 in 2018, 95 in 2017)—34 crimes under Article 192, four under Article 193, and 11 under Article 203. Officials reported 88 prosecutions (72 under Article 192, six under Article 193, 10 under Article 203), a significant increase from 29 in 2018 and 14 in 2017 due in large part to the prosecutorial guidelines issued in 2018 that resulted in a number of pandering cases reclassified as trafficking cases. Courts convicted seven traffickers, compared with 11 in 2018 and three in 2017—six under Article 192 and one under Article 193. There were no convictions under Article 203 in 2018 or 2019; observers raised concerns that authorities regularly underutilized Article 203. All convicted traffickers received prison sentences, which ranged from five to 10 years' imprisonment, a significant difference from 2018 when only three of 11 convicted traffickers served time in prison. The Hungarian government reported no knowledge of officials complicit in trafficking. The National Bureau of Investigations (NBI) trafficking unit investigated cases involving organized crime or an international connection. The NBI unit employed 11 people, which experts noted was insufficient given the magnitude of the problem. In 2019, NBI cooperated with foreign law enforcement agencies on 14 investigations and participated in one Joint Investigation Team, compared with three in 2018. The government extradited six suspected traffickers in 2019, compared with none in 2017 and 2018.

In 2019, the National Police appointed investigators, who specialized in trafficking, at each of its 19 county police headquarters, as well as in the Budapest office, and conducted a three-day training session for the investigators. The National Police produced an interactive e-learning curriculum on domestic legislation concerning trafficking and related crimes and victim identification. Training was mandatory for criminal staff involved in detecting trafficking crimes and victim identification. NBI conducted several training sessions throughout the reporting period. The government organized and funded a two-day sensitivity and awareness-raising training for investigators, prosecutors, and judges from three counties affected by trafficking. The Office of the Prosecutor General conducted training sessions for trainee, junior, and recently appointed prosecutors and mandatory courses for deputy prosecutor generals in charge of criminal cases with trafficking experts presenting case studies and practical methodologies. The Office of the Judiciary integrated a trafficking component into its central training program at the Hungarian Academy of Justice; as a result, one-third of criminal case judges received training in 2019.

PROTECTION

The government increased victim identification but did not adequately screen vulnerable populations or provide adequate resources for victim services. The government reported 81 registered trafficking victims, a significant increase from 30 in 2018 and 33 in 2017. The government decree on the trafficking victim identification mechanism, which established the NRM, regulated the identification and referral of victims to assistance. The mechanism listed the authorities responsible for identifying victims, such as police, border guards, and health professionals; the questionnaire to be completed with suspected victims; and procedural protocols. Observers criticized the mechanism for lacking clarity and standards, for granting wide discretion to front-line officials, including the police, as well as for a lack of widespread dissemination of the protocols among officials. Furthermore, experts expressed concern that the decree did not apply to foreign victims without legal residence and criticized the government for not having an adequate referral mechanism in the transit zones. Subsequently, the immigration and asylum office did not identify any victims among third-country nationals, including asylum-seekers in the transit zones. NGOs had a minimal presence in the transit zones and did not have a formal role in the identification process. Experts reported that conditions in the transit zones were not conducive to creating an atmosphere of trust that would make it possible for victims to come forward and the persistence of collective expulsions conducted without pre-removal risk assessments. Additionally, experts expressed profound concern about children, including unaccompanied minors, in the transit zones. Unaccompanied minors younger than 14 years old were removed from the transit zones but did not have access to specialized services; children, including potential victims, between the ages of 14-18 could not leave the transit zones unless the government approved their asylum application. Experts also expressed concern about the lack of efforts made to identify trafficking victims among asylum-seekers and irregular migrants in Hungary. Overall, the government did not screen or adequately identify victims among vulnerable populations, such as asylum-seekers, unaccompanied minors, adults and children exploited in commercial sex, children living in government-run institutions, domestic workers, and foreign workers. In 2019,

the government developed and distributed a handbook to assist front-line professionals in the identification and referral process for potential trafficking victims. According to NGOs, identification, referral, and assistance took place on an ad hoc basis, and NGOs and social service providers mainly based the process on their personal networks and connections. NGOs expressed the need for the government to allocate more effectively its resources, particularly in the identification and referral of victims. They also continued to criticize the lack of dedicated state funding for victims' assistance services.

Victim assistance services remained scarce, uncoordinated, and inadequate, and they exposed victims to the risk of re-victimization. All Hungarian and EU victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, and shelter. In 2019, NGOs reported assisting 58 trafficking victims (79 in 2018 and 66 in 2017)—29 adult females, 13 adult males, and 16 children. Forty-one of the adult victims were Hungarian citizens, and one was a foreign citizen. While the NRM did not apply to foreign victims without legal residence, the government granted ad hoc approval to a government-funded NGO to provide services, such as financial support, shelter, and health care, in cases when the NGO requested it; the government did not report the number of cases in 2019. Foreign victims could receive a 30-day reflection period to decide whether to assist law enforcement, during which they were eligible for a certificate of temporary stay for up to six months. Those who cooperated with authorities were entitled to a residence permit for the duration of their cooperation. The government did not report issuing any temporary residence permits, permanent residence permits, or exemptions from deportation for trafficking victims in 2018 or 2019.

At the end of the reporting period, the government passed anti-trafficking amendments to the criminal code, which included a non-punishment provision establishing that child trafficking victims not be penalized for committing offenses relating to offering sexual services. The amendments also included a general protection measure provision, which authorized police to place child trafficking victims in designated shelters for up to 60 days. These amendments will take effect in July 2020. Perennial issues persisted with protecting and providing assistance to child trafficking victims. The government lacked a framework for identifying, referring, or assisting child victims other than the general child protection system and state-run homes, which had insufficient staff and resources to provide appropriate care or security, leaving victims at risk for re-trafficking. Some experts criticized the chronic lack of assistance and dedicated shelters for child victims and specialized services in state-run homes. Children in state-run homes or orphanages were vulnerable to trafficking, both while living in the homes and upon their required departure at age 18. EU and national requirements required child protection institutions and state-run homes to report all suspected cases of children exploited in sex trafficking; however, some law enforcement treated such children as criminals rather than victims. Law enforcement reportedly treated many persons accused of prostitution, including children, as criminals, charging them with related administrative penalties and misdemeanor offenses. The government often did not implement a 2011 EU directive requiring authorities to treat individuals subjected to sex trafficking as trafficking victims regardless of victim consent—according to the government decree, authorities required victims' written consent for identification and access to assistance. Some experts said police generally did not understand that people in commercial sex were vulnerable to trafficking or that the non-punishment provision for crime victims could apply to them; police rarely screened prostitution case defendants, including children, for trafficking indicators. In 2019, authorities penalized 30 children (54 in 2018, 67 in 2017), all of whom were girls, for prostitution offenses; 21 children received a warning, one received a fine, two received detention in a penitentiary, and six received community service. Experts questioned the accuracy of government data on child detention and estimated authorities held more than 200 children per year in detention for prostitution-related offenses. In 2019, the government gave an NGO 5.6 million forint ($19,030) to assist child sex trafficking victims and conduct prevention activities for vulnerable children in three state-run children's homes, compared with five million forint ($16,990) in 2018 and 5.9 million forint ($20,050) in 2017.

The government allocated 24.3 million forint ($82,570), the same amount as in 2018, compared with 21.9 million forint ($74,420) in 2017, to an NGO operating two temporary shelters. Both shelters could accommodate up to 12 adult victims each with accommodation, transport, psycho-social support, and legal information; 15 victims received accommodation in 2019 (31 in 2018, 20 in 2017). Additionally, the government allocated 24 million forint ($81,550), an increase from eight million forint ($27,180) in 2018, to operate four halfway houses that could assist four victims each with reintegration services. The government also provided 80 million forint ($271,840) to another NGO for the establishment of a new temporary shelter projected to open in 2020 that could assist four victims and an additional 15 million forint ($50,970) for equipment purchases. The Ministry of Justice (MOJ) victim support service provided financial aid, certificates of victim status, and witness care, if the government initiated criminal proceedings against the perpetrator. The government provided 338,230 forints ($1,150) in financial aid to six victims, an increase from 43,000 forints ($150) to one victim in 2018. The MOJ signed a public service contract in 2019 with an NGO to operate three victim support centers and assist the victim support line, with 115.2 million forints ($391,450) for 2019 operations. The centers, designed to provide services such as customized psychological and emotional support and information on victims' rights did not report assisting any victims in 2019, compared with six in 2018. Experts criticized the centers for deficiencies in applying a multidisciplinary approach and for lacking means to provide comprehensive services, including accommodation, or a process for monitoring and evaluation. In 2019, the government repatriated four child trafficking victims and one adult victim. The government did not have a dedicated program to provide return and reintegration assistance for Hungarian victims identified abroad. No victims received state-ordered restitution or compensation.

PREVENTION

The government moderately increased prevention efforts. The government allocated 159 million forint ($540,280) to implement its 2019 action plan to combat trafficking, which included the purchase of a vehicle to transport child trafficking victims and open a shelter for victims. Additionally, the government adopted a national anti-trafficking strategy for 2020 to 2023, including an action plan that allocates 91 million forint ($309,220) in 2020 and 518.5 million forint ($1.8 million) in 2021 for anti-trafficking initiatives. The anti-trafficking coordinator chaired the national coordination mechanism, an entity including government actors, one international organization, and two NGOs. The NGO roundtable, also chaired by the national coordinator, complemented its work. While the government and the majority of NGOs considered these two forums effective for exchanging best practices, some NGOs criticized the system for having two parallel roundtables, saying it hindered the effective exchange of information. During the reporting period, the government conducted a number of awareness raising campaigns designed to educate youth and other vulnerable groups, such as Roma, about the dangers of trafficking. The Ministry of Finance and the National Police collaborated to produce "Preventing Labor Exploitation," an online publication aimed at raising awareness

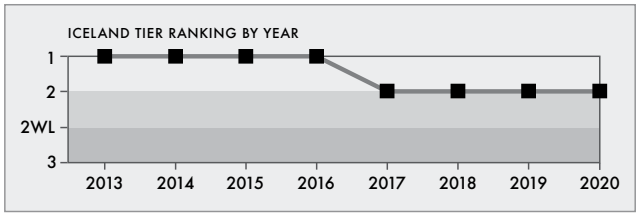
about the dangers of working abroad and informing citizens of their rights and opportunities. In 2019, the government encouraged Ukrainian and other foreign nationals to work in Hungary due to the country's labor shortages; however, the lack of a clear framework and dedicated resources to regulate labor migration exposed foreign nationals to exploitation. The labor authority did not have the competency to inspect labor recruitment agencies or impose fines or punishment on foreign labor exchange agencies that committed trafficking offenses. However, it could assess agencies' compliance with regulations concerning temporary work; it did not report identifying any victims while conducting this type of inspection. The government did not make efforts to reduce the demand for commercial sex acts. The government provided approximately 52.5 million forint ($178,400), compared with 66.8 million forint ($226,990) in 2018 and 2017, for the operation of the NGO-run national crisis telephone service (OKIT), a 24-hour hotline for assisting victims of domestic violence and human trafficking, with Hungarian and English languages available. OKIT provided support to 56 potential victims and referred 16 victims to shelter (18 and 15, respectively, in 2018).

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Hungary, and traffickers exploit victims from Hungary abroad. Vulnerable groups include Hungarians in extreme poverty, undereducated young adults, Roma, single mothers, asylum-seekers, unaccompanied minors, and homeless men. Traffickers exploit Hungarian women, boys, and girls in sex trafficking within the country and abroad, mostly within Europe, with particularly high numbers in Germany, Austria, Switzerland, and the United Kingdom (UK). Traffickers exploit Hungarian men in labor trafficking in agriculture, construction, and factories domestically and abroad, particularly in Belgium, the UK, and the Netherlands. NGOs reported domestic labor trafficking is an increasing concern, particularly in rural areas, among Ukrainians and other third-country nationals who came to Hungary at the encouragement of the Hungarian government to assist with the country's labor shortage. Authorities noted a rise in forced labor in domestic service among homeless individuals, citing 150 cases in a village of 16,000 inhabitants. A large number of Hungarian child sex trafficking victims exploited within the country and abroad come from state-provided childcare institutions and correctional facilities, and traffickers recruit them when they leave these institutions. Hungarian women lured into sham marriages by third-country nationals within Europe are vulnerable to sex trafficking. Trafficking victims from Eastern European countries, as well as asylum-seekers and irregular migrants, some of whom may be or may become trafficking victims, transit Hungary en route to Western Europe. Traffickers exploit some Romani children in forced begging, child sex trafficking involving both girls and boys, and forced petty crime. Seasonal workers are at risk for labor trafficking in the agricultural sector.

ICELAND: TIER 2

The Government of Iceland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Iceland remained on Tier 2. These efforts included referring more investigations for prosecution and allocating significantly more funds to NGOs for victim assistance and for awareness and education campaigns informing foreign workers about their rights in the Icelandic labor market. However, the government did not meet the minimum standards in several key areas. The government did not prosecute or convict any suspected traffickers for the ninth consecutive year. Authorities investigated fewer trafficking cases and identified fewer suspected victims. Additionally, government officials did not adequately screen for trafficking indicators among vulnerable populations.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to prosecute and convict suspected traffickers. • Vigorously investigate and prosecute trafficking cases under the trafficking statute. • Proactively identify trafficking victims and refer them to care facilities for assistance. • Screen all vulnerable individuals for trafficking indicators and stay deportation of potential victims prior to identification and care. • Develop and implement formal victim identification and referral procedures, which clarify division of labor among stakeholders. • Develop a comprehensive data system collecting statistics on victim identification and assistance and investigations, prosecutions, and convictions. • Enhance training for investigating cases and collecting evidence against suspected traffickers. • Increase training for police, prosecutors, judges, and other officials on all aspects of trafficking, particularly on proactive identification of victims among migrant workers, asylum-seekers, and unaccompanied children. • Conduct awareness raising campaigns targeting particularly vulnerable populations and industries.

PROSECUTION

The government maintained weak law enforcement efforts. Article 227a of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 12 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Limitations of a small government administration and lack of clear policy, structure across government institutions, and political attention and resources slowed progress and coordination. Law enforcement reported five investigations (one sex trafficking, four labor trafficking), a decrease from 15 in 2018, 20 in 2017, and 16 in 2016. Two of the five investigations resulted in prosecutions under non-trafficking laws, including smuggling. The government did not report prosecuting or convicting any trafficking cases since 2010, but police referred two cases to prosecutors, an increase from none in 2018. Lengthy investigations and inadequate evidence collection remained a concern. The government reported a lack of expertise on trafficking in law enforcement and a need for training. Experts also underscored the need for consistently educating prosecutors and judges on all aspects of trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. Icelandic authorities collaborated with foreign governments on transnational investigations, including a pan-European case led by Europol involving child trafficking, which resulted in 70 arrests, and a labor trafficking case also led by Europol involving 22 other EU Member States, which led to 323 victims identified and 46 arrests.

The introduction of an action plan to improve the investigation and prosecution of sexual offenses led to additional funding and

an increase of staff within the police and prosecution services. The police added an investigator to the unit for combating trafficking and prostitution and maintained a special email address for tips or inquiries about possible trafficking cases. Additionally, the National Police Commissioner released comprehensive guidelines for police officers on investigating trafficking cases. The police maintained a cyber-crime unit to support the trafficking unit by monitoring the internet for trafficking activity and a unit specializing in major crime and trafficking investigations. The Ministry of Justice (MOJ) allocated 52.5 million krona ($434,750) to the Capital Area Police trafficking unit in 2019. Additionally, the Northern District Iceland Police received funding—33 million krona ($273,270)—to investigate cases concerning foreign nationals, who are the most vulnerable to trafficking. The government also allocated 10.4 million krona ($86,120) to the state prosecutor's office and the Metropolitan Police to develop standard operating procedures, checklists, and best practices for the investigation and prosecution of sexual offenses, including trafficking, and 17.5 million krona ($144,920) to the commissioner's office on a permanent basis to conduct training on organized crime and preventing trafficking, money laundering, and terrorism. The police college curriculum included a legal course and instruction on investigating trafficking cases, and 24 supervisors working in general law enforcement received training on trafficking. The government coordinated a two-day training on trafficking for government employees, police, prosecution authorities, and judges.

PROTECTION

The government maintained victim protection efforts. The MOJ identified seven suspected trafficking victims (five sex trafficking, two labor trafficking), compared with nine in 2018. Government-funded civil society organizations did not identify any potential trafficking victims, compared with nine in 2018 and seven in 2017. However, labor unions and the Red Cross suspected incidents of trafficking, but neither maintained a registry with statistics on trafficking victims. As in previous years, since the government lacked countrywide statistical information on trafficking and anecdotal reports of potential victims varied depending on the source, obtaining data was problematic. The Ministry of Welfare (MOW) reported that no potential male trafficking victims requested assistance, and the women's shelter assisted one potential victim, compared with 25 and none in 2018 and two and four in 2017. The National Police Commissioner issued updated detailed procedures for police to use to identify, contact, and work with possible trafficking victims. As part of the national action plan (NAP), the government, in conjunction with NGOs, continued to develop a national referral mechanism (NRM), including cost assessments, roles, and responsibilities of stakeholders, with the goal to implement it in 2020. Since there was no NRM during the reporting period, police maintained standardized referral procedures that required them to contact welfare services in the municipality and MOW to coordinate victim care and placement. Experts stated these procedures worked effectively in practice but would benefit from a more structured approach on where to refer victims, as implementation was largely ad hoc. Furthermore, experts noted while it was generally difficult to build victims' confidence in and cooperation with authorities, a formal NRM would promote better cooperation between victims and authorities on investigations and, in turn, enhance data collection.

The government allocated 79 million krona ($654,190) to an NGO offering psychological services to individuals in prostitution and trafficking victims, compared with 78 million krona ($645,910) in 2018. The government, in collaboration with several NGOs, maintained a center, Bjarkarhlíð, offering free comprehensive services to abuse victims, including trafficking victims, and allocated 70 million krona ($579,660) in 2019, a significant increase compared with 50 million krona ($414,040) in 2018. During the reporting period, the government adopted an action plan on preventing violence and its consequences, which included action items to combat trafficking and provide services for victims accompanied by six million krona ($49,690) in funding. The action plan also earmarked three million krona ($24,840) for coordinated welfare services, specifically for victims, and designated Bjarkarhlíð as the official provider of safe housing, counseling, health care, and financial support. Lastly, the action plan called for the creation of standardized guidance for all anti-trafficking service providers, as well as allocated 10 million krona ($82,810) in 2019 and 15 million krona ($124,210) annually until 2023 to ensure the implementation of all action items no later than 2022. Additionally, the government continued to fund an NGO-run domestic abuse shelter providing emergency shelter to female trafficking victims and their children; the government allocated 94 million krona ($778,400) to the shelter, an increase compared with 77.4 million krona ($640,940) for 2018. As part of its Coronavirus-stimulus package, in March 2020, the government donated 100 million krona ($828,090) to expedite construction of the shelter. The shelter maintained a team of specialists to manage cases involving possible trafficking victims. Victims had access to free legal, medical, psychological, and financial assistance, whether or not they stayed at the shelter or cooperated with authorities. Municipal and national child protection services were responsible for assisting unaccompanied children, including child trafficking victims. Observers noted shortcomings in the assistance process for unaccompanied minors, noting that the Directorate of Immigration placed such children in an unsupervised reception center with no child protection staff and only one security guard. There were no accommodations available for male victims, though they could access general municipal social services and receive referrals to NGOs providing food, shelter, legal advice, and health care. Municipal social service agencies provided services and financial assistance to trafficking victims, and the MOW reimbursed the municipalities for all associated expenses. Victims could file civil suits against traffickers, but no victims did so during the reporting period. Foreign trafficking victims could obtain either a nine-month residence permit or a one-year renewable residence permit, which was available to victims who cooperated with law enforcement or who faced retribution or hardship in their home countries. The government issued one nine-month temporary residence permit in 2019, compared with none in 2018 or 2017. Despite the directorates of immigration and labor developing formal procedures for identifying potential trafficking victims when processing applications for residence and work permits, observers suspected possible trafficking victims were at times subject to deportation without full screening for trafficking indicators, especially Nigerian and Ghanaian women exploited abroad who applied for asylum in Iceland. Observers also raised concerns that immigration policies prioritized following deportation procedures over identification. In 2019, the Directorate of Immigration appointed a team to develop enhanced registration guidelines, reporting mechanisms, and data collection on trafficking information within its agency.

PREVENTION

The government increased prevention efforts. In 2019, the government adopted and implemented its NAP, which included proposed revisions to legislation, regulations, and administrative directives and action items focused on bolstering public awareness, education, and institutional knowledge. Three task forces, each assigned with developing specific policy proposals to implement the NAP, comprised the MOJ-led national steering group, which coordinated interagency anti-trafficking efforts. The government allocated five million krona ($41,400) for awareness and education campaigns, informing foreign workers about their rights in the Icelandic labor market. Experts noted the need for

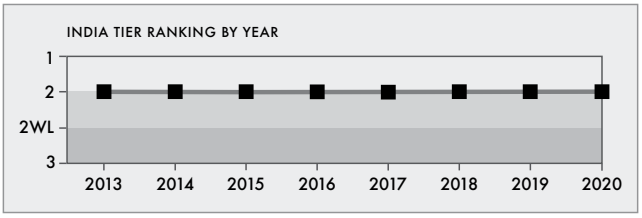
more awareness campaigns directed at the public and greater outreach to potential trafficking victims. The Directorate of Labor maintained a three-person team to respond to suspected trafficking cases and educate government employees on trafficking and identifying potential victims. Labor union officials reported the government did not effectively address labor trafficking and, in some cases, deported potential victims who failed to produce identification or work permits without proper screening for signs of trafficking. Additionally, labor unions cited a general lack of knowledge and understanding of trafficking issues among government officials and called for improved training of police. The government made efforts to reduce the demand for commercial sex acts. In July, authorities arrested 48 individuals in connection with purchasing commercial sex. In an effort to stem traffickers from obtaining temporary national identification numbers through financial institutions, parliament passed legislation designating a sole authority responsible for the issuance of national identification numbers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iceland, and to a lesser extent, traffickers exploit victims from Iceland abroad. Traffickers exploit women from Africa, Eastern Europe, the Baltics, and South America in sex trafficking. Traffickers exploit men and women from the Baltics, Eastern Europe, and Asia in forced labor in the construction, tourism, and restaurant industries, as well as car washes and laundromats. Reports indicate asylum-seekers and foreign students in Iceland are especially vulnerable to trafficking. Foreign "posted workers" are at particular risk of forced labor as the traffickers pay them in their home countries and contract them to work for up to 183 days in Iceland to avoid taxes and union fees, limiting tax authorities' and union officials' ability to monitor their work conditions and pay. Traffickers reportedly exploit the visa-free regime in the Schengen Zone and the European Economic Area to bring victims to Iceland for up to three months and move them out of the country before they must register with local authorities.

INDIA: TIER 2

The Government of India does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore India remained on Tier 2. These efforts included convicting traffickers and completing a high-profile investigation into a case that involved officials complicit in trafficking at a government-funded shelter home in Bihar, convicting 19 individuals in the case, including three state officials; an influential former legislator was among the 12 that received life sentences. The government also filed "First Information Reports" (FIRs) against other government-funded shelter homes in Bihar that allegedly abused residents, including trafficking victims. For the first time, the Madras High Court reversed an acquittal in a bonded labor case. The central government added investigation of inter-state and transnational trafficking cases to the mandate of the National Investigation Agency (NIA), the country's premier investigative body, which began investigating inter-state trafficking. The government continued to work on its draft anti-trafficking bill and committed to devoting funding to expand its police anti-human trafficking units (AHTUs) to all 732 districts. However, the government did not meet the minimum standards in several key areas. The government did not make serious or sustained efforts to address its consistently large trafficking problem. Overall anti-trafficking efforts, especially against bonded labor, remained inadequate. The government decreased investigations, prosecutions, and case convictions of traffickers, and the acquittal rate for traffickers increased to 83 percent. Law enforcement decreased victim identification efforts, and the government reported it had only identified approximately 313,000 bonded laborers since 1976—less than four percent of NGOs' estimates of at least eight million trafficking victims in India, the majority of which are bonded laborers. NGOs estimated police did not file FIRs in at least half of reported bonded labor cases, and inconsistent with NGO reports, 17 of 36 states and territories did not identify any bonded labor victims in 2017 or 2018. Authorities did not proactively identify bonded labor victims and, according to three NGOs across 10 states, only provided mandatory release certificates to 43 percent of victims NGOs identified and mandatory compensation to 26 percent. Although several laws gave judges the authority to provide trafficking victims compensation, state and district legal offices did not regularly request it or assist victims in filing applications, and less than one percent of trafficking victims identified from 2010 to 2018 received compensation. The government forcibly detained adult trafficking victims in shelters for multiple years until they had a magistrate's order for release. Authorities penalized some adult and child trafficking victims for crimes their traffickers compelled them to commit. Often, official complicity in trafficking was unaddressed. NGOs nationwide reported officials protected from prosecution local and state politicians who forced workers into bonded labor, and activists reported authorities did not investigate all high-level officials who may have been involved in the Bihar case, including those whom victims had identified as their sex traffickers.



PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of all forms of trafficking, including bonded labor. • Vigorously investigate allegations of official complicity in human trafficking and sentence perpetrators to significant prison terms. • Criminally investigate all reports of bonded labor. • Develop and immediately implement regular monitoring mechanisms of shelters to ensure adequate care, and promptly disburse funding to shelters that meet official standards for care. • Improve clarity on central and state government mandates for and implementation of protection programs and compensation schemes for trafficking victims to ensure states provide release certificates, compensation, and non-cash benefits to all victims immediately. • Urge prosecutors to routinely request and judges to award, as appropriate, trafficking victim compensation, and urge legal aid offices to routinely inform trafficking victims of available compensation mechanisms. • Encourage state and territory compliance with the Supreme Court's recommendation to audit all government-run and -funded shelter homes. • Cease inappropriate penalization of trafficking victims. • De-link provision of the 2016 bonded labor scheme's overall victim compensation from conviction of the trafficker. • Cease forcible detention of adult trafficking victims in government-run and -funded shelters. • Provide clear mandates, dedicated funding, and training to existing AHTUs, and establish new AHTUs with these same resources. • Continue to disseminate and implement standard operating procedures (SOPs) for victim identification and referral, and train officials on their use. • Amend the definition of trafficking in Section 370 of the Penal Code to include labor trafficking and ensure that force, fraud, or coercion are not required to prove a child sex

trafficking offense. • Eliminate all recruitment fees charged to workers. • Increase oversight of, and protections for, workers in the informal sector, including home-based workers. • Lift bans on female migration through agreements with destination countries that protect Indian workers from human trafficking. • Develop a national action plan to combat trafficking. • Provide rehabilitation services for child soldiers associated with non-state armed groups. • Provide anti-trafficking training for diplomatic personnel.

PROSECUTION

The government decreased anti-trafficking law enforcement efforts, and efforts remained inadequate compared to the scale of the problem, although it convicted three complicit officials in one high-profile case. Indian law criminalized sex trafficking and some forms of labor trafficking. Section 370 of the Indian Penal Code (IPC) criminalized trafficking offenses that involved exploitation that included any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, and servitude. The law did not explicitly address labor trafficking. Section 370 prescribed penalties ranging from seven to 10 years' imprisonment and a fine for offenses involving an adult victim, and 10 years' to life imprisonment and a fine for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Inconsistent with international law, Section 370 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore it did not criminalize all forms of child sex trafficking. However, Sections 372 and 373 of the IPC criminalized the exploitation of children through prostitution without requiring a demonstration of such means, thereby addressing this gap. These sections prescribed penalties of up to 10 years' imprisonment and a fine, which were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as kidnapping. Bonded labor was specifically criminalized in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Bonded Labor System (Abolition) Act (BLSA), which prescribed penalties of up to five years' imprisonment and up to three years' imprisonment, respectively. The penalties prescribed under the BLSA were not sufficiently stringent. Police continued to file trafficking cases under the Juvenile Justice Act and other sections of the IPC, which criminalized many forms of forced labor; however, these provisions were unevenly enforced, and some of their prescribed penalties were not sufficiently stringent, allowing for only fines or short prison sentences. Additionally, the government prosecuted sex trafficking crimes under other laws like the Protection of Children From Sexual Offenses Act (POCSO) and the Immoral Traffic Prevention Act (ITPA), which criminalized various offenses relating to commercial sexual exploitation. The recruitment of children younger than age 18 by non-state armed groups was not criminally prohibited. A draft anti-trafficking bill that passed the lower house of Parliament in 2018 was revised and under ministerial review at the close of the reporting period.

During the reporting period, the National Crime and Records Bureau (NCRB) issued its 2017 and 2018 Crime in India Reports, which used a different methodology than previous years. In 2018, the government reported 1,830 trafficking cases under the IPC, a continued decrease from 2,854 cases trafficking cases reported in 2017 and 5,217 cases in 2016. It was unclear which sections of the IPC this data included. In 2018, the government completed prosecution in 545 trafficking cases, convicted 322 traffickers in 95 cases, and acquitted 1,124 suspects in 450 cases. The acquittal rate for trafficking cases increased to 83 percent in 2018. These statistics were compared to the government completing prosecution in 670 cases, convicting 249 traffickers in 165 cases, and acquitting 1,155 suspects in 505 cases in 2017, with 76 percent of cases resulting in acquittal. This marks a 29 percent increase in the number of individuals convicted, but a 42 percent decrease in the number of case convictions. Three of India's 36 states and territories reported 43 percent of all trafficking cases, most likely due to more sophisticated reporting rather than larger trafficking problems. Five states and territories –Nagaland, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, and Lakshadweep—did not report any trafficking cases in either 2017 or 2018. Assam and Jharkhand states only submitted data for the 2017 report. On average, trafficking cases under the IPC commenced trial 5.9 years after they were first reported.

Overall law enforcement efforts across the country, especially against bonded labor, remained inadequate compared to the scale of the problem. The law required police to file an FIR upon receipt of information about the commission of a cognizable offense, such as forced labor or sex trafficking, which legally bound police to initiate a criminal investigation. Police did not always arrest suspected traffickers or file FIRs to officially register a complaint, and officials settled many other cases at the complaint stage. In the Delhi capital region, while the Delhi Commission for Women (DCW) identified multiple cases of child sex trafficking in unregistered spas during the reporting period, in some cases police reportedly did not file FIRs following arrests. In one case, the DCW summoned local police to explain its delay to file a FIR against the suspects. West Bengal, Jharkhand, and Assam state authorities allegedly ordered police to register trafficking cases as kidnapping or missing persons to reduce the number of trafficking cases in official statistics. Government data demonstrated that court delays and lack of prioritization of trafficking have left 93 percent of trafficking cases pending trial in West Bengal and Andhra Pradesh, meaning that to date these states have convicted fewer than one percent of suspects (three out of 429) charged with human trafficking between 2008 and 2018. The conviction rate for trials that had taken place in those two states was 54 percent. Telangana state similarly reported a conviction rate of approximately 2 percent for all alleged traffickers, including pending cases. In two notable cases in West Bengal and Rajasthan, judiciaries convicted four traffickers and sentenced them with sufficiently stringent sentences.

The lack of sufficient political will across many states to address bonded labor stymied efforts nationwide. NGOs estimated police did not file FIRs in at least half of bonded labor cases nationally, especially in Bihar and Rajasthan state. NGOs stated police, at times, allegedly did not file cases to shield traffickers. In 2018, law enforcement reported 778 cases of bonded labor under the BLSA, an increase from 463 cases in 2017. However, previous NCRB data only included BLSA cases in which police filed FIRs and commenced criminal investigations, and in 2018, it began including in the BLSA statistics cases that district and labor officials handled administratively, including through summary trials. In 2018, officials convicted 331 persons in 198 cases under the BLSA and acquitted 189 persons in 142 cases. These statistics were compared to 2017, when the data only included criminal cases under the BLSA and officials convicted 16 persons in eight cases and acquitted or discharged 76 people in 52 cases. Because the majority of "convictions" in 2018 were administrative decisions, traffickers received inadequate sentences of fines, and authorities did not criminally investigate human trafficking offenses. On average, cases under the BLSA commenced trial approximately 4.9 years after first reported. Seventeen of India's 36 states and territories reported not identifying any bonded labor victims or filing any cases under the BLSA in either 2017 or 2018, despite NGO and media reports of bonded labor victims identified in some of those states. Uttar Pradesh accounted for 84 percent of all cases under the BLSA, but the evidence did not suggest it had a disproportionately large problem, which called into question other states' efforts to address bonded labor. In Uttar Pradesh and Gujarat states, some officials registered bonded labor cases

as minimum wage violations and did not file FIRs for criminal investigation. Some district magistrates dissuaded bonded labor victims from pursuing cases against their traffickers and mediated cases in lieu of criminal prosecution. In Rajasthan state in 2019, authorities identified and released 77 child bonded laborers in 59 cases but only filed one FIR. While Telangana authorities identified more than 2,499 bonded labor victims through its annual child labor identification drive and levied fines against 431 offenders totaling 1.87 million Indian rupee (INR) ($26,340), it only registered criminal cases against seven suspects. Fines were insufficient to deter violations. In Karnataka state, for the first time since the BLSA's passage in 1976, the Madras High Court convicted a trafficker and imposed the BLSA's maximum three-year sentence of imprisonment; he had kept nine workers in slavery for five years. Significantly, this was the first time an acquittal by a lower court was overturned by an appellate court in a BLSA case.

AHTUs, created by the Ministry of Home Affairs (MHA) but maintained by state governments, served as the primary investigative force for human trafficking crimes. At the end of the reporting period, the government announced it would use $14 million in funding from its Nirbhaya Fund (established in 2013 to protect the dignity and safety of women) to expand AHTUs from 332 districts to all of India's 732 districts and provide additional training and resources to existing AHTUs. State governments and civil society nationwide agreed the majority of the 332 AHTUs currently active were not sufficiently funded or trained, nor solely dedicated to trafficking. Most states failed to adequately resource and prioritize AHTUs. As a result, AHTUs spent their time and resources on other crimes. This included reports of missing persons, which could lead to identification of trafficking victims. Despite these shortcomings, some NGOs reported good working relationships and effective coordination with local AHTU units. State police's Criminal Investigation Divisions also investigated human trafficking. Moreover, the government gave the NIA the mandate for inter-state and transnational trafficking cases and began investigating cases in Hyderabad, West Bengal, Jharkhand, and Bangladesh during the reporting period, disrupting several interstate and cross-border tracking rings and making interceptions and arrests. States were empowered to dedicate courts to hearing cases under the POCSO Act, including child sex trafficking. As of April 2019, the country had 664 POCSO courts. In some states, however, authorities reported the judges and prosecutors at POCSO courts had no training or expertise in POCSO crimes. Law enforcement generally did not prioritize trafficking cases over murder or drug crimes, which increased the length of trials and in some cases led to acquittals. In the past, unofficial village caste councils have reportedly pressured lower caste female sex trafficking victims not to pursue criminal cases, although no incidents were cited during the reporting period. NGOs reported all police and judicial academies had human trafficking in their course curriculum. The Madhya Pradesh police academy signed an MOU with an NGO that allowed the NGO to train 1,900 police, prosecutors, and judicial officers on human trafficking during the reporting period.

The government took action to address official complicity in some cases, including three officials in the high profile Bihar shelter home case. In Maharashtra state, a magistrate re-opened an investigation from 2004 into a senior police inspector who removed child sex trafficking victims from a shelter home and sent them back to the brothel that had exploited them. Police charged with rape and sex trafficking offenses four police officers who allegedly exploited a girl in sex trafficking. In additional cases, police arrested two officers as clients of sex trafficking victims and one police officer who facilitated selling a woman into forced labor. Police in Bangalore arrested two immigration officials and two police constables for facilitating the trafficking of Nepalese women to the Middle East via the city airport. However, government action into allegations of official complicity were lacking in other cases. The Puducherry judiciary acquitted 18 suspected traffickers in April 2019, including eight police officers, accused of running a child sex trafficking ring. Civil society reported the government delayed the investigation and prosecution for several years; did not name all suspected traffickers on the charge sheet to shield higher-level perpetrators; and granted bail, pending trial, to the officers, who successfully intimidated the witnesses to sabotage their testimonies. Tamil Nadu state authorities admitted some local politicians benefitted from child sex trafficking and forced begging rings with impunity. Police filed fraudulent criminal charges against DCW to impede the organization's anti-trafficking efforts. State-owned tea estates in Assam state held workers in bonded labor by creating recurring debt by underpaying wages and overcharging for daily living expenses such that 37 percent of workers had daily expenditures that exceeded their daily income.

A lack of accountability for misconduct and corruption continued at various levels of government, contributing to the perception of widespread impunity for trafficking crimes. Some police and administration officials maintained the view that society had the right to put lower caste individuals in bonded and child labor, which sometimes impeded identification and investigation of such cases. NGOs across multiple states reported politically connected individuals, including local and state politicians who held workers in bonded labor in agriculture and on brick kilns, successfully avoided prosecution. Civil society reported a number of instances in which police refused to register FIRs against officials who were alleged perpetrators. Some law enforcement reportedly received bribes from sex trafficking establishments and sexual services from victims in exchange for alerting the traffickers of forthcoming raids. Law enforcement did not report updates from the previous reporting period on the investigation of a sex trafficking ring that allegedly involved a Bengaluru official or if it had initiated an investigation into senior police officers in Kerala state who reportedly forced junior officers into labor.

The government took positive action against sex trafficking and abuse in some Bihar state shelters. A 2018 report commissioned by the Bihar state government noted abuse "varying in forms and degrees of intensity" was reported to be prevalent in almost all 110 government-funded women and childcare institutions surveyed, and the report noted "grave concerns" in 17 institutions that required immediate attention. The government conducted one high-profile investigation of abuse at one shelter home in Bihar, resulting in the conviction of 19 individuals, 12 of whom were sentenced to life in prison for sexual assault for the sex trafficking of more than 44 girl residents at a government-funded shelter. Among those convicted were three state officials, including the chairperson of the Child Welfare Committee (CWC), and a former legislator. The Indian Supreme Court ordered the case to be transferred to a POCSO court in Delhi to ensure accountability, and one NGO which monitored this case closely noted the political will from the central and Bihar state government to pursue the case. Despite the notable convictions, some activists and NGOs underscored inconsistencies in the investigation and prosecution and questioned the political will to hold all perpetrators accountable. There were reports the Central Bureau of Investigation (CBI) did not investigate high-level officials allegedly involved, including politicians whom victims had identified as sex traffickers and provided physical descriptions for, and social service officials who victims stated they had repeatedly notified of the ongoing sex trafficking to no avail. The CBI claimed to have recovered and identified all the individuals alleged to be missing in the first days of its investigation, although NGOs claim it disregarded human remains discovered on the shelter premises and victim statements that shelter authorities had murdered 11 child sex trafficking victims. Following the recommendations of

the NGO that discovered the abuse, the CBI also recommended the Bihar state government take administrative action against 70 central and Bihar state government officials responsible for management and oversight of the home, although the local government did not report such action. The CBI completed investigations into the other 16 most abusive shelters and filed charges in 12 additional cases. The CBI filed an additional 19 FIRs against some of the 94 other Bihar state-funded shelter homes in which the audit had noted abuse, including for charges such as "causing death by negligence."

Despite this action in Bihar, the lack of investigations into suspected trafficking crimes and broader physical and sexual abuse of trafficking victims at government-run and -funded shelters in other states due to widespread negligence created an atmosphere of impunity for shelter employees and government officials to engage in trafficking. In Andhra Pradesh state, district child welfare officials discovered two government-funded Child Care Institutions (CCIs) run by the same organization forced some residents into labor and commercial sex, including adults, children, and persons with mental disabilities. After repeated recommendations to close the home, officials did so but dropped the criminal investigation because police did not file the charge sheet within the required timeframe. The CBI did not report an update on its investigation of a government-funded shelter home in Uttar Pradesh state that allegedly drugged 23 child residents and forced them into sex trafficking or a related administrative investigation of two police superintendents that had sent more than 405 children to the shelter in violation of the district government's orders. In 2018, the Supreme Court encouraged the National Commission for Women and state-level institutions to audit the status of their state shelter homes, including homes that care for adult and child trafficking victims. Andhra Pradesh, Chhattisgarh, and Telangana states and the Delhi regional government hired independent audits of their shelters, and Jharkhand and Odisha states allowed international donors to fund independent audits. The Delhi audit, finalized in October 2019, reported "grievous sexual and physical abuse" in at least 14 shelters. In response, the Delhi government quickly removed children from one abusive home and filed an FIR against the owners. Delhi authorities reported no other cases of criminal negligence and did not report initiating criminal investigations into any other shelters. Similarly, while the Odisha and Jharkhand audits documented abuse in shelters that cared for trafficking victims, neither state reported initiating criminal investigations. None of the other 29 states reported conducting, funding, or approving independent audits in response to the directive.

PROTECTION

The government decreased overall victim identification and protection efforts, and identification and protection for bonded laborers remained inadequate. During the reporting period, the NCRB released its 2017 and 2018 Crime in India Reports, which used a different methodology than previous years. In 2018, the government reported identifying 3,946 trafficking victims and 1,625 potential trafficking victims. While Assam and Jharkhand states did not submit data for the 2018 report, this was still a decrease from 2017, when authorities identified 4,137 trafficking victims and 2,137 potential victims. This was a decrease from the 22,955 victims the government reported identifying in 2016, although NGOs surmised methodological differences in data collection could have accounted for part of the decrease. In 2018, authorities identified 2,093 victims in labor trafficking, including 1,014 in bonded labor, and 1,853 in sex trafficking; the government did not report the type of trafficking of the 1,625 potential victims identified. Ninety-five percent of trafficking victims identified were Indian, approximately 55 percent were adults, and 61 percent were female. Despite NGOs' consistent estimates of millions of Indians in bonded labor, the Ministry of Labor and Employment reported to Parliament in 2019 that the government had only identified and released 313,687 since 1976. Moreover, due to a lack of law enforcement efforts against traffickers, one NGO working in 10 states reported employers trapped more than 60 percent of released victims in bonded labor again. Karnataka and Tamil Nadu states, where some authorities may have engaged more actively against bonded labor, identified 42 percent of all bonded labor victims. The MHA created standard procedures for trafficking victim identification in 2009, but it was unclear how many states had adopted them. State revenue officers had the responsibility for identifying bonded labor victims, yet NGOs identified most cases. Poor inter-state coordination between state government agencies impeded trafficking investigations and victims' ability to obtain services, including participation in civil and criminal cases in their home states. The Ministry of Women and Child Development (MWCD) continued to support some broad national child protection mechanisms, including a hotline for children, a system to identify missing children, and rescues of missing children.

The government did not report how many trafficking victims it assisted or referred to care. The government had shelter and services for child and adult female trafficking victims, although the quality, consistency, and availability varied. Police referred all adult and child trafficking victims, except bonded labor victims, to state judiciaries and CWCs to determine appropriate care. CWCs generally returned child trafficking victims to their parents, some of whom had subjected their children to trafficking. When CWCs did refer child trafficking victims to care, it placed them in privately run shelters, government-run juvenile justice homes (some of which housed child victims with children accused of crimes), or government-run women and children's homes, some of which allowed routine abuse. While judges could reportedly refer bonded labor victims to care, there were no reports officials did so in practice. Judges could require all adult trafficking victims identified under the ITPA stay in government- or NGO-run shelters for up to three weeks, and victims who were part of an ongoing legal case as a witness or victim could not leave shelters without a magistrate's order. The government did not run or fund shelters that could accommodate adult males.

Government-run and -funded shelters remained insufficient, facing serious shortages of space, financial resources, and trained personnel. NGOs relied primarily on donor contributions, although some received government funds. The disbursal of government funding to NGOs was sometimes delayed for multiple years. MWCD continued to provide state governments with funding for NGO- and government-run shelter and rehabilitation through the *Ujjawala* program for female sex trafficking victims (operating 134 shelters, compared with 148 in 2018) and the *Swadhar Greh* program for women in difficult circumstances (operating 413 shelters, compared to 514 in 2018). The central government allocated 144 million INR ($2.03 million) to the *Swadhar Greh* program in the first five months of 2019-2020, compared to (226 million INR ($3.18 million) allocated to the program in 2018-2019. States had not utilized any of the funding as of July 2019, compared to 15.9 million INR ($223,940) utilized in 2018-2019. MWCD ran One-Stop Centers (OSCs) for female victims of all crimes, including sex trafficking. During the reporting period, the government allocated $44 million to improve access to OSCs and establish an additional 728 centers. It did not report if the 506 centers that were operational during the reporting period assisted any trafficking victims, and some NGOs previously reported the centers were ineffective and difficult to access.

Media, NGOs, and authorities continued to document a persistent lack of oversight and negligence in government-run, government-funded, and privately run shelters that sometimes resulted in abuse and trafficking of residents. In several cases,

such homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Nearly 380,000 children resided in more than 9,500 CCIs nationwide, and the government took some steps to document and begin increased oversight of these shelters during the reporting period. The National Commission for the Protection of Child Rights completed its mapping of India's approximately 9,500 CCIs and reported one-third lacked registration and therefore operated with little or no oversight. Moreover, it reported CCIs subjected the majority of child residents, including trafficking victims, to corporal punishment, substandard food, and inadequate medical and legal assistance, and that they did not provide education or skills training. In response to this audit, the government closed 539 CCIs between 2018 and 2019 and registered others but did not report whether it filed any criminal charges against the owners and where it referred the residents. In February 2020 the Minister of Women and Child Development directed senior state officials to inspect all CCIs and implement the required monitoring and evaluation, including regular review of abuse complaints. CWCs were designed to routinely monitor victim shelters and provide updates on victims' cases, although their efficacy varied across states. Ujjwala and *Swadhar Greh* homes had similar levels of non-registration. Due to a reported loophole in the law, if the government did not act on a shelter's application in a prescribed timeframe, the organization automatically gained licensure. Whenever a license application is accepted the home must go through several inspections, but it was unclear whether authorities conducted these inspections in practice. Allegedly, some corrupt officials purposely missed the licensing deadline to allow inadequate but politically connected organizations to gain licensing. In the states that allowed audits of Ujjwala and *Swadhar Greh* homes, the audits documented that many homes violated minimum hygiene and safety standards, did not provide psycho-social support or educational opportunities, and operated without proper registration. Moreover, in some instances the shelters functioned as hostels and charged non-victim residents for accommodation. In Odisha, only three or four of the approximately 73 *Swadhar Greh* and Ujjwala homes actually housed the women the programs targeted, such as trafficking victims. Many Odisha shelters that provided livelihood training for residents used it exclusively to generate revenue for the organization. Ninety-one percent of Ujjwala and *Swadhar Greh* homes in Odisha state and 56 percent of shelter homes in the Delhi capital region did not have proper registration. Due to unsafe conditions and abuse by caretakers, authorities reported multiple cases in which residents, including children, ran away from these shelters during the reporting period. While some NGOs in Andhra Pradesh, Jharkhand, and Telangana states offered assistance in developing SOPs for shelter monitoring and management, state governments did not prioritize these initiatives; some high-level central government officials, however, supported such SOPs. MWCD did not report an update on its drafting of a child protection policy to prevent abuse in government-run and -funded shelter homes the Supreme Court had ordered it to create in September 2018. The National Human Rights Commission (NHRC) implemented its SOP for identifying and responding to bonded labor cases.

Four states had child-friendly courtrooms or procedures, including some that allowed victims to testify via video conference, which improved victim participation in cases. In other cases, inadequate implementation of victim protection measures and legal assistance enshrined in law, including witness protection, led victims to refuse to participate in trials. Moreover, NGOs reported that judges closed many cases because the government did not provide adequate financial assistance to enable victims to participate in trials. While victims could obtain restitution from their traffickers in criminal cases, courts rarely awarded it. Judges could order compensation to trafficking victims through a variety of government schemes, usually funded by the central government and administered at the state level, but rarely did so. NGO analysis of government crime data showed that among 38,503 trafficking victims identified between 2010 and 2018, judges only proactively awarded compensation to 102 (less than 1 percent). In addition, state and district legal offices did not regularly inform trafficking victims that they were eligible to receive compensation. As a result, NGO analysis of the same government crime data showed that among 38,503 trafficking victims identified between 2010 and 2018, only 107 victims applied for compensation (less than 1 percent). For example, between West Bengal state's creation of a trafficking victim compensation scheme in 2012 and August 2019, it only awarded compensation to three trafficking survivors, including in one case in September 2019 awarding a victim 603,500 INR ($8,500). Some states, including as allowed in the central government's 2016 bonded labor scheme, controlled how victims could use this compensation, such as requiring them to put it into annuity schemes. During the reporting period, the Calcutta High Court ruled against West Bengal's policy that limited victims to small, monthly withdrawals over 10 years.

The central government funded a program through which district officials identified bonded labor victims and provided them with "release certificates" that provided access to non-monetary assistance and, upon conviction of their trafficker, to compensation. In 2016, the government amended the program to include female sex trafficking and child forced labor victims as recipients and mandated local district authorities to provide victims immediate monetary assistance up to 20,000 INR ($280), regardless of the status of the related court case. The release of the overall compensation amounts (between 100,000 INR ($1,410) and 300,000 INR ($4,230) based on the victim's demographics) remained contingent upon conviction of the trafficker or conclusion of magistrate processes, which could take several years. The government did not adequately implement any stage of this program, and when states did implement the program, it was often due to sustained NGO advocacy. Some states had SOPs to address bonded labor cases. The Delhi government formulated an SOP to rescue bonded labor victims. Tamil Nadu issued an SOP as a step towards eradicating bonded labor in the state by 2021. The government did not report whether any other states had bonded labor SOPs.

The government did not report how many release certificates it provided during the reporting period, compared to approximately 2,300 provided between March 2018 and March 2019. The disbursal of mandatory release certificates varied greatly between states, but in many states officials did not issue release certificates without significant advocacy from high profile NGOs, which could take multiple years. Several NGOs reported that for the more than 3,000 release certificate applications they filed between them with the Bihar, Delhi, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Rajasthan, Telangana, and Uttar Pradesh state governments from 2018 to 2019, the governments only provided mandatory release certificates in 43 percent of cases and mandatory interim compensation in 26 percent. In Rajasthan state, human rights lawyers reported that as of July 2019, the child bonded laborers identified and removed from exploitation in 3,600 of 6,000 cases from 2012-2019 had not received release certificates by July 2019. In Bihar, Haryana, and Telangana states, more than 70 bonded labor victims identified during the reporting period did not receive release certificates, despite persistent advocacy. In Tamil Nadu, by contrast, some NGOs reported great success collaborating with the government and securing release certificates, although some smaller NGOs had less success. In Karnataka, some NGOs only secured certificates from the government in approximately 14 percent of cases. In two notable cases, Telangana state officials provided 67 release certificates to children removed from bonded labor in a bangle factory, and Odisha and Karnataka states provided release certificates

to 211 bonded laborers removed from a brick kiln. Some NGOs noted Uttar Pradesh state improved provision of the interim compensation to bonded labor victims. Authorities continued to misidentify bonded labor or treat it as labor exploitation, child labor, or minimum wage violations and not provide victims the mandatory 20,000 INR ($280) owed upon identification. Some police were unaware these protections applied to trafficking victims whom traffickers had trapped with force or other forms of coercion. For example, Gujarat state officials denied release certificates and compensation to nearly 100 trafficking victims because the employer had used physical force instead of debt to compel them to work. Arunachal Pradesh authorities refused to recognize or provide mandatory release certifications and compensation to bonded laborers identified by NGOs because it claimed it had eradicated bonded labor in 1998. The central government reported it had adequate funding to provide initial compensation to all identified bonded laborers, and the 2016 scheme required each state to have a permanent fund with at least one million INR ($14,080) at all times for district magistrates to use exclusively for bonded labor victims. However, Bihar claims the central government has not reimbursed them for prior bonded labor compensation and many states did not have the established fund, which delayed compensation. NHRC could and did order law enforcement and district officials to provide release certificates to bonded labor victims. While NHRC was often effective in securing release certificates when NGOs or bonded labor victims requested its assistance, it required significant time and persistent follow-up from NGOs. Although the NHRC could issue orders to state and local officials to provide release certificates to individuals, there was no penalty for noncompliance.

Due to a lack of proactive victim identification, the widespread tendency to handle bonded labor cases administratively in lieu of criminal prosecution, and stalled bonded labor prosecutions, authorities recognized full compensation remained extremely difficult. In Telangana state, the government did not provide full compensation to any of 1,174 bonded labor victims removed from exploitation from 2012-2019 because it did not convict any traffickers under the BLSA. In April 2019, an Indian high court awarded full compensation to one bonded labor victim upon conviction of her trafficker—the only provision of full compensation since the fund's 2016 amendment. While the 2016 scheme also required states to provide non-cash benefits, including employable skills training, provision of such services remained weak or nonexistent.

Foreign victims had the same access to shelter and services as Indian nationals. Government policy on foreign victims dictated their return to their country of origin at the earliest possible time. Authorities detained foreign sex trafficking victims in shelters until deportation, and both repatriation of foreign victims seeking to return home and deportation of victims could take years due to bureaucratic constraints. Some officials refused to repatriate victims until they had provided testimony in prosecutions against their traffickers. The government reviewed its 2015 memorandum of understanding with the Government of Bangladesh on identification and repatriation of Bangladeshi trafficking victims. The lengthy and complex approval system forced some Bangladeshi victims to languish in Indian shelters for six years before repatriation. The government provided some funding to NGOs to repatriate child trafficking victims but did not offer financial assistance for repatriation of adults. Some embassies facilitated repatriation of Indian trafficking victims. Six Indian embassies abroad, primarily in the Gulf, had shelters that could temporarily house female migrant workers with serious indicators of forced labor. Suspected trafficking victims in the two embassy shelters in Oman reported the shelters did not provide adequate food and basic amenities or allow the victims to contact family. Reportedly, Andhra Pradesh, Odisha, and Telangana coordinated with India's foreign missions in South Asian and Middle Eastern countries to repatriate some trafficking victims during the reporting period.

Authorities did not have procedures to screen for trafficking among vulnerable populations and arrested, fined, penalized, and deported some adult and child trafficking victims for crimes their traffickers compelled them to commit. Penalization of trafficking victims was not systematic, but penalization most often occurred against sex trafficking victims for immigration violations and prostitution offenses. The government required Indians who received a visa from a foreign government indicating the person was a trafficking victim in the foreign country or was a family member of a victim to provide documentation of the trafficking experience in order to renew their passports or travel. In 2016 and 2017, the government stamped the passports of some recipients of the foreign government's visas, for both trafficking victims and their eligible family members, identifying them as trafficking victims involved in a particular investigation or civil or criminal case. While the stamp requested authorities permit the visa holder to travel without hindrance, some NGOs familiar with this practice noted it made some victims fearful of reprisal and penalization and served as a deterrent to victims interacting with authorities. Some victims previously cited lengthy delays, requests from the government for private or otherwise sensitive information, and inconsistent application of the policy when attempting to renew their passports.

PREVENTION

The government maintained inadequate efforts to prevent human trafficking. The government's inter-ministerial committee, chaired by MWCD, did not report meeting during the reporting period. The government did not have a national action plan to combat trafficking. Anti-trafficking preventative measures varied widely by state. Some state governments conducted anti-trafficking awareness campaigns, although NGOs reported local officials, migrant workers, and agricultural workers often still lacked awareness of human trafficking and their legal rights. While the government released two years' worth of anti-trafficking law enforcement data, two NGOs reported the government blocked them from publishing assessments of human trafficking in India. The Ministry of Railways maintained 84 child help desks at stations to support unaccompanied children who were vulnerable to traffickers.

The government registered foreign recruitment agencies and Indian migrant workers through the eMigrate system. The government required migrant workers going to 16 specific countries to receive emigration clearance before departure; it did not allow emigration to Iraq. The government maintained its ban on females younger than age 30 from working in 17 countries, mostly Gulf states. The UN and civil society argued any ban on migration increased the likelihood of illegal migration and heightened vulnerability to traffickers. Six Indian embassies in Gulf States received more than 15,000 claims of labor violations in 2019 but did not report if they identified any trafficking victims or civilly or criminally investigated the reports. The Ministry of External Affairs (MEA) operated five national centers and a 24/7 helpline to provide counseling and other resources to those considering migrant work. MEA's Indian Community Welfare Fund, accessible to all Indian missions abroad and funded primarily via overseas consular fees, offered shelter, legal assistance, and repatriation for migrant workers in distress, as well as awareness measures and hotlines. MEA has not reported on the level of utilization of this fund in several years. The government permitted licensed foreign employment recruiters to charge migrant workers up to 20,000 INR ($280) for recruitment fees and costs; however, observers stated employers frequently charged migrant workers more than the maximum. For

example, some of Telangana state's approximately 350 recruitment agents charged 200,000 INR ($2,820) without repercussions. Other states actively cracked down on illegal recruitment. Odisha state, for example, arrested and filed charges against 91 recruitment agents who fraudulently recruited bonded laborers for inter-state work within India. Unregistered sub-agents often operated online and operated widely without oversight. MEA did not report how many recruitment complaints it referred to state governments for investigation, compared to 231 the previous reporting period.

Officials acknowledged some registered and unregistered spas exploited girls in sex trafficking and that officials' lacked sufficient oversight of all such establishments. In some cases, law enforcement shut down some of the unregistered spas and initiated criminal investigations, while in other cases law enforcement shut down the spas without further action. In June 2019, the labor ministry drafted a national domestic worker policy to regulate placement agencies and allow domestic workers to formally register for worker benefits, including the right to minimum wage and access to the justice system. In April 2019, after reports of exploitative conditions including indicators of trafficking, in some of Tamil Nadu state's 7,000 garment factories and spinning mills, the NHRC ordered the state to inspect all establishments. The state had not conducted any inspections as of March 2020 although it formed a committee that was reportedly reviewing the matter. Since 2016, the central government has offered reimbursement of 450,000 INR ($6,340) to any district that conducted a census of bonded labor, available once every three years, and additional funding for evaluation studies. In 2020, Tamil Nadu became the first state to report requesting funding to conduct its first survey since 1996, which will cover the 11 most vulnerable districts and feed into a database on bonded labor efforts. Some states had action plans to combat bonded labor, although the government did not report how many states or if they successfully implemented them. With an international organization, Telangana state began a three-year project to map its cotton farms and spinning mills to monitor ethical labor practices; traffickers use forced labor in these sectors. During the reporting period, the Assam state government excluded nearly two million people from its National Register of Citizens, putting millions at risk for statelessness. Some officials made efforts to reduce the demand for commercial sex generally by prosecuting those who purchased commercial sex from children. Despite India being a destination for child sex tourism, including Andhra Pradesh and Tamil Nadu states, the government did not report measures specifically to reduce demand for child sex tourism. The government did not provide information about training provided to its diplomatic personnel. A civil lawsuit filed in 2018 in a federal court in New York continued, where a domestic worker sought damages from a former Indian consular officer previously posted at the New York consulate, whom the domestic worker alleged subjected her to forced labor in 2013-2014.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in India and traffickers exploit victims from India abroad. Internal forced labor constitutes India's largest trafficking problem; traffickers use debt-based coercion (bonded labor) to compel men, women, and children to work in agriculture, brick kilns, rice mills, embroidery and textile factories, and stone quarries. Traffickers promise large advances to manipulate workers into accepting low-paying jobs, where traffickers then add exorbitant interest rates; create new deductions for items such as lodging, health care, or wage slips; or fabricate the amount of debt, which they use to coerce workers into continuing to work for little or no pay. NGOs have assessed at least eight million trafficking victims in India, the majority of whom are bonded laborers. Intergenerational bonded labor continued, whereby traffickers transfer the outstanding debts of deceased workers to their parents, siblings, or children. Traffickers often target those from the most disadvantaged social strata. Traffickers force entire families into work in brick kilns, including children younger than 6 years old. In a 2017 study of brick kiln workers in Rajasthan state, researchers found more than 40 percent of seasonal workers from Uttar Pradesh, Chhattisgarh, Bihar, and Rajasthan states owed debts to kiln owners that were greater than the amount workers earned over the entire season. In some states, the exploitative contractors that trap workers in bonded labor are local government officials or individuals with political influence. Some traffickers severely abused bonded laborers, including those who asked for their rightful wages, and some bonded laborers died under their traffickers' control. Traffickers exploit adults and children, including entire families, into bonded labor in carpet production in Jharkhand and Uttar Pradesh states, and in mica mining and textiles, sometimes requiring adults to leave children behind as collateral when they leave the premises for any reason. State-owned tea estates in Assam state pay workers much less than the state-mandated minimum wage and do not provide workers with pay slips to document their debts and expenditures. Indian law allows estates to pay workers in both cash and in-kind benefits, but researchers noted the quality and quantity of the food rations constituting part of the workers' salaries were inadequate and disproportionate to the amount deducted. Thirty-seven percent of workers across 50 estates in Assam had daily expenditures that exceeded their daily income, making workers extremely vulnerable to debt-based coercion. In some cases, the "Provident Funds" or *Sumangali* scheme in which employers pay young women a lump sum for education or a dowry at the end of multi-year labor contracts, common in Tamil Nadu's spinning mill industry, may amount to bonded labor, and some employers subject these women to sex trafficking. Traffickers exploit children as young as 8 in forced labor in agriculture (coconut, eucalyptus, ginger, and sugarcane); construction; domestic service; garment, steel, and textile industries (tanneries, bangle, and *zari* factories); begging; criminality; food-processing factories (biscuits, bread-making, meat-packing, and pickling); floriculture; cotton; ship breaking; and manufacturing (wire and glass). Multiple organizations note physical violence against trafficking victims—in both forced labor and sex trafficking—is particularly prevalent in South Asia, including India. Some traffickers force women and girls to conceive and deliver babies for sale. Non-state armed groups continued to recruit and use children as young as 14 in direct hostilities against the government in Jammu and Kashmir. Maoist groups, particularly in Chhattisgarh and Jharkhand forcibly recruited children as young as 12 to handle weapons and improvised explosive devices, and in some cases be human shields. Several women and girls formerly associated with Maoist groups reported that sexual violence, including practices indicative of sexual slavery, was a practice in some Maoist camps. Non-state Naxalite groups continued to systematically recruit and use child soldiers. Past, unverified reports alleged national security forces use children as informants and spies.

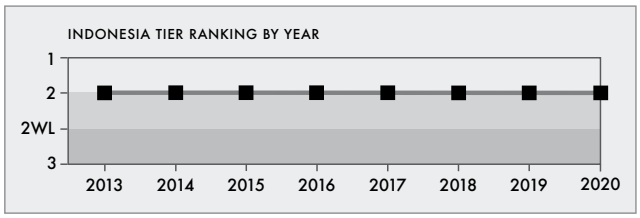
Traffickers exploit millions of people in commercial sex within India. Traffickers target Indian women and girls but also fraudulently recruit significant numbers of Nepali and Bangladeshi women and girls to India for sex trafficking. Additionally, traffickers exploit women and girls from Central Asian, European, and African countries in commercial sex, especially in Goa state. In addition to traditional red light districts, dance bars, spas, and massage parlors, traffickers increasingly exploit women and children in sex trafficking in small hotels, vehicles, huts, and private residences. India is a source for child sex tourists and a destination for child sex tourism. Traffickers kidnap and force Indian and Nepali women and girls to work as "orchestra dancers" in India, especially in Bihar state, where girls perform with dance

groups until they have repaid fabricated debts. Traffickers exploit women and children in sex trafficking in religious pilgrimage centers and in tourist destinations. Traffickers increasingly use online technology to facilitate sex trafficking and fraudulent recruitment. Some traffickers kidnap children from public places, including railway stations, entice girls with drugs, and force girls as young as 5 years old in sex trafficking to take hormone injections to appear older. Some corrupt law enforcement officers protect suspected traffickers and brothel owners from law enforcement efforts and take bribes from sex trafficking establishments and sexual services from victims. According to one report, police have accepted bribes to release child sex trafficking victims back into traffickers' custody. Traffickers arrange sham marriages within India and Gulf states to subject females to sex trafficking. Some government-, NGO-, and privately run shelter homes physically and sexually abuse residents, including trafficking victims, and compel shelter residents into forced labor and sex trafficking.

Traffickers force many Indian migrants who willingly seek employment abroad into construction, domestic work, factories, and other low-skilled sectors in many regions, especially Gulf countries and Malaysia, often following recruitment fraud and exorbitant recruitment fees. Indian female domestic workers in all Gulf countries, particularly Kuwait and Saudi Arabia, consistently report strong indicators of forced labor, including non-payment of wages, refusal to allow workers to leave upon completion of their contracts, and physical abuse. In the United Arab Emirates, labor traffickers bring Indian workers overseas on tourist visas, withhold their identity documents and wages, and force them to work, especially in construction. Authorities have recently identified Indian forced labor victims in Armenia, Portugal, Gabon, and Zambia, and Indian female sex trafficking victims in Kenya. Traffickers exploit Rohingya, Sri Lankan Tamil, and other refugee populations in sex and labor trafficking. Traffickers subject some boys from Assam, Bihar, and Uttar Pradesh states to forced labor in Nepal.

INDONESIA: TIER 2

The Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Indonesia remained on Tier 2. These efforts included providing more victims with protection services through its social affairs ministry; identifying, receiving, and assisting more Indonesian victims exploited overseas than the previous year; recovering back wages for Indonesian workers seeking recompense for unpaid work overseas; continuing to create and disseminate awareness materials; and enacting some implementing regulations to a migrant worker protection bill passed in 2017. However, the government did not meet the minimum standards in several key areas. Prosecutions and convictions decreased for the second consecutive year, and courts at times ceased processing civil and criminal trafficking cases without formal adjournments, verdicts, or legal justification. Official complicity in trafficking crimes remained a concern, and, as in the previous year, although the government reported ongoing investigations, it did not report any prosecutions or convictions of officials allegedly complicit in trafficking. The lack of robust, systematized victim identification procedures continued to hinder the identification of victims overall—particularly male victims. Coordination between the national anti-trafficking task force and its provincial and local-level counterparts was insufficient to translate central government policies into nationwide implementation. The government decreased funding for victim protection, and its budget allocation to the coordinating office of the national task force decreased for the fourth consecutive year. Authorities did not enact several key implementing regulations for the migrant worker protection bill, constraining its effectiveness. The 2007 anti-trafficking law was inconsistent with international law by requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers under the 2007 law, including complicit officials who willfully ignore, facilitate, or engage in trafficking crimes. • Amend the 2007 law to remove the required demonstration of force, fraud, or coercion to constitute child sex trafficking. • Develop, finalize, disseminate, and train all relevant officials, including law enforcement, foreign affairs, marine, and labor ministry staff, on comprehensive standard operating procedures (SOPs) for proactive victim identification. • Complete implementing regulations to enforce the 2017 law on migrant worker protection, including on the provision prohibiting worker-paid recruitment fees. • Increase resources for and proactively offer all victims, including male victims, rehabilitation services. • Allow victims in government shelters freedom of movement. • Increase efforts to effectively monitor labor recruitment agencies and take action against entities guilty of illegal conduct that contributes to the forced labor of migrant workers, including charging placement fees, deceptive recruitment practices, contract switching, and document forgery. • Institutionalize and regularly provide anti-trafficking training for judges, prosecutors, police, and social workers. • Develop and implement mandatory pre-departure and post-arrival orientation and training for Indonesian and migrant fishermen, respectively, in order to provide information on labor rights and safety at sea, and ensure the orientation and training costs are covered by employers. • Increase resources for the anti-trafficking task force and improve its coordination across ministries. • Strengthen coordination between central and provincial-level social affairs agencies to improve implementation of victim protection procedures. • Establish a data collection system to track anti-trafficking efforts at all levels of law enforcement. • Lift current bans on migration to encourage migration through safe, legal channels. • Train hospital staff and other health care providers about provisions guaranteeing government-funded care for trafficking victims. • Take steps to increase awareness of trafficking trends and vulnerabilities among local village leaders. • Create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.

PROSECUTION

The government decreased law enforcement efforts. The 2007 anti-trafficking law criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of three to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2007 law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, judicial officials at the national and provincial level continued to assert the law implicitly established that force, fraud, or coercion

were not required to constitute child sex trafficking, and that this therefore was not a barrier in successfully prosecuting and obtaining convictions in child sex trafficking cases.

While the Ministry of Home Affairs issued a ministerial regulation in April 2018 that mandated regional governments include anti-trafficking in their policy priorities, the central government did not have a mechanism to enforce this mandate, and it did not influence all provincial governments to consistently allocate anti-trafficking funding or implement national policies. Consequently, government agency coordination and data collection remained a challenge, and some provincial police reported their budget did not allow for interprovincial or international investigations. To compensate for anti-trafficking budgetary constraints in 2019, the Indonesian National Police reallocated funds from other crime directorates to support anti-trafficking investigations. The attorney general's office (AGO) reportedly did not include a line item for trafficking cases. Officials also reported ineffective coordination hindered the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved multiple jurisdictions. Provincial police maintained 13 anti-trafficking task forces but did not report on their activities or outcomes.

The national police anti-trafficking unit did not have a mechanism to track investigations at all levels of government, making it difficult to assess enforcement trends and to determine the total number of investigations and resolved cases. In 2019, police at the national level reported arresting 132 individuals for alleged sex trafficking. They initiated 102 case investigations, compared with 95 in 2018 and 123 in 2017; these included 52 cases involving migrant workers and 50 cases of "commercial sex activities" that may have featured crimes outside of the definition of trafficking. Police concluded and referred 26 of these investigation dossiers to the AGO in 2019. One NGO noted that, in the absence of dedicated anti-trafficking budgets, some police units required anti-trafficking investigative work to be conducted on a reimbursement basis, forcing individual officers to bear the relevant costs personally and thereby generating possible disincentives and avenues for corruption. Indonesia's Task Force on Illegal Fishing brought trafficking charges against a recruitment agency for alleged forced labor, but the case did not proceed; one NGO ascribed its cessation to the dissolution of the task force in 2019. The Supreme Court's comprehensive recordkeeping mechanism for national court data reported 226 prosecutions and 204 convictions, a continued decrease from 316 prosecutions and 279 convictions in 2018 and 407 and 331, respectively, in 2017. As in prior years, the government did not report comprehensive sentencing data.

Official complicity remained a significant concern. Corrupt officials reportedly continued to facilitate the issuance of false documents, accept bribes to allow brokers to transport undocumented migrants across borders, protect venues where sex trafficking occurred, engage in witness intimidation, and intentionally practice weak oversight in order to insulate recruitment agencies from liability. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases, including trafficking cases. Legal aid organizations reported cases often moved very slowly unless a bribe was paid, and that prosecutors in some cases sought bribes from defendants in exchange for lighter prosecution or dropped charges. Civil society members alleged some police refused to arrest traffickers who were connected to influential members of society, including through familial relationships with or personal ties to recruitment agencies. As in prior years, although the government reported arrests and ongoing investigations, it did not report any prosecutions or convictions of officials allegedly complicit in trafficking.

Although some officials received trafficking training from the Indonesian government, international organizations, and foreign governments, authorities did not provide comprehensive trafficking training to all judicial and law enforcement authorities. Observers noted low awareness of trafficking crimes and relevant legislation among local law enforcement and judicial authorities impeded case detection and prosecutorial progress. As a result, authorities often prosecuted suspected traffickers under the Law on Migrant Workers Protection, which prescribed less severe penalties. Civil society contacts reported some civil and criminal trafficking proceedings were informally discontinued prior to a verdict. The Supreme Court included trafficking in its annual curriculum for judges; however, it only accommodated 20 to 30 judges per year. During 2019, the government's anti-trafficking task force held two trainings on how to handle trafficking cases. The first, conducted in April 2019 in East Java, included 26 judges, 26 prosecutors, and 25 police officials; the second, conducted in June 2019 in Riau, included 26 judges, 26 prosecutors, and 26 police officials (compared with two trainings for 90 judges and an unspecified number of police, prosecutors, judges, and staff from centers for women and children from 10 provinces in 2018). The government continued to partner with international organizations and foreign governments to provide additional training. In 2019, authorities continued to work with an international organization on a foreign government-funded multi-year project to create a national trafficking database.

PROTECTION

The government maintained inadequate protection efforts. Officials did not collect comprehensive data on the number of victims identified. Disparate government entities sometimes reported their own statistics, making aggregate data incomparable to data reported in earlier periods and possibly double-counting victims as they came into contact with different government agencies. The Ministry of Foreign Affairs (MFA) utilized procedures for victim identification to assist Indonesian citizens overseas, but the government did not have comprehensive or systematized SOPs for proactive victim identification or referral to rehabilitation services. Observers noted law enforcement did not use SOPs, especially at the municipality and district level. Observers expressed concern that the lack of SOPs and the government's anti-trafficking infrastructure, which was under the purview of local-level police units and protection agencies who focused primarily on women and children, hindered the identification of victims overall, and of rural and male victims in particular. Additionally, the government's inadequate efforts to screen vulnerable groups for trafficking indicators, including during raids to arrest persons in commercial sex and to combat illegal fishing, may have resulted in the punishment or deportation of unidentified trafficking victims. Police were sometimes unresponsive when victims attempted to report their trafficking circumstances. The government partnered with an international organization in 2018 to develop victim identification procedures but, for the second year, did not finalize the procedures during the reporting period. After identifying a potential victim, provincial police often approached NGO service providers for assistance rather than filing cases with provincial social service officials.

The government primarily coordinated rehabilitation services for victims of abuse, including trafficking victims, through local integrated service centers for women and children (P2TP2A). There were P2TP2As in all 34 provinces and approximately 436 districts. Provincial or district governments managed and funded the centers. Services included short-term shelter, medical care, counseling, family liaison services, and some vocational skills training; however, in practice, services varied based on local leadership and funding. Some P2TP2A facilities were only open for six hours a day, rather than the required 24 hours, and women living in rural areas or districts without a P2TP2A center had difficulty receiving support services. Officials acknowledged the

central government's Ministry of Social Affairs (MOSA) had not adequately disseminated legislation passed in 2014 to clarify the roles and responsibilities of provincial social affairs agencies regarding victim protection, resulting in a lack of coordination on victim services at the local level. NGOs continued to play a critical role in supplementing and filling gaps in government services—including for male victims, whom local governments often had to refer to NGOs for shelter. The Witness and Victim Protection Agency (LPSK) maintained a hotline and mobile application to provide information to all victims of crime on filing complaints and available government protection services; however, authorities did not provide statistics on the use of these mechanisms.

Trafficking victims entered and exited government shelters upon the approval of a government agency; victims did not have freedom of movement once placed in a shelter. MOSA funded and staffed two trauma centers in Jakarta and the Riau Islands that provided short-term shelter for male and female victims of violence, including trafficking victims. The center in Riau Islands only served Indonesian citizens who were in some form of distress in Malaysia; in 2019, the center repatriated 7,175 Indonesians from Malaysia but did not report how many of them were trafficking victims (2,755 repatriated in 2018, with no data on victim status). MOSA reported the Jakarta trauma center served 761 trafficking victims in 2019 (490 in 2018 and 1,291 in 2017), but it did not report the type of trafficking or the ages or genders of the victims. MOSA also funded and staffed a protection shelter for women who had experienced sexual violence; the government did not report the number of trafficking victims it housed in the women's shelter in 2019, compared with 38 victims housed in 2018. Provincial social affairs agencies funded and operated local trauma centers that were available to trafficking victims; at the end of the reporting period, the government stated it had 27 trauma centers nationwide, an increase from 21 in 2018. MOSA reportedly did not fund transportation for all victims transiting Jakarta en route to home communities elsewhere in Indonesia, and instead relied on NGOs to cover some of the relevant costs. Observers noted MOSA did not adequately coordinate with its provincial capital counterparts to repatriate and rehabilitate victims. Civil society contacts reported protections were particularly lacking for male victims of forced labor in the fishing industry, in part due to poor coordination and lack of delineated roles and responsibilities among Indonesia's diffuse interagency anti-trafficking infrastructure.

The government housed child victims of crimes in children's homes funded by MOSA and provincial or district governments, and in some cases in partnership with local NGOs. The number of children's homes decreased from 18 in 2018 to 14 in 2019; the government did not report how many child trafficking victims it housed in 2019, compared with 11 housed in 2018. Authorities disaggregated victim protection data using categorizations outside of the standard definition of trafficking. For example, the Commission for Protection of Children reported it identified "40 child trafficking cases, 43 cases of child commercial sexual exploitation, and 57 cases of child commercial sex" (compared with 11 cases of trafficking involving children and 65 cases of "child prostitution" in 2018). NGOs and past government reports estimated the number of child sex trafficking victims to be many thousands more.

The MFA continued to implement a 2018 regulation on the protection of Indonesian nationals overseas, which included trafficking victims. The regulation outlined early detection through risk mapping and required an immediate response to a complaint or report of abuse. Some Indonesian consular authorities overseas identified and referred Indonesian trafficking victims to care; the MFA reported it identified 259 such cases in 2019 (164 in 2018, 340 in 2017, and 478 in 2016). This figure included 228 domestic workers and 31 with unspecified circumstances. The MFA reported it referred 94 of the victims to social services agencies (95 in 2018); it did not report its actions regarding the additional 165 victims. The MFA also reported that it recovered approximately $14 million in back wages owed to migrant workers (unreported in 2018). The government housed foreign trafficking victims identified in Indonesia in MOSA's Jakarta trauma center, or in one of 13 facilities that included immigration detention centers housing illegal migrants and shelters for irregular migrants, refugees, and asylum-seekers. The government allowed an international organization to provide counseling and legal services at some shelters. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Police requested victims stay in government shelters until the completion of relevant investigations, but most victims were only able to stay in the trauma centers for an average of two weeks due to government budget constraints. Women and children reportedly stayed longer, although the government did not provide data on the average length of stay or where victims went once authorities released them. Once the government released a victim from care, it did not track the victim, including for purposes of gathering testimony for their traffickers' prosecution; instead, authorities relied on an international organization to remain in contact with the victims and provide follow-up assistance, if necessary. A general lack of adequate rehabilitative and reintegrative care, coupled with low awareness among village and local leaders, increased many victims' risk of re-trafficking, particularly among fishermen returning to their communities after experiencing forced labor at sea.

The government's universal healthcare system covered some of the medical needs of Indonesian victims; however, the system required identity documents that many Indonesian migrant workers returning from exploitation overseas did not possess. The Ministry of Health (MOH) was responsible for funding victims' health care, which national police hospitals were obligated to provide free of charge. The MOH did not report if it trained hospital personnel to provide health services to victims of trafficking and violence in 2019, compared with training for hospital personnel in six provinces in 2018.

In 2017, the Supreme Court issued guidelines stipulating judges protect female victims during legal processes by considering psychological trauma and allowing video testimony. However, the government did not report if it consistently offered such protections during court proceedings for female trafficking victims. Authorities continued to implement regulations allowing the LPSK to add restitution to the perpetrator's penalties before or after conviction for human trafficking and other crimes. The government allocated 56 billion Indonesian Rupiah (IDR) ($4 million) for the LPSK in 2020, a significant decrease from the 2019 fiscal year budget of $5.6 million. In 2019, the LPSK provided various protection services to 318 victims, family members of victims, and witnesses, including 106 men, 156 women, four boys, and 52 girls; authorities did not report how many of these were trafficking victims (70 victims in 2018, 64 in 2017, and 105 in 2016). Among these, LPSK officials sought a total of $215,000 in restitution for 44 victims, but courts only approved six cases amounting to approximately $87,000 (18 cases in 2018). The LPSK did not report the outcomes or status of the remaining cases. Indonesian law allowed convicted traffickers to serve additional imprisonment in lieu of paying restitution; as a result, civil society contacts noted most victims who won restitution were usually only able to secure a small amount, if any at all. Further compounding access to recompense and justice, some recruitment agencies harassed, intimidated, or filed defamation lawsuits against victims attempting to report their abuses. Many

victims originated from remote rural areas and lacked the financial means necessary to travel to, or remain in, urban areas for the long duration of trial proceedings.

PREVENTION

The government maintained efforts to prevent trafficking. The national task force, coordinated by the Ministry of Women Empowerment and Child Protection (MOWECP), maintained 32 provincial-level task forces; Papua and West Papua did not have task forces. The government significantly increased the number of municipal and district-level task forces from 194 in the previous reporting period to 242; the integrated service centers for women and children or the local social affairs office chaired these task forces. The government's budget allocation to MOWECP's trafficking office decreased from 20.1 billion IDR ($1.45 million) in 2018 to 17.3 billion IDR ($1.25 million) in 2019, and further to 6.5 billion IDR ($467,490) in 2020. Observers continued to note insufficient funding and lack of coordination within and between the local task forces and the national task force at times impeded anti-trafficking efforts. MOWECP and the Coordinating Ministry for Human Development and Cultural Affairs had not completed a new national action plan for 2020-2024 by the end of the reporting period.

In 2017, the government passed the Protection of Indonesian Migrant Workers law outlining procedures to regulate and monitor labor recruitment. The law mandated provincial governments—instead of private companies—oversee the provision of pre-departure vocational training and the placement of workers. Article 30 stated Indonesian migrant workers "cannot be borne with placement costs," and Article 72 prohibited recruiters or employers from passing on to the worker any placement costs that they had originally paid. The law also mandated the designation of a single agency to license recruitment agencies. However, the law did not define placement costs, and the government did not approve all of the requisite implementing regulations prior to the closure of a statutory two-year passage window; as a result, authorities did not fully execute its provisions during the reporting period. Prior to the 2017 law, recruitment agencies charged migrant workers fees based on their chosen profession and destination; many agencies continued this practice due to the lack of implementing regulations. Observers reported the government had not been effective in protecting migrant workers from expenditures higher than the government-set recruitment fee. Amid this lack of enforcement, many migrant workers still remitted their first year of wages to their recruiters or employers to repay the initial costs of recruitment and placement, and traffickers continued to use this debt to coerce and retain victims' labor. Although the government substantially increased its labor inspectorate funding to 233 billion IDR ($16.8 million, compared to $10.2 million in 2018), it did not identify any victims of forced labor; low compensation for inspectors and limited capacity among provincial and local-level officials reportedly impeded effective oversight in the formal sector.

While the new law stated the Ministry of Manpower (MOM) had the authority to terminate a recruitment agency's license if it violated any of the regulations, the law did not address the use of unlicensed sub-agents who regularly charged migrant workers a fee to connect them to a recruitment agency. The vast majority of fishermen-recruitment agencies in the country were unlicensed, enabling authorities to claim plausible deniability of ongoing practices contributing to unlawful debt bondage among many migrant seafarers. In 2019, MOM temporarily suspended the licenses of five recruitment agencies for coercive or deceptive recruitment practices and contracts, document forgery, underage recruitment, illegal fees, and other violations (18 in 2018). Unlike in prior years, MOM did not revoke the licenses of any such agencies (one each in 2018 and 2017). Observers noted recruitment agencies found to be in violation of labor regulations rarely ceased operations, and instead continued to operate with impunity.

Citing inadequate assurances on protections for Indonesian migrant workers, the government continued its ban on overseas placement to 21 Middle East and North African nations, despite noting the number of migrant workers circumventing the ban through the use of illegal recruiters was increasing. The UN, other international organizations, and NGOs continued to argue any ban on migration increased the likelihood that workers would migrate illegally, heightening their risk of human trafficking. Constituting a freedom of movement concern that could have further exacerbated irregular migration through unsafe channels, the government confiscated the passports of any Indonesians repatriated with government assistance if they had violated an overseas placement ban. The government maintained a memorandum of understanding (MOU) signed in 2018 with Saudi Arabia on guidelines for the recruitment, placement, and protection of migrant workers there. Among other stipulations, the MOU reportedly stated migrant workers should not be charged placement fees. Article 31 of the 2017 protection of migrant workers law stipulated the government could only allow a person to migrate to a destination country that had a law on foreign worker protection, a written agreement with the destination government, and a social security system or insurance to protect migrant workers. MOM reported it began reviewing all MOUs it signed with other countries on migrant worker protections to ensure their compliance with the law and to prevent human trafficking; however, in the absence of robust monitoring schemes, and amid inconsistent labor laws and regulations in receiving countries, widespread abuses, including forced labor, continued to occur.

The Ministry of Marine Affairs and Fisheries reportedly continued to implement its regulations on human rights certification in the fisheries, including the requirement that Indonesian fishery businesses comply with international human rights standards to obtain a permit for fish capture. NGOs commented the government did not effectively implement these regulations. Underscoring NGO claims of insufficient oversight, central government records appeared to drastically underreport the number of Indonesians working in the global fishing industry when compared against analogous records maintained by another key destination country's authorities. Civil society groups noted many Indonesian and migrant fishermen were unaware of their rights and responsibilities and unprepared for the work in the absence of standardized, employer-paid pre-departure and post-arrival orientation and training. During the reporting year, the MFA negotiated with the central authorities of Mauritius, South Korea, and Taiwan to expand its pilot program to assist Indonesians working on foreign fishing vessels through dedicated centers to collect data and provide services to fishermen in distress; for the second consecutive reporting period, no new centers were established.

Several ministries and agencies operated hotlines on a range of issues inclusive of but not limited to trafficking. The MFA operated a 24-hour hotline for Indonesians overseas and two mobile applications that included information on safe travel and protection services. In 2018, MOM launched a mobile application for migrant workers that allowed them to get in touch with MOM, other migrant workers, and their families. The application also shared information about MOM's services. The National Agency for the Protection and Placement of International Migrant Workers (BNP2TKI) also operated two 24-hour hotlines, a fax number, and an email address that served as a complaint center for Indonesian migrant workers. In 2019, BNP2TKI's complaint system received 9,377complaints from workers placed overseas, an increase from 4,678 complaints in 2018 and 4,475 complaints in 2017. Of the 9,377 complaints, BNP2TKI reported 54 were overt trafficking

cases (36 in 2018 and 71 in 2017), and 2,937 cases demonstrated certain trafficking indicators (1,852 in 2018 and 2,430 in 2017). Although BNP2TKI reportedly referred these cases to police for investigations, the government did not report the results thereof.

The government continued to increase training of trainers and general public awareness events on trafficking, including by conducting awareness-raising activities among village-level officials. Provincial authorities published guidebooks providing migrant workers with information on their labor rights and avenues for remediation but did not report how many they disseminated. The government continued to create documentaries, leaflets, posters, banners, billboards, and radio and television talk show scripts that could be used in public information campaigns, but they did not report information on their use or public distribution. The government provided anti-trafficking training for military personnel prior to their deployment abroad on international peacekeeping missions, and there were no reports of Indonesian peacekeeping troops engaged in trafficking-related offenses. The MFA increased the number of junior diplomatic personnel it trained on trafficking to at least 100 (59 in 2018 and 33 in 2017). Despite this increased training, some labor activists attempting to report the forced labor of Indonesian migrant workers overseas observed nonresponsive or obstructive behavior on the part of some Indonesian consular officers and labor officials. The government shuttered some districts known for commercial sex but did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Indonesia, and they exploit victims from Indonesia abroad. Each of Indonesia's 34 provinces is a source and destination of trafficking. The government estimates at least two million of the six to eight million Indonesians working abroad—many of whom are women—are undocumented or have overstayed their visas, increasing their risk to trafficking; the true number of undocumented Indonesian workers is likely much higher. According to one international organization, up to 30 percent of individuals in commercial sex in Indonesia are female child sex trafficking victims. Government regulations allow employers in certain sectors, including small and medium enterprises and such labor-intensive industries as textile manufacturing, an exemption from minimum wage requirements, thereby increasing the risk of workers in those sectors to debt-based coercion. Labor traffickers exploit many Indonesians through force and debt-based coercion in Asia and the Middle East, primarily in domestic work, factories, construction, and manufacturing, on Malaysian oil palm plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Singapore, Malaysia, Hong Kong, and the Middle East host many Indonesian domestic workers who are unprotected under local labor laws and often experience indicators of trafficking, including excessive working hours, lack of formal contracts, and unpaid wages. Many of these workers come from the province of East Nusa Tenggara. NGOs estimate unscrupulous labor recruitment agents and sub-agents are responsible for more than half of Indonesian female trafficking cases overseas. To migrate overseas, workers often assume debt that both Indonesian and overseas recruitment agents exploit to coerce and retain their labor. Additionally, some companies withhold identity documents and use threats of violence to keep migrants in forced labor. Sex traffickers exploit Indonesian women and girls primarily in Malaysia, Taiwan, and the Middle East. Some for-profit universities in Taiwan have begun aggressively recruiting Indonesians and subsequently placing them into exploitative labor conditions under the pretense of educational opportunities. These students are often unaware of the work component prior to arrival and reportedly experience contract switching, prohibitive working hours, and poor living conditions contrary to their original agreements.

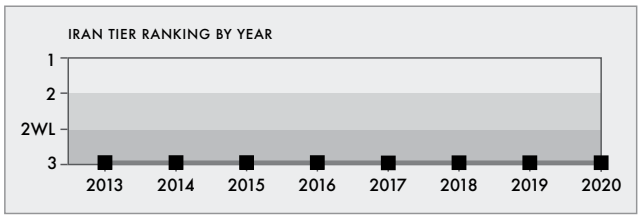
In Indonesia, labor traffickers exploit women, men, and children in fishing, fish processing, and construction; on oil palm and other plantations; and in mining and manufacturing. Traffickers exploit women and girls in forced labor in domestic service. Traffickers may subject children to forced criminality in the production, sale, and transportation of illicit drugs. Early marriage practices pushed many minors—especially in poorer rural communities—into employment as new primary earners for their households, driving a high incidence of child labor migration through channels known for deceptive recruitment practices, debt bondage, and other forced labor indicators. Sex traffickers often use debt or offers of jobs in restaurants, factories, or domestic service to coerce and deceive women and girls into exploitation in commercial sex across Indonesia, and notably in Batam and Jakarta. Traffickers also exploit women and girls in sex trafficking near mining operations in Maluku, Papua, and Jambi provinces. Traffickers increasingly use online and social media platforms to recruit victims. In 2017, an NGO estimated there were 70,000 to 80,000 child sex trafficking victims in Indonesia. Child sex tourism is prevalent in the Riau Islands bordering Singapore. Bali is a destination for Indonesians engaging in child sex tourism. Indonesians, including children, whose homes or livelihoods were destroyed by natural disasters in 2019 are vulnerable to trafficking; this is also true for four million children deemed by the government to be "neglected," and for approximately 16,000 homeless children estimated to be living in urban environments. Government failure to prevent companies from encroaching on indigenous communities' land, sometimes in collusion with the military and local police, contributed to displacement that also left some ethnic minority groups vulnerable to trafficking. Endemic corruption among government officials facilitates practices that contribute to trafficking vulnerabilities in the travel, hospitality, and labor recruitment industries. Widespread social stigma and discrimination against members of Indonesia's LGBTI communities and persons living with HIV/AIDS complicated their access to formal sector employment, placing them at higher risk of human trafficking through unsafe employment in the informal sector.

Senior vessel crew on board Chinese, Korean, Vanuatuan, Taiwan, Thai, Malaysian, and Philippines-flagged and/or owned fishing vessels operating in Indonesian, Thai, Sri Lankan, Mauritian, and Indian waters subject Indonesian fishermen to forced labor. Dozens of recruitment agencies in Burma, Indonesia, and Thailand lure fishermen with promises of high wages, charge fees and curtailment deposits to assign them fake identity and labor permit documents, and then send them to fish long hours in waters on vessels operating under complex multinational flagging and ownership arrangements. Some fishermen are unaware their recruitment agencies continue to withhold or withdraw funds from their salary for years. Crew on board these vessels have reported experiencing low or unpaid salaries and such coercive tactics as contract discrepancies, document retention, restricted communication, poor living and working conditions, threats of physical violence, and severe physical and sexual abuse. Boat captains and crews prohibit fishermen from leaving their vessels and reporting these abuses through threats of exposing their fake identities to the authorities, threats of blacklisting them from future fishing employment, and, in previous years, by detaining them on land in makeshift prisons. Forced to sail longer distances to adjust to dwindling fish stocks, some crews remain at sea for months or even years without returning to shore, compounding their invisibility and preserving abusive senior crews' impunity. Most Indonesian fishermen work aboard vessels operating in Taiwan's highly vulnerable Distant Water Fleet; many are also fishing in Korea's distant water fleets. More than 7,000 Indonesian fishermen per year sign in and out of foreign vessels at the port in

Cape Town, South Africa, reportedly facing dire working conditions, particularly on vessels owned by citizens of Taiwan, Korea, and Japan. Traffickers also subject fishermen from other parts of Asia to forced labor on board fishing vessels in Indonesian waters; according to one recent study, these vessels account for nearly half of all migrant fishermen trafficked from Cambodia, Thailand, and Vietnam. In Indonesian waters and elsewhere, some senior vessel crew force fishermen to engage in illegal fishing, poaching, smuggling, and illegal entry into national territories, making them vulnerable to criminalization. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have subjected Indonesian nationals to forced labor in food processing, manufacturing, construction, and fishing.

IRAN: TIER 3

The Government of Iran does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Iran remained on Tier 3. During the reporting period, there continued to be a government policy or pattern of recruiting and using child soldiers, and a pattern of government officials perpetrating sex trafficking of adults and children with impunity. Government officials continued to perpetrate and condone trafficking crimes with impunity, both in Iran and overseas, and did not report law enforcement efforts to address the crime. The government continued to force or coerce children and adults to fight for Iranian-led militias operating in Syria, and it continued to provide financial support to militias fighting in armed conflicts in the region that recruited and used child soldiers. In addition, the government failed to identify and protect trafficking victims among vulnerable populations and continued to treat trafficking victims as criminals, including child sex trafficking victims. Victims continued to face severe punishment, including death, for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations.



PRIORITIZED RECOMMENDATIONS:

Cease punishing trafficking victims for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations. • Cease the forcible and otherwise illegal recruitment of adults and children for combat in Syria, and cease support for armed militias that recruit and use child soldiers in Iraq, Syria, and Yemen. • Amend the 2004 law to bring the definition of trafficking in line with international law. • While respecting due process, investigate, prosecute, and convict sex trafficking and forced labor perpetrators—particularly complicit government officials—and sentence convicted traffickers to significant prison terms. • Institute nationwide procedures to proactively identify trafficking victims, particularly among vulnerable populations such as persons in commercial sex, street children, and undocumented migrants. • Offer specialized protection services to victims of all forms of trafficking, including shelter and medical, psycho-social, and legal assistance. • Develop partnerships with and allow for the registration of civil society and international organizations to combat trafficking and to help provide essential protection services to victims. • Increase transparency of anti-trafficking policies and activities. • Become a party to the 2000 UN TIP Protocol.

PROSECUTION

The government did not report anti-trafficking law enforcement efforts, and officials continued to perpetrate trafficking crimes with impunity, including sex trafficking of adults and children and the coerced recruitment and use of adults and children in armed conflict in the region. Iranian law did not criminalize all forms of trafficking. A 2004 law criminalized trafficking in persons by means of threat or use of force, coercion, abuse of power, or abuse of a victim's position of vulnerability for purposes of prostitution, slavery, or forced marriage. Inconsistent with the definition of trafficking under international law, the law required a demonstration of forced, fraud or coercion in child sex trafficking cases. The law also did not encompass all forms of labor trafficking. The prescribed penalty under this law included up to 10 years' imprisonment if the trafficking offense involved an adult victim and a penalty of 10 years' imprisonment if the offense involved a child victim. Both penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for kidnapping. The 2002 Law to Protect Children and Adolescents criminalized buying, selling, and exploiting children; the punishments for such crimes were six months' to one year imprisonment and a fine, which were neither sufficiently stringent nor commensurate with other serious crimes such as kidnapping. The labor code criminalized forced labor and debt bondage, but the prescribed penalty of a fine and up to one year imprisonment was not sufficiently stringent. Courts accorded legal testimony by women only half the weight accorded to the testimony by men, thereby restricting female trafficking victims' access to justice. Moreover, female victims of sexual abuse, including sex trafficking victims, faced prosecution for adultery, which was defined as sexual relations outside of marriage and was punishable by death.

The government continued to conflate human trafficking and smuggling crimes, and efforts to address sex trafficking and forced labor crimes were either nonexistent or not widely publicized. The government did not report providing anti-trafficking training to its officials. The government did not report statistics on investigations, prosecutions, convictions, or sentences of traffickers. Iranian media reported in September 2019 that the government convicted five former city council members in Babol and sentenced them to 19 years' imprisonment for committing several crimes, including pornography and extortion; however, the media also reported that the case involved "forcing a woman into prostitution." The government did not report providing anti-trafficking training to its officials.

There was otherwise no evidence to suggest the government held complicit officials accountable for trafficking offenses, despite continued reports that officials were widely involved in trafficking crimes. The government condoned or directly facilitated the commercial sex of men, women, and children, including clear cases of sex trafficking, throughout Iran and in neighboring countries. Observers continued to report that Iran's Islamic Revolutionary Guard Corps (IRGC) and the Iranian Basij Resistance Force (Basij), a paramilitary force subordinate to the IRGC, continued to actively recruit and use—through force or coercive means—migrant and refugee children and adults, as well as Iranian children, for combat in IRGC-led and commanded militias in Syria. According to a statement made by an IRGC official in October 2019, the IRGC may have recruited child soldiers from 3,700 student Basij bases in Khuzestan province.

PROTECTION

The government failed to identify and protect any trafficking victims. Official government involvement in trafficking crimes

and authorities' abuse of trafficking victims continued unabated. The government reportedly continued to punish sex and labor trafficking victims for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations. As in previous years, the government's continued pattern of human rights abuses against victims of sexual abuse and persons in commercial sex resulted in the government severely punishing potential adult and child sex trafficking victims through lashings, public shaming, forced confessions, imprisonment, and the death penalty. The government also continued to detain and deport Afghan migrants, including children, who did not comply with Iranian officials who recruited them—through coercive means—to fight for Iranian militias abroad. Some detained migrants experienced severe physical abuse, including sexual abuse for young girls, while in government custody, which at times resulted in lack of food and water for extended periods of time and extortion. In 2019, the government forcibly deported 476,000 Afghans, and the government did not make efforts to screen for nor identify trafficking victims among this highly vulnerable population. Authorities also reportedly arrested street children and sent them to back to refugee camps or to detention centers; between 60 to 80 percent were estimated to be foreign nationals nationwide, some of whom may have been trafficking victims.

The government did not provide protection services specifically for trafficking victims. Iran's state welfare system did not provide adequate coverage nor protection to the most vulnerable populations in the country, including children and persons involved in commercial sex. The government did not report providing support to or partnering with NGOs that offered limited services to populations vulnerable to trafficking. Furthermore, the government harassed some NGOs working in this space, and it arrested and imprisoned some activists under national security charges or for "spreading propaganda against the system." The government did not encourage trafficking victims to assist in the investigation or prosecution of traffickers and did not provide witness support services. The government did not provide foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution.

PREVENTION

The government failed to prevent trafficking. The government's persistent lack of efforts to prevent official complicity in trafficking crimes further exacerbated trafficking in the country and the region. Furthermore, the government did not make efforts to reduce the demand for commercial sex acts in Iran or child sex tourism by Iranian citizens traveling abroad; on the contrary, Iranian officials were reportedly actively involved in the promotion of commercial sex, including cases of sex trafficking. According to official state media, in 2019, Iranian Parliament reportedly considered new measures to curb child marriage—which created vulnerabilities to trafficking—but Parliament rejected these measures. The government did not take measures to prevent the IRGC's recruitment and use of children to fight in the Iranian-led and funded Fatemiyoun Brigade deployed to Syria. Furthermore, in May 2019, the Minister of Education publicly promoted the use of schoolchildren to fight for Iran in Iraq.

Iran is not a party to the 2000 UN TIP Protocol. The government did not have a national anti-trafficking coordinating body; it did not dedicate resources to address human trafficking; and it did not provide anti-trafficking training to its diplomatic personnel. The government did not improve transparency on its anti-trafficking policies or activities, nor did it implement anti-trafficking awareness campaigns. Efforts to amend relevant existing legislation or introduce new measures to improve the government's ability to prevent or address the country's pervasive trafficking problems were routinely stymied by hardline elements within the regime. Children of unregistered Afghans continued to have difficulty obtaining legal documentation, which increased this populations' vulnerability to trafficking; registered refugees (Amayesh cardholders) could register their children if both parents held Amayesh cards and their marriage was registered. As in previous years and during the first half of the reporting period, children born to Iranian mothers and non-Iranian fathers were not Iranian citizens under the nationality law and therefore remained undocumented, thus increasing their vulnerability to trafficking. However, in October 2019, the government passed an amendment to the law to allow these children to acquire Iranian nationality. Despite this effort, human rights activists reported concerns that the amended law required the Intelligence Ministry and the Intelligence Organization of the IRGC to certify that no "security problem" existed before approving citizenship for these specific applications; this vaguely defined security provision could have been used to arbitrarily disqualify applicants if they or their parents were seen as critical of the government.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iran, and traffickers exploit victims from Iran abroad. The ongoing worsening of the Iranian economy, as well as serious and ongoing environmental degradation in Iran, have significantly exacerbated Iran's human trafficking problem, particularly for vulnerable and marginalized communities such as ethnic minority groups, refugee and migrant populations, and women and children. Iranian and some foreign women and girls, as well as some men, are highly vulnerable to sex trafficking in Iran. Although prostitution is illegal in Iran, a local NGO estimated in 2017 that prostitution and sex trafficking are endemic throughout the country, and reports estimate sex traffickers exploit children as young as 10 years old. The government reportedly condones and, in some cases, directly facilitates the commercial sexual exploitation and sex trafficking of adults and children throughout the country; Iranian police, IRGC, Basij, religious clerics, and parents of victims are allegedly involved in or turn a blind eye to sex trafficking crimes. The demand for commercial sex reportedly occurs in large urban centers, including major pilgrimage sites of Qom and Mashhad; reportedly Iranian, Iraqi, Saudi, Bahraini, and Lebanese women in these locations are highly vulnerable to trafficking. Poverty and declining economic opportunities lead some Iranian women to willingly enter commercial sex, whom traffickers subsequently force or coerce to remain in commercial sex. Some Iranian women who seek employment to support their families in Iran, as well as young Iranian women and girls who run away from their homes, are vulnerable to sex trafficking. "Temporary" or "short-term" marriages—known as "sigheh" and for the purpose of commercial sexual exploitation—lasting from one hour to one week are reportedly widespread in Iran and take place in so-called "chastity houses," massage parlors, and private homes. These arrangements are reportedly tightly controlled and condoned by the state and regarded highly by religious leaders to allow men to sexually exploit female and male Iranians, as well as Chinese, Thai, and other victims, including children. Afghan girls are vulnerable to forced marriage with men living in Iran, which frequently leads to their involvement in sex trafficking, forced labor, and domestic servitude. Child marriage of Iranian and some foreign girls is reportedly increasing in Iran and is most widespread among communities in lower-income areas of large cities, often with the consent of parents; girls in these marriages may be at risk of sexual slavery or domestic servitude. As of April 2019, the government registered more than 4,000 marriages of girls—some as young as 10 years old—in North Khorasan Province, which has the highest rate of child marriage in the country.

Iranian women, boys, and girls are vulnerable to sex trafficking abroad, including in Afghanistan, Armenia, Georgia, Iraq, the

Iraqi Kurdistan Region (IKR), Pakistan, Turkey, and the United Arab Emirates (UAE). In 2018, a prominent Iranian NGO reported a rise in the number of Iranian nationals in commercial sex in nightclubs in Tbilisi, Georgia, including some child sex trafficking victims; pimps and madams in Tbilisi reportedly confiscate victims' passports and physically abuse and threaten victims. The media continued to report in 2018 an increase in young Iranian women in commercial sex in Dubai; some of these women are trafficking victims, whose pimps confiscate their passports and threaten them with violence or execution if they return to Iran. Some reports also suggest collusion between pimps in Dubai and Iranian police, the IRGC, and the Basij. Consumers of Iranian women in commercial sex, including trafficking victims, in Dubai are reportedly nationals from Saudi Arabia, Kuwait, and Qatar. Reports suggest that Iranian women are also vulnerable to sex trafficking in Turkey, particularly in Turkish cities close to the Iranian border. According to IKR press reports in 2018, more than 2,000 young Iranian women and girls entered the IKR in 2018, many of whom are victims of sex trafficking in cafes, hotels, and massage centers. According to a regional scholar, trafficking rings reportedly use Shiraz, Iran, as a transit point to bring ethnic Azeri girls from Azerbaijan to the UAE for commercial sexual exploitation.

Iranian and Afghan refugee children, street children, and orphans in Iran are highly vulnerable to forced labor, and experts suggest child trafficking is increasing in Iran. Official Iranian statistics indicate there are three million children working in Iran, but Iranian media suggests there are approximately seven million Iranian children sold, rented, or sent to work in Iran. Most of these children are reportedly between the ages of 10-15 years old, and the large majority are foreigners with no official identification documents. The number of children working in transport, garbage and waste disposal, "dumpster diving," car washing, brick factories, construction, and the carpet industry reportedly continues to increase; these children experience abuse and withheld wages, and may be exposed to infectious diseases, increasing their risk to forced labor. Young Afghan children, mainly boys, are forced to perform cheap labor and domestic work, which often involves debt-based coercion, restriction of movement, non-payment of wages, and physical or sexual abuse, all of which are trafficking indicators. Organized criminal groups target children for child begging rings in Iran. Criminal groups kidnap or purchase and force Iranian and migrant children, especially undocumented Afghan children, to work as beggars and street vendors in cities, including Tehran. These children, who may be as young as three years old, are routinely subjected to physical and sexual abuse and drug addiction. Orphaned children are vulnerable to criminal begging rings that maim or seriously injure the children to gain sympathy from those passing on the street. Poor families "rent" their children by the day to criminal groups that force the children, some as young as five years old, to beg in the street; if the children do not collect a specified amount of money by the end of the day, the groups force children to work in illegal workshops or exploit them in commercial sex. Reports indicate that organized gangs force some children, including Afghan children, to conduct illegal activities, such as drug trafficking and smuggling of fuel and tobacco. Some Afghan children, ranging from ages 14-17, use smugglers to transport them from Afghanistan to Iran in search of work; once in Iran, smugglers turn the children over to Iranian employers who force them to work.

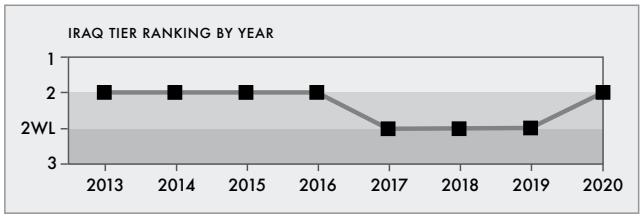
Foreign workers, Pakistani migrants, and Afghan migrants and refugees are highly vulnerable to forced labor and debt-related coercion in Iran. The UN estimates as many as three million Afghans live in Iran. According to the UN, there are 951,142 Afghans registered as refugees. In addition to registered refugees, the government hosted 450,000 Afghans who hold Afghan passports and Iranian visas and an estimated 1.5 to two million undocumented Afghans. Undocumented Afghans face increased vulnerability to economic and social hardships and exploitation, including trafficking. Organized trafficking groups subject Pakistani men and women migrants in low-skilled employment, such as domestic work and construction, to forced labor using debt-based coercion, restriction of movement, non-payment of wages, and physical or sexual abuse. Increasingly, employers seek adjustable work contracts for registered foreign workers, where employers deny workers their benefits and coerce them to work overtime, increasing the workers' vulnerability to forced labor. Traffickers subject Afghan migrants, including children, to forced labor in construction and agriculture in Iran.

Iranian authorities continue to force and coerce Afghan migrants, including children, as well as some Pakistani migrants and Iranian children, into armed groups in the region. Several credible sources continue to widely report the IRGC and Basij coerce male adult and child Afghans resident in Iran, including boys as young as 13 years old, to fight in the Iranian-led and funded Fatemiyoun Brigade deployed to Syria. Officials threaten these individuals with arrest and deportation to Afghanistan. The Basij also reportedly recruits and trains Iranian children who are deployed to Syria. Sources also indicate the government exploits undocumented and impoverished Pakistani adults living in Iran to fight for the IRGC-led Zaynabiyoun Brigade in Syria. In addition, the Iranian government provides funding to militias operating in Iraq, Asa'ib Ahl al-Haq and Harakat Hezbollah al-Nujaba, which recruit, train, and use child soldiers in combat in Iraq, Syria, and Yemen. According to an Iraq-based source in 2016, the Iranian government also provided funding to the militia Abu Fadhl al-Abbas Brigades, which used children in combat on the front-line in Fallujah, Iraq in 2016.

IRAQ: TIER 2

The Government of Iraq does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Iraq was upgraded to Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers, except complicit officials; identifying more than 70 victims; and increasing the staffing of the Ministry of Interior's (MOI) anti-human trafficking directorate. The government also continued to provide shelter and some protection services to a limited number of victims in the government-run shelter in Baghdad, and it made efforts to prevent trafficking, including continuing to implement its national anti-trafficking action plan. The Kurdistan Regional Government (KRG) gave official permission to an NGO to operate the first trafficking shelter in the Iraqi Kurdistan Region (IKR), and it continued to facilitate the release of several hundred Yezidis from ISIS. However, the government did not meet the minimum standards in several key areas. The Iraqi government identified significantly fewer victims than in the previous reporting period. Deficiencies in identification and referral procedures, coupled with authorities' lack of understanding of trafficking, continued to prevent many victims from receiving appropriate protection services. Authorities did not proactively identify trafficking victims among vulnerable populations, which resulted in the continued punishment of some victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations and child soldiering. The government also remained without adequate protection services for victims of all forms of trafficking. The government did not investigate or hold criminally accountable officials allegedly complicit in sex trafficking crimes or non-compliant militia units affiliated with the Popular Mobilization Forces (PMF) that operated under the Popular Mobilization Committee (PMC), a component of the Iraqi

armed forces. In addition, the KRG did not report prosecuting or convicting any traffickers during the reporting period.



PRIORITIZED RECOMMENDATIONS:

Ensure trafficking victims are not punished for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations. • Prevent the recruitment and use of child soldiers by all armed groups, including units of the PMF and independent militias, and provide appropriate protection services to demobilized child soldiers. • Develop and institute guidelines for proactive victim identification and referral to protection services for all relevant officials, and train officials on these procedures. • Allow all relevant government authorities to officially identify potential trafficking victims and refer them to care. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker. • Drastically increase unhindered access to adequate protection services for victims of all forms of trafficking and their children, including trauma and psycho-social counseling, medical care, long-term shelter, legal aid, translation and interpretation services, reintegration services, employment training, and financial assistance. • Protect victims from re-traumatization during trial, including by allowing alternative means for victim and witness testimony. • Make significant efforts to investigate, prosecute, convict, and stringently sentence traffickers, including complicit government officials, even when victims do not participate in legal proceedings against their trafficker. • Amend the anti-trafficking law to ensure that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense, in accordance with the 2000 UN TIP Protocol. • Finalize regulations to enable full implementation of the anti-trafficking law. • Establish a legal framework for NGOs to operate shelters for victims, and provide support to such organizations.

PROSECUTION

The government increased law enforcement efforts but did not hold criminally accountable officials complicit in trafficking. Iraq's 2012 anti-trafficking law criminalized labor and some forms of sex trafficking. Inconsistent with the definition of trafficking under international law, the anti-trafficking law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. The anti-trafficking law prescribed penalties of up to 15 years' imprisonment and a fine of up to 10 million Iraqi dinar ($8,790) for trafficking offenses involving adult male victims, and up to life imprisonment and a fine of 15 million to 25 million Iraqi dinar ($13,180 to $21,970) if the offense involved an adult female or child victim. These penalties were sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 399 of the penal code criminalized "the prostitution of a child" and provided a penalty of up to 10 years' imprisonment, which was sufficiently stringent, although not commensurate with the penalties prescribed for rape. The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims. The KRG did not develop the regulatory and enforcement framework required to fully implement the 2012 Iraqi anti-trafficking law, which the IKR's regional parliament approved in 2018. However, during the reporting period the KRG's anti-trafficking committee created sub-committees to address implementation of the anti-trafficking law, and it inaugurated the Erbil Office of the Directorate of Combating Human Trafficking.

The MOI's anti-trafficking unit continued to report that its many responsibilities limited its ability to conduct trafficking investigations; lack of resources and weak coordination among governmental ministries also hindered trafficking investigations. Additionally, Iraqi and KRG officials—including police officers and investigative judges—continued to lack a general understanding of trafficking and the ability to recognize trafficking indicators. The government also reported the judiciary often used prostitution or residency laws in the criminal code, which carried lesser penalties for offenders than the anti-trafficking law, to prosecute sex trafficking offenses. The MOI took steps to address some of these shortfalls during the reporting period. It continued to provide several anti-trafficking trainings for MOI, Ministry of Justice, and Ministry of Labor and Social Affairs (MOLSA) personnel on victim identification and protection. In addition, in March 2020, the MOI upgraded the anti-human trafficking unit to the equivalent of a Directorate, which included six sections, 14 units, and two offices in Baghdad. The new structure included an information technology section for compiling data and records related to trafficking crimes and a strategic planning unit—which included four Iraqi academics—to develop policies on identifying trafficking crimes, victim identification, and long-term tracking of trafficking networks. Additional units in the Directorate structure included one dedicated to provincial outreach and another focused on coordinating the activities of the inter-ministerial counter-trafficking committee (CCCT). The MOI also added the anti-money laundering and terrorism finance offices in the Iraqi Council of Ministers General Secretariat (COMSEC) to the CCCT, in recognition that funds generated from trafficking cases sometimes supported terrorist organizations.

During the reporting period, the MOI's anti-trafficking unit arrested and detained 504 individuals for alleged involvement in trafficking crimes; the unit arrested 54 of these alleged traffickers after conducting 37 raids on massage parlors, coffee shops, and other establishments known for human trafficking activities. Of the 504 individuals, authorities referred 160 for prosecution, while it acquitted 48 and released 34 on bail. The government convicted and sentenced 67 traffickers under the anti-trafficking law and sentenced them to five to 15 years in prison, but it did not provide additional details of these cases. This demonstrated an increase from the 426 alleged traffickers it detained, 105 referrals for prosecution, and 53 traffickers convicted and sentenced during the previous reporting period. The KRG did not report prosecuting or convicting any traffickers during the reporting period, which demonstrated a decrease from the 89 prosecutions and seven convictions during the previous reporting period. The KRG also did not report providing anti-trafficking training for its personnel.

Concerns of alleged official complicity in trafficking crimes remained, but the government did not report efforts to investigate such allegations. Some NGOs continued to provide uncorroborated anecdotal reports that government officials in key security positions protected traffickers from investigation and prosecution. The government did not report efforts to investigate or prosecute continued allegations that security and camp management personnel in IDP camps were complicit in the sexual exploitation and trafficking of women and girls, particularly those with ties to alleged ISIS members. However, during the reporting period, the government cooperated with an international organization and NGOs to address sexual exploitation concerns in IDP camps. The government did not report efforts to investigate allegations

that some PMF-affiliated militias, including Harakat Hezbollah al-Nujaba (HHN) and Asaib Ahl al-Haq (AAH), recruited boys under the age of 18 to fight in Syria and Yemen. Furthermore, some foreign governments with large numbers of migrant workers in Iraq continued to report that Iraqi officials sometimes forced them to pay bribes, along with immigration fees, to release their citizens who were trafficking victims from detention and to repatriate them.

PROTECTION

The government identified fewer trafficking victims, and measures to protect victims remained weak. The MOI reported it identified 72 total trafficking victims, which included 51 male and female victims of sex trafficking, six child trafficking victims, and 10 foreign labor trafficking victims referred to the MOI from the victims' embassies during the reporting period. This demonstrated a significant decrease from the 148 victims the MOI identified during the previous reporting period. Of the 72 identified victims, the government referred 26 adult female victims to the MOLSA-run trafficking shelter in Baghdad, four child victims to orphanages, six labor trafficking victims to rehabilitation services, and repatriated four labor trafficking victims; it also provided shelter services and 24-hour protection to five victims involved in a trafficking case, as well as a direct hotline for an emergency response team to nine witnesses involved in the same trafficking case and ensured their identities were protected. It did not report if it provided or referred the remaining 27 identified victims to protection services. The government did not have victim identification guidelines for all officials and first responders who came in contact with potential trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in commercial sex. The government also did not have a national victim referral mechanism, and the government's ad hoc referral process remained deficient. Civil society organizations reported some Iraqi officials, including district-level police officers, did not proactively identify trafficking victims because officials lacked a general understanding of the crime. An international organization reported that some police officials proactively identified foreign labor trafficking victims, but they did not adequately screen for victims among Iraqi citizens or during investigations of prostitution crimes. Investigative judges were the only officials who could officially identify and refer a trafficking victim to protection services, including the government-run shelter in Baghdad; however, because judges required victims to testify in front of their perpetrators in court, many victims did not come forward due to fear of retaliation. Because of this requirement and the resulting absence of victim witnesses, judges determined in many cases there was insufficient evidence to officially classify a person as a trafficking victim, thereby denying victims' access to protection services. Furthermore, the government did not have specialized judges or courts that were trained or dedicated to handling trafficking cases; an NGO reported in early 2020 that the lack of specialized judges prevented trafficking victims from gaining access to shelters and medical services.

Because of the government's victim identification and referral deficiencies, as well as authorities' lack of knowledge of trafficking, some officials continued to criminalize and punish trafficking victims. Authorities arrested, imprisoned, deported, and financially penalized trafficking victims in Iraq, including in the IKR, for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations and child soldiering. Foreign migrant workers, including foreign labor trafficking victims, faced regular discrimination in the criminal justice process, re-victimization, and retaliation from traffickers. Police at times inappropriately arrested and detained foreign trafficking victims, rather than the perpetrators, after employers and recruitment agents filed false claims of theft against the victim in retaliation for victims reporting allegations of trafficking to the police. The government also required foreign labor trafficking victims—both identified and unidentified—to pay overstay fines to obtain an exit visa to legally exit the country. Although employers were legally responsible to pay immigration fees or liabilities related to foreign workers under Iraq's sponsorship system, in practice authorities penalized workers for failing to pay. For example, between May 2019 and February 2020, an NGO reported authorities detained 200 foreign male trafficking victims from Bangladesh, Pakistan, and Egypt in police stations, as well as 100 foreign female trafficking victims from sub-Saharan and West Africa and Southeast Asia at a female prison in Baghdad because of unpaid overstay fines. An international organization continued to report the government increasingly recognized that people arrested for prostitution crimes could be victims of trafficking and should be treated as such; however, an NGO reported authorities continued to charge sex trafficking victims on prostitution violations. During the reporting period, an international organization reported one case in which Iraqi judicial officials did not appropriately identify a female trafficking victim and therefore detained her at a correctional facility. In December 2019, IKR media reported that KRG internal security forces (Asayish) personnel, failed to appropriately screen for and refer to protection services an unknown number of foreign sex trafficking victims. Asayish personnel reportedly seized the passport of one of the victims and returned her to the trafficker and further threatened the victims with deportation, which discouraged them from filing charges against their trafficker. In addition, Iraqi and KRG authorities continued to inappropriately detain and prosecute without legal representation children allegedly affiliated with ISIS—some of whom were victims of forcible recruitment and use—and used abusive interrogation techniques and torture to gain children's confessions; the government did not report screening these children as potential trafficking victims or referring them to protection services.

The Iraqi government and the KRG provided limited protection services to trafficking victims and did not operate shelters specifically for male trafficking victims. By law, the Iraqi government was the only authority permitted to provide shelter to trafficking victims, which severely limited the availability of protection services for victims. The Iraqi government, however, did not allocate funding in its budget specifically for victim protection services. NGOs continued to report a shortage of specialized shelters for trafficking victims, in part because of laws and government actions preventing NGOs from legally operating shelters. However, during the reporting, CCCT and MOLSA formed an emergency committee to review the cases of trafficking victims located in state shelters and assess their psychological and physical condition in order to provide them with medical care; the committee included a shelter manager, two doctors, two psychologists, and two social workers. MOLSA continued to operate a trafficking shelter in Baghdad for female trafficking victims, but it did not have dedicated funding for its operation or services and therefore relied on donations from civil society organizations. During the reporting period, seven trafficking victims utilized the shelter, which was the same number of victims assisted at the shelter in the previous reporting period. MOLSA—in coordination with the Ministry of Health—provided victims at the shelter with psycho-social, trauma, and reintegration services and medical care; however, NGOs reported the level of care was poor. Civil society organizations reported that overall services provided in other government-operated shelters also remained poor, as they were limited in capacity, staffing, and case management training and provided inadequate psycho-social and medical care and vocational training specifically for trafficking victims. Additionally, female victims were not allowed to freely enter and exit shelters, and officials limited victims' ability to communicate with anyone outside of the shelters. The

government did not provide foreign victims access to protection services other than the provision of shelter. Furthermore, an NGO reported allegations that staff and guards at government-operated shelters abused trafficking victims during the reporting period. The government did not provide care for rape victims, including trafficking victims who were also victims of rape; due to social norms, rape victims were often encouraged by government authorities or sometimes forced by their families to marry their rapists. The Iraqi government did not provide funding or in-kind assistance to NGOs that provided victim care. NGOs that provided shelter and other forms of assistance to trafficking victims faced harassment by Iraqi authorities, as well as obstacles to registering with COMSEC to obtain certificates to legally operate. For example, in December 2019, the Iraqi government suspended NGOs' access to a registration system that would allow them to conduct humanitarian and development work, including work on human trafficking issues; as of March 2020, the system remained excessively burdensome. However, the government worked with the international community to find an alternate solution to ensure access letters for NGOs, but significant deficiencies remained with this process. Furthermore, in January 2020, COMSEC officials filed a lawsuit against an NGO that provided support to female trafficking victims, in an effort to dissolve the NGO.

The KRG's Erbil Office of the Directorate of Combatting Human Trafficking—established in June 2019—assisted 155 potential trafficking victims, 11 of whom were confirmed trafficking cases; it did not report if it referred or provided protection services to these victims. The KRG continued to operate four shelters in the IKR for women, which could provide services to female trafficking victims but rarely did so in practice. Victims needed to obtain a court order to leave the shelters, which significantly restricted their movement, and shelter space was limited. The KRG did not report how many, if any, trafficking victims received services at these shelters during the reporting period. During the reporting period, the KRG gave official permission to an Erbil-based NGO to operate the first trafficking shelter in the IKR, which could house as many as 38 victims, including both male and female victims; the shelter became operational in November 2019. During the reporting period, the KRG continued to facilitate the release of several hundred Yezidis held captive by ISIS, most of whom were likely trafficking victims; however, the KRG did not report whether it provided essential psycho-social or other protective services to these victims. Neither the KRG nor the Iraqi government reported efforts to provide protection services to demobilized child soldiers of ISIS, the PMF, or other armed groups, thus failing to prevent re-victimization or re-recruitment of these children.

Neither the Iraqi government nor the KRG provided adequate protections to victims or witnesses to encourage their assistance in investigations and prosecutions of traffickers. However, the MOI reported all 72 identified victims voluntarily assisted law enforcement authorities during the investigation and prosecution of their traffickers. The Iraqi government did not allow trafficking victims to work, move freely, or leave the country during trials. The MOI reported that any foreign or Iraqi trafficking victim could file a civil lawsuit against a trafficker, but an NGO reported no victims filed such lawsuits in 2019, likely due in part to authorities' poor investigative techniques for trafficking cases and the overall lack of protections provided to victims during trial. Courts did not protect the privacy or identity of victims when testifying against their trafficker; during the reporting period, NGOs reported courts required victims to testify in front of their traffickers, as well as—at times—in front of an entire courtroom of other people waiting for their cases to be heard. Iraqi courts also did not provide translation and interpretation services for foreign trafficking victims, which delayed cases for months; in some cases, courts used unqualified interpreters, which harmed the credibility of victims' testimonies. Labor courts in the IKR did not provide translation and interpretation services for foreign workers, including foreign labor trafficking victims, creating difficulties for victims to sue abusive employers. Although the Iraqi anti-trafficking law allowed for the government to provide special residency status benefits to foreign trafficking victims, the government did not report offering this assistance to any victims during the reporting period. The KRG did not offer special residency status to victims during the reporting period either, but it reportedly continued to refrain from deporting victims. The Iraqi government and the KRG provided foreign victims relief from deportation or offered legal alternatives to their removal to countries in which they may have faced hardship or retribution. The Iraqi government and KRG reportedly cooperated with an international organization to repatriate an unknown number of foreign trafficking victims during the reporting period.

PREVENTION

The government made modest efforts to prevent human trafficking. Political unrest, including mass protests, budget shortfalls, understaffing, a stagnant economy, and vast reconstruction needs limited the Iraqi government and KRG's ability to coordinate anti-trafficking efforts and dedicate resources to combat trafficking. Nevertheless, the CCCT continued to meet nearly every month during the reporting period. The KRG's anti-trafficking committee—established in 2016—which was led by the KRG Ministry of Interior (KMOI) and included 17 government ministries, met every 60 days starting in October 2019. The Iraqi government maintained a national anti-trafficking action plan, implemented in March 2019; while the government increased personnel to the MOI's anti-trafficking Directorate during the reporting period, it did not report if it dedicated a specific budget to overall implementation of the action plan. The Iraqi government continued to raise awareness about trafficking by advertising its anti-trafficking hotline and posting information at hospitals, markets, border crossings and security checkpoints, airports, and transportation hubs. In addition, the Ministry of Transportation reported it worked with bus companies and airlines to raise awareness about trafficking, and the Ministry of Displacement and Migration raised awareness at IDP camps during the reporting period. The MOI continued to operate a 24-hour anti-trafficking hotline, and it reported receiving 26 alleged trafficking cases in 2019. The KRG also operated a hotline where trafficking victims could seek assistance and report labor abuses, but it did not report how many alleged trafficking cases it received through the hotline during the reporting period. The Iraqi government and the KRG continued to cooperate with each other to maintain an online visa system to track migrant workers and their sponsoring companies to prevent employers from committing labor abuses. However, the KRG reported challenges tracking migrant workers hired by employers and companies that used fake or fraudulent registrations. A Kurdish media outlet reported in February 2020 that the KRG blacklisted 38 employment agencies and companies because of alleged trafficking concerns, but it did not report if the KRG prosecuted any of these companies for potential labor trafficking crimes. The Iraqi government reported that it closed 24 recruitment agencies during the reporting period, and it referred 14 of them to the judiciary for violating labor regulations; it did not report if it investigated these agencies for potential trafficking crimes. The Minister of Interior reported in February 2020 that the government restricted visa issuance to Bangladeshi nationals—estimated at 400,000 in Iraq—in an effort to curb illegal immigration and address widespread concerns about the trafficking of workers from Bangladesh and other South Asian countries. The Iraqi government reported it provided anti-trafficking training to all government employees, including diplomatic personnel, but it did not adopt specific measures to prevent its diplomats from facilitating human trafficking. The government did not make efforts to reduce the demand for commercial sex acts or child

sex tourism. In July 2019, the Iraqi High Judicial Council (HJC) directed courts to use the anti-terrorism law to counter some forced marriage practices, including *fasliya*—the exchange of family members to settle tribal disputes—and *nahwa*—a practice in which a family forces a woman to marry one of her father's cousins—which placed women and girls at increased risk of trafficking. During the reporting period, the Iraqi government deprived thousands of children, whose parents were allegedly affiliated with ISIS, access to education, thereby creating greater vulnerabilities for these children.

Iraqi law prohibited voluntary recruitment of any person younger than age 18 into the governmental armed forces, including governmental paramilitary forces, militia groups, or other armed groups. There were no reports of child soldiers used within the Iraqi military, and the government reportedly provided training to military officers on child soldier issues. However, the Iraqi government did not exercise complete control over certain units of the PMF, which sometimes undertook operations independent of political leaders or military commanders. The Iraqi government's inter-ministerial senior committee to monitor, evaluate, and report on children's rights violations in conflict zones in Iraq continued to closely coordinate with an international organization during the reporting period. The government also continued to discuss the development of an action plan with an international organization for the PMC to address the recruitment and use of children in armed conflict.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iraq, and traffickers exploit victims from Iraq abroad. The violent conflict with ISIS exacerbated the population's vulnerability to trafficking, in particular women and children, although the government's territorial defeat of the terrorist group, announced December 9, 2017, has improved conditions for Iraqi civilians. However, insecurity remains in many areas, including those liberated from ISIS rule. Since January 2014, more than five million Iraqis have been displaced, with approximately 1.4 million still displaced as of the end of 2019, many of whom are female heads of household vulnerable to sexual exploitation and abuse due to their perceived affiliation with ISIS. In addition, more than 245,000 Syrian refugees remained displaced in Iraq, the vast majority in the IKR. With the defeat of the ISIS physical caliphate, the reported incidence of these violations has diminished. Between 2014 and 2018, ISIS militants kidnapped and held captive thousands of women and children from a wide range of ethnic and religious groups, especially Yezidis, and sold them to ISIS fighters in Iraq and Syria, where ISIS fighters subjected them to forced marriage, sexual slavery, rape, and domestic servitude. ISIS maintained an organized system to buy and sell women and girls for sexual slavery, including sales contracts notarized by ISIS-run courts. Media have reported that ISIS sold some captives to wealthy individuals in Gulf countries, and reports suggested that some Yezidi captives were moved to Syria, Turkey, and Saudi Arabia. IKR-based civil society organizations also reported in 2018 that ISIS members and supporters kidnapped Yezidi children for exploitation in Turkey. ISIS reportedly kidnapped 120 Turkmen children in 2014; they have reportedly been sold multiple times for the purpose of sexual exploitation, and only 20 of the kidnapped children were rescued by the end of 2018. Throughout 2015-2019, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape, forced marriage, and sex trafficking; these women and girls, including IDPs among this population, remain highly vulnerable to various forms of exploitation, including re-trafficking. Some Yezidi women and girls reportedly reside in Iraqi IDP camps or Al-Hol camp in Syria where they continue to live with Sunni families that formerly exploited them under ISIS rule. As of February 2020, the KRG reported 2,893 Yezidis—including men, women, and children—remain missing. Some reports indicate the missing women and girls remain with ISIS in eastern Syria and Turkey or have been exploited in other parts of the region, Europe, or Asia.

Children remain vulnerable to forcible recruitment and use by multiple armed groups operating in Iraq, including—but not limited to—ISIS, the PMF, tribal forces, the Kurdistan Worker's Party (PKK), and Iran-backed militias. Despite the defeat of the physical caliphate, ISIS continues to abduct and forcibly recruit and use children in combat and support roles, including as human shields, informants, bomb makers, executioners, and suicide bombers; some of these children were as young as eight years old and some were mentally disabled. Multiple sources report the PKK and People's Protection Units (YPG) operating in the IKR and Sinjar continued to recruit and use children. Local NGOs reported in 2018 that Yezidi militias in Sinjar recruited approximately 10 to 20 Yezidi boys. NGO and local government contacts confirmed that hundreds of Yezidi children have been recruited by the PKK-aligned Yezidi Civil Protection Units and other PKK-affiliated militias. In 2018, civil society organizations reported the PKK recruited and trained children from Sinjar, Makhmour, and other locations, and sent them to bases in Sinjar, Turkey, and the Qandil Mountains between Iraq and Iran.

Since 2015, NGOs have reported that some non-compliant, Iran-aligned PMF units recruit, use, and provide military training to children, though the incidence of these reports has declined with the defeat of ISIS's territorial presence in Iraq. However, the number of incidents of child soldier recruitment and use continues to decline, according to an international organization in 2019. In 2018 and 2019, NGOs alleged that some PMF-affiliated militias, including Iranian-backed HHN and AAH, recruited boys younger than the age of 18 to fight in Syria and Yemen. In 2017, reports also indicated both the AAH and Kata'ib Hizbullah (KH) militias recruited and used child soldiers. Some of the forces in the HHN, AAH, and KH militias operated under the umbrella of the PMF, but they generally operate outside of the command and control of the Iraqi government. Civil society organizations and local contacts reported in 2017 that posters commemorating children who died while fighting for Shia militias were commonplace in Shia-majority areas of Baghdad and throughout southern Iraq. Most of the children who were celebrated for fighting allegedly fought for brigades of the AAH and KH militias. According to the PMF official social media site and posters in the street in mid-2017, the PMF offered military training courses to children and youth ages 15-25. In 2015 and 2016, multiple sources reported factions of the PMF recruited and used children in operations in Fallujah and other areas of the country, while PMF-affiliated media celebrated the service and sacrifice of child soldiers. Credible reporting in 2017 indicated Sunni tribal militias recruited boys out of IDP camps, some of whom received military training. In August 2016, an international NGO reported that Sunni tribal militias affiliated with the PMF recruited at least seven children from the Debaga IDP camp in northern Iraq; witness accounts reported that members of the Iraqi Security Forces (ISF) facilitated the recruitment of children from the camp. In addition, international observers reported the ISF used three children at a checkpoint in early 2019.

Refugees and IDPs face heightened risk of forced labor and sex trafficking due to their economic and social vulnerability and lack of security and protections. Approximately 1.4 million Iraqis remain internally displaced, of whom 70 percent have been displaced for more than three years. Between 2015-2018, NGOs reported trafficking networks in the IKR targeted refugees and IDPs, operating with assistance from local officials, including judges, officials from the Asayish forces, and border agents. Women and girls in IDP camps whose family members have alleged ties to ISIS continue to be exposed to a complex system of potential sexual

exploitation, sex trafficking, and abuse by armed actors residing in the camps, security and military officials. In 2015 and 2016, NGOs reported some personnel from the Asayish forces facilitated the sex trafficking of women and girls in Syrian refugee camps in the IKR. Reports from 2015 indicated a trafficking network exploited IDPs and some Syrian refugee women in sex trafficking in hotels and brothels in Baghdad, Basrah, and other cities in southern Iraq after agents of the network promised to resettle them from the IKR; the network also forced the women's children to beg on the street. Criminal gangs reportedly force boys and girls to beg, especially IDP and refugee children, and children with disabilities, primarily in urban areas; criminal gangs also force children to sell and transport drugs and weapons, particularly in southern Iraq.

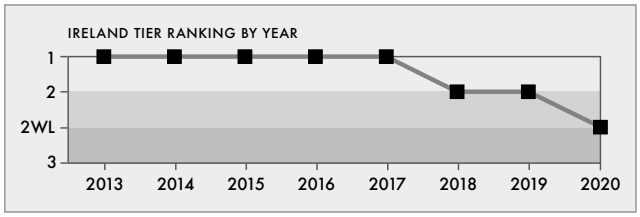
Iraqi, Iranian, and Syrian women and girls, as well as LGBTI persons in the IKR, are particularly vulnerable to sex trafficking. LGBTI individuals across all ethnic and religious groups remained at risk of sex trafficking primarily because of cultural stigmas. According to IKR press reports, the collapse of Iran's currency and economic slowdown spurred an influx of more than 2,000 young Iranian women and girls into the IKR in 2018, many of whom were victims of sex trafficking in cafes, hotels, and massage centers. According to KRG law enforcement in 2018, IKR-based taxi drivers allegedly facilitate the transportation of these women and girls from Iran to the IKR under the cover of tourism. Numerous media reports in 2018 claimed girls as young as 11 years old are observed in night clubs and casinos in Baghdad as waitresses, dancers, and in commercial sex; some militia groups, including AAH, reportedly provided security at these establishments and relied on them for income. NGOs reported in 2018 and 2019 that male sex traffickers in the IKR use the threat of publicizing compromising photos of women to sexually exploit or force them into commercial sex. NGOs in 2016 reported cases in which criminal networks exploited girls who had run away from their families out of fear of honor killings in child sex trafficking. The media reported in 2018 that trafficking gangs increasingly used social media sites, particularly Facebook, to buy and sell women and girls for sex and labor exploitation. Reports from 2014-2017 suggested some Iraqi law enforcement officials have allegedly frequented brothels known for sex trafficking or accepted bribes to allow sex trafficking. Foreign media reports from 2018 suggested a growing trend of child sex trafficking of Iraqi girls aged 11-16 in Syria, Jordan, Saudi Arabia, Lebanon, and the UAE. Trafficking networks also reportedly sell Iraqi children in neighboring countries and Europe for commercial sexual exploitation. Iraqi refugees in Jordan are vulnerable to labor trafficking in Jordan's informal labor sector, in part due to employers paying them below-market wages and expecting them to work excessively long hours.

Traditional practices, including *fasliya* and child forced and "temporary" marriages also place women and girls at increased risk of trafficking within the country. In 2019, an international media outlet reported clerics operated "marriage offices" in areas outside of important shrines in Iraq, which advertised "temporary marriages" with girls as young as nine years old for the purpose of sex trafficking. Some militia groups, such as the AAH, reportedly provide security for these "offices" and rely on them for income. In 2016, child protection organizations reported incidents of child marriage—which could increase a child's risk of trafficking—increased among IDPs and Syrian refugees in the IKR, as heads of households sought ways to generate income and reduce the family's economic burden. As reported in previous years, traffickers forced Syrian girls from refugee camps in the IKR into early or "temporary marriages" with Iraqi or other refugee men; some KRG authorities allegedly ignored, or may have accepted bribes to ignore such cases, including those in which girls are sold multiple times. In early 2020, an NGO reported that traffickers are beginning to open massage parlors in five-star hotels in Iraq as a cover for commercial sex and sex trafficking; some of these hotels are owned by state entities, which allow the traffickers to operate with impunity. The Iraqi government further confirmed in early 2020 that massage parlors, coffee shops, bars, and nightclubs were locations for sex trafficking. Additionally, according to the Iraqi government, traffickers use social media to operate their networks and recruit victims, such as by advertising fake job offers.

Some men and women from throughout Asia and Africa who migrate—both legally and illegally—to Iraq are subjected to forced labor as construction workers, security guards, cleaners, handymen, and domestic workers. In early 2020, contacts reported an increase in trafficking victims from Ghana, Kenya, and Sierra Leone. In January 2016, the MOLSA reported approximately 140,000 foreign workers lacked formal work permits; NGOs reported some employers and recruitment agents exploit workers' illegal status by withholding salaries and subjecting workers to substandard living conditions. Some foreign migrants are recruited for work in other countries in the region but are forced, coerced, or deceived into working in Iraq and the IKR. In 2018, the KMOI reported 22 workers from the Philippines legally entered the IKR under the sponsorship of a labor contracting company, but were subsequently forced to work in Baghdad. In early 2020, NGOs reported that smugglers in the IKR promise some sub-Saharan African workers better work opportunities in Baghdad, but upon arrival, traffickers exploited the workers in forced labor. In 2018, an international organization reported that if a foreign worker had a complaint of abuse about an employer, recruitment agents moved the worker to a different employer and did not report the employer to the police. Recruitment agencies reportedly operate clandestinely without permits and beyond the control of the government.

IRELAND: TIER 2 WATCH LIST

The Government of Ireland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing prosecutions and funding to NGOs for victim assistance. The government also increased the number of police and immigration officers that received anti-trafficking training and reorganized its anti-trafficking coordination unit. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government has not obtained a trafficking conviction since the law was amended in 2013, which weakened deterrence, contributed to impunity for traffickers, and undermined efforts to support victims to testify. The government continued to have systematic deficiencies in victim identification, referral, and assistance. The government continued to lack specialized accommodation and adequate services for victims, and the amended working scheme for sea fishers increased their vulnerability to trafficking. Therefore Ireland was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict suspected

offenders of both sex and labor trafficking using the trafficking law. • Train law enforcement and prosecutors on developing cases with evidence to corroborate victim testimony and train law enforcement, judges, and prosecutors on a victim-centered approach. • Improve victim identification and referral, and issue a revised referral mechanism in coordination with NGOs offering formal identification, a recovery and reflection period, and services to all victims. • Allow formal victim identification by and referral from entities other than the police, including civil society, social workers, and healthcare professionals. • Allow all victims to access the national referral mechanism without requiring cooperation with law enforcement. • Increase efforts to identify and protect all victims, especially of labor trafficking and forced criminality, including vulnerable populations such as sea fishers. • Discontinue joint inspections between labor inspectors and immigration authorities, which pose a barrier to identification of victims, or ensure immigration authorities receive training in the identification of trafficking victims. • Adopt a legal provision to exempt victims from inappropriate penalization for unlawful acts traffickers compelled them to commit. • Offer specialized accommodation to trafficking victims. • Enforce the amended rules for the working scheme for sea fishers to reduce their risk of labor trafficking. • Increase legal assistance for trafficking victims, including for assisting in investigations and court proceedings, which can be accessed at the earliest opportunity and prior to engaging with police. • Establish a national hotline to report trafficking crimes and provide victim assistance and referral. • Increase efforts to order restitution for victims, particularly for undocumented workers or those involved in sex trafficking. • Establish an independent national rapporteur to help identify and address gaps in anti-trafficking strategy and efforts. • Increase coordination between law enforcement and prosecutors through regular case conferencing, and consider prosecution-assisted investigations on trafficking cases. • Prioritize investigating fraudulent labor recruitment and labor trafficking, and prosecute these crimes as trafficking rather than labor code violations.

PROSECUTION

The government decreased law enforcement efforts and has not obtained a trafficking conviction since 2013. The 2008 Human Trafficking Act, amended in 2013, criminalized sex trafficking and labor trafficking and prescribed penalties up to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as rape. The law broadly defined sexual exploitation to include the sexual abuse of children. The Criminal Justice (Sexual Offences) Act of 2017 criminalized the purchase of sexual services and prescribed more severe penalties for the purchase of sex from a person subjected to trafficking. In such cases, the burden of proof shifted to the accused, who had to prove they were unaware the victim was exploited in trafficking.

The national police anti-trafficking unit reported 39 investigations in 2019 (36 for sex trafficking and three for labor trafficking, which included two for forced criminality), a significant decrease compared to 64 investigations in 2018. There were several ongoing investigations that began in prior reporting periods. The government initiated prosecutions for five suspects, two for sex trafficking and three for forced labor (compared to zero in 2018, three in 2017, and nine in 2016). Coordination between law enforcement and the Office of the Director of Public Prosecutions (ODPP) continued to be ineffective during the reporting period. Although the national police submitted one notable labor trafficking investigation involving 21 sea fishers, 20 of whom received victim support services for trafficking victims from the government during the reporting period, to ODPP in 2019, ODPP informed victims that they had found no evidence of trafficking and would not prosecute. For the sixth year in a row, the government did not convict any traffickers; to date, there have been zero convictions under the anti-trafficking law, as amended—though the government has reported identifying 471 victims since 2013. In its 2017 report, GRETA expressed concern about the inadequate criminal justice response, noting the failure to convict traffickers and the absence of effective sentences could contribute to impunity and undermine efforts to support victims to testify. The ODPP had a specialized team responsible for prosecuting trafficking crimes. However, the government did not have specialized judges or courts that could hear trafficking cases, and judges often had little understanding of trafficking crimes or familiarity with the behavior of traumatized trafficking victims. Civil society continued to express concern regarding the lack of judicial training and noted that victims who did not self-identify were often sentenced to harsh punishments for crimes committed as a direct result of being subjected to trafficking.

During the reporting period, 58 police officers, NGO members, and Ministry of Justice officials participated in a three-day training course on trafficking (127 in 2018). The government reported providing basic trafficking training to 1,541 police officers and 100 immigration officers, a significant increase compared to 650 and 47, respectively, in 2018. The government did not report training front-line social protection officers, senior investigating officers (77 in 2018), detective sergeants (81 in 2018), or workplace relations commission inspectors (eight in 2018) during the reporting period. An unknown number of border police received a weeklong training on labor trafficking, specifically focused on the fishing industry. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking. In 2019, the national police concluded three international investigations and continued one investigation with police in United Kingdom.

PROTECTION

The government decreased victim protection efforts. Authorities identified 42 suspected trafficking victims, a significant decrease compared with 64 in 2018 and 57 in 2017, and the lowest number since 2013. The government significantly decreased efforts to identify victims of forced labor and did not report identifying any Irish national victims. Of the victims identified in 2019, 34 were exploited in sex trafficking and six in labor trafficking (which included three victims of forced criminality and two victims of domestic servitude), and two were combinations of both; this compared to 27 victims of sex trafficking and 35 victims of labor trafficking in 2018. Of the 42 victims identified in 2019, 38 were female (seven of whom were children) and four were male (two of whom were children). Two victims of forced criminality were forced to work in cannabis grow houses and one was forced to sell illegal substances. During the reporting period and following a legal settlement with an NGO, the government amended its atypical working scheme for sea fishers to reduce their vulnerability to labor trafficking. The government identified zero trafficking victims in the fishing industry for 2019, compared to 23 victims in 2018. NGOs asserted that foreign national sea fishers outside of the European Economic Area (EEA) were even more at risk because the government no longer identified victims; advised victims to adjust their residency status, as they no longer qualified for residence permits as trafficking victims; and failed to enforce the amended rules. The government did not report the number of victims repatriated, compared to 15 in 2018. Border police conducted interviews with three sea fishers and 115 children at airports but did not identify any trafficking victims. Though inspectors reported conducting more than 1,500 inspections of at least 9,000 workers, including 39 joint inspections with the police, the government did not report identifying any trafficking victims as part of these inspections in 2019, or in 2018, or 2017. Civil society continued to raise concerns regarding the government's ongoing, chronic deficiencies providing assistance and protection to trafficking victims.

Experts continued to raise concerns regarding the government's inability to identify trafficking victims due to shortcomings in its identification mechanism. While the government had national formal procedures for victim identification, they were valid only for victims lacking legal residency in Ireland, namely foreign nationals from outside the EEA who were not asylum-seekers. The formal identification scheme excluded EEA-nationals, including Irish nationals, and asylum-seekers with pending applications. As a result, the government did not formally identify such persons as suspected victims of trafficking, with implications for their access to social welfare and other specialized victim services, as reported by GRETA. According to the government, in practice, domestic and foreign victims had equal access to all state services. GRETA and NGOs, however, asserted EEA-national victims were excluded from accessing social welfare and other state support until they satisfied or were granted an exemption from the Habitual Residence Condition.

The government maintained it assessed suspected victims on a "reasonable grounds" basis to allow them access to support and services. However, NGOs and lawyers asserted the national police lacked consistent standards when assessing victims; anti-trafficking efforts varied widely throughout the country; there was no consistently used formal referral mechanism for all police units for sex trafficking victims. NGOs and other front-line responders did not have a formal role in the formal identification of victims; though police could receive victim referrals from any source, they were the only entity with the authority to formally identify victims. In its 2017 report, GRETA criticized this exclusive police authority, asserting that it created a potential conflict of priorities between law enforcement efforts and victim assistance. A formal victim statement to police and a law enforcement referral were required for potential victims to access the national referral mechanism; victims unwilling to go to the police could access emergency accommodation, counseling, medical care, and legal services from two NGOs that received government funding, but not through the referral mechanism. In 2017, the government reported plans to institute a new and revised referral mechanism; however, the government has not issued the revised mechanism. While experts welcomed ongoing government plans to develop the new mechanism, they expressed concern with the slow pace and the lack of clarity surrounding its development. Of the 42 victims police formally identified, they referred 26 to legal aid services; they did not report what services other victims received or how many were found ineligible to receive services due to Habitual Residency Condition restrictions.

Through the national referral mechanism, which was administered at government-run direct provision centers, the government provided victims with health services, immigration permission, accommodation, welfare and rent allowance, police assistance, residence permits, repatriation, translation and interpretation assistance, and access to education for dependent children. There was no legally mandated psychological assistance for victims, and the counseling services provided by NGOs were insufficient. NGOs reported a lack of specialized services to address the physical and mental health needs of victims. The government's legal aid board provided information to potential victims referred by police, but it did not provide legal assistance or support to victims during investigations or trials. One government-funded NGO provided legal representation for victims. GRETA urged the government to ensure victims had early access to legal practitioners with specialized knowledge of trafficking who could represent them. NGOs noted instances where trafficking victims were persuaded to plead guilty to commercial sex-related charges because they did not fully understand their legal protections.

The government provided €350,000 ($393,260) to an NGO for assistance for sex trafficking victims, compared with €325,000 ($365,170) in 2018. The government also provided €84,500 ($94,940) to another NGO to assist labor trafficking victims, a significant increase compared to €50,000 ($56,180) in 2018. The government remained without dedicated shelters for victims of trafficking. Although the government provided accommodation arrangements for potential victims, NGOs stated the mixed-gender housing in the direct provision system, a system originally established to provide services for asylum-seekers, had inadequate privacy, was unsuitable and potentially unsafe for traumatized victims, could expose them to greater exploitation, and undermined victim recovery. Experts also noted a lack of specialized services in the centers for all victims, but especially for female victims who had been traumatized due to psychological, physical, or sexual violence. Potential victims who were in the asylum process remained in direct provision accommodation while a determination was being made in relation to their claim for international protection, which could continue for years. While the government, including a parliamentary committee, acknowledged the lack of adequate accommodation and planned to develop alternative government-funded accommodation, officials took no concrete steps during the reporting period.

The government gave potential foreign trafficking victims temporary relief from deportation, contingent upon cooperation with an ongoing investigation. The government issued some form of immigration permission to nine victims during 2019, a significant decrease compared to 47 in 2018. The permissions were granted through a 60-day recovery and reflection period, a six-month temporary residence permission, or a two-year residence permission that allowed the holder to engage in legal employment. The government precluded victims who sought asylum from obtaining six-month renewable residence permits, which limited their access to certain benefits, such as work permits. NGOs reported the six-month periods acted as a barrier to work and that the recovery and reflection period was not uniformly granted to victims. The temporary protection could evolve into permanent residency, and residency benefits were not linked to a conviction; however, during the reporting period, the government advised several victims to apply to change their residency status, as they were no longer considered trafficking victims after the ODPP declined to pursue prosecution. The government did not provide compensation to any victims during the reporting period. The law did not provide restitution to victims for the crime of trafficking, but victims could obtain restitution for lost wages through a criminal trial, a civil suit, state bodies dealing specifically with work-related rights, and the criminal injuries compensation tribunal. In 2019, the Labor Relations Court (LRC) awarded €137,000 ($153,930) in restitution to eight trafficking victims for lost wages; however, victims infrequently received payment, as the court did not have enforcement authority, and employers would frequently close down, transfer directorship, leave the country, or claim inability to pay. NGOs criticized the lack of viable avenues for victim restitution, particularly those involved in sex trafficking and undocumented workers. Victims of sex trafficking had no verifiable expenses or employment losses, and the LRC was unavailable to undocumented workers, who could only pursue civil suits if they could prove they took all reasonable steps to rectify their irregular working status. The law protected the privacy and identity of victims in court proceedings and allowed victims to testify via video link at the discretion of the judge; this was not uniformly granted. In 2019, a judge declined to allow trafficking victims who had left the country the option to testify by video link, which resulted in case dismissal.

GRETA urged adoption of a specific legal provision on the non-punishment of victims of trafficking in both its 2013 and 2017 reports, and, in 2015, the Irish high court found a need for protocols or legislation that dictate what happens when a victim is suspected of criminal activity; however, the trafficking law did not protect

victims from prosecution for crimes committed as a direct result of being subjected to trafficking. NGOs noted the process for victims to seek immunity from punishment for criminal activity as a result of trafficking was complex and required early legal representation. If authorities prosecuted an individual before they were formally identified as a trafficking victim, their criminal record could not be expunged. NGOs noted that the government continued to detain potential victims in prison for cannabis production prior to assessing whether they were victims of trafficking and urged the government to complete the identification process first. However, a police officer with specialized trafficking training accompanied teams conducting cannabis-related arrests to identify trafficking indicators and advise victims, and the Human-Trafficking Investigation and Coordination Unit continued to examine all crimes for forced criminally. The government did not report how many reviews of cannabis production cases for possible trafficking indicators police conducted, the number of victims identified, or the number of cases overturned for 2019, compared to 70 reviews in 2018 with no victims identified and no prosecutions overturned. The government reported the national police collaborated with ODPP to ensure victims were not prosecuted.

PREVENTION

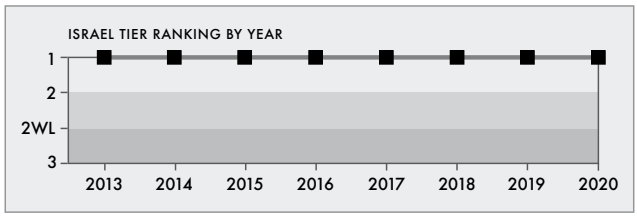
The government maintained prevention efforts. Following a reorganization, the justice ministry's criminal justice policy unit was responsible for coordinating interagency efforts, awareness raising, providing funding to anti-trafficking civil society organizations, collecting data, and publishing an annual report. The government did not report how many times the policy unit met with other government units combating trafficking during the reporting period. It was uncertain whether the government followed its national anti-trafficking action plan; the plan adopted in 2016 had no timeframe, budget allocation, or indication of agencies responsible for its implementation. The government continued extensive efforts to raise awareness of trafficking by maintaining a website that provided information on human trafficking and encouraged the public to report possible cases of trafficking to authorities. Other government entities distributed human trafficking leaflets at airports, produced newsletters on human trafficking for distribution to NGOs and other stakeholders, cooperated with a government-funded NGO to produce a televised interview with a trafficking victim, staffed booths at farming events attended by 81,000 people to raise awareness on labor trafficking in the agricultural sector, released booklets on human trafficking to approximately 5,000 nurses, participated in workshops on victim restitution, gave speeches and presentations to a variety of entities, and many other awareness raising efforts. Labor recruitment and employment agencies were required to have a license. The government did not report investigating or prosecuting any labor recruitment agencies for fraudulent labor recruitment or labor trafficking. The workplace relations commission (WRC) provided information on employment rights to approximately 54,748 callers (57,300 in 2018) and made 54 presentations (58 in 2018) on employment rights. The workplace relations commission could not regulate agencies who recruited domestic workers under the designation of "au pairs", who were allowed to work up to 20 hours per week without the need for a work permit. NGOs reported employers regularly paid au pairs less than minimum wage and forced them to violate the 20 hours of work per week maximum, creating vulnerability to labor trafficking. The WRC reported conducting 4,800 labor inspections (5,700 in 2018), half of which were unannounced, but did not report identifying any trafficking victims. While the WRC did convict several employers for employment-related offenses, they did not report investigating any companies for labor trafficking. Joint inspections between labor inspectors and immigration enforcement authorities intimidated undocumented potential victims and posed a barrier to the identification of victims. The government prohibited convicted human traffickers from being selected for public contracts. The government made efforts to reduce the demand for commercial sex acts by interviewing, arresting, and initiating prosecutions of several purchasers of commercial sex during the reporting period. The government also provided €96,050 ($107,920) for research and awareness raising projects in relation to the criminalization of the purchase of sex and the inherent exploitation involved, which was a decrease compared to €159,400 ($179,100) in 2018. The government did not fund the operation of a dedicated trafficking national hotline but promoted a general crime hotline for anonymously notifying police about various crime incidents; police officers staffed the hotline, which was available for 12 hours daily. The government did not report the number of calls received for trafficking-related cases during the reporting period. The national police had a dedicated email address for reports of trafficking; the police took action stemming from 67 emails, a significant increase compared with 30 in 2018.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ireland, and traffickers exploit victims from Ireland abroad. Traffickers subject Irish children to sex trafficking within the country. Foreign trafficking victims identified in Ireland are from Africa, Asia, Eastern Europe, and South America. Authorities and media have reported an increase in suspected victims from Nigeria, Romania, Indonesia, Brazil, and Pakistan. Traffickers exploit victims of forced labor in domestic work, the restaurant industry, waste management, fishing, seasonal agriculture, and car washing services. Vietnamese and Chinese individuals who are convicted for cannabis cultivation often report indicators of forced labor, such as document retention, restriction of movement, and non-payment of wages. Undocumented workers in the fishing industry and domestic workers, particularly au pairs, are vulnerable to trafficking. The government has reported the problem of forced labor in the country is growing. Women from Eastern Europe who are forced into marriage in Ireland are at risk for sex trafficking and forced labor.

ISRAEL: TIER 1

The Government of Israel fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Israel remained on Tier 1. These efforts included convicting more traffickers and identifying more trafficking victims overall. The government continued to operate shelters and other facilities that provided victims a wide variety of immediate and long-term care and rehabilitative services. The government forfeiture fund provided more monetary assistance to victims than in the previous reporting period. Although the government meets the minimum standards, it penalized some identified and unidentified trafficking victims among the irregular African migrant population for immigration violations. The government also continued to implement policies that exacerbated this population's vulnerability to trafficking, especially among Eritrean women, and the government's victim identification procedures delayed or prevented some victims from receiving appropriate protection services. Additionally, as of January 2020 the Police Anti-Trafficking Coordinating Unit (PTC), which remained the only authority to officially recognize victims of trafficking, was reduced to one police officer for the entire country; this further impacted the efficiency of victim identification procedures and referral of victims to protection services.



PRIORITIZED RECOMMENDATIONS:

Proactively screen irregular African migrants to ensure trafficking victims among this population are not penalized for unlawful acts traffickers compel them to commit, such as immigration violations. • Significantly increase the number and geographic dispersion of government officials, including police officers, authorized to officially recognize identified trafficking victims, including victims referred by NGOs, to allow for more efficient access to protection services. • Significantly increase investigations, prosecutions, and convictions of labor trafficking offenders. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Substantially increase anti-trafficking awareness and victim identification trainings for police officers at regional and local levels. • Provide access to the national healthcare system for victims of all forms of trafficking, including shelter and medical and psycho-social treatment, for the duration of their presence in Israel. • Increase the number of labor inspectors, social workers, and interpreters in the agricultural, construction, and caregiving sectors, and provide them with training on victim identification procedures. • Increase enforcement of foreign worker labor rights. • Take steps to eliminate recruitment fees charged to workers by licensed labor recruiters and ensure any recruitment fees are paid by employers. • Designate a Knesset committee or subcommittee to address labor trafficking. • Amend the 2006 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase methods of evaluating effectiveness of training for law enforcement, including police and prison officials, in victim identification and enforcement of labor and sex trafficking laws.

PROSECUTION

The government maintained overall law enforcement efforts, decreasing investigations and prosecutions while significantly increasing convictions. The 2006 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 16 years' imprisonment for the trafficking of an adult and up to 20 years' imprisonment for the trafficking of a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. Under 376A of the Penal Law 5737-1977, holding a person's passport against their will carried a penalty of three to five years' imprisonment.

In 2019, the police initiated 125 total investigations, including 110 investigations of potential sex trafficking crimes, eight potential forced labor crimes, and seven potential child sex trafficking crimes; this compared with 114 adult sex trafficking, eight forced labor, and 17 child sex trafficking investigations in 2018. In 2019, the government initiated 20 total prosecutions, including 16 for adult sex trafficking, two for forced labor, and two for child sex trafficking; this compared with 13 adult sex trafficking, two forced labor, and seven child sex trafficking prosecutions in 2018. In 2019, the government convicted 17 traffickers, including 13 for adult sex trafficking and four for child sex trafficking, but zero for forced labor; this compared with zero convictions for adult sex trafficking, one for forced labor, and four for child sex trafficking in 2018. Additionally, authorities opened 1,087 criminal investigations and filed 157 indictments against employers of foreign workers for suspected violations of labor laws; courts rendered 123 sentences with sanctions and compensation totaling approximately 6.88 million Israeli shekels ($1.99 million), as well as administrative fines of approximately 13.1 million Israeli shekels ($3.79 million). The government continued to report law enforcement efforts to address government officials complicit in trafficking offenses during the reporting period. In 2019, the government initiated one investigation involving a police officer indicted for accepting a bribe from the owner of a brothel, where trafficking allegedly occurred, to allow the facility to continue to operate; the case was ongoing at the end of the reporting period. In the previous reporting period, the government investigated a case of a police officer alleged to have solicited sex from trafficking victims, whom he was assigned to protect in a transition apartment while the victims waited to testify against their traffickers. In June 2019, courts convicted and sentenced the police officer to ten months' imprisonment, with six months' suspended imprisonment under the condition he would not perform a similar offense for three years, and a fine of 2,000 Israeli shekels ($580). The government did not report updates on an investigation initiated in the previous reporting period of a Ministry of Agricultural and Rural Development official who facilitated the entry of Georgian citizens into Israel through the use of his employee pass in exchange for money from the Georgian nationals or their traffickers.

As in previous years, the government provided extensive anti-trafficking training, awareness-raising workshops, and seminars, which reached more than 1,200 officials. The government continued to enhance training efforts to ensure all judges hearing criminal cases participated in a mandatory training on sex crimes and trafficking in persons. In 2019, the government initiated a police forum for the Israeli and Ukrainian police in which officials exchanged information on trafficking patterns and joint enforcement efforts; the forum resulted in a joint investigation that was ongoing at the end of the reporting period.

PROTECTION

The government identified more victims and maintained overall strong protection efforts. In 2019, the government reported receiving 96 victim referrals from NGOs and government sources, compared with 105 referrals in 2018. Of the 96 referrals, the government granted official trafficking victim status to 73 individuals—including 58 women and 15 men—an increase from the 59 victims identified in 2018. Of the 73 identified victims, 38 were victims of sex trafficking and 34 were victims of forced labor. Unlike in previous years, the vast majority of victims identified experienced trafficking within Israel, while only three victims were exploited in the Sinai prior to arriving in Israel. The government continued to circulate trafficking victim identification guidelines widely to relevant ministries. However, the government reported that the PTC—which consisted of two police officers for the majority of the reporting period—was the only government entity with the authority to grant individuals official trafficking victim status, allowing a victim full access to protection services. Because only two PTC officers were authorized to review victim applications throughout the country, the process significantly delayed victims' access to much-needed protection services. Furthermore, as of January 2020, one of the two officers departed the position, leaving only one officer in the entire country authorized to identify trafficking victims. Furthermore, NGOs reported that the government's strict evidentiary standard for granting official victim status, which required eyewitness accounts, dates, and details from the victims, prevented some victims referred by NGOs from receiving status and, thus, appropriate care in 2019. Some NGOs did not submit cases of trafficking among the Eritrean and Sudanese

irregular migrant community due to this high standard and the risk that the application process would re-traumatize victims but not result in recognition. NGOs also reported multiple cases in which the government significantly delayed the identification of Eritrean trafficking victims; for example, the government granted victim status to two Eritrean migrants eight and nine years after the NGO referred them to the PTC. Nevertheless, throughout the reporting period, the National Anti-Trafficking Unit (NATU), in coordination with the Ministry of Justice Legal Aid Administration (LAA) and NGOs, continued to implement a fast-track procedure to more efficiently grant trafficking victim status.

The government continued to provide a wide range of protective services for victims of all forms of trafficking. The government continued to operate a 35-bed shelter for female trafficking victims, a 35-bed shelter for male trafficking victims, and transitional apartments with 18 beds for female victims. The government closed a transitional apartment with six beds for male victims during the reporting period, as it began renovations to turn the space into a family apartment for women with children. Shelter residents could leave freely and, by law, the government provided all victims residing in the shelters with B1 visas—unrestricted work visas. These shelters offered one year of rehabilitation services, including job training, psycho-social support, medical treatment, language training, and legal assistance. In 2019, the government reported buying new furniture and redesigning shelter spaces to improve living conditions for residents and employing a nutritionist to improve nutritional services across the shelters. The PTC referred 71 identified victims to shelters, while two minor victims received services from the Ministry of Labor, Social Affairs and Social Services (MLSS); some victims declined to enter a shelter and instead utilized rehabilitative services at a government-run day center. In 2019, the women's shelter assisted 59 adult victims and three children of victims; the men's shelter assisted 33 victims, and the transitional apartments assisted 21 men and women, including 18 children. The majority of victims at the men's shelter were Eritrean. The MLSS continued to operate the National Center for Survivors of Slavery and Trafficking in Persons, formerly known as the "day center," in Tel Aviv for male and female trafficking victims who were waiting for a space at a shelter, chose not to reside at a shelter, or had completed one year at a shelter. The center provided psycho-social services and food aid, with social workers trained to identify individuals at risk of re-trafficking. In 2019, the center provided services to 230 male and female victims, as well as 125 children of victims, all of whom were irregular African migrants primarily from Eritrea. Additionally, for identified trafficking victims who opted not to stay in shelters, the government continued to provide an official letter that protected them from potential arrest for immigration violations and emergency contact numbers for shelters and relevant ministries. The government continued to provide free medical treatment for one year at various government-funded health facilities for identified trafficking victims living outside of shelters.

The government continued to encourage victims to assist in the investigation and prosecution of their traffickers, but did not require their participation in court cases as a condition for receiving visas and protective assistance; victims could opt to leave the country pending trial proceedings. The government allowed trafficking victims to work during the investigation and prosecution of their traffickers. The LAA continued to provide free legal aid to trafficking victims, and staff regularly visited shelters and detention facilities to provide consultations. In 2019, the branch received 86 legal aid requests to assist potential trafficking victims, including 16 irregular migrants who may have been subjected to trafficking in the Sinai. In 2019, the government issued 32 initial B1 visas and 96 visa extensions to sex and labor trafficking victims. It also issued 34 visas to trafficking victims to return to Israel after leaving the country in 2019, a significant increase compared with five visas of this kind issued in 2018. The government forfeiture fund, which used property and money confiscated from traffickers to assist victims, received 56 applications requesting compensation in 2019; this was a significant increase compared with zero application requests in 2018. The fund allocated 420,510 Israeli shekels ($121,750) to 44 applicants for the provision of various protection services, including housing, counseling, and vocational training for victims, monetary compensation ordered by courts, and funding for NGOs.

The government maintained guidelines discouraging the prosecution of trafficking victims for unlawful acts traffickers compelled them to commit during their exploitation. However, the government did not systematically screen for trafficking among the irregular African migrant population and, as a result, authorities may have penalized unidentified and some identified victims for immigration violations. During the reporting period, the government continued to implement the "Deposit Law" (article 4 of the Prevention of Infiltration Law), which required employers to deposit a certain percentage of irregular migrants' wages—including those of identified trafficking victims—into a fund that migrants could not access until they departed the country; the government could also add penalties to the fund for each day a migrant remained in the country without a visa. NGOs continued to report that some employers withheld but never deposited wages into the fund. In December 2019, the Population, Immigration, and Border Authority (PIBA) announced that all trafficking victims would receive reimbursements for payments that exceeded the deposit rate, retroactive to the time they entered the country. PIBA reportedly also agreed to provide an official letter to victims confirming their eligibility to avoid requiring victims to disclose their status as trafficking victims; however, the government did not report implementing these procedures during the reporting period. NGOs continued to report that the Deposit Law pushed migrants—particularly Eritrean women—into the black market, including commercial sex, which exacerbated their vulnerability to trafficking. The government continued to incentivize irregular African migrants to "voluntarily" depart Israel to third countries in Africa, which included a paid plane ticket in most cases and a $3,500 stipend in some cases; however, NGOs and an international organization confirmed that migrants who arrived in a third country in Africa did not receive residency or employment rights upon arrival.

PREVENTION

The government increased efforts to prevent human trafficking. NATU continued to coordinate anti-trafficking efforts effectively among relevant ministries and NGOs during the reporting period, and NATU officials continued to appear regularly in the media to raise awareness of trafficking. The government maintained its 2019-2024 national action plan (NAP) to combat human trafficking. In 2019, the government established five interministerial teams and two subcommittees composed of government and NGO representatives, each focusing on key objectives outlined in the NAP. However, the government did not allocate additional funds for full implementation of the plan for the second consecutive year. Unlike previous years, the Knesset Subcommittee on Trafficking in Women and Prostitution was not active due to lack of government formation during the reporting period. The government conducted various national awareness-raising campaigns during the reporting period, including education programs for students, national television commercials, radio broadcasts, and lectures for government officials, shelter staff, and academics.

In the first nine months of 2019, the MLSS, which employed 261 labor inspectors and translators during routine inspections, issued 415 administrative warnings, imposed 53 fines worth

9.6 million Israeli shekels ($2.78 million), and processed four criminal complaints that resulted in five indictments for labor violations. NGOs continued to report there were not enough labor inspectors, especially in the construction and agricultural sectors, to sufficiently monitor and enforce labor laws. Additionally, NGOs reported the government did not effectively regulate work force companies nor combat criminal networks that recruited foreigners for the construction and caregiving fields and for commercial sex. In 2019, the government ratified two bilateral work agreements (BWA) with the Philippines to allow for employment of Filipino workers in the caregiving sector and in hotels. The government maintained BWAs with six other countries for agricultural and construction work; in 2019, 8,755 of the 23,138 foreign migrant workers who arrived in Israel did so through these agreements. During the reporting period, the government also began negotiating BWAs for the caregiving sector with Sri Lanka and Moldova. NGOs reported that the government's agreements with private Chinese employer associations required workers in the construction industry to pay licensed employment recruiters up to $30,000 in recruitment fees and costs, which could increase their debt and vulnerability to forced labor. PIBA procedures for recruitment agencies in the caregiving sector continued to require every agency to hire a licensed social worker responsible for supervising the conditions of foreign caregivers, including home visits, and for informing relevant authorities about labor violations. While the government contended that workers' visas were not tied to a specific employer, NGOs reported that nearly 120,000 foreign workers were employed under arrangements that did not allow them to change employers within the caregiving sector or dramatically limited their ability to do so.

The government, in collaboration with an NGO, continued to operate a 24-hour hotline to assist foreign workers who were in Israel under bilateral agreements. The hotline employed 13 interpreters in nine languages: Chinese, Thai, Bulgarian, Russian, Nepalese, Sinhalese, Romanian, Ukrainian, and Turkish. In 2019, the hotline received 3,467 calls; similar to last year, the majority of calls were from Chinese construction workers and Thai agricultural workers. There was no comparable hotline for the approximately 74,000 documented migrant workers who worked in Israel through private recruitment, nor for the approximately 131,000 Palestinian workers in Israel and Israeli settlements in the West Bank. The Child Protection Bureau Hotline, which handled online offenses against children, reported addressing 7,665 cases in 2019; however, the hotline did not report identifying any suspected cases of trafficking. As in previous years, the government did not maintain a separate hotline for potential child victims of all forms of trafficking. The government also maintained an emergency hotline for women and girls in commercial sex, which provided referrals to emergency and psychological assistance; the hotline received 280 calls in 2019. The government provided anti-trafficking training to its diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts, including sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Israel. Foreign workers, primarily from South and Southeast Asia, Eastern Europe and the former Soviet Union, and the West Bank and Gaza migrate to Israel for temporary work in construction, agriculture, and caregiving; traffickers exploit some of these workers in forced labor. As of September 2019, data from the Israeli government, Palestinian Authority, UN, NGOs, and media indicated there were 215,000 legal foreign workers and 135,000 illegal foreign workers, including Palestinian workers, in Israel and Israeli settlements in the West Bank. Israeli and foreign employers exploit foreign workers, particularly Turkish, Chinese, Palestinian, Russian, Ukrainian, and Serbian men, in the construction sector where they suffer from labor rights abuses and violations and labor trafficking. Some employers in the construction sector illegally charge Palestinian workers monthly commissions and fees, and in many cases employers illegally hire out Palestinian workers to other workplaces; these workers are vulnerable to forced labor. Furthermore, as a condition of their overnight permits, employers retained identity documents of some of the 19,000 Palestinian workers, effectively restricting their movement in Israel. Traffickers subject some Thai men and women to forced labor in Israel's agricultural sector imposing conditions of long working hours, no breaks or rest days, withheld passports, and difficulty changing employers due to limitations on work permits. Some traffickers in the agricultural sector recruit students from developing countries to take part in an agricultural study program on student visas and force them to work in the industry upon arrival, effectively circumventing the BWA process. Caregivers are highly vulnerable to forced labor due to their isolation inside private residences and their lack of protection under the labor law; local NGOs report that traffickers subject caregivers to excessive recruitment fees, fraudulent work contracts, long work hours, confiscation of passports, underpayment of wages, physical violence, sexual harassment and abuse, denial of severance pay, and poor housing including—in some cases—living in the same room as their employer. Foreign caregivers constitute the largest share of all legal foreign workers in the country; the vast majority of these workers are women. The government's policy of refusing fast-track asylum claims has resulted in fewer claims from Ukrainian and Georgian applications; however, they were replaced by increased numbers of Russian and Moldovan workers following the same pattern. Networks of workforce agencies recruit workers to Israel through a fraudulent asylum-claim process, charge workers high mediation fees, and sell them fake documents; these workers are vulnerable to exploitation. Some Bedouin Israeli children are reportedly vulnerable to forced labor, experiencing long working hours and physical violence.

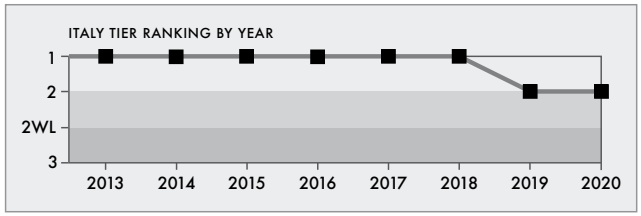
Eritrean and Sudanese male and female migrants and asylum-seekers are highly vulnerable to sex and labor trafficking in Israel. As of March 31, 2020, there were 31,122 African migrants and asylum-seekers in Israel, 28,213 of whom were from Eritrea or Sudan. According to NGOs, these migrants and asylum-seekers are increasingly vulnerable to trafficking due to the government's implementation of the Deposit Law that reduced net wages for this population. NGOs reported due to COVID-19, nearly 90 percent of this population experienced some type of unemployment, further increasing their risk to exploitation. Economic distress among women in this population, especially Eritrean women, greatly increases their vulnerability to sex trafficking. Since 2007, thousands of African migrants entered Israel via the Sinai Peninsula. The flow of these migrants arriving in Israel, peaking at more than 17,000 in 2011, dramatically decreased to zero in 2017. Many of these migrants were kidnapped in the Sinai and subjected to severe abuse, including forced labor and sex trafficking, at the hands of criminal groups in the Sinai before reaching Israel.

Israeli children, Israeli Bedouin and Palestinian women and girls, and foreign women are vulnerable to sex trafficking in Israel. Traffickers use social media websites, including dating apps, online forums and chat rooms, and Facebook groups, to exploit girls in sex trafficking. In 2018, an NGO reported there were approximately 3,000 Israeli child sex trafficking victims in Israel. Israeli Bedouin and West Bank Palestinian women and girls are vulnerable to sex and labor trafficking after family members force them into marriages with older men; these women and girls experience physical and sexual abuse, threats of violence, and restricted movement. Russian, Ukrainian, and Ethiopian women are also vulnerable to sex and labor trafficking through online-facilitated forced marriages. NGOs report some Palestinian LGBTI men and boys in Israel are vulnerable to abuse and sexual exploitation, due to their lack of legal status and

restrictions on work eligibility for Palestinian nationals in Israel. Some Israeli transgender women and girls are sexually exploited in commercial sex in order to be able to afford gender-affirming care. Transgender women in commercial sex sexually exploit some transgender children as young as 13 years old, some of whom ran away from home. Traffickers subject women from Eastern Europe and the former Soviet Union, China, and Ghana, as well as Eritrean women, to sex trafficking in Israel; some women arrive on tourist visas to work willingly in commercial sex—particularly in the southern coastal resort city of Eilat—but sex traffickers subsequently exploit them. Some traffickers reportedly recruit sex trafficking victims with false, fraudulent, or misleading job offers on the internet, sometimes through legitimate employment websites.

ITALY: TIER 2

The Government of Italy does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Italy remained on Tier 2. These efforts included identifying and assisting more victims, increased funding for victim care and training for law enforcement, and cooperation with and assistance to international law enforcement to address transnational trafficking crimes. However, the government did not meet the minimum standards in several key areas. The government reported fewer trafficking investigations, prosecutions, and convictions compared to the prior reporting period and did not report sentencing data. The government remained without a national action plan and did not consistently implement its national victim identification and referral mechanism.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases and convict and sentence traffickers with adequate sentences. • Increase proactive victim identification by improving and consistently implementing the national identification referral mechanism across the country, including for vulnerable children. • Consistently assess trafficking risks and provide legal protections to all potential victims prior to any forced returns or expulsions, including where such persons have entered Italian territorial waters, and during operations assisted by the Italian government in Libyan search and rescue areas. • Continue to increase migrant worker protections by consistently enforcing strong regulations and oversight of labor recruitment agencies and labor brokers, including investigating and prosecuting labor traffickers. • Implement license control and accreditation process for massage parlors, labor brokers, and labor recruitment agencies. • Continue to increase international cooperation with source and transit countries, especially Nigeria, Tunisia, and Libya, on information sharing and countering trafficking rings. • Improve security standards in and around reception centers to limit contact between traffickers and victims or potential victims. • Intensify efforts to effectively screen for labor trafficking victims through increased inspections and improved training of labor inspectors to spot trafficking indicators and refer victim for services. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Consolidate data among different ministries, and make public a database on investigations, prosecutions, and convictions, including sentencing data.

PROSECUTION

The government made mixed law enforcement efforts. The 2003 Measures Against Trafficking in Persons law criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 20 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. Article 600 of the penal code criminalized placing or holding a person in slavery or servitude and prescribed the same penalties. In 2019, the Ministry of Interior (MOI) reported investigating 135 persons for trafficking, a decrease compared to 314 in 2018 and 482 in 2017, reported from both the MOI and Ministry of Justice (MOJ). The MOI also reported investigating and arresting 117 persons under Article 600 for slavery, compared to 417 in 2018 and 513 in 2017, as reported by the MOJ. In one notable case in April 2019, the police arrested 11 suspected traffickers for the sex trafficking of Nigerian women through debt-based coercion; the suspected traffickers fraudulently entered migration centers to procure women who had incurred debts for their journey to Europe. Although only partial data was available from the MOJ, the government reported prosecuting 80 suspects under the trafficking law in 2019, a decrease compared to 139 in 2018. The government also reported prosecuting 122 suspects under Article 600 and Article 602 in 2019 and 122 suspects in 2018. In 2019, though only partial data was available from trial courts, the government reported convicting 42 traffickers under the trafficking law, compared to 46 in 2018 from both trial and appellate courts. Trial courts also reported convicting 48 traffickers under Article 600 and Article 602 in 2019, compared to 95 convictions in 2018 from both trial and appellate courts. While the government did not report sentencing data, the media reported one notable case in December 2019, where the courts convicted a Romanian trafficker for multiple crimes, including trafficking in human beings, and sentenced the trafficker to 20 years' imprisonment.

The government did not maintain a consolidated database on investigations, prosecutions, convictions, and sentencing of traffickers, or of their victims, a deficiency noted by GRETA. Specialized anti-mafia units of prosecutors and judiciary police handled trafficking prosecutions. Whenever investigators found clear evidence of trafficking, they referred the case to an anti-mafia unit, which relaunched the investigation and consequently extended the timeframe for prosecution and trial. To avoid this delay, non-specialized investigators and prosecutors sometimes charged perpetrators with crimes other than trafficking. Anti-mafia units continued to prioritize investigations of criminal networks over individual cases, citing limits on available resources. Lack of a sufficient number of interpreters, especially for West African dialects, continued to impede law enforcement arrests and investigations, as well as diminish the benefits of investigators' wiretapping capability. NGOs cited continued challenges in adapting to changing dynamics and methods of traffickers and noted improved coordination on anti-trafficking strategies between national government ministries, international organizations, and ground-level NGOs, as well as increased cooperation by local police and prosecutors. During the reporting period, high-level officials met with representatives from Niger, Tunisia, and Ivory Coast, but Italian prosecutors and police continued to cite insufficient cooperation in investigations from officials in source and transit countries; with many cases being transnational, this hindered prosecutions and convictions.

Compared with no data reported in 2018, law enforcement training

increased. Law enforcement agencies received training on victim identification and investigation of trafficking crimes within their standard curriculum. In 2019, the police conducted six training programs for 193 border police officers and 17 training programs for 510 other police officers on victim identification and protection. The police academy organized anti-trafficking trainings for 60 of its agents, and in collaboration with two international organizations, the MOI provided anti-trafficking training for an unknown number of police and members of asylum review committees. In 2019, the government provided funding to an international organization for an anti-trafficking project in Nigeria that focused on improving international judicial cooperation between Italy and Nigeria. The government reported increasing coordination with Nigerian law enforcement by establishing a working group focused on Nigerian organized crime to facilitate the collection and dissemination of trafficking information between prosecutors, police, international organizations, and NGOs. For the first time, prosecutors received testimonies from members of Nigerian organized crime networks, which was critical in dismantling the networks. Trafficking networks and gangs continued to grow more sophisticated, organized, and violent, particularly Nigerian gangs linked to the Black Axe, Supreme Viking Confraternity, and the Eiye syndicate. A two-year program based in Egypt that trained law enforcement officials from 22 African countries on immigration and border control, including combating human trafficking, continued during the reporting period. There were no investigations or prosecutions of government employees complicit in trafficking offenses.

PROTECTION

The government increased protection efforts, but proactive victim identification remained a challenge, and government policies significantly limiting the availability of humanitarian protections for certain asylum-seekers remained in force. The government increased trafficking victim identification during the reporting period by identifying 657 new victims in 2019, compared to 597 in 2018. The Department of Equal Opportunity (DEO), which coordinates protection efforts, reported government-supported NGOs assisted 1,877 trafficking victims in 2019, also an increase compared to 1,373 victims assisted in 2018. Of all the new trafficking victims NGOs assisted, 50 percent were victims of sex trafficking or exploitation, 11 percent victims of labor trafficking or exploitation, and the remainder were potential victims of unidentified forms of exploitation. Seventy-two percent of victims identified in 2019 were Nigerian, four percent were Romanian, and three percent were Ivorian. Of victims referred to assistance programs, 83 percent were female, 16 percent male, one percent transgender, and three percent were children. The government did not report identifying any Italian national victims or children. Several entities referred victims to care, including migration centers and a committee on asylum requests, which referred 10 and 25 percent, respectively, of victims. Regional committees utilized national guidelines for asylum-seekers to adjudicate asylum applications to identify trafficking victims among applicants. However, while the government had a formal referral mechanism, it was unevenly implemented during the reporting period. NGOs and the DEO recognized inconsistencies in the efficiency and effectiveness of the current referral process between regions and found that quality standards were lower in the south. During the reporting period, at least six local MOI offices and six local asylum committees signed an agreement with local NGOs to help improve victim identification and assistance. NGOs reported that gaps in authorities' proactive victim identification efforts persisted during the reporting period. To reduce the flow of refugees and migrants from Libya, Italy continued training operations with and assistance to the Libyan Coast Guard, as did other EU member states. However, many NGOs criticized this coordinated effort because it often resulted in the occupants of vessels rescued in the Libyan search and rescue area being brought back to Libyan shores; NGOs cited severe security and human rights conditions inside Libya and Libyan detention centers and a heightened risk of trafficking for migrants forced to remain in Libya. During the reporting period, the government continued to delay NGO humanitarian ships carrying refugees and migrants from Libyan search and rescue waters from docking at Italian ports, pending relocation agreements with other EU member states. The government funded four voluntary repatriation programs to source countries and provided support for similar repatriations by international organizations from Libya.

NGOs coordinated with law enforcement and immigration officials at both arrival points and longer-term reception centers. The government observed standard UNHCR procedures to screen for trafficking victims among asylum-seekers, although NGOs asserted authorities did not properly identify many of the victims on arrival, instead classifying victims as asylum-seekers or undocumented immigrants subject to deportation. NGOs continued to stress the need for longer time periods for screening of refugees and migrants at arrival ports to more accurately ascertain victim status, but they acknowledged conditions were not conducive to a stay there beyond one or two days. Italian criminal law lacked a provision specifically prohibiting punishment of trafficking victims for unlawful acts traffickers compelled them to commit, but, during the reporting period, there were no reports of judges convicting trafficking victims forced to commit such crimes. Current law required proof of exploitation in a criminal action against the perpetrator, which left victims and potential victims at risk of prosecution and conviction when a court did not first convict the perpetrators. NGOs, the EU, and the Catholic Church projected that the government's September 2018 decree, which remained in force through the reporting period, tightening the availability of humanitarian protections for certain asylum-seekers could result in increased trafficking risks for irregular migrants already residing in Italy. However, the government drafted legislation to partially restore some protections, which is currently with the Council of Ministers. Although persons already officially recognized as trafficking victims remained in a protected category, NGOs reported that many of these irregular migrants were either victims or potential victims, with most at risk of labor trafficking. International organizations continued to assert most centers remained under-equipped to fully address the unique needs of trafficking victims. The government often housed victims and potential victims with irregular migrants, and such housing lacked adequate security against traffickers inside and outside the centers seeking to recruit victims or remove those already under their control.

The government cooperated with NGOs and international organizations to provide shelter and services to victims. In 2018, the government allotted €24 million ($26.97 million) to trafficking victim assistance programs implemented by NGOs for a 15-month period; in 2019, the government allotted the same amount of money, and awarded and funded 26 projects. This compared to €22.5 million ($25.28 million) in 2017. With co-funding from an international organization, in 2019 the MOI supported a program to provide victims of labor exploitation, including labor trafficking, with shelter and legal services. Local governments provided additional funds to victim assistance programs, although the government did not report amounts. Given the breadth of potential beneficiaries, the government did not allocate sufficient funds to accommodate needs. NGOs reported inconsistent quality standards of assistance programs across regions. The law allowed for an initial three to six months of government assistance to all trafficking victims. After initial assistance, foreign victims were eligible to obtain temporary residency and work permits and had a path to permanent residency; additionally, foreign victims were eligible for six months of shelter benefits, renewable for an additional six months if the victim obtained a job or enrolled

in a training program. The government granted 155 residence permits to victims in 2019 under Article 18, a decline from 270 in 2018 and 418 in 2017. Of victims granted a residence permit, 19 were identified by police and 39 percent were male. According to NGOs and pro bono lawyers, many victims applied for asylum upon arrival rather than protection as a victim of trafficking, either through pressure from their trafficker or believing that asylum status afforded greater freedoms, more immediate access to employment and services, and long-term residency. In 2019, the government approved only one percent of applications for permits for humanitarian reasons, significantly limiting humanitarian protection and potentially increasing vulnerability to trafficking. Availability of interpretation services for lesser-known African dialects, with victims coming from as many as 15 different language groups, remained a significant challenge. Trustworthy interpreters were also difficult to secure, as reportedly many interpreters came from the same communities as the accused traffickers.

GRETA recommended establishing a separate national referral mechanism specifically for children that took into account the specialized needs of children, but the government did not make progress on this recommendation during the reporting period. Children represented nearly thirteen percent of all victims receiving assistance; many were boys forced to beg or commit robbery. NGOs estimated there were several thousand minors in Italy who were victims of sex trafficking in 2019. Many unaccompanied Nigerian minor victims misrepresented their age to gain placement in an adult reception center, giving them greater freedom to leave the center unnoticed with their trafficker. NGOs, however, welcomed increased scrutiny by authorities of these age claims, and authorities more often sent victims into child protection if unable to confirm adult age status. Foreign child victims automatically received a residence permit until age 18 and accommodations in a general children's center or a designated center for trafficking victims who were also asylum-seekers. Children received counseling and enrolled in public schools with the support of mentors. However, a significant percent of unaccompanied children chose to leave the centers voluntarily, which greatly increased their risk of trafficking.

The government did not require victims to cooperate with law enforcement to obtain assistance and a residence permit, although NGOs and international organizations reported authorities did not consistently implement this policy and sometimes gave preference to those who cooperated. The government also offered a single payment of €1,500 ($1,690) to victims, although GRETA and NGOs noted the application procedure was overly complex and the amount insufficient. GRETA further recommended the government increase the use of existing legal remedies to provide restitution to victims and more proactively seize assets and pursue forfeiture against perpetrators. The government did not award restitution to any trafficking victims during the reporting period. NGOs, prosecutors, and local officials praised the continued contribution of trained cultural mediators hired by the government or provided by government-funded NGOs, for their skill in communicating with refugees, migrants, and victims.

PREVENTION

The government maintained prevention efforts. The DEO, as coordinator of the interagency steering committee on trafficking, was responsible for drafting the national anti-trafficking action plan, coordinating programs for prevention and victim assistance, and submitting a biannual anti-trafficking report. In 2019, the DEO selected 21 trafficking projects, one for each region in Italy, focused on preventing the trafficking of unaccompanied minors and victims of labor exploitation. The government had not completed its updated plan for 2019-2021. However, the government formed an interagency technical committee, including NGOs, to develop the plan. The government remained without a national rapporteur. The government launched a national campaign to raise awareness of its national hotline for trafficking victims. Local authorities and NGOs continued to distribute brochures, posters, bumper stickers, and media advertisements providing information on victim assistance. The government continued to participate in an awareness program, partially funded by the government, across the Horn of Africa and West Africa to inform potential migrants of the risks of trafficking.

The interagency working group to address labor exploitation, with a special focus on the agricultural sector and illicit labor brokers, presented an €84 million ($94.38 million) three-year plan, but did not report other concrete outcomes. With co-funding from an international organization, the Ministry of Labor provided €23 million ($25.84 million) for initiatives aimed at preventing and fighting labor exploitation and illegal employment, and providing migrant workers vocational training. The Ministry of Agricultural adopted an ethical code pertaining to the supply chain for tomatoes, but did not report concrete outcomes as a result. Fraudulent labor recruitment and passport retention remained concerns during the reporting period. Experts estimated that 150,000 to 180,000 agricultural workers, especially seasonal workers, were at risk of labor trafficking in Italy. Employers in the agricultural sector sometimes submitted falsified forms pertaining to their workers, which impeded labor inspections and the potential identification of trafficking victims. Though illegal, employers or labor recruiters sometimes charged a placement fee to employees, which increased their risk of trafficking. There was a lack of oversight and regulation on massage parlors, which remained places of high concern for sex trafficking. In 2019, the government reported inspecting 128,376 sites, including 5,950 agricultural sites. This compared to the inspection of 116,846 sites in 2018 and 160,347 in 2017, including 7,146 agricultural sites in 2018 and 7,265 in 2017. In 2018, the government identified more than 33,800 unregistered workers and, in 2017, it identified 48,000. The government did not report the extent to which it screened or identified potential trafficking cases during its inspections. In 2019, the government significantly increased efforts to investigate illicit labor brokers for illicit labor mediation by investigating 917 suspects in 2019, compared to 580 in 2018, a 58 percent increase. While illicit labor mediation does not meet the threshold for labor trafficking, increased efforts reduced the demand for forced labor. However, the government did not effectively regulate labor recruitment agencies or illicit labor brokers and did not report investigating or prosecuting any agencies for labor trafficking, including for fraudulent labor recruitment. GRETA recommended the government intensify efforts to more effectively screen for trafficking victims through increased labor inspections, expanded training of inspectors, and in monitoring of recruitment practices including in agriculture, domestic labor, hospitality, and food service.

The government reported receiving 3,711 calls to the DEO's hotline for victims of trafficking in 2019; this compared to 3,802 calls in 2018. Of new victims referred to care in 2019, 11 percent were referred by the hotline. There was no coordinated national government effort to reduce the demand for commercial sex. Although concerns remained during the reporting period, including at least one report of an Italian citizen engaging in child sex tourism abroad, the government did not report investigating any suspects and did not make efforts to reduce the demand for child sex tourism by Italian citizens.

TRAFFICKING PROFILE

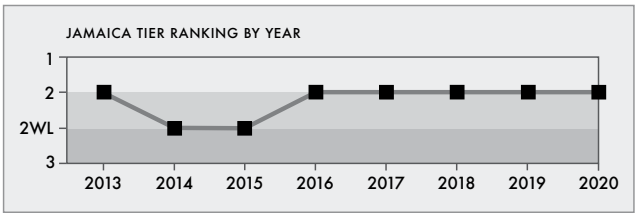
As reported over the past five years, human traffickers exploit foreign, and to a lesser degree domestic, victims in Italy. Victims originate primarily from Nigeria and other African countries, China, Romania, and other Eastern European countries, and

include ethnic Roma. Traffickers, often part of Chinese criminal networks, exploit Chinese women in sex trafficking in apartments, beauty centers, clubs, and massage parlors. Massage parlors are sometimes used as fronts for the purchase of commercial sex, raising concerns about sex trafficking. Of an estimated 40,000 to 45,000 individuals involved in commercial sex on the streets, NGOs reported approximately 60 percent (or 24,000 to 27,000) are trafficking victims or at risk of trafficking and between five and eight percent are minors (or approximately 2,000 to 3,200 of 40,000). The majority of sex trafficking victims are from Nigeria, although more recently their numbers have decreased; however, the government and civil society maintain that Nigerian women and unaccompanied minors remain extremely vulnerable to trafficking because of the continued operation of several organized Nigerian trafficking networks. Several Nigerian trafficking networks have expanded operations across Italy and reportedly receive protection from Italian crime syndicates. International organizations estimated up to 75 percent of the Nigerian women and unaccompanied children who arrived in 2018 were trafficking victims. Traffickers subject Nigerian women and girls to sex trafficking through debt-based coercion and voodoo rituals. Authorities report traffickers encourage Nigerian victims to claim asylum to obtain legal residency and facilitate their continued exploitation. Traffickers sometimes exploit migrant women in sex trafficking in and around migration centers. Italian citizens will sometimes engage in child sex tourism abroad. Traffickers frequently target unaccompanied children, who are especially vulnerable to trafficking; children are exploited in child sex trafficking, forced to commit crimes or beg, and forced to work in shops, bars, restaurants, and bakeries. Ethnic Roma children are at risk for trafficking, including forced begging and child sex trafficking. According to authorities, the number of unaccompanied minors has steadily decreased; in 2019, 1,680 unaccompanied children arrived, compared to 3,534 in 2018, 15,731 in 2017, and 25,846 in 2016.

Labor traffickers operate in agriculture, predominantly in southern Italy, construction, household labor, hospitality, and restaurants. The North Korean government may have forced North Koreans working in Italy to work; however, by January 2020, the government reportedly secured the departure of all remaining North Korean workers. Traffickers use fraudulent recruitment, passport retention, as well as debt-based coercion to control trafficking victims; traffickers will also extort payments from the victim's family in the source country. Italy has an estimated 1.5 million unregistered workers and 3.7 million irregular workers who are at risk for labor trafficking. Specifically for the agricultural sector, experts estimated that 150,000 to 180,000 workers, particularly seasonal workers, are at risk for forced labor in Italy. Employers in the agricultural sector will sometimes submit falsified forms pertaining to their workers, which impedes labor inspections and the potential identification of trafficking victims. Italy has approximately 600,000 irregular migrants, many of whom are at risk for trafficking, especially due to government restrictions on humanitarian protection and decreased support for migrants, which took effect in 2018. The rate of arriving refugees and migrants dropped precipitously in 2018 and 2019, due in part to government policy tightening the intake of irregular migrants and the government's assistance to the Libyan Coast Guard. Italy received 23,370 irregular arrivals by sea in 2018 and 11,471 in 2019, many through Libya, where victims reported experiencing extortion, torture, and rape by militias or traffickers while awaiting passage to Italy. In 2017, government officials, including intelligence officials, met with a notorious alleged human trafficker to discuss controls on refugee and migrant flows from Libya, where the alleged trafficker requested funds from Italian authorities to manage the reception of migrants in Libya. Irregular migrants that arrived by sea mostly originate from Tunisia, Pakistan, and the Ivory Coast. Approximately 5,000 refugees and irregular migrants arrived by land, mostly from Iraq, Pakistan, and Afghanistan. In 2019, of the roughly 31,000 persons requesting asylum, authorities estimate up to 30 percent were at risk for sex trafficking or forced labor while waiting for adjudication of their petitions. Approved permits for humanitarian reasons dropped to one percent of applications due to a decree, implemented in 2018, significantly limiting humanitarian protection; this may increase vulnerability to trafficking. Traffickers target migrant centers to recruit and later exploit asylum-seekers, sometimes claiming to be family members to gain access to the centers. Asylum-seekers may legally work beginning two months after filing their applications, although many seek illegal employment immediately in informal sectors, increasing their risk for trafficking. Many also attempt passage to other European countries; however, under the European Commission's Dublin Regulation, countries have six months to repatriate victims to the EU country of their arrival, but if they fail to transfer them in due time should accept their asylum claim. This regulation likely increased the number of asylum-seekers or trafficking victims forced to remain in Italy or return to Italy from another country.

JAMAICA: TIER 2

The Government of Jamaica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Jamaica remained on Tier 2. These efforts included investigating more suspected traffickers, identifying more victims, referring more victims to shelters, and achieving a conviction that resulted in a significant prison term. The government also conducted a wide range of training efforts for police, civil society, and government officials and maintained a budget for its specialized anti-trafficking unit. However, the government did not meet the minimum standards in several key areas. Overall budget for anti-trafficking efforts decreased, and resource constraints and coordination issues across agencies hindered their efficacy in combatting trafficking. Although there were numerous trainings for government and civil society, victim identification and referral to appropriate services remained weak.



PRIORITIZED RECOMMENDATIONS:

Increase effectiveness of victim identification efforts. • Develop, fully implement, and train officials—including local police, Center for the Investigation of Sexual Offences and Child Abuse (CISOCA) investigators, social workers, and justices of the peace—on government-wide standard operating procedures to guide proactive identification of suspected trafficking victims and referral to services, including screening for indicators of trafficking among vulnerable groups. • Improve efforts to employ victim-centered, trauma-informed procedures in law enforcement operations, investigations, and criminal justice proceedings, including adequate care for victims participating in court proceedings and achieving swift prosecutions. • Revise and standardize referral procedures so that authorities and the public can refer all suspected victims directly to government or NGO service providers, and make victims

eligible to receive formal identification and trafficking-related services, without police referral. • Increase efforts to provide more victims, whether identified in Jamaica or repatriated from abroad, with comprehensive services including legal, medical, psycho-social, shelter, case management, educational/vocational, and reintegration assistance, for the full length of any legal proceedings. • Increase budget and resources to enhance the capacity of ministries, departments, and agencies responsible for anti-trafficking law enforcement and victim protection services. • Increase efforts to investigate, prosecute, and convict traffickers, including officials who are complicit in human trafficking. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with penalties for other grave crimes, including by removing sentencing provisions that allow fines in lieu of imprisonment and increasing the available maximum imprisonment term. • Strengthen and institutionalize training on human trafficking and victim-centered procedures for police, prosecutors, and judges and assign cases to trained personnel. • Require victim-centered, trauma-informed restitution procedures and sufficient restitution amounts paid to victims. • Increase resources available to the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) to fulfill its mandate to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government. • Improve cooperation between law enforcement and government and NGO service providers. • Increase efforts to investigate, prosecute, and convict foreign tourists and Jamaicans who purchase commercial sex acts from child trafficking victims. • Improve the effectiveness of efforts to educate government officials and the public about human trafficking in Jamaica through community-based outreach and education activities that are audience-specific and action-oriented, with a particular focus on identifying, responding to, and preventing trafficking crimes within communities.

PROSECUTION

The government maintained limited law enforcement efforts. The government criminalized sex trafficking and labor trafficking through its Trafficking in Persons (Prevention, Suppression, and Punishment) Act, which prescribed penalties of up to 20 years' imprisonment, a fine, or both for offenses involving an adult victim, and up to 30 years' imprisonment, a fine, or both for those involving a child victim. These penalties were sufficiently stringent; however, with respect to sex trafficking, by allowing for a fine in lieu of imprisonment and prescribing a lower maximum imprisonment term, these penalties were not commensurate with those for other serious crimes, such as rape.

Officials investigated 41 potential sex trafficking cases and two labor trafficking cases, compared with 36 cases of sex and labor trafficking investigated in the previous reporting period, and 30 cases the year before that. Fourteen of the sex trafficking investigations originated from tips received from a national hotline for cases of child abuse, including human trafficking, operated by the Child Protection and Family Services Agency (CPFSA). None of the investigations originating from hotline tips resulted in any arrests or prosecutions. During the reporting period, the government initiated five new prosecutions for sex trafficking and two new prosecutions for labor trafficking, and reported that 21 total prosecutions are currently in process. In the previous reporting period, authorities initiated six prosecutions, but all were for sex trafficking offenses; they initiated three new prosecutions the year before that. The government convicted one trafficker from a 2015 child sex trafficking case and sentenced him to five years in prison for human trafficking and three years in prison for having sex with a minor, running concurrently; the trafficker also was required to pay restitution to the victim in the form of vocational training fees. Ten investigations were eventually prosecuted as non-trafficking crimes. The slow pace at which cases moved through the courts hampered efforts to hold traffickers criminally accountable and deterred victims from serving as witnesses. There were no investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, but informal information from survivors indicated that police officers were complicit in sex trafficking operations disguised as massage parlors.

The government maintained a specialized police unit with a dedicated budget that investigated human trafficking and vice crimes, as well as a team of prosecutors specialized in human rights, intellectual property, and sexual offenses. Jamaica's specialized police unit conducted several raids of establishments suspected of human trafficking, one of which resulted in the successful identification of a child trafficking victim and arrest of a suspected trafficker. The government included a module on combatting trafficking in its basic training for all new police recruits, but did not report how many officers received this training. It reported a total of 721 police attended training or other informational sessions on human trafficking during the year. ONRTIP collaborated with a foreign donor to develop a new online training program for first responders, but this training was not implemented during the reporting period. Some individual judges had specialized trafficking experience, but there was no mechanism to assign trafficking cases to these judges. There was often a lack of courtrooms available to prosecute trafficking cases, and many victims were unwilling to testify in trafficking cases due to fear of retribution or social stigma. The government reported international police cooperation with Antigua, The Bahamas, Canada, the Cayman Islands, and the United States.

PROTECTION

The government maintained efforts to protect victims. The government reported spending seven million Jamaican dollars ($51,470) on protection and assistance to victims, in comparison to 14 million Jamaican dollars ($102,940) spent in the previous reporting period. The anti-trafficking police unit reported ten victims identified during the reporting period, compared with six victims identified during the previous reporting period. The victims identified included five labor trafficking victims—one Jamaican male child, two Indian adult males, one Honduran adult male, and one Chinese adult male—as well as five Jamaican victims of sex trafficking—four adult women and one female child. The government reported that three Jamaican trafficking victims were identified and repatriated from abroad by foreign authorities. The government had written guidelines available to assist healthcare workers, labor officials, diplomats, and officers in the Jamaica Constabulary Force's (JCF) anti-trafficking unit in proactively identifying potential trafficking victims. However, key stakeholder groups such as front line police officers, the CISOCA investigators, and social workers lacked standardized procedures to screen for indicators of trafficking among the vulnerable populations they assisted.

The government reported referring six victims, including one victim repatriated from Antigua, to accommodations that included National Taskforce Against Trafficking in Persons' (NATFATIP) trafficking victim shelter, temporary private lodging, and the CPFSA children's shelter; victims remained in these facilities between three months and one year. At the close of the reporting period, the NATFATIP shelter was serving five victims. The government reported that victims were provided with additional services while receiving accommodation, including medical and psychological care, food, and clothing. Other victims that were not referred to shelters were returned to their homes. The government reported that victims who did not receive accommodations received services including food, medical care, and psychological care, but did not provide additional details on the duration or scope of these services. There were several

written guidelines available to assist in proactively identifying potential trafficking victims, however, these procedures were sometimes vague, and the government typically required all reports of suspected trafficking to go through the JCF's anti-trafficking unit. Police officers interviewed potential victims and, in consultation with the NATFATIP secretariat, arranged confirmed victims' access to shelter and other services on a case-by-case basis. In practice, such decisions rested largely on police assessment of threats to a victim's physical safety when offering protective services, with fewer resources provided for other kinds of victim support. Several government agencies began working with a donor-funded NGO to develop a national referral mechanism for child trafficking victims, but this was not finalized during the reporting period.

In addition to the NATFATIP government shelter, which could accommodate 12 female victims, authorities could place child victims in CPFSA facilities and female victims in NGO-operated shelters that were not exclusive to trafficking victims. There were no shelters that could accommodate adult male victims, but the government reported providing temporary accommodation to one adult male in private lodging. CPFSA had a protocol for providing services to child trafficking victims under the agency's care, and the government had victim management guidelines for facilities that provided care to victims of trafficking in Jamaica. In June 2019, ONRTIP published a handbook for victims of trafficking outlining services available to them, as well as their rights.

Foreign victims were able to access the same services as Jamaican national victims. The government provided Jamaican citizenship and a passport to a Haitian victim who had been a resident of the NATFATIP shelter since 2013 and continued to fund her vocational training. However, the government did not give any information on efforts to help her safely transition to long-term independence outside the shelter. One Jamaican victim repatriated from Antigua received shelter, medical care, and psychological services. Two victims repatriated from The Bahamas returned to their homes and did not receive protective care. Police reported conducting regular patrols in these victims' communities to ensure their safety. The government reported repatriating one victim to China.

The government encouraged victims to participate in the judicial process through the availability of an optional court orientation, as well as the capability to testify through video, but the government did not indicate to what extent victims utilized these services. Victims were often unwilling to participate in trials due to fear of retribution, and the government did not allocate adequate courtrooms or resources to provide victims with sustained support during legal processes. Authorities did not always employ victim-centered procedures, which further disincentivized victims from reporting cases or participating in trials, including temporarily holding victims in police stations, subjecting victims to drawn-out court processes over several years, and re-traumatizing victims through continued contact with their traffickers.

Jamaica's anti-trafficking law directed the court to order restitution to victims. The court ordered one trafficker convicted in a child sex trafficking case to pay a nominal restitution fee to cover the victim's vocational training costs, with the total amount equaling 36,000 Jamaican dollars ($260). However, reports indicated that this arrangement will require the trafficker to make tuition payments to the school on a semester-by-semester basis, giving the perpetrator substantive knowledge of the victim's whereabouts and preventing the victim's financial independence from her trafficker. Jamaican law protected trafficking victims from prosecution for immigration or prostitution-related offenses traffickers compelled them to commit, but it did not provide immunity for other unlawful acts traffickers might have compelled victims to commit. Ineffective screening of vulnerable populations for indicators of trafficking may have resulted in authorities penalizing some victims.

PREVENTION

The government maintained efforts to prevent trafficking. Jamaica's NATFATIP, which included select nongovernmental representatives, continued to coordinate implementation of the government's anti-trafficking national plan of action. The government has a current national action plan valid through 2021, approved during the previous reporting period. There was still a need for increased cooperation and synthesis, as well as increased resource allocation, among ministries, agencies, and departments responsible for anti-trafficking efforts.

The government allocated 27 million Jamaican dollars ($198,530) to the NATFATIP secretariat, compared with 33.4 million Jamaican dollars ($245,590) allocated during the previous fiscal year. The government did not report total expenditures on anti-trafficking activities throughout the year, but reported spending 73 million Jamaican dollars ($536,760) on anti-trafficking activities in the previous year. The government continued to maintain a database to store information on traffickers and victims, however, many agencies were not able to access this information. Throughout the year, the government continued to conduct a wide variety of training and public awareness activities to community leaders and vulnerable populations through in-person trainings, as well as television and radio campaigns. Several different government entities received specific training, including members of the Coast Guard, the public prosecution office, the human trafficking task force, as well as government leaders and diplomats beginning overseas service.

Several programs existed to support seasonal employment abroad, typically in agriculture and hospitality, and the government made efforts to eliminate unlawful recruitment agencies that could increase workers' vulnerability to trafficking by closing several illegal employment agencies. The labor ministry continued to provide training on human trafficking to workers participating in overseas employment programs.

The government did not report any investigations, prosecutions, or convictions of foreign tourists for the purchase of commercial sex acts from child trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts. The government, in cooperation with foreign authorities, monitored foreign-registered sex offenders attempting to travel to Jamaica and prevented their entry into the country.

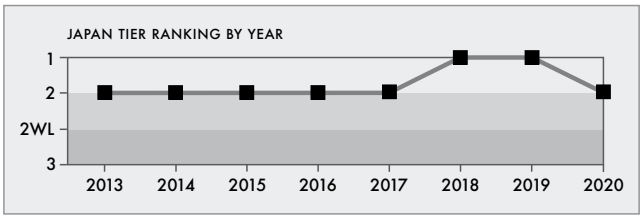
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jamaica, and traffickers exploit victims from Jamaica abroad. Sex trafficking of Jamaican women and children, including boys, reportedly occurs on streets and in nightclubs, bars, massage parlors, hotels, and private homes, including in resort towns. Traffickers increasingly use social media platforms and false job offers to recruit victims. Communities vulnerable to sex trafficking and forced labor include young women and children from poor households, homeless LGBTI youth, residents of Jamaica's poverty-stricken areas, migrant workers, and workers in the informal sector, particularly on family farms and in markets and shops. Traffickers subject children and adults to forced begging and women and children to domestic servitude. Girls, sometimes coerced by family members, are subjected to sex trafficking by men who provide monetary or material payment to the girls or their families in exchange for sex acts; local observers report this form of child sex trafficking may be widespread in some communities. Children from rural Jamaica, and possibly from other Caribbean countries, who are sent to live with more affluent family members or friends sometimes become exploited in forced labor in private households, markets, or shops. Reports indicate that traffickers are often women who recruit girls to exploit in sex

trafficking. Gang members may exploit children in forced begging or in forced criminal activity as lookouts, armed gunmen, or couriers of weapons and drugs; there were reports that criminal organizations exploited children in forced criminal activity in lotto-scamming. Many children are reported missing in Jamaica; traffickers exploit some of these children in forced labor or sex trafficking. Traffickers have exploited Jamaican citizens in sex trafficking and forced labor abroad, including in other Caribbean countries, Canada, the United States, and the UK. Jamaican women have reported being charged high recruitment fees, being misled about their terms of employment, and compelled through threats to continue working in the United States' hospitality industry. Traffickers exploit foreign nationals, including from South and East Asia, in forced labor in Jamaica and aboard foreign-flagged fishing vessels operating in Jamaican waters. NGOs and other local observers report child sex tourism is a problem in Jamaica's resort areas.

JAPAN: TIER 2

The Government of Japan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included identifying more victims than the previous year; funding a service provider organization to implement an innovative and highly effective online outreach program; and increasing on-site inspections of businesses employing migrant workers. However, these efforts were not serious and sustained compared to those during the previous reporting period. Officials investigated, prosecuted, convicted, and imprisoned fewer traffickers than in previous years. Authorities again failed to identify a single trafficking case in the Technical Intern Training Program (TITP) despite persistent reports of forced labor among labor migrants working in Japan under its auspices. The government did not fully implement legally mandated screening procedures aimed at blocking foreign-based labor recruitment agencies from charging excessive fees—a key driver of debt-based coercion among TITP participants. Authorities continued to prosecute and convict traffickers under laws carrying lesser sentences, which courts in most cases suspended in lieu of incarceration. Additionally, some traffickers received only fines. Interagency stakeholders relied on disparate, ineffective identification and referral procedures, leading to issues with proper screening and protection of victims. Law enforcement bodies continued to identify children exploited in commercial sex without formally designating them as trafficking victims, in some cases hindering their access to protection services and judicial recourse. Therefore Japan was downgraded to Tier 2.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute sex and labor trafficking cases, and hold convicted traffickers accountable by imposing strong sentences. • Amend anti-trafficking laws to remove sentencing provisions that allow fines in lieu of imprisonment, and to increase the penalties for trafficking crimes to include a maximum of no less than four years' imprisonment. • Develop, systematize, and implement standard interagency procedures for the identification of, and referral to protective services for, victims of forced labor among migrant workers, including those in Japan under the auspices of the TITP and other visa-conferring statuses, and among those in immigration detention. • Increase efforts to identify male victims of sex trafficking and forced labor. • Increase resources to provide specialized care and assistance to trafficking victims, including designated shelters for trafficking victims, and ensure these services are also available to both foreign and male victims. • Increase implementation of the TITP reform law's oversight and enforcement measures, including by training Organization for Technical Intern Training (OTIT) personnel and immigration officials on victim identification, improving OTIT coordination with NGOs, reviewing all contracts prior to approval of TITP work plans, increasing employer inspections, and terminating contracts with foreign recruitment agencies charging excessive worker-paid commissions or fees. • Establish formal channels allowing all foreign workers to change employment and industries if desired. • Enhance victim screening to ensure victims—including children exploited in commercial sex without third party facilitation, migrant workers under the TITP program, and migrant workers entering Japan under the new visa regimes—are properly identified and referred to services, and not detained or forcibly deported for unlawful acts traffickers compelled them to commit. • Enact legislation banning employers from retaining all foreign workers' passports or other personal documents. • Reduce migrant workers' vulnerability to debt-based coercion by amending relevant policies to eliminate the imposition of all worker paid recruitment and service fees. • Increase enforcement of bans on "punishment" agreements, passport withholding, and other practices by organizations and employers that contribute to forced labor. • Aggressively investigate, prosecute, convict, and punish Japanese citizens who engage in child sex tourism overseas.

PROSECUTION

The government decreased law enforcement efforts. Japan did not have a comprehensive anti-trafficking statute that included definitions in line with international law. However, it criminalized sex trafficking and labor trafficking offenses through disparate laws pertaining to prostitution of adults and children, child welfare, immigration, and employment standards. Article 7 of the Prostitution Prevention Law criminalized inducing others into prostitution and prescribed penalties of up to three years' imprisonment or a fine of up to 100,000 yen ($920) if fraudulent or coercive means were used, and up to three years' imprisonment and a fine of up to 100,000 yen ($920) if force or threats were used. Article 8 of the same law increased penalties to up to five years' imprisonment and a fine of up to 200,000 yen ($1,840) if the defendant received, entered into a contract to receive, or demanded compensation for crimes committed under Article 7. The "Act on Regulation and Punishment of Activities Relating to Child Prostitution and Pornography and the Protection of Children" criminalized engaging in, acting as an intermediary for, and soliciting the commercial sexual exploitation of a child and prescribed penalties of up to five years' imprisonment, a fine, or both. The act also criminalized the purchase or sale of children for the purpose of exploiting them through prostitution or the production of child pornography, and it prescribed a maximum penalty of 10 years' imprisonment. The government reportedly also prosecuted trafficking-related offenses using the Child Welfare Act, which broadly criminalized transporting or harboring children for the purpose of causing them to commit an obscene or harmful act and prescribed penalties of up to 10 years' imprisonment, or a fine of up to three million yen ($27,640), or both, although authorities claimed courts did not implement provisions allowing for fines. The Employment Security Act (ESA) and the Labor Standards Act (LSA) both criminalized forced labor and prescribed penalties of up to 10 years' imprisonment or a fine not exceeding three million yen ($27,640). When penalties allowed for fines in lieu of imprisonment for sex trafficking, they were not commensurate

with penalties prescribed for other serious crimes, such as rape. Many prosecutors reportedly avoided using the ESA and LSA due to a perception that the relatively high penalties were more likely to trigger appellate processes that would decrease their overall conviction rates and negatively impact their professional standing. Civil society organizations reported that reliance on this series of overlapping statutes continued to hinder the government's ability to identify and prosecute trafficking crimes, especially for cases involving forced labor with elements of psychological coercion.

The government reported arresting and initiating investigations into 39 individuals for 57 alleged crimes related to trafficking in 2019—including at least 15 men for alleged sex trafficking and four men and one woman for forced labor that may have involved corollary sex trafficking—compared with 39 cases in 2018 (unreported in 2017; 44 in 2016). Courts newly prosecuted 32 individuals during the calendar year, compared with 34 individuals in 2018 and 26 in 2017, leading to 17 convictions--a decrease compared with 27 convictions in 2018 and 23 in 2017; the remaining cases were pending trial at the end of the reporting period. According to available data, only three of the convicted traffickers served prison time, a decrease compared with nine in 2018 and five in 2017; one received a 10-month prison sentence, one received an 18-month prison sentence and a fine of 800,000 yen ($7,370), and one received a sentence of two and a half years' imprisonment. One trafficker received only a fine of 500,000 yen ($4,610), two received suspensions without fines, and three received suspensions with fines ranging from 200,000 to 300,000 yen ($1,840 to $2,760). Courts secured an additional five convictions in trials initiated during previous reporting periods; three of the convicted traffickers received sentences ranging from two to two and a half years' imprisonment, and the remaining three received suspended sentences. The Ministry of Justice (MOJ) reported "identifying" an additional four suspected traffickers without prosecuting them. Based on prosecutorial data, some of these prosecutions and convictions may have featured crimes outside the standard definition of trafficking, including facilitation of immigration violations and distribution of child pornography.

The government did not report statistics on arrests or prosecutions of cases involving "children in prostitution." In previous years, authorities processed hundreds of such cases without formally identifying them as trafficking crimes (more than 700 cases involving nearly 600 suspects in 2018; 956 in 2017). Authorities reportedly continued to fine persons convicted of the latter without incarcerating them, particularly first-time offenders; civil society experts asserted this leniency was permissive of continued commission of the crime. In 2017, Japan passed a law containing a provision that criminalized bribery of witnesses, which would allow authorities additional grounds to pursue obstruction of justice charges against some traffickers. However, for the second consecutive year, the government did not report to what extent it implemented this for trafficking cases during the reporting period.

The National Police Agency (NPA) reported instructing police precincts nationwide to enhance investigations into TITP abuses, and it established an information-sharing mechanism with OTIT to facilitate this cooperation. However, authorities did not report on the status or outcome of its implementation. Despite the prevalence of forced labor indicators identified through increased OTIT inspections, the government did not report prosecuting or convicting any individuals for involvement in the forced labor of TITP participants. OTIT reported conducting on-site inspections of more than 10,000 TITP implementing organizations and nearly 2,500 supervising organizations in 2019. These inspections led OTIT to refer 33 cases to prosecutors for criminal investigation, an increase from 19 referred for criminal investigation in 2018. However, none of these criminal referrals was for labor trafficking crimes, despite repeated attempts by service provision NGOs to draw attention to specific allegations of forced labor occurring within TITP worksites. NGOs claimed courts set prohibitively high evidentiary standards for forced labor cases involving foreign victims, including overreliance on physical indicators of abuse in lieu of evidence supporting psychological coercion, thereby stymying appropriate law enforcement action. In previous years, local law enforcement have reportedly assisted abusive TITP employers in blocking NGOs from rescuing and assisting victims of forced labor.

Authorities continued to take some law enforcement action against child sex trafficking in *Joshi kosei* or "JK" businesses—dating services connecting adult men with underage high school girls—and in coerced pornography operations, but for the second consecutive year they did not provide data or case specifics. Seven major prefectures maintained ordinances banning "JK" businesses, prohibiting girls younger than 18 from working in "compensated dating services," or requiring "JK" business owners to register their employee rosters with local public safety commissions; one additional municipality adopted these ordinances in 2019. Unlike in previous years, authorities did not report how many such operations they identified or shuttered for violating the terms of the ordinances (137 identified and none closed in 2018; 114 identified and 14 closed in 2017), nor did they report arresting any individuals alleged to have been in engaged in criminal activities surrounding the JK business (69 arrested in 2018). Some authorities were reportedly unaware of the crime or unsure how to prosecute it, often citing prohibitively high evidentiary standards. NGOs alleged police avoided entertainment districts known for "JK" business activities due to perceived connections to organize crime syndicates. The government continued to provide training on investigative methods and victim identification for police officers, prosecutors, judges, and immigration bureau officials.. Despite these efforts, contacts noted an acute need for additional training to address the lack of awareness among key law enforcement officials and judicial stakeholders.

PROTECTION

The government maintained insufficient efforts to protect victims, including by consistently failing to formally identify victims of trafficking within the TITP and among children in commercial sexual exploitation. Authorities relied on formal manuals instituted by an Inter-Ministerial Liaison Committee in 2010 encouraging government bodies to develop broad protection measures for trafficking victims. NPA officials also reported consulting an IOM-developed handbook to identify and refer victims to available protective services. In practice, interagency stakeholders followed disparate, often insufficient victim identification procedures—especially among child sex trafficking victims and migrant workers. Due to the limited scope of laws prohibiting commercial sex, widespread victimization of minors and adults took place within a legalized but largely unregulated range of "delivery health service" sex acts in urban entertainment centers.

Authorities reported identifying 47 trafficking victims, including 28 adults and 19 children, compared with 25 total in 2018, 46 in 2017, and 50 in 2016. The government identified 12 women and girls forced to work as "hostesses," some of whom may have also been subjected to sex trafficking (three in 2018), and 35 female sex trafficking victims (20 in 2018; 31 in 2017; 37 in 2016), including at least five children. The government has never identified a forced labor victim within the TITP since its inception, nor during the tenure of its predecessor organization founded in 1993, despite substantial evidence of trafficking indicators. Authorities continued to arrest and deport TITP participants who escaped forced labor and other abusive conditions in their contracted agencies; some labor contracts featured illegal automatic repatriation clauses

for interns who became pregnant or contracted illnesses while working in Japan. The government did not report national statistics on forcible TITP deportations, and, unlike in the previous year, it did not provide data on the number of screening interviews of TITP participants departing Japan prior to the end of their contracts, nor on the number of successful interventions in unjust employer-initiated deportations. Civil society groups noted the government had no procedure for screening foreign nationals in immigration detention for possible trafficking indicators (at least nine attempted forcible deportations among 8,000 interviewees in 2018, with five successful interventions and two employee-reinstatements).

Authorities stated they continued to identify and provide unspecified protection services to "children in prostitution"—a form of sex trafficking—but did not report relevant data, unlike in previous years (544 children identified in 2018; 654 in 2017; 518 in 2016). However, as in previous years, the government consistently failed to identify designate most children identified in commercial sexual exploitation as trafficking victims (none in 2018; six in 2017; 10 in 2016). Authorities continued to separate these statistics based on persistent definitional discrepancies that NGOs claimed affected service provision and proper law enforcement action. Contrary to definitional standards under the 2000 UN TIP Protocol, authorities did not consider children to be victims of sex trafficking unless the sex acts were mediated by a third party, likely preventing hundreds of children from formal designation. Some provincial law enforcement officials noted that Japan's unusually low age of consent, 13, further complicated efforts to formally identify children exploited in commercial sex as trafficking victims. Police continued to treat some potential child sex trafficking victims as delinquents—particularly LGBTI children—and counseled them on their behavior instead of screening them for victim status, investigating their cases, or referring them to specialized services. Although there were no specific reports in 2019, in previous years, authorities arrested some child victims in connection with their trafficking situations; service provision NGOs believed enduring definitional discrepancies continued to leave child victims at risk of penalization.

The government reportedly increased funding for "one-stop assistance centers" previously established in each prefecture for victims of sexual abuse, including some forms of sex trafficking; these centers were intended to improve coordination between municipal governments and service providers, but the government did not provide data related to their use. As in prior years, the government did not fund trafficking-specific shelters, but it continued to fund Women's Consultation Offices (WCOs) and Child Guidance Centers, both of which could provide shelter for trafficking victims alongside victims of domestic violence and other crimes. WCO shelters provided food and other basic needs, psychological care, and coverage of medical expenses to victims, who were free to leave the facilities if accompanied by WCO personnel. However, some NGOs alleged the physical conditions and services in these facilities were poor, overly restrictive, and insufficient to provide the specialized care required for trafficking victims. Authorities reported assisting 11 victims in WCO shelters among those identified in 2019, a decrease from 16 in 2018 and 16 in 2017. An unknown number of additional victims received assistance in NGO shelters, where they could access government-subsidized medical care. The government reported allocating more than 3.5 million yen ($32,250) for sheltering trafficking victims, compared with 3.4 million yen ($31,330) in 2018, and 3.5 million yen ($32,250) for male victims alone in 2017. The availability and quality of victim services varied according to prefecture-level officials' relative experience with trafficking cases.

During the reporting period, the Ministry of Health, Labor, and Welfare (MHLW) provided funding via the Tokyo Prefectural Government to an NGO to optimize their online presence for youth sex trafficking victims searching for shelter and protection services, doubling the NGO's online contact with victims seeking care. MHLW maintained a general counseling hotline for foreign workers in multiple languages, but it was not trafficking-specific; it reported fielding 1,950 calls from TITP participants, but it was unclear how many featured trafficking allegations (2,197 calls in 2018). The immigration bureau operated a similar hotline but did not identify any victims through its use (unreported in 2018; two in 2017). NPA also ran a general Japanese language hotline through a private entity, but it did not report the number of calls received or identify any potential trafficking cases through the use thereof (295 potential cases among more than 14,500 calls in 2018; 433 cases among over 19,000 in 2017). The government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to trafficking victims; however, it significantly reduced the relevant budgetary allocation during the reporting period. Through this program, 14 foreign victims received repatriation assistance (five in 2018; seven in 2017; 23 in 2016). Despite the existence of these services, international organizations and NGOs reported most foreign trafficking victims had limited or no access to other government-provided social services from which legal resident victims could benefit. NGOs highlighted a lack of language interpretation services as a particular challenge to the protection of foreign victims.

Although the law ostensibly protected victims from denial of entry into or deportation from Japan, inadequate screening of vulnerable groups reportedly led to the arrest and deportation of some victims due to immigration violations or other unlawful acts traffickers compelled them to commit. Temporary, long-term, and permanent residence benefits were available to foreign victims who feared the repercussions of returning to their countries of origin. Unlike in prior years, the government did not disaggregate information on conferral of residential benefits by type; authorities reported granting five foreign trafficking victims "special permission to remain in Japan" after overstaying their visas, as well as issuing unspecified changes in residency to seven additional trafficking victims (one long-term and eight short-term visas in 2018; two and 16, respectively, in 2017). Victims had the right to file civil suits to seek compensation from their traffickers; some foreign workers, including potentially unidentified victims, and sex trafficking victims filed civil suits for non-payment of wages in 2018. However, the owners of abusive supervising organizations and subsidiary businesses employing TITP participants frequently filed for bankruptcy or falsified administrative changes in order to shield themselves from civil or criminal liability, enabling forced labor to continue throughout the program with impunity. Some employers pressured TITP participants to leave their labor unions to reduce their chances of seeking recompense for labor abuses committed against them. Receipt of compensation awards was therefore nearly impossible in practice. Authorities did not report any instances of court-ordered restitution for victims during the calendar year (unreported in 2018). In previous years, civil society organizations reported some victims of coerced pornography chose not to participate in court proceedings against their traffickers due to fear that doing so would create stigma-based challenges to their reintegration and rehabilitation.

PREVENTION

The government maintained insufficient efforts to prevent trafficking, including by continuing to demonstrate a lack of political will to adequately do so among highly vulnerable migrant worker populations. It produced its fifth annual report on government actions to combat trafficking and tracked measures against the stated goals of its 2014 anti-trafficking action plan. Authorities raised awareness on trafficking by disseminating

information online and through radio programs, posters, and brochures, as well as through leaflets distributed to NGOs, immigration and labor offices, and diplomatic missions in Japan and abroad. The government continued to distribute posters and brochures in transportation hubs and to travelers warning that Japanese citizens could face prosecution if suspected of having engaged in child sex tourism overseas. Authorities continued to advertise the multilingual emergency contact hotline number at local police and immigration offices, through NGOs, and in consultations with source countries' governments.

The government continued to implement the 2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (TITP reform law), including by allocating more human and financial resources to OTIT—its oversight mechanism; increasing the number of inspections of TITP implementing and supervising organizations and worksites; and continuing the issuance of corrective orders for labor violations detected during inspections. The TITP reform law mandated the MHLW approve work plans outlining living conditions, working hours, and other factors developed jointly by incoming TITP participants and their employers; as of January 2020, authorities reported having approved over 300,000 of these plans. However, authorities did not fully implement oversight procedures to ensure unity among sending and receiving organizations' contracts, nor among these contracts and the participants' work plans, resulting in discrepant language that left many volunteers vulnerable to labor abuses. OTIT reported conducting on-site inspections of more than 10,000 TITP implementing organizations and nearly 2,500 supervising organizations in 2019, compared with roughly 7,900 and 2,500, respectively, in 2018, leading to the detection of nearly 6,800 employers committing labor violations and the issuance of "corrective guidance" to around 4,200 (5,160 found in violation of unspecified labor laws and issued corrective notices in 2018; 4,226 in 2017). The Labor Standards Bureau (LSB) also conducted on-site inspections of more than 9,000 TITP work places but did not report additional information on corrective measures; some of these likely overlapped with the aforementioned OTIT inspections. In a departure from prior years, the Immigration Services Agency did not report data from its own process for notifying TITP organizations of misconduct (more than 100 employers notified in 2018, leading to approximately 170 corrective notifications), and the MOJ did not report how many organizations it banned from receiving interns in 2019 (over 100 in 2018).

Civil society groups continued to express concern the OTIT was too understaffed to adequately investigate allegations of abuse, including forced labor, within such a large program—particularly as the number of participants continued to grow. Authorities did not report revoking any MHLW-approved work plans for labor violations in 2019, compared with eight revocations in 2018; some observers expressed these work plans lacked enforceability due to the high number of TITP employers and participants relative to the small number of inspectors. Although the TITP reform law ostensibly expanded participants' rights to change employers at will once in Japan, civil society observers and officials noted most TITP participants were still barred from doing so; some participants reportedly fled from abusive conditions in their contracted workplaces, thereby violating the terms of their visas and becoming more vulnerable to trafficking in unemployment. Immigration officials issued orientation pamphlets with hotlines and contact information to all incoming TITP participants. Some TITP employers continued to threaten participants with punitive fees, deportation, and harm to their families, if they attempted to leave. Some participants reported the OTIT and the LSB were unresponsive to their request for mediation when their employers suddenly changed or terminated their contracts.

The government maintained memoranda of cooperation (MOC) with Bangladesh, Bhutan, Burma, Cambodia, India, Laos, Mongolia, Pakistan, the Philippines, Sri Lanka, Thailand, Uzbekistan, and Vietnam, as well as a newly signed MOC with Indonesia, affirming it would accept TITP trainees only from state-approved organizations that would not charge participants "excessive fees" known to place workers in high debt. However, some sending organizations in these countries were able to circumvent the fee restrictions and still secure their respective governments' approval by charging high "commissions" in lieu of fees; trainees from these countries therefore remained at risk for debt bondage once in Japan. This was especially true for Vietnamese participants, who constituted the highest proportion of TITP trainees. Some Japanese TITP employers forced participants to remit portions of their salaries into mandatory savings accounts as a means to prevent their abscondment and retain their labor. OTIT authorities could request that sending countries investigate allegations of recruitment fee violations, but the decision to penalize or ban sending organizations for the practice was at the discretion of sending country authorities; OTIT offices did not report requesting any such investigations. Japanese authorities published the names of "discredited" TITP sending organizations on a website and reported 73 "inappropriate organizations" to sending governments, but they did not report steps to ensure incoming TITP participants avoided those organizations.

In 2018, the government established a new "Special Skilled Worker" visa regime to allow an additional 354,000 migrant workers to enter Japan and fill positions in construction, shipbuilding, nursing care, and 10 other sectors with known labor shortages over a five-year period. The new regime reportedly permitted qualifying individuals already participating in the TITP to switch their visas to the newly created categories, allowing them to extend their stay in Japan and change jobs within the same sector. Although there were no reported cases of forced labor within this system in 2019, observers continued to express concern that it would engender the same vulnerabilities to labor abuses, including forced labor, as those inherent to the TITP, and that oversight measures were similarly lacking. One NGO noted more than 90 percent of the migrant workers in Japan under the auspices of this new visa regime were former TITP interns in vulnerable sectors prior to 2019. MOJ issued regulations requiring employers to compensate these workers at a rate equal to or greater than Japan's minimum wage in 2018. However, the law also enabled for-profit employment agencies and individuals to become "registered support organizations"—with no licensing requirements—to liaise between labor recruitment brokerages and employers for a fee. Observers were concerned these service fees would create additional risks for debt-based coercion among migrant workers entering under the auspices of the new regime, and that the authorities had not instituted sufficient preventative measures in favor of accelerating the process to assuage urgent labor shortages.

The government had extraterritorial jurisdiction to prosecute Japanese nationals who engaged in child sexual exploitation abroad, and authorities reported exercising this jurisdiction for the first time in several years. In October, police arrested a Japanese man suspected of engaging in child sex tourism in Laos in 2017 under "child prostitution" charges, but the case appeared to involve child pornography, and they did not provide further information on the status or outcome of those charges. Authorities also established a new consultative mechanism with Japan's aviation industry to train flight attendants on victim identification and referral to law enforcement, but they did not provide information on its implementation. The government did not make significant efforts to reduce the demand for commercial sex acts, and many of its awareness-raising content on the JK business appeared to be targeted toward victims, rather than the demand source.

TRAFFICKING PROFILE

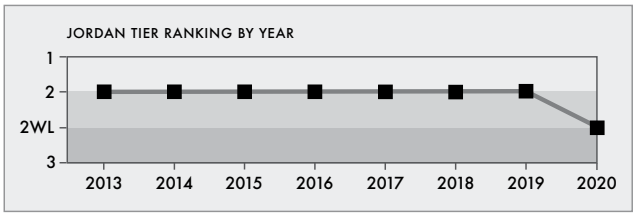
As reported over the last five years, human traffickers subject Japanese and foreign men and women to forced labor and sex trafficking, and they subject Japanese children to sex trafficking. Traffickers also transport victims from elsewhere in the region through Japan before exploiting them in onward destinations, including East Asia and North America. Traffickers subject male and female migrant workers, mainly from Asia, to conditions of forced labor, including at companies participating in Japanese government-run programs. Men, women, and children from Northeast Asia, Southeast Asia, South Asia, Latin America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Japan's fast-growing foreign student population is also at risk for trafficking in the unskilled labor sector due to abusive and often deceptive work-study contract provisions. Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for sex trafficking in bars, clubs, brothels, and massage parlors. Traffickers keep victims in forced labor or forced commercial sex using debt-based coercion, threats of violence or deportation, blackmail, confiscation of passports and other documents, and other psychologically coercive methods. Employers require many migrant workers to pay fees for living expenses, medical care, and other necessities, leaving them vulnerable to debt-based coercion. Brothel operators sometimes arbitrarily impose "fines" on victims for alleged misbehavior, thereby extending their indebtedness as a coercive measure.

Traffickers also subject Japanese citizens and foreign nationals—particularly teenage girls—to sex trafficking. *Enjo kosai* or "compensated dating" services and variants of the "JK" business, often with ties to organized crime, continue to facilitate the sex trafficking of Japanese boys and girls; underage youth from China, South Korea, Laos, the Philippines, Singapore, and Vietnam are also reportedly exploited in these establishments. "JK" bar owners may subject some underage boys and girls, including LGBTI youth, to forced labor as hostesses and club-promoters. Highly organized commercial sex networks target vulnerable Japanese women and girls—in many instances those living in poverty or with cognitive disabilities—in public spaces such as subways, popular youth hangouts, schools, and online, and subject them to sex trafficking in commercial sex establishments, small musical performance venues, retail spaces, and reflexology centers, often through debt-based coercion. Some groups posing as model and actor placement agencies use fraudulent recruitment techniques to coerce Japanese men, women, boys, and girls into signing vague contracts and then threaten them with legal action or the release of compromising photographs to force them to participate in pornographic films. Some transgender youth seek employment in unregulated urban entertainment districts as a means of financing their gender-affirming care and are subsequently exploited in commercial sex and possibly forced labor. Private Japanese immigration brokers help Japanese-Filipino children and their Filipina mothers move to Japan and acquire citizenship for a significant fee, which the mothers often incur large debts to pay; upon arrival, some of these women and their children are subjected to sex trafficking to pay off the debts. Organized crime syndicates posing as immigration brokers also lure these families to Japan with deceptive job offers, and then subject the women to forced labor and sex trafficking in the nightlife industry. Japanese men remain a source of demand for child sex tourism in other countries in Asia.

Cases of forced labor occur within the TITP, a government-run program originally designed to foster basic technical skills among foreign workers that has effectively become a guest-worker program. TITP participants from Bangladesh, Bhutan, Burma, Cambodia, China, India, Indonesia, Laos, Mongolia, the Pakistan, Philippines, Thailand, Turkmenistan, Uzbekistan, and Vietnam pay sending organizations in their home countries thousands of dollars in excessive worker-paid fees, deposits, or vague "commissions"—despite bilateral agreements between sending countries and Japan aimed at curbing the practice—to secure jobs in fishing, food processing, shellfish cultivation, ship building, construction, textile production, and manufacturing of electronic components, automobiles, and other large machinery. TITP employers place many participants in jobs that do not teach or develop technical skills, contrary to the program's stated intent; others place participants in jobs that do not match the duties they agreed upon beforehand. Some of these workers experience restricted freedom of movement and communication, confiscation of passports and other personal and legal documentation, threats of deportation, physical violence, poor living conditions, wage-garnishing, and other conditions indicative of forced labor. Some sending organizations require participants to sign "punishment agreements" charging thousands of dollars in penalties if they fail to comply with their labor contracts. Participants who abscond from their contracted TITP jobs fall out of immigration status, after which some are reportedly subjected to sex trafficking and forced labor.

JORDAN: TIER 2 WATCH LIST

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included devoting resources to and increasing training of law enforcement personnel and victim advocates. The government also maintained a trafficking shelter that offered a wide range of comprehensive services, continued to work in partnership with civil society actors to proactively identify and protect trafficking victims, and conducted anti-trafficking awareness campaigns. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government investigated, prosecuted, and convicted fewer traffickers, and it identified and assisted fewer victims than in the previous reporting period. Authorities continued to arrest, detain, and deport some victims for unlawful acts traffickers compelled them to commit, such as immigration violations and fleeing abusive employers. Under Jordan's anti-trafficking law, penalties for sex trafficking offenses were not commensurate with penalties prescribed for other serious crimes. Therefore Jordan was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Pass amendments to the anti-trafficking law to ensure penalties for sex trafficking crimes are commensurate with those prescribed for other serious crimes. • Continue to proactively screen for and identify trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, refugees, street children, and persons in commercial sex. • Ensure victims are not inappropriately punished for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations or escaping from an abusive employer. • Continue to train law enforcement and the joint Counter-Trafficking Unit (CTU) officers, judges, prison officials,

and labor inspectors throughout the country to screen for, identify, and refer to protection services trafficking victims. • Finalize and widely distribute to all relevant officials the revised standard operating procedures (SOPs) for the victim referral mechanism. • Increase the number of specialized anti-trafficking "focal point" police officers throughout the country, and adequately train them on victim identification and referral procedures. • Increase efforts to prosecute, convict, and punish sex trafficking and forced labor offenses with significant prison terms. • Investigate and punish individuals for withholding workers' passports under Jordan's passport law. • Continue to regularly cooperate with NGOs to identify and refer victims to protection services. • Continue to allocate adequate funding for operation of the government's trafficking shelter, and train shelter staff to identify and provide specialized care to victims. • Issue (or apply) labor regulations governing work in the agricultural sector, and increase labor inspections in this sector. • Reform the sponsorship system by extending labor law protections to all workers in Jordan, including domestic workers, and allow workers to freely change employers. • Regulate and investigate fraudulent labor and recruitment practices.

PROSECUTION

The government made overall uneven law enforcement efforts. The 2009 Law on the Prevention of Trafficking in Human Beings criminalized sex trafficking and labor trafficking. The law prescribed penalties of a minimum of six months' imprisonment, a fine of 1,000 to 5,000 dinars ($1,410 to $7,060), or both, for trafficking offenses involving an adult victim. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the penalties prescribed for sex trafficking were not commensurate with the penalties prescribed for other serious crimes, such as kidnapping. The law prescribed penalties of up to 10 years' imprisonment and a fine of 5,000 to 20,000 dinars ($7,060 to $28,250) for trafficking offenses involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as kidnapping. Jordan's passport law criminalized the withholding of passports by an employer, carrying penalties of six months' to three years' imprisonment and fines. During the reporting period, the government submitted amendments to the anti-trafficking law to Parliament for final review and approval; although Parliament was scheduled to debate and vote on the amendments in March 2020, Parliament was effectively suspended at the end of the reporting period. The pending amendments enhanced sentences for trafficking offenses and established a victims' compensation fund.

The Public Security Directorate (PSD) and Ministry of Labor (MOL) joint CTU—the national focal point leading anti-trafficking investigations—continued to investigate potential trafficking crimes. In 2019, the CTU reported authorities investigated 205 potential trafficking cases, eight of which involved allegations of forced domestic labor and one of sex trafficking. This represented a significant decrease from 402 investigations of potential trafficking crimes in 2018. The Ministry of Justice (MOJ) reported it initiated the prosecution of 18 trafficking cases and convicted 11 traffickers in 2019, but it did not provide the details of these cases. Of the 11 convictions, five traffickers received sentences of six years' imprisonment and fines for forcing a group of Bangladeshi women into commercial sex. These statistics also represented an overall decrease from the 54 trafficking prosecutions it initiated and 12 convictions secured in 2018. Legal experts continued to report that judges were hesitant to convict perpetrators for human trafficking, preferring to pursue other charges such as labor violations that carried lesser penalties than the anti-trafficking law. NGOs and foreign embassy representatives continued to report the government preferred to settle potential cases of domestic servitude through mediation, rather than referring them for criminal prosecution. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during the reporting period.

Jordan's overcrowded and underfunded judicial system continued to lack a sufficient number of trained judges and prosecutors who could specialize in trafficking cases. However, a specialized court to handle human trafficking cases—established by the MOJ in 2018—continued to receive human trafficking cases during the reporting period. Qualified investigators in the CTU were rotated into other assignments every two years or less, which hindered the work of the unit. According to an international legal rights NGO, the government devoted substantial resources to anti-trafficking trainings during the reporting period. In 2019, the CTU reported conducting 39 training workshops for officials, in coordination with NGOs. The Ministry of Labor partnered with civil society organizations to strengthen the capacity of labor inspectors to identify labor trafficking cases. Personnel from the government-run trafficking shelter also conducted an unspecified number of training sessions in coordination with the CTU—with funding from an NGO—for police and Ministry of Social Development (MOSD) staff.

PROTECTION

The government identified and provided protection services to fewer trafficking victims, and authorities continued to punish victims for unlawful acts traffickers compelled them to commit. In 2019, the government identified nine trafficking victims, which represented a significant decrease from the 40 identified victims in 2018. Despite this decrease, the government continued to utilize formal written procedures to proactively identify trafficking victims, and it continued to receive referrals of potential victims from NGOs, international organizations, and police stations across the country. Although the CTU was headquartered in Amman, it used specialized liaison officers in police stations across the country to identify trafficking victims outside of the capital. The government continued to utilize a national victim referral mechanism—formally instituted in March 2019—to refer identified victims to care, including an NGO-run shelter, and cases to the CTU for investigation. Nevertheless, the government and civil society organizations reported labor inspectors, regular police officers outside of the CTU, and detention center officials lacked the specialized training to proactively identify and refer victims to protection services. To address this gap, the CTU increased the number of government-funded training sessions for law enforcement personnel and victim advocates.

MOSD continued to operate and fund a shelter dedicated to protecting trafficking victims, which provided psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. It also continued to offer computer classes, a book club, and religious services for both Muslim and Christian shelter residents. The shelter's staff included lawyers and specialists in psychology, social work, nursing, and education. The provision of shelter services was not conditional upon a victim's cooperation with law enforcement or judicial authorities. Victims could freely and willingly leave the shelter and were allowed to stay at the shelter for as long as two months. The shelter had the capacity to serve a total of 40 victims, both Jordanian citizens and foreign nationals, with space for 27 women, three children, and 10 men. The shelter had a separate wing and entrance for male victims, and it was the only shelter in the country available to men; however, the MOSD did not report if any male victims received services at the shelter during the reporting period. In 2019, the shelter served a total of 35 victims, which represented a significant decrease from the 153 victims it served in 2018. The MOSD classified 75 percent of those in the shelter as forced

labor victims, six percent were victims of sexual exploitation, and three percent were victims of other crimes; victims were primarily from Bangladesh, Ghana, and Uganda. Shelter staff continued to cooperate with the embassies of Bangladesh, the Philippines, and Sri Lanka to provide assistance to their nationals during the reporting period. The government encouraged victims to assist in the investigation and prosecution of their traffickers; foreign victims also had the option to provide a deposition prior to being repatriated. However, victims were not able to file civil suits against their traffickers for compensation. The government provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

Authorities continued to punish some foreign trafficking victims for unlawful acts traffickers compelled them to commit—such as immigration violations—including fines, arrest, detention, and deportation if found without valid residence documents. Jordan's sponsorship system continued to prevent foreign workers from switching employers (without a letter of release from their sponsor) or receiving adequate access to legal recourse in response to abuse. Migrant workers, including potential trafficking victims, who left their place of employment prior to fulfilling their work contract, were considered illegal residents and subjected to fines and detention for their irregular presence in the country; loss of legal status also created greater vulnerabilities to trafficking. Furthermore, bureaucratic and financial barriers and detention prevented some victims from repatriation, even if a worker left an employer because it was an exploitative situation. Some foreign workers remained in Jordanian detention, due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported foreign labor trafficking victims were less likely to report abuses to the authorities due to fear of deportation or detention. Trafficking victims who opted to remain in Jordan for work were required to pay their overstay and lapsed labor permit fines before applying for a new work permit, which was a significant financial burden for victims. During the reporting period, legal experts reported authorities arrested domestic workers—some of whom might have been trafficking victims—for not having travel documents, and authorities ultimately deported some trafficking victims who received assistance at the government-run shelter. However, during the reporting period, some foreign embassies reported they negotiated with the Ministry of Foreign Affairs (MFA) to release their citizens from detention for their repatriation. Additionally, in January 2020, MOL inspectors arrested and deported 105 migrant workers for labor law violations, including working without valid permits or in unauthorized occupations. Most of those arrested were Syrian nationals—a population highly vulnerable to trafficking—but the MOL made no reported efforts to screen for trafficking among those it arrested.

PREVENTION

The government maintained prevention efforts. The government's inter-ministerial anti-trafficking committee continued to meet on an ad hoc basis throughout the reporting period, and the government continued to implement its 2019-2022 national anti-trafficking strategy. The government continued to raise awareness about trafficking crimes throughout the country, including by distributing anti-trafficking information to all foreign migrant workers entering Jordan and at inspected work sites. For example, the CTU coordinated with border guards to place awareness stickers, which included the government's anti-trafficking hotline, in the passports of all foreign workers entering the country. In partnership with an international organization, the CTU conducted 250 lectures throughout the country to increase awareness of trafficking indicators. An NGO continued to report that government-conducted awareness campaigns contributed to an increase in victim referrals from the general public. The MOL and CTU continued to operate a hotline to receive complaints of labor violations and potential trafficking crimes, which offered interpretation services in some source-country languages. However, due to overall budget shortfalls, the government remained unable to consistently maintain interpreters of some Asian languages at the hotline, which led to difficulties identifying potential trafficking victims and referring them to protection services. Jordan maintained several bilateral labor agreements with other countries, some of which created greater vulnerabilities to trafficking. For example, a labor agreement between the Jordanian and Egyptian governments specified that an Egyptian national cannot leave Jordan without permission from his or her employer, even if the employer was convicted of trafficking crimes. Similarly, though the Ugandan government signed a labor agreement with Jordan, there was no Ugandan embassy or diplomatic representation in Jordan for Ugandan nationals, including potential trafficking victims, to seek assistance. However, NGOs reported a bilateral labor agreement between the Jordanian and Philippine governments strengthened protections and led to improved working conditions for Filipino migrant workers.

The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism. The MOL continued to implement regulations that required labor recruitment companies to maintain insurance policies for workers, which provided repatriation costs, health care, and death benefits. The government also continued to cooperate with an international organization to eliminate recruitment fees for workers in Jordan's garment sector, where some workers are vulnerable to trafficking. In 2019, the government continued to take measures to reduce the vulnerability of Syrian refugees to trafficking. The government continued to formalize access to the labor market for 200,000 Syrians from host communities and refugee camps, which helped to reduce this population's vulnerability to forced labor. The government continued to issue a flexible work permit to Syrians in the construction and agriculture sectors; the permit legalized the status of the workers in these sectors and allowed Syrians to work for multiple employers in these sectors in a 12-month period. More than 30,000 work permits for Syrian refugees remained active in 2019. The Ministry of Education also continued to allow Syrian refugee children access to public education, with more than 134,000 refugee students enrolled in schools through September 2019. The government did not provide specific anti-trafficking training for its diplomatic personnel. The MFA continued to report its finance department directly paid locally hired domestic staff of Jordanian diplomats posted abroad, in accordance with labor laws and wage rates in the host country. The Jordanian Armed Forces continued to provide specific anti-trafficking training to peacekeepers before their deployment abroad.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jordan, and traffickers exploit victims from Jordan abroad. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. In 2018, an NGO reported a large increase in Ugandan trafficking victims following the implementation of a 2016 bilateral labor agreement between the Ugandan and Jordanian governments. Jordan relies on foreign migrant workers—many of whom are undocumented—in several sectors, including construction, agriculture, textiles, and domestic work; according to an NGO in 2018, workers in these sectors are the most vulnerable to trafficking because of informal work agreements and frequently changing employers. Some recruitment agencies fraudulently recruit victims from labor-source countries to Jordan, using false promises of money or other benefits. Forced labor victims in Jordan experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, unsafe

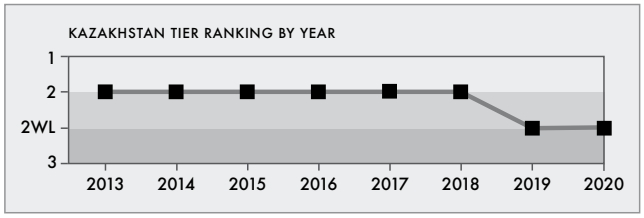
living conditions, long hours without rest, isolation, and verbal and physical abuse. For example, men and women from South and East Asia migrate to work in factories in Jordan's garment industry, some of whom experience withholding of passports, restricted movement, and unsafe living conditions. Traffickers exploit some migrant workers from Egypt—the largest source of foreign labor in Jordan—in forced labor specifically in the construction, service, and agricultural sectors. In 2017, the government estimated there were 82,643 foreign female domestic workers in Jordan, primarily from South and Southeast Asia and East Africa, who are highly vulnerable to forced labor. Some out-of-status domestic workers from Bangladesh, Indonesia, the Philippines, and Sri Lanka have been reportedly exploited in sex trafficking while looking for an employer or after fleeing their previous employers.

Refugees from Iraq, the Palestinian Territories, Syria, and other countries are highly vulnerable to trafficking in Jordan, especially women and children working illegally or informally. Jordan is host to approximately 741,000 UNHCR-registered refugees from more than 55 countries, including 650,000 Syrians and 67,000 Iraqis. Non-Syrian and non-Palestinian refugees are vulnerable to labor exploitation due to the Jordanian government's restrictions on their ability to work in most formal employment sectors. In 2019, Iraqi refugees reported that they are vulnerable to exploitation in the informal sector because employers pay them below-market wages and expect them to work excessively long hours. NGOs continue to observe an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in the agricultural and service industries, as well as peddling goods and begging. There have been reported cases of Syrian refugee women and girls sold into forced marriages in Jordan. Syrian boys and young men, in particular, often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking.

Some Jordanian and Syrian girls are forced to drop out of compulsory school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking. Jordanian boys employed within the country in the service industry, agricultural sector, and as mechanics, street vendors and beggars may be victims of forced labor. NGOs and an international organization reported, in 2018, an estimated 3,000 children begging in the streets in Jordan, some of whom are highly vulnerable to trafficking. Traffickers exploit Lebanese, North African, and Eastern European women in sex trafficking who have migrated to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be exploited in sex trafficking. As reported by an NGO in 2016, some Egyptian women are exploited in forced begging or sex trafficking by their Jordanian husbands.

KAZAKHSTAN: TIER 2 WATCH LIST

The Government of Kazakhstan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included adopting amendments that increased criminal penalties for traffickers and rescinding the provision that allowed alleged traffickers to pay a settlement to victims to withdraw their criminal cases. The government also developed victim identification guidelines for diplomatic staff, provided victim identification training to some labor inspectors, and took initial steps to improve its annual NGO funding process. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government's efforts to identify and protect foreign victims, which were already inadequate compared to the estimated size of the population, decreased. Foreign victims who did not participate in criminal investigations were ineligible for services and had no legal alternatives to removal. Law enforcement continued to make limited efforts to investigate, prosecute, and convict labor trafficking crimes—the number of trafficking convictions decreased for the fourth consecutive year. NGOs continued to report allegations of police officers' complicity in human trafficking, yet there were few government investigations or prosecutions of police or other officials suspected of complicity. Therefore Kazakhstan remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Significantly increase assistance available to foreign trafficking victims and ensure victim identification and assistance are not contingent on participation in investigation and prosecution efforts. • Vigorously investigate, prosecute, and convict suspected trafficking cases, including allegedly complicit government officials and police officers and labor traffickers. • Amend the trafficking law to align the definition of trafficking with international standards. • Significantly increase efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance. • Provide systemic specialized training to all labor inspectors to identify victims of forced labor and report potential trafficking cases to the police. • Increase funding and resources for anti-trafficking police units. • Implement mechanisms to ensure the shelter service provider contract bidding process does not lead to gaps in services available to victims. • Provide legal alternatives to deportation, especially where trafficking victims face hardship, abuse, or re-trafficking in the foreign country. • Provide anti-trafficking training or guidance for peacekeepers to prevent their engagement in or facilitation of trafficking crimes. • Display anti-trafficking awareness materials at border-crossings and checkpoints.

PROSECUTION

The government strengthened anti-trafficking laws but decreased overall anti-trafficking law enforcement efforts. Articles 128, 134, 135, 308, 125(3b), and 126(3b) of the penal code criminalized sex trafficking and labor trafficking. However, inconsistent with the definition of trafficking under international law, the law did not include force, fraud, or coercion as an essential element of the crime, but rather considered them aggravating circumstances. In December 2019, the government amended legislation to increase the punishment for trafficking crimes. The amended law prescribed penalties of four to seven years' imprisonment for adult trafficking and five to nine years' imprisonment for child trafficking, an increase from three to five years' imprisonment and five to seven years' imprisonment for the respective crimes; the penalties could be increased to up to 18 years' imprisonment under aggravated circumstances. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. For those accused of trafficking, the amendments also rescinded article 68 of the criminal code, which allowed defendants to pursue settlements by paying monetary compensation to the victim in exchange for having the criminal case withdrawn. During the reporting period, the application of article 68 was not available

in cases involving sex crimes against minors but remained an option in cases involving other forms of trafficking under article 128, part 1, although article 68 was not applied in any trafficking cases in 2019.

Police investigated 45 trafficking cases in 2019, a decrease compared with 106 in 2018. In addition, police investigated 57 cases of organ removal, which are human trafficking under international law; however, these cases are not included as trafficking efforts due to U.S. law. The government prosecuted 67 human trafficking cases in 2019; it did not report the number of prosecutions in 2018. The government convicted eight sex traffickers, compared with 17 in 2018, 29 in 2017, and 45 in 2016—a decrease for four consecutive years. Of the eight traffickers convicted in 2019, six received prison sentences ranging from five to 10 years' imprisonment, one received a conditional sentence of three years served outside of prison, and one received a partially suspended sentence resulting in 6.8 years' imprisonment. In addition, the government opened 86 investigations of trafficking-related crimes, including pimping and brothel maintenance, compared to 182 in 2018. Many of the trafficking and trafficking-related cases were the result of four multi-day special anti-trafficking police operations called "Stop Trafficking," in which the police located and closed brothels, arrested pimps, and registered adults in commercial sex. For the second consecutive year, the government did not convict any labor traffickers. NGOs continued to report traffickers bribed low-ranking police officials to avoid these charges and alleged that some police officers facilitated forced labor or sex trafficking crimes. NGOs reported that some criminal cases were closed by police "due to lack of evidence," despite the testimony of trafficking victims. The government reported the conclusion of a 2018 case of official complicity, convicting a police officer from Kostanay province for abuse of power and the facilitation of brothel operations for coercing two women into commercial sex.

The government continued to train police, prosecutors, and judges in the identification, investigation, and prosecution of trafficking crimes and funded police participation in international anti-trafficking conferences. In 2019, the Judicial Academy trained 67 judges (65 in 2018) on the protection of trafficking victims during the criminal process. The Ministry of Internal Affairs' (MVD) Trafficking in Persons Training Center trained 167 police officers (115 in 2018) on investigative techniques. The Prosecutors General Office trained 44 (93 in 2018) prosecutors on protection and trial of criminal cases related to human trafficking. In all training programs, the government provided the venue and participants' cost while international organizations, NGOs, and international donors covered other costs, including the travel of trainers and provision of training materials. For the first time in recent years, some labor inspectors received specialized training on identifying victims; however, their official duties did not direct them to identify trafficking indicators or refer potential labor trafficking crimes to appropriate law enforcement. During the reporting period, the government jointly investigated 10 cases related to trafficking in cooperation with foreign governments, including Kyrgyzstan, Russia, Uzbekistan, and the United States, and conducted joint anti-trafficking operations with neighboring countries. Despite this broader cooperation, at major migrant crossing points, border officials had minimal law enforcement coordination between neighboring law enforcement counterparts. In 2019, the government extradited five foreign citizens wanted in their home countries for trafficking-related crimes.

PROTECTION

The government maintained protection efforts for Kazakhstani victims, and efforts to identify and assist foreign victims remained negligible. The government identified 40 trafficking victims, a decrease from 83 in 2018. Of those, all but six were exploited in Kazakhstan; 35 were victims of sex trafficking and five were victims of forced labor. All but three of the identified victims were from Kazakhstan; the government identified two victims from Uzbekistan, both in forced begging, and one victim from Russia in forced labor. Four of the Kazakhstani victims were victims of sex trafficking in the Republic of Korea. As in the previous year, the government identified the majority of sex trafficking victims during one of four anti-trafficking special police operations intended to uncover trafficking cases by locating and closing brothels, arresting pimps, and registering women in commercial sex. The small number of forced labor and foreign victims indicated a continued lack of consistent proactive screening efforts by officials during routine law enforcement engagements throughout the year. In 2019, NGOs reported assisting 76 trafficking victims, compared to 122 in 2018; among these, 21 were Kazakhstani and 55 were foreigners; the majority were men and victims of forced labor. Of the 55 foreign victims, 51 were from Uzbekistan. Law enforcement referred 12 victims to NGOs (19 in 2018), foreign embassies referred three, NGOs referred 23, international organizations referred seven, and 31 victims self-referred (including through hotlines). The government-funded and NGO-operated trafficking hotline received 1,834 phone calls in 2019, the vast majority of which were requests for information, while 12 calls were referred to anti-trafficking police units but did not result in confirmed trafficking cases. Observers continued to note many foreign victims were reluctant to self-identify to the police due to lack of trust, perceived corruption, and fear of punishment or deportation due to their unlawful status, among other reasons. In cases where law enforcement identified foreign victims, victims often refused to cooperate. According to experts, foreign victims frequently reported their exploitation to local police upon return to their home country, where they felt safer.

The government received fewer funding applications from NGOs to run trafficking shelters and as a result funded eight NGO-operated shelters. In 2018, more NGOs applied for funding, and 10 were funded. The eight NGO-operated trafficking shelters offered legal, psychological, and medical assistance and were accessible to all Kazakhstani trafficking victims, regardless of gender or age. These services were not conditional upon victims' cooperation with law enforcement; however, in all but one case, restrictive social protection laws prohibited foreign citizens from receiving services at these shelters, and all assistance to foreign victims was contingent upon cooperation with law enforcement. In attempt to improve the social assistance to foreign victims, in a particular case, as a pilot, a local government in the Kyzylorda Region provided an NGO with funding to place foreign victims into a shelter. Victims were required to decide on cooperation at the time of their identification. In 2019, the government allocated at least 77.2 million Kazakhstani tenge (KZT) ($202,630) to direct victim assistance, including 76.2 million KZT ($200,000) for shelters and one million KZT ($2,620) for victim assistance during investigations—this was a decrease of more than 17 percent from 93.4 million KZT ($245,240) allocated in 2018 due to fewer NGOs seeking government grants to fund shelters. The shelters were staffed in accordance with the 2016 established standards for trafficking victim shelters. Several NGOs reported improvement to the inefficient annual process by which the government reviewed applications for shelter operation contracts that previously led to the NGOs experiencing severe operational and financial constraints at the end of each funding cycle and delays to the awarding of new contracts. The government solicited feedback from NGOs on systemically improving the funding process to limit service disruptions. As a result, one NGO in Almaty received funding at the beginning of the year, without delay; however, the government had not yet implemented systemic improvements. The government adopted a law on victim compensation in 2017, scheduled to be implemented in 2020. Victims could file a civil suit, but many were unaware of their ability to do so and could not

afford attorney fees; no victims pursued a civil suit in 2019. The government provided pro bono attorneys to trafficking victims, although NGOs reported these attorneys were often inexperienced.

NGOs continued to report effective victim referral and police cooperation with regional anti-trafficking units, which were composed of one or two police officers. Law enforcement units mandated to address migration or trafficking issues had a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or individuals in commercial sex; nonetheless, officials' efforts to identify foreign victims and victims of labor trafficking remained limited. The government encouraged victims—including foreigners—to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. Such assistance ceased for foreign victims if the government did not initiate a criminal case. If a criminal case was not initiated, authorities did not recognize or give protective status to foreign victims. In 2019, the government provided one foreign victims legal protection (compared to one foreign victim in 2018 and two in 2017), including suspension of deportation proceedings and special temporary residency throughout the criminal investigation. NGOs reported foreign victims sometimes experienced problems in accessing local medical care due to a lack of health insurance or residence permits. The government did not offer legal alternatives to foreign victims' removal to countries where they would face retribution or hardship and, according to local law, victims were required to be deported after expiration of their temporary residency rights. NGOs reported a shortage of lawyers authorized to participate in administrative deportation cases. In 2019, there were no reports of authorities punishing victims for crimes committed as a direct result of being subjected to trafficking; however, authorities routinely detained and deported possible foreign victims with no proactive efforts made to screen for trafficking indicators, offer referral to care providers, or ensure they were not penalized for crimes traffickers compelled them to commit.

In February 2020, the government announced it concluded operation "Zhusan," which repatriated more than 550 Kazakhstani women and minors from Iraq and Syria, including potential trafficking victims, whose parents or spouses were alleged fighters with ISIS. ISIS was known to use child soldiers and perpetrate other forms of trafficking. The children were generally housed with family members, and the state fully funded and supported their rehabilitation and reintegration.

PREVENTION

The government increased prevention efforts. The Interagency Trafficking in Persons Working Group, led by the Ministry of Internal Affairs, convened twice in 2019 to assess the implementation of the 2017-2020 anti-trafficking national action plan and created a special working group to develop an action plan specific to the 2019 Trafficking in Persons Report's recommendations. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The government provided an NGO 1.2 million KZT ($3,150) to conduct eight seminars for female victims of trafficking on their legal rights. The Ministry of Information and Communication funded radio and television programs, as well as the publication of newspaper articles and web publications, designed to raise public awareness and prevent the crime. However, at border crossings, international observers noted a lack of anti-trafficking awareness materials. The government continued to advertise an NGO-operated anti-trafficking hotline.

In 2019, labor inspectors under the Ministry of Health and Social Protection conducted 6,681 inspections to identify labor violations, which resulted in 2,651 recruiters and employers receiving administrative fines (3,057 in 2018) for violations of foreign labor recruitment rules and employment of undocumented foreign laborers. The government did not report if any inspections led to the opening of criminal cases. The minister of labor and social protection reported the current number of labor inspectors was inadequate to effectively enforce regulations across the country and announced plans to increase the number of inspectors by two and a half times and resume labor inspections. Migrant workers reported using unofficial third party intermediaries to find employment and meet Kazakhstani migration registration requirements; these intermediaries often circumvented the law and facilitated the trafficking of foreign victims, but, due to their unofficial status, authorities rarely held them accountable. To reduce vulnerabilities for migrant workers, the government opened a migration services center in Almaty, which centralized government processes for official migration, including the ability to obtain identity cards, health insurance, and registration with various government agencies, including in the Ministries of Migration, Labor, and Health. The government also improved online informational resources for migrants. The government did not take any action to reduce the demand for commercial sex acts. In 2019, the government developed victim identification guidelines for its diplomatic personnel, fulfilling a 2019 TIP report recommendation. The government did not report providing anti-trafficking training to its troops prior to their deployment as peacekeepers.

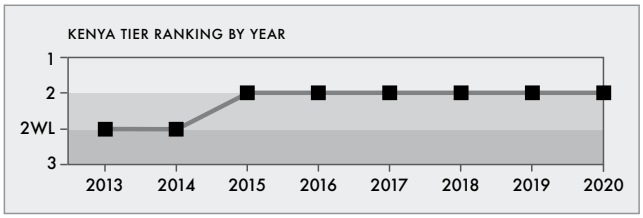
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kazakhstan, and traffickers exploit victims from Kazakhstan abroad. Domestic trafficking remains a consistent problem, as traffickers lure victims from rural areas to larger cities with mala fide offers of employment. Traffickers coerce or force Kazakhstani men and women into labor mostly in Russia, but also in Bahrain, Brazil, the Republic of Korea, Turkey, and the United Arab Emirates. Sex traffickers exploit Kazakhstani women and girls in the Middle East, Europe, East

Asia, and the United States. Women and girls from neighboring Central Asian and Eastern European countries, as well as from rural areas in Kazakhstan, are exploited in commercial sex in Kazakhstan. In most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Some children are forced to beg. Adults and children may be coerced into criminal behavior. The relative economic prosperity in the government capital Nur-Sultan (Astana), the financial capital Almaty, and the western oil cities Aktau and Atyrau, attract large numbers of Kazakhstanis from rural villages, some of whom become victims of labor trafficking and sex trafficking. Increasingly, traffickers coerce or force Central Asian citizens, in particular Uzbekistani men and women, to labor in domestic service, construction, bazaars, and agriculture in Kazakhstan. Russia banned re-entry for an estimated one million Uzbek migrants in 2014, many of whom sought temporary work and residence in Kazakhstan where traffickers prey on them. Since 2014, NGOs identified significantly more foreign victims, likely only a portion of the overall victims in this migrant population. Some traffickers are friends or acquaintances of the victim in Kazakhstan and may use fraud and deceit to lure the victim. Organized crime groups and small trafficking rings with recruiters in Kazakhstan operate in conjunction with brothel operators in Kazakhstan and abroad. NGOs reported increased instances of traffickers using debt-based coercion in the exploitation of migrants. Traffickers capitalize on tough law enforcement policies to coerce migrants to remain in exploitative situations and leverage these policies to threaten victims with punishment and deportation if they notify authorities, fostering distrust in law enforcement.

KENYA: TIER 2

The Government of Kenya does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Kenya remained on Tier 2. These efforts included significantly increasing the number of victims identified, utilizing the victim assistance fund, launching a cybercrime center to investigate child sexual exploitation and child sex trafficking cases, enhancing law enforcement coordination with other countries on trafficking cases, and improving efforts to regulate recruitment agencies and support and protect migrant workers. However, the government did not meet the minimum standards in several key areas. The government reported a decrease in investigations, prosecutions, and convictions. Kenyan authorities continued to treat some victims as criminals and the availability of protective services for adult and foreign national victims remained inadequate, which contributed to quick repatriation of foreign victims due to lack of available shelters. The government also sometimes tried trafficking cases as immigration or labor law violations rather than crimes under the anti-trafficking law, which resulted in traffickers receiving less stringent sentences. The Counter-Trafficking in Persons Act continued to allow fines in lieu of imprisonment for sex trafficking offenses which remained incommensurate with other serious crimes.



PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of trafficking offenses, including of allegedly complicit officials. • Ensure protective services are available to adult trafficking victims, including foreign nationals. • Increase data collection and data sharing among relevant agencies on law enforcement and victim identification efforts. • Strengthen coordination between government agencies on efforts to combat trafficking and implement a new national action plan. • Fully implement the formal process for law enforcement officials to refer trafficking victims for assistance, including adult trafficking victims and Kenyans repatriated from abroad. • Fully implement a screening mechanism to prevent the penalization of potential trafficking victims. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Fully implement and promote victim protection procedures and services during legal proceedings. • Expand training to all levels of the government, specifically to law enforcement personnel and local authorities in rural and coastal regions, on identifying, investigating, and managing trafficking cases. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Continue to regulate enforcement of oversight of overseas recruitment agencies. • Continue to conduct awareness campaigns throughout the country, focusing substantially on rural and coastal areas.

PROSECUTION

The government maintained uneven law enforcement efforts. The Counter-Trafficking in Persons Act of 2010 criminalized sex trafficking and labor trafficking and prescribed penalties of 30 years' to life imprisonment, a fine of not less than 30 million Kenyan shillings ($296,300), or both. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment for sex trafficking, these penalties were not commensurate with those for other serious crimes, such as rape. Sections 14 and 15 of the Sexual Offenses Act of 2006 criminalized the facilitation of child sex tourism and "child prostitution" and prescribed punishment of no less than 10 years' imprisonment, two million shillings ($19,750). The government's overall data collection and reporting on anti-trafficking law enforcement efforts remained weak. Observers reported a lack of data sharing and input from relevant agencies likely led to underreporting of trafficking cases in 2019. In 2019, the government reported six new trafficking cases for investigation, including one sex trafficking case and five forced labor cases, involving at least 128 individuals, compared with at least 33 trafficking cases and 25 trafficking-related cases in 2018. The government reported five trafficking investigations from previous years were ongoing. The government reported arresting at least 42 people under the trafficking law in 2019. The government prosecuted at least 22 individuals under the trafficking law in 2019, compared with at least 33 individuals for trafficking and 25 individuals for trafficking-related crimes in 2018. Prosecutions of at least 38 defendants from prior years remained ongoing at the end of the reporting period. Courts convicted at least three defendants under the Counter Trafficking in Persons Act and sentenced them to 1.3 million shillings ($12,840) fine or 15 years' imprisonment, 2.3 million shillings ($22,720) fine or 30 years' imprisonment, and 3.4 million shillings ($33,580) fine or 30 years' imprisonment. This was a decrease from courts convicting seven defendants for trafficking and 12 defendants for trafficking-related crimes in 2018.

The government increased collaboration with foreign governments, international organizations, and NGOs on law enforcement efforts. The government partnered with the Government of Uganda to rescue 96 Ugandan victims exploited in Kenya and arrested an alleged trafficker responsible. An NGO assisted during the criminal proceedings of six cases; one case involving five minors whose family member coerced them to beg resulted in courts convicting two traffickers; one was sentenced to 15 months' imprisonment for harboring the victims and an additional 15 months for immigration violations, the other to 60 years and five months' imprisonment for harboring, trafficking, and immigration violations. NGOs reported sentences for trafficking offenses sometimes did not align with the penalties outlined in the anti-trafficking act; NGOs also reported many arrests did not result in prosecution. In November 2019, media reported authorities arrested seven suspected traffickers, three Ethiopians and four Kenyans, along the Isiolo-Moyale highway. Authorities charged four of the seven with trafficking; the case remained ongoing at the end of the reporting period. The government increased the investigative capacity of the Directorate of Criminal Investigation's (DCI) Anti-Human Trafficking and Child Protect Unit (AHTCPU) by opening a new office in Mombasa and increasing its personnel from 20 to 33—26 in Nairobi and 7 in Mombasa—and in collaboration with donors, provided the Mombasa office with vehicles, including a mobile laboratory. In April 2019, in collaboration with foreign governments and international organizations, AHTCPU opened a cyber-center in Nairobi to increase investigation of cases involving online child exploitation; the center reportedly received tips related to child exploitation and trafficking and referred the information to officers for action.

Officials reported porous borders between Kenya and neighboring countries, difficulties coordinating between local and national law enforcement, a lack of adherence to the national referral mechanism guidelines, and a shortage of interpreters inhibited efforts to investigate trafficking cases. NGOs reported police did

not always gather evidence or take statements from victims. The government reported a general lack of awareness of trafficking crimes across the police force and conflation between trafficking and smuggling. Officials sometimes charged trafficking suspects under other crimes such as immigration or labor violations. The government collaborated with various NGOs and international organizations to provide training and technical support for investigators, prosecutors, judges, immigration officers, and other government officials on identifying and assisting trafficking victims, investigating and prosecuting trafficking cases, handling criminal evidence for investigations, the anti-trafficking law's legal framework, operationalization of the national referral mechanism, and detection of fraudulent documents. The government provided varying degrees of logistical support and facilitated many of these trainings.

Corruption remained endemic across the government. Police at times took bribes to warn traffickers of impending operations and investigations, particularly along the coast, and observers reported perpetrators sometimes escaped conviction by bribing magistrates and court officials, or intimidating and paying witnesses to make false statements. In late 2018 and early 2019, media and NGOs reported an investigation of a cabinet-level official who reportedly signed special sports and cultural work permits for women to dance in a *mujra* club notorious for exploitative practices; authorities removed the official from office after the allegations surfaced, but the status of investigations into the official's conduct remained unclear at the close of the reporting period. Traffickers sometimes fraudulently obtained identity documents from complicit officials. In 2019, the government reported an unspecified number of investigations into law enforcement officials who allegedly facilitated trafficking, but the government did not report any prosecutions or convictions of complicit officials involved with trafficking. The government reported it took measures to prevent corruption at border checkpoints by introducing cashless payment systems, using electronic document verification systems, vetting border officers, and conducting public awareness campaigns.

PROTECTION

The government maintained uneven protection efforts. The government reported identifying 853 victims of trafficking—275 adult females, 351 girls, and 227 boys—a significant increase compared with at least 400 identified victims in 2018. The majority of victims were subjected to forced labor in 2019. The government did not report identifying any adult male victims in 2019. Officials publicized government-operated trafficking support resources. Utilizing the government's national referral mechanism and standard operating procedures, the government referred 78 victims (40 children and 38 women) to shelter services. DCI's Transnational Organized Crime Unit (TOCU) proactively identified 144 trafficking victims during raids and encounters with commercial sex establishments. In April 2019, media reported TOCU raided a restaurant in Mombasa, identified 12 Nepali girls as victims of sex trafficking, and arrested the business owner. Anti-Human Trafficking and Child Protection Unit (AHTCPU) identified child victims were placed in government-run child institutions under the Department of Children's Services and provided with food, shelter, clothing, and psycho-social care. AHTCPU reported referring some victims to health facilities for medical assistance. NGOs reported the government's victim support and assistance remained limited and inconsistent.

Victim care varied in quality depending on the age, gender, nationality, and location of the victim. Victims generally had their choice of shelters, except when their security was at risk. The government relied on NGOs to run all safe houses and shelters used to house trafficking victims, with the exception of five government-run child rescue centers to facilitate the support for children who are victims of crimes, including trafficking. Services continued to consist of medical care, psycho-social counseling, rehabilitation and reintegration support, food and clothing, legal aid, and transportation. The government and NGOs across Kenya jointly provided these protective provisions, although sometimes NGOs acted alone when the government was slow or did not respond. NGOs reported limited shelter options for adults and foreign nationals, and those that existed were often ad hoc. The national referral mechanism (NRM) authorized foreign national victims to stay in a shelter up to 90 days. Alternatively, longer-term shelter services required authorization by the Cabinet Secretary; the government did not report providing long-term shelter to foreign victims, but cases awaited consideration at the end of the reporting period. Immigration officials reported repatriating trafficking victims to their countries quickly due to limited availability of shelters and other services. In 2019, an NGO reported providing shelter and legal assistance for 12 Nepali women who were victims of sex trafficking while law enforcement provided security during court proceedings. The government reported assisting in the repatriation of 142 foreign victims. Victim care remained inadequate in the coastal region due to lack of training and resources; NGOs and government officials worked in tandem there to provide trauma counseling, medical services, shelter, and reintegration support for trafficking victims returning from Somalia—some of whom left or fled al-Shabaab—and the Arabian Gulf. NGOs and officials reported that when shelters were limited, law enforcement sometimes housed victims in police stations or other remand homes and shelters.

During the 2019-2020 fiscal year, the National Treasury allocated 20 million Kenyan shillings ($197,530) to the National Assistance Trust Fund for Assisting Victims of Trafficking; however, stakeholders expressed concerns regarding the lack of framework for the fund's disbursement and that the first disbursement to victims was the outcome of a lawsuit. Overall the government reported a lack of funding inhibited victim protection efforts. Some police officers reported using their personal vehicles for transport to investigations or their personal funds to provide support for identified victims. The government partnered with an NGO to identify and refer to care three children that were victims of sexual exploitation and forced labor in domestic service in Mombasa and Kilifi; the organization then collaborated with the government to reunite the children with their families. Stakeholders working on the NRM's identification and referral provisions reported a lack of full implementation during the reporting period. The majority of local officials and civil society that received training on the NRM in coastal counties reported better skills in victim identification and referral, and the government reported an increase in referrals between partners. NGOs received referrals from victims or concerned witnesses, police during investigations, and via calls to the national gender-based violence and NGO-run child hotlines. The two national hotlines were operational 24 hours per day, year round. A NGO-run hotline received 11 calls regarding trafficking in 2019.

The government took significant steps to protect and assist Kenyan victims abroad. The government reported facilitating repatriations and providing psycho-social counseling and medical checkups to Kenyan citizens identified as victims abroad. To continue addressing the exploitation of Kenyan nationals abroad, Ministry of Labour and Social Protection (MOL)-assigned labor attachés continued to work in Kenyan diplomatic missions in Qatar, United Arab Emirates (UAE), and Saudi Arabia, and assisted an unreported number of citizens employed there. Reportedly, the attachés advocated for Kenyan workers' rights with host governments, helped identify trafficking victims, resolved workplace disputes, provided identity documents, and partnered with licensed employment agencies to find legitimate work

opportunities for Kenyans. The government continued to provide ad hoc monetary and logistical support for repatriation of its citizens subjected to trafficking outside Kenya; more often it relied upon NGOs and international organizations to coordinate and fund the repatriation. Observers noted many victims and their families funded their return rather than wait for the government's repatriation assistance. In 2019, NGOs assisted the government in the repatriation of Kenyan women who were victims of forced labor in the Middle East and India.

Authorities reportedly penalized victims for unlawful acts traffickers compelled them to commit. Although the government reported screening vulnerable groups, especially children and women, for trafficking indicators during law enforcement raids or encounters with commercial sex establishments, NGOs across Kenya reported potential victims were sometimes charged with commercial sex crimes or labor violations. Observers reported that, in 2019, 10 victims of sex trafficking were charged for publishing pornographic materials in Mombasa. Authorities punished foreign national trafficking victims for violating immigration laws, often detaining them for deportation. The Counter-Trafficking in Persons Act required a victim to give consent for their trafficking case and throughout each step of the investigation and criminal proceedings. The government had formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes, but did not report how many victims utilized the victim witness protection program. Victims had access to courtrooms fitted with equipment to protect the victim's identity. Victims also had the ability to leave the country, be employed, and move freely within the country pending trial proceedings after they testified. Even though victims' benefits were not linked to a foreign victim's law enforcement participation or whether the trafficker was convicted, officials noted the lack of victim services as a barrier to court cases and due to repatriation, victims often could not serve as witnesses. NGOs reported witnesses appeared to have been intimidated, disappeared, or did not appear in court for fear of re-victimization. In August 2019, an NGO sued the government for failing to provide adequate care and protection to five foreign nationals. The NGO also sued the government for forcing victims to testify in court or face deportation, failing to provide NGOs reimbursement for victim care, and not providing adequate shelter and protection to victims and social service personnel; at the end of December 2019, the government agreed to pay to repatriate the five victims following mediation. Under the Counter-Trafficking in Persons Act, officials may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not report using this provision during the reporting period and an NGO reported the government requested victims apply for asylum instead. NGOs reported the government sometimes placed victims in refugee camps. Sometimes authorities obtained protective custodial orders for victims from courts to formalize protection service provisions pending repatriation. Under the Employment Act, trafficking victims could file civil suits against traffickers for damages; however, no suits were reported in 2019.

PREVENTION

The government increased efforts to prevent trafficking. Although authorities continued to implement the 2013-2017 national action plan during the reporting period, the government, with the support of international organizations and other stakeholders, finalized the 2019-2022 national action plan in fall 2019. The government, however, had yet to validate and allocate funding for the national action plan at the end of the reporting period. The government also noted that although government agencies responsible for combating trafficking received allotted funding, funding was inadequate and inhibited government efforts to combat trafficking. Observers also noted the Counter-Trafficking In Persons Secretariat did not have sufficient staff or training to adequately coordinate government activities. Under the Counter-Trafficking In Persons Act, the Counter-Trafficking in Persons Advisory Committee must issue an annual report on functions relating to the act; however, the committee had not published a report at the end of the reporting period. The government reported monitoring its anti-trafficking efforts quarterly, but did not provide any of these assessments during the reporting period. The government and civil society organizations continued to promote anti-trafficking awareness at high-level events, emphasizing the prevention of child sex trafficking, labor trafficking, and migrant workers' rights. The government included input from survivors when drafting anti-trafficking regulations, policies, and initiatives.

The government, in coordination with international organizations, funded and provided training for law enforcement officials from the Horn and East Africa as well as Sudan and South Sudan. The government, in collaboration with the MOL, hosted a regional ministerial forum on harmonizing labor migration policies in East and the Horn of Africa countries in Kenya in January 2020. The governments discussed developing a united approach on safe, regular, and humane labor migration, which communally, the governments drafted and began negotiating bilateral labor migration agreements. Kenya's National Coordination Mechanism (NCM) also implemented a framework to coordinate data collection from all institutions and agencies dealing with migration-related matters in the country. NCM held quarterly meetings where members discussed migration, trafficking, and smuggling matters. In 2019, the government began negotiations on a bilateral labor agreement with Uganda, adding to pending negotiations with Bahrain, Lebanon, Oman, Jordan, and Kuwait. During the reporting period, the government maintained bilateral labor agreements with UAE, Saudi Arabia, and Qatar to coordinate efforts to reduce cases of exploitative labor and other abuses against Kenyans abroad, including trafficking. Officials noted the bilateral agreements did not outline terms and conditions of service including conditions of work, exit clauses, and restitution and compensation mechanisms. Observers also reported Kenyan officials negotiated a pay rate lower than the Saudi Arabian minimum wage predisposing Kenyan workers to exploitation. In 2019, the government launched a website for migrant workers seeking employment in the Middle East providing information on safe migration and where to seek assistance from Kenyan embassies in the region.

In May 2019, the government launched the National Employment Authority (NEA) with the mandate to regulate labor migration and other labor-related matters; however, officials noted a lack of leadership and capacity hindered NEA. During the reporting period, the government allowed registered private employment agencies to resume recruitment for domestic workers in Middle Eastern countries; NGOs reported the new regularized and structured recruitment process improved the safety of migrant workers. NEA published accredited and vetted recruitment agencies that successfully obtained proper licensing on its website. NEA registered 284 private employment agencies, up from 69 during the previous reporting period, while prohibiting hundreds of others from recruiting in Kenya. The government enforced regulations on agencies that placed Kenyans in work abroad; these requirements included informing Kenyan employees seeking work abroad about their prospective wages, visa fees, airfare, medical examinations, and specifying that any administrative costs imposed on the employee should not exceed one month's salary, and collecting a security bond intended to cover workers' airfare in case workers need to be repatriated. MOL required contracts be signed in the presence of a labor ministry officer and required applicants to register with the Kenyan embassy upon arrival in the host country. NEA reported utilizing an e-platform for recruitment and placement of Kenyans migrating to Saudi Arabia, which

promoted a safe migration process. At the end of the reporting period, 40,592 Kenyans, the majority of which were women, registered to migrate to Saudi Arabia while 3,903 registered for other Middle East countries. The government continued to train thousands of migrant workers on trafficking and migrant rights before their departure; NEA provided homecare management training to support domestic workers to be effective in their new positions. NGOs reported the new regulations improved protections for migrant workers, but gaps remained. Although the government made efforts to vet recruitment agencies, numerous illegal, unregistered agencies remained in operation. Observers continued to report that migrant workers' salaries were withheld until the completion of their contract period to coerce them to stay longer. NGOs reported recruitment agencies bribed labor officials to bypass required procedures including allowing recruitment agents to sign the contract on the worker's behalf when the worker did not appear in person. Some observers noted gaps in legal protections and regulatory frameworks helped to perpetuate traffickers' exploitive tactics.

The government continued to implement the National Plan of Action Against Sexual Exploitation of Children 2018-2022. The government reported exclusively working with companies that signed the Code of Conduct for the Protection of Children from Sexual Exploitation, an agreement signed by companies that promised to train staff on the identification of child exploitation among guests and create an awareness within their facilities. While government efforts to curb child sex tourism continued during the year, local reports claimed these efforts largely involved prohibiting the entry of perpetrators at immigration checkpoints rather than arrests and prosecutions. The government made efforts to reduce the demand for commercial sex. The government did not report training its peacekeepers during the reporting period.

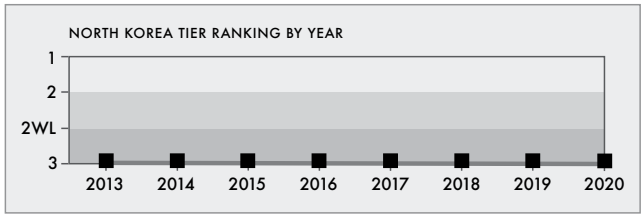
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kenya, and traffickers exploit victims from Kenya abroad. Within the country, traffickers exploit children through forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Additionally, traffickers exploit teenage boys from nomadic tribes into cattle rustling. Traffickers also exploit girls and boys in commercial sex throughout Kenya, including in sex tourism on the coast in Nairobi and Kisumu, particularly in informal settlements; at times, family members facilitate their exploitation. Children are also exploited in sex trafficking by people working in *khat* cultivation areas and near gold mines in western Kenya, truck drivers along major highways, and fishermen on Lake Victoria. NGOs reported that internally displaced persons, particularly those who live close to a major highway or local trading center, are more vulnerable to trafficking than persons in settled communities. Kenyans are recruited by legal or illegal employment agencies or voluntarily migrate to Europe, Northern Africa, North America, Central and Southeast Asia, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, UAE, Bahrain, Iran, Iraq, and Oman—in search of employment, where, at times, they are exploited in massage parlors and brothels, or in forced manual labor or domestic service. Nairobi-based labor recruiters maintain networks in Uganda and Ethiopia that recruit Rwandan, Ethiopian, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenya continues to serve as a transit point for Ethiopians and other East Africans seeking work in South Africa. Ugandan and Nigerian traffickers exploit Kenyan women in sex trafficking in Thailand. Young Kenyan men and women are lured to Somalia to join criminal and terrorist networks, sometimes with fraudulent promises of lucrative employment elsewhere. Authorities reported an increase in Ugandan girls subjected to trafficking in Kenya, specifically in Nairobi's Eastleigh neighborhood where business owners and employers often exploit them sexually and in forced labor. Observers have reported traffickers transport girls to Somalia for exploitation in sex trafficking.

Kenya hosts approximately 492,802 refugees and asylum-seekers, primarily located in two camps: Kakuma Refugee Camp and Dadaab Refugee Complex. Refugees are generally required to live within the camps and have limited access to education and livelihood opportunities, therefore increasing their vulnerability to abuse and exploitation, including sex trafficking. Children from East Africa, South Sudan, and Nepal are exploited in forced labor and sex trafficking in Kenya. Stakeholders assert domestic workers from Uganda, pastoralists from Ethiopia, and others from Somalia, South Sudan, and Burundi are subjected to forced labor in Kenya when Kenyan youth vacate jobs to be educated and business owners need employees quickly; however, this trend has reportedly waned. Recruiters use debt-based coercion to force Nepali, Indian, and Pakistani women to work in *mujra* dance clubs in Nairobi and Mombasa, where they are forced to pay off the debt by dancing and through exploitation in the commercial sex industry. Increasingly, traffickers are bringing children and persons with physical disabilities from Tanzania and other neighboring countries to engage in forced begging and foreign victims are coerced to serve as facilitators and middlemen to further trafficking schemes. In 2019, due to increased oversight of recruitment agencies and enforcement of labor regulations, traffickers increasingly utilized online recruitment and relative referrals. Traffickers shifted targeting from coastal regions to vulnerable youth in rural areas and remote villages in Kenya. Increased awareness campaigns, trainings, and law enforcement efforts in the coastal region and in hotels and resorts have shifted the location of sex trafficking of minors to private hotels and short-term rentals.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: TIER 3

The Government of the Democratic People's Republic of Korea (DPRK or North Korea) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore the DPRK remained on Tier 3. During the reporting period, there was a government policy or pattern of forced labor in mass mobilizations of adults and children, in prison camps as part of an established system of political repression, in labor training centers, and through its imposition of forced labor conditions on DPRK overseas contract workers. It used proceeds from state-sponsored forced labor to fund government functions, as well as other illicit activity. The government did not demonstrate any efforts to address human trafficking.



PRIORITIZED RECOMMENDATIONS:

End the use of state-sponsored forced labor, including among North Korean workers abroad and in prison camps used as a source of revenue and tool of political repression. • End the practice of summary executions and other harsh punishments,

including forced labor, for victims who are forcibly returned from destination countries. • Eliminate coercion tactics used to monitor and limit the movements and communications of workers overseas. • Cease the garnishing of wages of overseas workers for the purposes of furthering forced labor. • Provide assistance to victims exploited in the DPRK and to North Korean victims returned from abroad. • Criminalize sex trafficking and labor trafficking. • Investigate and prosecute trafficking cases and convict traffickers in accordance with the rule of law. • Increase transparency by allowing international human rights monitors to evaluate living and working conditions of workers, both domestically and abroad. • Forge partnerships with international organizations and NGOs to combat human trafficking. • Allow North Koreans to choose their form of work and leave their employment at will. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not report any law enforcement efforts. It is unclear whether North Korean laws criminalized sex trafficking or labor trafficking. Fair trials did not occur in the DPRK, and the government did not explain what provisions of law, if any, were used to prosecute trafficking offenses. The government did not provide law enforcement data; there were no known investigations, prosecutions, or convictions of traffickers or government employees complicit in forced labor or other trafficking crimes.

PROTECTION

The government did not report any protection efforts. Government authorities did not report identifying any victims or providing protective services, nor did they permit NGOs to provide these services. Authorities penalized victims for unlawful acts traffickers compelled them to commit. The government treated returning victims as criminals for crossing the border. Reports indicated the government sent North Koreans, including potential trafficking victims, forcibly returned by Chinese authorities to interrogation centers, where the government subjected them to forced labor, torture, forced abortions, and sexual abuse by prison guards; in some cases, authorities potentially sent them on to prison camps. North Korean defectors previously reported instances of the government executing trafficking victims forcibly returned from China.

PREVENTION

The government did not report any efforts to prevent trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that heightened their risk of trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking. The government did not make efforts to reduce the demand for commercial sex acts, nor did it provide anti-trafficking training to its diplomatic personnel. The DPRK is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers—including government officials—exploit North Koreans in the DPRK and abroad. Within North Korea, forced labor is part of an established system of political repression and a pillar of the economic system. The government subjects its nationals to forced labor in North Korean prison and labor camps, through mass mobilizations, and in overseas work. The law criminalizes defection, and individuals, including children, who cross the border for the purpose of defecting or seeking asylum in a third country are subject to severe punishment, including indefinite terms of imprisonment and forced labor, or death. The DPRK holds an estimated 80,000 to 120,000 prisoners in political prison camps and an undetermined number of persons in other forms of detention facilities, including re-education through labor camps. In many cases, these prisoners have not been charged with a crime or prosecuted, convicted, and sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including in logging, mining, manufacturing, or farming for long hours under harsh conditions. Prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. The North Korean government operates regional, local, and sub-district level labor camps and forces detainees to work for short periods doing hard labor while receiving little food and being subjected to abuse, including regular beatings. Authorities reportedly send people to these camps if they are suspected of engaging in simple trading schemes or are unemployed; North Koreans who were not officially registered as being employed for longer than 15 days were at risk of being sent to labor camps for a minimum of six months.

Officials forcibly mobilized adults and schoolchildren to work in various sectors, including in factories, agriculture, logging, mining, infrastructure work, information technology (IT), and construction. An NGO reported the government withheld food rations or imposed taxes against adults who did not participate in these forms of forced labor. Schools receive compensation from the government for labor conducted by children, and officials occasionally sent schoolchildren to work in factories or fields for short periods to complete special projects. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites. The effects of such forced labor on students included physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies.

North Korean laborers sent by the government to work abroad, including through bilateral agreements with foreign businesses or governments, also face conditions of forced labor. Credible reports show many North Koreans working overseas are subjected to working excessively long hours in hazardous temperatures with restricted pay for up to three years at a time. Workers reportedly worked in a range of industries, including but not limited to apparel, construction, footwear manufacturing, hospitality, IT services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding. North Korean government "minders" restrict and monitor their movement and communications. These workers face threats of government reprisals against them or their relatives in the DPRK if they attempt to escape or complain to outside parties. Workers' salaries are appropriated and often deposited into accounts controlled by the North Korean government, which justifies its retention of most of the money by claiming various "voluntary" contributions to government endeavors. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets. According to NGO reports, the North Korean government withholds 70-90 percent of wages from overseas workers, which generates an annual revenue to the North Korean government of hundreds of millions of dollars. Wages of some North Korean workers employed abroad reportedly are withheld until the laborers return home, increasing their vulnerability to coercion and exploitation by authorities. Other reports note these laborers work on average between 12 and 16 hours a day, and sometimes up to 20 hours per day, and are allowed only one or two rest days per month.

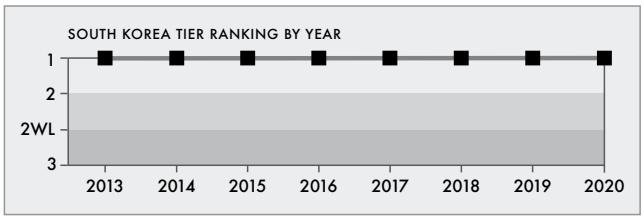
In 2017, UN Security Council resolutions prohibited UN Member States from issuing new or renewed work authorizations to DPRK laborers and required States to repatriate North Korean nationals earning income overseas, subject to limited exceptions, including for refugees and asylum-seekers no later than December 22, 2019. At the end of 2019, tens of thousands of North Korean citizens continued to work overseas, primarily in Russia and China.

Workers were also reportedly present during 2019 in the following countries: Algeria, Angola, Bangladesh, Cambodia, Equatorial Guinea, Ethiopia, Guinea, Italy, Kyrgyzstan, Laos, Malaysia, Mali, Mongolia, Mozambique, Nepal, Nigeria, Oman, Poland, Qatar, Republic of the Congo, Senegal, Tanzania, Thailand, the United Arab Emirates, Vietnam, Zambia, and Zimbabwe. Many of these countries subsequently repatriated most or all North Korean workers during the year. However, reports suggested several countries either had not taken action or had resumed issuing work authorizations or other documentation, allowing North Koreans to continue working overseas, in violation of UN Security Council resolutions. Russia reportedly issued more than five times as many tourist and study visas to DPRK residents as it did during the previous year, strongly suggesting that these visas are being used as a workaround for workers. Russian statistics showed that nearly 7,000 North Korean citizens arrived in Russia during the first quarter of 2020. Of these, 753 registered with Russian migration authorities as workers, 1,975 as students, and approximately 3,000 as tourists—a multi-fold increase in the number of North Korean students and tourists from the previous year. Similarly, there have been numerous reports that factories in China are employing new or existing North Korean workers.

The North Korean government's egregious human rights violations fueled human trafficking in neighboring China. Many of the North Korean refugees and asylum-seekers living illegally in China are particularly vulnerable to traffickers who lure, drug, detain, or kidnap some North Korean women upon their arrival. Traffickers also operate networks spanning from China into North Korea to recruit North Korean women and girls to smuggle into China. These women are subjected to physical abuse and sexual exploitation by their traffickers, forced into commercial sex in brothels or through internet sex sites, or compelled to work as hostesses in nightclubs or karaoke bars. Traffickers sell North Korean women to Chinese men for forced marriages, whereby they are subsequently forced into commercial sex, domestic service, agricultural, or other types of work. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. As many as 30,000 children born in China to North Korean women and Chinese men have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation. If found by Chinese authorities, victims are often forcibly returned to the DPRK, where they are subject to harsh punishment, including forced labor in labor camps, torture, forced abortions, or death.

KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore South Korea remained on Tier 1. These efforts included investigating one case of labor trafficking on a fishing vessel, training officials on sex trafficking, distributing victim identification guidelines to police and prosecutors, holding an interagency meeting to discuss labor trafficking on fishing vessels, and adopting regulations aimed at reducing the vulnerability of entertainment visa holders to sex trafficking. Although the government meets the minimum standards, it did not track the number of identified trafficking victims and in some cases, authorities did not provide adequate care to victims. Authorities penalized, detained, and deported some victims for unlawful acts their traffickers compelled them to commit. The government did not sentence the majority of convicted traffickers to significant terms of imprisonment, adequately investigate labor trafficking crimes, or protect victims of labor trafficking. The absence of a comprehensive law that defined trafficking consistent with international law continued to undermine the government's anti-trafficking efforts.



PRIORITIZED RECOMMENDATIONS:

Proactively identify victims among vulnerable populations, including individuals in commercial sex and migrant workers. • Increase and improve training on victim identification guidelines to police, immigration, labor, and social welfare officials to ensure effective identification of victims of labor and sex trafficking. • Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in persons, in line with the definition of trafficking under the 2000 UN TIP Protocol, and that prescribes penalties that are sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes. • Increase efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking. • Cease the penalization of victims for unlawful acts their traffickers compelled them to commit, including by improving coordination between police and immigration in cases involving foreign victims. • Punish the majority of convicted traffickers to significant prison terms. • Improve the quality of specialized services provided to trafficking victims, especially male, juvenile, foreign, and victims with disabilities. • Establish and implement formal procedures for police, immigration, labor, and social welfare officials to refer both sex and labor trafficking victims to support services. • Increase efforts to train law enforcement officers, prosecutors, judicial officials, and social service providers to better understand "trafficking" as defined by international law. • Increase investigations and prosecutions of those who use forced labor on South Korean-flagged fishing vessels. • Establish a system to collect trafficking law enforcement and victim protection data that distinguishes trafficking from other crimes such as commercial sex. • Increase trafficking awareness training to officials working at migrant support centers and government hotlines. • Increase interagency coordination on efforts to combat both sex and labor trafficking, including through the newly established interagency task force.

PROSECUTION

The government maintained law enforcement efforts but continued to make inadequate efforts to prosecute labor traffickers. Various articles under Chapter 31 of the Criminal Act, when read together, criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment for trafficking crimes, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, Article 289 ("trafficking in persons") limited the definition of trafficking to require the buying or selling of another for exploitation and did not include a demonstration of force, fraud, or coercion as an essential element of the crime. However, Articles 288 ("kidnapping, abduction, etc. for the purpose of indecent acts, etc.") and 292 ("receiving, harboring, etc. of a person kidnapped, abducted, trafficked or transported") could apply to trafficking offenses not covered under Article 289. Similarly, Article 12 of the Act on the Protection of Children and Juveniles Against Sexual Abuse incorrectly defined child sex trafficking to require transnational

movement of the victim. However, various other articles under the law could be applied to child sex trafficking offenses that did not involve such movement. The absence of a comprehensive law that defined trafficking consistent with international law resulted in varying understanding of the crime among law enforcement and prosecutors. Government officials frequently conflated trafficking with related crimes such as commercial sex, kidnapping, domestic violence, and other forms of sexual abuse.

While the government maintained general statistics on victims and offenders across all subsections of the criminal code, it did not adequately distinguish trafficking cases from related crimes such as commercial sex and kidnapping, in large part due to a lack of understanding by officials of what constituted trafficking and the lack of comprehensive trafficking legislation that conformed with international law. In 2019, the government reported investigating 395 cases (372 in 2018), indicting 90 suspects (109 in 2018), and convicting 77 offenders (75 in 2018) for crimes related to trafficking. The government reported sentencing 30 offenders to at least one year imprisonment but the majority of those convicted for trafficking-related crimes were sentenced to suspended terms of imprisonment or fines. Observers reported the government's failure to sentence traffickers to sufficiently stringent sentences resulted in some instances of previously convicted offenders resuming trafficking activities. The Korean Coast Guard (KCG) investigated one case involving labor trafficking in the fishing industry. A local NGO reported government efforts to investigate trafficking in the fishing industry were ineffective due to methods used to interview workers, which often involved preannounced visits that were also often conducted in locations such as the offices of labor unions where fishermen were not comfortable speaking openly. The government cooperated with foreign law enforcement, including from the United States, in the investigation and prosecution of sex trafficking cases. The government did not report any criminal investigations or prosecutions of South Korean men who, according to anecdotal reports, engaged in child sex tourism abroad.

The Ministry of Gender Equality and Family (MOGEF) provided sex trafficking training to 417 of its new and current employees and to 452 police officers on victim identification and protection. As in previous years, trainings for law enforcement did not specifically address labor trafficking, and some officials reportedly demonstrated a lack of understanding of the crime, particularly in cases involving debt-based coercion. The Ministry of Employment and Labor (MOEL) treated some potential labor trafficking cases as administrative labor violations and did not refer these cases to law enforcement for criminal prosecution. Some NGOs expressed concern that the government often did not prosecute cases involving debt-based coercion due to a perceived lack of jurisdiction over recruitment that generally initiated in a victim's home country. Some officials reported the lack of an option to provide foreign trafficking victims with long-term or permanent residency discouraged victims from participating as witnesses in investigations of their traffickers. Official complicity in trafficking-related crimes was a concern, inhibiting law enforcement action during the year. From 2015 to 2019, law enforcement arrested more than 500 government officials, including police, for soliciting prostitution; the government did not report screening these cases specifically for potential trafficking crimes. The government sentenced one police officer to six years' imprisonment for leaking investigative information to the operators of a website advertising commercial sex acts, which may have been used for the exploitation of trafficking victims. The Korean National Police Agency (KNPA) fired 22 out of 30 police officers allegedly involved in leaking information on planned raids to a brothel operator; however, the government did not report investigating officers' potential involvement in trafficking crimes.

PROTECTION

The government maintained efforts to protect sex trafficking victims but made inadequate efforts to protect labor trafficking victims. Officials continued to be unable to track or provide the number of trafficking victims identified thereby making some aspects of their overall protection efforts unclear. The government reported distributing victim identification guidelines created by the National Human Rights Center of Korea (NHRCK) to police and prosecutors. MOGEF also continued to distribute the Guidelines for the Identification of Sex Trafficking Victims to Ministry of Justice (MOJ) and KNPA officials. Law enforcement referred individuals in commercial sex to support facilities operated by MOGEF but did not identify how many were victims of sex trafficking. MOGEF provided services to 6,924 individuals in its support facilities in 2019, compared to 6,887 in 2018. Observers reported some officials did not adequately implement identification procedures or take steps to proactively identify victims. MOGEF conducted outreach in "red-light districts" to assist individuals in commercial sex but did not report how many trafficking victims were identified through these efforts. Labor inspectors did not utilize victim identification guidelines during inspections. In addition, when exploited workers contacted government hotlines or migrant support centers, some officials reportedly did not take steps to screen cases for potential indicators of trafficking or refer victims to services, and instead often encouraged workers to remedy their situation through their employer. In January 2020, the MOJ reported implementing new regulations that would increase opportunities for immigration officials to interact with entertainer visa holders and that would require entertainer visa holders to complete a sex trafficking identification questionnaire when renewing their visa status. However, a local NGO noted concerns that this measure required victims to self-identify, and that victims' well-founded fears of penalization and deportation made it unlikely they would reveal their exploitation through such questionnaires.

KNPA operated teams that were responsible for guiding all crime victims, which could include trafficking victims, from the initial point of contact with law enforcement to protection and support systems. However, the government did not have a formal referral process to guide officials in referring trafficking victims to services. MOGEF supported 96 facilities that provided services to victims of crime. These facilities were available to assist trafficking victims through counseling services, shelter, education, and rehabilitation support; however, the government did not report providing services designed specifically for trafficking victims. While these facilities primarily served female victims, the government made some services, such as counseling, medical, and legal assistance, available to male victims. Nonetheless, some NGOs reported the quality of victim care was insufficient, particularly for male, victims with disabilities, foreign, and juvenile victims. The government issued G-1 visas to foreign victims of crimes, which allowed victims to stay and work in South Korea for up to one year while cooperating in investigations and prosecutions; the government did not report the number of trafficking victims issued G-1 visas during the reporting period. The government did not assist in the repatriation of any Korean victims exploited abroad during the reporting period. Victims could file civil suits to receive compensation; the government did not report whether any victims received such compensation.

NGOs continued to report some government officials' lack of understanding of all forms of trafficking resulted in misidentification and the penalization of some victims for unlawful acts their traffickers compelled them to commit. NGOs reported the government detained some foreign sex trafficking victims during investigations against their traffickers and deported them after investigations were completed. KNPA, MOF, and MOJ acknowledged some such instances of deportation of trafficking

victims, including some who self-reported, and attributed it to a breakdown in communication between investigators and immigration authorities. KNPA reported it had a policy to not inform immigration officials of the illegal status of victims who self-reported their exploitation to authorities; however, this policy was not extended to victims who did not self-identify or were not accompanied by legal counsel or other service providers. One NGO reported police did not adequately identify foreign victims of sex trafficking and reported they were required to refer victims to immigration authorities within 48 hours. According to some NGOs, officials punished some foreign victims who willingly came to Korea—often through fraudulent recruitment—but were later exploited by traffickers, as visa violators.

PREVENTION

The government maintained efforts to prevent trafficking. The Inspection Team for the Promotion of Policies for Preventing Sex Trade, which was responsible for coordinating governmental efforts to prevent prostitution and sex trafficking, met twice during the reporting period. Members of the Inspection Team discussed measures to prevent sex trafficking, including through the online recruitment of minors through chat applications, and protections for entertainment visa holders. The government did not adequately coordinate efforts to address labor trafficking during the majority of the reporting period. However, in March 2020 the government established an interagency taskforce responsible for coordinating efforts to combat both sex and labor trafficking. The taskforce was chaired by the Deputy Foreign Minister and was composed of senior-level representatives from the executive office of the president, Ministry of Foreign Affairs (MOFA), MOJ, MOGEF, KNPA, KCG, and MOEL. Nonetheless, observers reported the absence of a dedicated government entity responsible for coordinating all anti-trafficking efforts during the majority of the reporting period continued to result in insufficient efforts to protect victims. In November 2019 the MOFA hosted an interagency meeting to discuss labor trafficking in the fishing industry. The government did not report awareness efforts for labor trafficking, but continued efforts to raise awareness of sex trafficking through public broadcasting programs and ad campaigns. The Act on Prevention of Commercial Sex Acts and Protection required the government to conduct a survey on commercial sex every three years; during the reporting period MOGEF completed the survey covering the period of May to December 2019 and expected to publish the results in April 2020. MOGEF continued to distribute trafficking awareness leaflets to Korean diplomatic missions abroad and anti-trafficking organizations in countries where Koreans were vulnerable to trafficking. In January 2020, MOJ introduced regulations that limited the duration of stay for entertainment visa holders to six months and, in order to ensure workers maintain control of their alien registration cards, prevented the owners of entertainment establishments from completing visa paperwork on behalf of workers. MOGEF organized training sessions for teachers and law enforcement on the use of chat applications and other online tools used to facilitate commercial sex and sex trafficking. The government suspended cell phone numbers used to advertise commercial sex acts. To reduce the demand for commercial sex acts, officials provided schools, government agencies, and other public organizations with anti-commercial sex and trafficking education programs, and it publicized the illegality of child sex tourism in airports, train stations, and travel agencies. The government did not operate a hotline specifically for reporting potential trafficking crimes, but MOGEF continued to operate hotlines in 13 languages that were accessible to trafficking victims, and the Ministry of Oceans and Fisheries (MOF) continued to operate a hotline for foreign crew members on South Korean fishing vessels. Nonetheless, observers reported interpreters were sometimes not available when migrants called government hotlines, and officials reported the MOF hotline had not received a call in two years. During the reporting period MOF issued regulations that mandated deep-sea fishing vessels to provide internet access to crew members by 2022 in order to receive financial support from the government.

The government conducted interagency inspections of 59 establishments that employed migrant workers with entertainment visas and identified 65 violations but did not report if any victims of trafficking were identified through these efforts. MOEL conducted more than 10,000 labor inspections in 2019, including in workplaces that employed migrant workers and workers with disabilities, but did not identify any cases of forced labor. MOEL often provided employers advanced notice of when inspections would take place, allowing unscrupulous employers to hide indicators of trafficking and coach victims for interviews ahead of inspections. MOF and MOEL conducted inspections of fishing vessels; MOF reported its inspections were mainly conducted with companies that owned vessels and inspectors rarely boarded vessels to speak with workers. The lack of adequate enforcement of the Seafarers Law's prohibition of recruitment fees allowed recruiters to charge high fees that perpetuated debt bondage among migrant fishermen. KCG continued to conduct biannual operations to identify human rights violations against marine workers, which resulted in 81 arrests in 2019 (90 in 2018) for crimes related to non-payment of wages, abuse, and poor working conditions; however, the government did not report whether it identified any workers as trafficking victims.

NGOs continued to report traffickers exploited migrant workers through the government's Employment Permit System (EPS). MOEL provided pre- and post-arrival education to migrants working under EPS; however, NGOs claimed these trainings focused primarily on adapting to Korean culture rather than workers' rights and trafficking awareness. MOEL provided interpretation, medical treatment, and counseling services to migrant workers through 43 support centers that were partially funded by the government. To increase oversight of recruitment agencies, the MOF created a requirement in 2019 that agencies submit expenses incurred during their recruitment of migrant fishermen; however, NGOs expressed concern that the government did not adequately investigate recruitment agencies. NGOs reported the government's restrictions on the ability of migrant workers employed under EPS to change employers increased their vulnerability to exploitation. The government asserted it would permit workers who report exploitation or labor violations to MOEL to change employers while MOEL investigated their claims. According to NGOs, however, MOEL reportedly did not adequately investigate workers' claims and instead workers spent months attempting to prove their exploitation to MOEL before receiving permission to change their place of employment. In addition, a local NGO noted that employers who exploited their workers often only received small fines or suspended sentences.

TRAFFICKING PROFILE

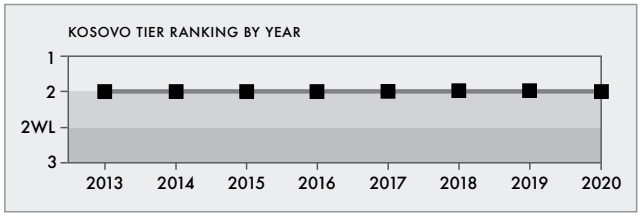
As reported over the past five years, human traffickers exploit domestic and foreign victims in South Korea, and traffickers exploit victims from South Korea abroad. Traffickers exploit South Korean women and children, including runaway youth and victims of domestic violence, in commercial sex including in bars, nightclubs, and other entertainment establishments. Traffickers increasingly utilized smartphone and chat applications to recruit and coerce victims to engage in commercial sex acts and to facilitate trafficking by communicating with purchasers of commercial sex. Chat room operators recruit Korean women and children, including child sex trafficking victims, and threaten them with the release of compromising photographs to coerce them to participate in the production of pornographic materials. Some South Korean women enter destination countries on tourist, work,

or student visas and are exploited in sex trafficking in massage parlors, salons, bars, and restaurants, or through internet-advertised escort services. Traffickers subject men and women from China, Thailand, Russia, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America to forced labor and sex trafficking in South Korea. Traffickers force victims who owe debts to entertainment establishment owners or loan sharks into commercial sex. Sex traffickers exploit some foreign women on E6-2 entertainment visas—many from the Philippines and Thailand—in bars and clubs, including "foreigners only" bars near ports and U.S. military bases. Job brokers, unscrupulous recruitment agencies, and managers of bars and clubs recruit foreign women under false promises of jobs as singers or performers but instead coerce victims to work excessive hours selling juice and alcohol, and to engage in commercial sex acts in clubs. Some victims are not provided an adequate number of days off, face harassment, verbal and physical abuse, and are paid below the minimum wage or have their wages withheld to discourage them from leaving Korea or seeking new employment. Some bar managers reportedly confiscated victims' passports or alien registration cards and restrict their ability to go outside their workplace. Women from the Philippines and other countries in Asia enter Korea on tourist visas after receiving false promises of short-term work in factories or other industries but then have their passports confiscated by traffickers who force them to work in clubs and engage in commercial sex acts. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia, who are recruited for marriages to South Korean men through international marriage brokers, are vulnerable to sex trafficking and forced labor after their arrival. Some South Korean men reportedly engage in child sex tourism in other Asian countries.

Traffickers have forced some physically or intellectually disabled South Korean men to work on fishing vessels and salt and cattle farms. Unscrupulous labor recruiters contribute to the forced labor of migrant workers, especially those from Vietnam, Pakistan, China, and Indonesia, through debt-based coercion by charging workers excessive fees, sometimes leading to thousands of dollars in debt. Approximately 400,000 migrant workers, many employed under the government's Employment Permit System, work in fishing, agriculture, livestock, restaurants, and manufacturing; some of these workers face conditions indicative of forced labor. Boat owners, captains, and job brokers exploit foreign workers on fishing vessels registered and operated by South Koreans. South Korea is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. Foreign fishermen aboard small fishing vessels operating beyond the purview of the government or owners' cooperatives face exploitation, including forced labor, often through debt-based coercion. Anecdotal reports indicate government officials are complicit in trafficking and related crimes. Traffickers reportedly utilize partnerships with some law enforcement authorities to threaten victims with penalization and deportation and receive information from corrupt police and immigration officials ahead of raids or immigration checks. NGOs reported some government employees, including police, sexually exploit children and solicited individuals in commercial sex, some of whom may have been sex trafficking victims. Local governments reportedly encouraged and provided financial assistance to South Korean farmers to pursue marriages to foreign women through brokers; these women may have been exploited in sex trafficking and domestic servitude.

KOSOVO: TIER 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Kosovo remained on Tier 2. These efforts included prosecuting more suspects and identifying more victims. The government conducted robust joint investigations and inspections and increased overall funding for victim protection. However, the government did not meet the minimum standards in several key areas. Judges continued to impose weak sentences on convicted traffickers and first responders lacked guidance and proactive identification efforts for victims of forced begging, especially children. Despite increasing overall funding for victim protection, the government decreased funding for NGO-run shelters for the fifth consecutive year, forcing NGOs to rely on foreign donors.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Provide adequate and consistent funding for NGO-run shelters. • Designate trained prosecutors and judges in every region to handle trafficking cases. • Develop written guidance and enhance efforts to identify and assist children subjected to forced begging. • Continue providing advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Further reduce the judiciary's backlog of cases, including trafficking cases. • Work with local authorities to strengthen victim protection in the northern municipalities. • Increase government support for comprehensive vocational training and reintegration services for victims. • Standardize data collection and create a database that disaggregates statistics for trafficking and trafficking-related prosecutions and convictions.

PROSECUTION

The government maintained law enforcement efforts. Article 171 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of five to 12 years' imprisonment and a fine for offenses involving adult victims and five to 15 years' imprisonment and a fine for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In November 2018, the government revised the criminal code, which went into force in April 2019, and reclassified all forced prostitution offenses as trafficking and increased the minimum punishment for child trafficking from three years to five years' imprisonment. Authorities received 43 new cases involving 80 suspects (34 cases in 2018). Police arrested 22 suspects (22 in 2018) and nine additional suspects for "utilizing sexual services from a trafficking victim" (seven in 2018). Courts convicted eight traffickers (nine in 2018) and convicted five perpetrators who "utilized sexual services from a trafficking victim" (five in 2018). Judges continued to issue sentences below the minimum penalty of five years' imprisonment. Three traffickers received imprisonment between one year and three years and six months; one trafficker received imprisonment of one year and six months and a fine of €1,000 ($1,120); three traffickers received a fine between €2,500 ($2,800) and €3,000 ($3,370); and one trafficker received a suspended sentence. Three perpetrators who "utilized sexual services from a trafficking victim" received, respectively, imprisonment of one year, imprisonment of two

years, and a fine of €2,400 ($2,700); two perpetrators received suspended sentences. Courts slightly reduced the overall backlog of trafficking cases; 74 cases remained open from previous years (78 in 2018).

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases with its eight regional units. THBD maintained a unit in the predominantly ethnic Serb northern municipalities; the unit was integrated into Kosovo's judicial system. The Chief State Prosecutor's Office (CSPO) continued to designate a special coordinator for trafficking and maintained a regional coordinator for trafficking in western Kosovo. THBD conducted inspections resulting in the temporary closure of 54 out of 174 investigated bars, nightclubs, restaurants, and massage parlors to address vulnerabilities. Separately, THBD cooperated with the Labor Inspectorate to conduct 443 joint inspections of bars, nightclubs, restaurants, and massage parlors (157 in 2018). THBD also conducted joint operations with the Ministry of Trade and Industry, Tax Administration, and Labor Inspectorate to screen 171 businesses, such as massage parlors and bars, and 272 hotels, which led to the temporary closure of 78 massage parlors and hotels. Observers reported that the lack of trafficking training and experience among most prosecutors and judges resulted in weak sentences or cases downgraded to a lesser crime, especially cases involving emotional control or psychological coercion of a victim. Additionally, KP and border police continued to fail to screen for, and lacked guidance on when to classify, forced begging of children by their parents as trafficking instead of as parental neglect or abuse.

CSPO-trained judges and prosecutors and the KP Training Department, in cooperation with international organizations, held 48 workshops (44 in 2018). The Justice Academy trained prosecutors, judges, and victim advocates on trafficking issues. The government exchanged information with foreign governments on 30 trafficking cases (21 in 2018) and cooperated with Albania, Montenegro, and Serbia on investigations. THBD, CSPO, and the KP Inspectorate cooperated to investigate government employees potentially complicit in trafficking offenses but did not report any prosecutions or convictions. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In 2016, prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. Trials were ongoing at the end of the reporting period.

PROTECTION

The government increased victim protection efforts. The government identified 26 trafficking victims (15 in 2018). Of these, 19 were subjected to sex trafficking, two to forced labor, two to "slavery and servitude," one to forced begging, one to domestic servitude through forced marriage, and one to "selling of the child" (in 2018, 11 were subjected to sex trafficking, two to forced labor, one to "slavery and servitude," and one to domestic servitude through forced marriage). Of these same 26 trafficking victims, 15 were children (12 in 2018); 23 were female and three were male (14 females and one male in 2018); and 21 were from Kosovo, two from Serbia, two from Montenegro, and one from Albania. First responders used standard indicators to screen vulnerable populations; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures (SOPs) for identifying and referring victims to services. The NRM required an investigator from the THBD and a victim's advocate from the Victim's Assistance and Advocacy Office to convene and assess the victim as low-, medium-, or high-risk of danger and to coordinate victim care and placement. SOPs required a social worker to attend for child victims. NGOs continued to report the NRM functioned well and highlighted good cooperation among actors.

The government licensed and partially funded two NGO-run shelters to provide services to victims, along with the state-run Interim Security Facility (ISF). These shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and other rehabilitative support. Authorities afforded foreign victims the same rights and services as domestic victims. Victims also had access to nine Ministry of Labor and Social Welfare (MLSW) support facilities, but the government did not have a care facility in the country's four northern municipalities. ISF temporarily accommodated victims assessed as high-risk. Authorities required victims to have a police escort outside of the ISF while court proceedings were ongoing and required approval from a prosecutor and the KP for victims to permanently leave the ISF while assessed as high-risk. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families. Victims stayed at the ISF for an average of 90 days before transferring to an NGO-run shelter. ISF accommodated 27 victims (17 victims in 2018). The two NGO-run shelters provided support services to victims assessed as low- to medium-risk; one of these NGO-run shelters was solely for children. Civil society reported good quality of care for victims, but reintegration programs had limited success due to a lack of resources and high overall unemployment.

The government allocated €172,960 ($194,340) for victim protection, compared to €150,680 ($169,300) in 2018. However, the government continued to progressively decrease funds for NGO-run shelters, which received €67,000 ($75,280), compared to €70,680 ($79,420) in 2018, €72,870 ($81,880) in 2017, €91,010 ($102,260) in 2016, and €101,930 ($114,530) in 2015. ISF received €80,000 ($89,890) in 2019, 2018, and 2017. Additionally, the government allocated €5,160 ($5,800) for health services and municipal governments provided €7,100 ($7,980) to an NGO-run shelter. Government funding was inadequate for NGO-run shelters, and operations could not continue without foreign donors. In addition, there were bureaucratic delays and confusion over responsibilities, resulting in funding delays in previous years. In 2019, MLSW allowed NGOs to apply for one-year funding, an increase over the eight-month duration in the previous year. However, due to a month-long bureaucratic delay, NGOs received only 11 months of funding. The law entitled foreign victims to a 90-day reflection period, in which victims can recover before deciding whether to cooperate with law enforcement. The law entitled foreign victims to a temporary residence permit for at least six months; no foreign victims requested a permit (none in 2018). The government repatriated two victims (three in 2018). All 26 victims participated in investigations and court proceedings (15 in 2018). The government reported suspected traffickers were not present when victims provided statements, and foreign victims could return to their countries of origin after testifying, without waiting for the conclusion of the trial. The law allowed compensation from the state if victims could not get restitution from their traffickers. One child victim of sexual abuse was compensated with €2,000 ($2,250), while no victims received compensation in 2018.

PREVENTION

The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held meetings every three months to monitor the implementation of the 2015-2019 anti-trafficking national action plan (NAP). However, the government did not have a specific budget line for the implementation of the NAP. The government, in consultation with civil society, started drafting a NAP for 2020-2024. NGOs reported strong cooperation with NAATIP and the national coordinator, including

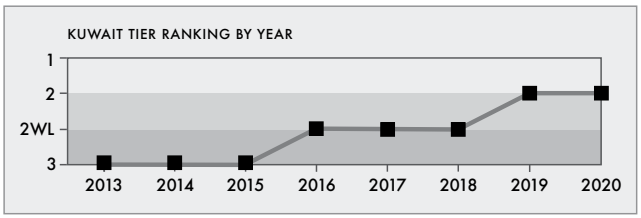
responsiveness to recommendations and concerns. The government organized awareness campaigns, conferences, and round tables for youth, students, law enforcement officials, and the general public. MLSW developed a legal framework for the registration and licensing of private sector employers, including foreign employment agencies. The government-operated hotline for victims of domestic violence and other crimes received 831 calls (929 in 2018), including nine potential trafficking cases (eight in 2018). The government conducted awareness campaigns to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kosovo, and traffickers exploit victims from Kosovo abroad. Criminal networks exploited victims in sex trafficking internally. Many sex trafficking victims in Kosovo are girls, although traffickers also force women from Albania, Moldova, Montenegro, Romania, Serbia, and other European countries into sex trafficking. Women and girls are exploited in sex trafficking in private homes and apartments, nightclubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Traffickers subject Kosovo citizens to sex trafficking and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes.

KUWAIT: TIER 2

The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Kuwait remained on Tier 2. The government demonstrated overall increasing efforts by deploying its specialized trafficking unit to initiate more criminal investigations of potential trafficking crimes and more prosecutions and convictions under the anti-trafficking law, including of two former Kuwaiti officials. It referred more potential trafficking victims to protective services, convened its anti-trafficking committee for the first time, and aimed to prevent trafficking by referring to the courts hundreds of potential cases in violation of local labor laws and closing down or revoking licenses for companies engaged in improprieties that facilitated trafficking and trafficking-related crimes. However, the government did not meet the minimum standards in several key areas. Some officials continued to routinely use arbitration and administrative penalties to resolve grievances filed by domestic and other migrant workers instead of investigating such cases as human trafficking crimes; protracted litigation and subsequent appeals processes led most victims to decline to file court cases. The government did not regularly use standard procedures for proactively identifying victims and continued to detain, prosecute, and deport trafficking victims, including those fleeing forced labor.



PRIORITIZED RECOMMENDATIONS:

Continue to increase law enforcement efforts to investigate, prosecute, and convict traffickers, including Kuwaiti citizens and allegedly complicit officials, under the 2013 anti-trafficking law rather than treating potential forced labor cases as administrative violations. • Proactively screen for trafficking indicators among vulnerable populations, during migrant roundups, and during amnesty periods to ensure victims are not wrongfully penalized or deported for unlawful acts traffickers compelled them to commit. • Institute reforms to the sponsorship-based employment system, including by allowing all workers to change employers without necessitated employer approval, ceasing prosecution of workers who flee their employment, and ensuring no recruitment fees are transferred to workers. • In adherence to Kuwaiti labor law, increase investigations and punishment of employers who illegally confiscate migrant workers' passports. • Strengthen efforts to punish potential forced labor crimes criminally instead of administratively. • Institute trainings for all relevant officials on mechanisms to proactively identify and refer to protection services all victims of human trafficking and routinely employ these procedures. • Continue to strengthen enforcement of the domestic labor law to ensure domestic workers' rights are protected. • Commence construction on or allocate existing facility space for a shelter to accommodate male victims. • Continue to convene the official governmental committee and strengthen implementation of the national anti-trafficking strategy. • Expand efforts to raise anti-trafficking awareness, particularly among vulnerable populations, including migrant workers.

PROSECUTION

The government increased law enforcement efforts. The 2013 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment for offenses involving an adult male victim and up to life imprisonment for those involving an adult female or child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In April 2019, the Constitutional Court annulled an article from the 2013 anti-trafficking law that required judges to issue a verdict in trafficking cases, arguing the stipulation undermined judicial independence and precluded judges from exercising discretion. As a result, judges retained broad discretion to defer and delay issuance of verdicts in trafficking cases, as they did in other cases. The Public Prosecutor's Office (PPO) and the Ministry of Interior (MOI) continued to require all cases of buying and trading of fraudulent visas, withholding of salaries and passports in excess of three months, or forcing individuals into jobs different from those contractually agreed upon be prosecuted under the anti-trafficking law rather than the labor law.

The government's specialized trafficking unit investigated 51 potential trafficking cases during the reporting year, compared with 50 and 60 in the previous two periods. It discovered such cases through tips from foreign embassies, civil society, hotlines, the government-run shelter, the MOI's Residency Affairs Investigation Department, and the Public Authority for Manpower's (PAM) Domestic Workers Employment Department (DWED). In 2019, officials prosecuted 27 cases, of which it filed trafficking charges in 17. The remaining 10 were pending at the close of the reporting period compared to five cases prosecuted the year prior. The government convicted an unknown number of defendants in seven cases, acquitted an unspecified number in one case, and the remaining six cases remained ongoing; during the previous reporting cycle, it convicted an unknown number of defendants in only one case under the anti-trafficking law. In 2019, the government did not report new sentencing details or disaggregated information on convictions for forced labor versus sex trafficking crimes committed. In a case stemming from the previous reporting period, the Court of Appeals upheld a trafficking conviction and a seven-year prison term for a Kuwaiti man. Some government officials allegedly sold work visas to illegal recruiters or even

directly to migrant workers, potentially facilitating trafficking. During the reporting period, the government charged two former Kuwaiti officials for trafficking and trafficking-related crimes, and in June 2019 the Criminal Court sentenced one of these officials to life imprisonment. In the second case, it charged a previous PAM employee for complicity in abetting nefarious visa dealings by an expatriate business owner, which rendered an unknown number of migrant laborers vulnerable to trafficking.

Generally, Kuwaiti authorities did not routinely categorize or investigate labor violations as potential trafficking and typically treated such cases as administrative infractions; however, the PPO and MOI's new aforementioned policy resulted in a slight but noticeable institutional shift away from this practice. Nonetheless, officials commonly used arbitration, which resulted in monetary compensation and repayment of back-wages to victims, administrative fines, and closure of recruitment firms to resolve such cases. If a settlement could not be agreed upon, officials referred the case to the labor courts. If the complaint involved a gross violation, such as assault or domestic worker abuse, authorities transferred the case directly to the PPO. Some domestic worker abuse cases were not prosecuted due to lack of evidence or witnesses. As a result, only severe cases of domestic worker abuse—usually involving significant bodily injury or death—were prosecuted as violations of other criminal laws. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remained commonplace among sponsors and employers of foreign workers. During the reporting period, PAM received 2,804 complaints of confiscated passports; the government did not report how many employers PAM ordered to return employees' identification documents. The DWED arranged 12 internal training programs on general trafficking topics for 94 of its staff members, and hundreds of PAM and MOI officials participated in a series of targeted training and capacity-building programs conducted by two international organizations and financially supported by the government.

PROTECTION

The government strengthened overall efforts to protect trafficking victims. In 2019, it provided shelter to a total of 2,183 female domestic workers, up from 1,600 domestic workers it protected the previous year. The government referred one of these cases to the MOI's anti-trafficking unit for further investigation. During the same time period, PAM reported it identified and referred approximately 900 vulnerable domestic workers and potential trafficking victims to the primary government-run shelter, compared to 800 during the previous year. In addition, the DWED referred 818 domestic workers to the shelter and provided repatriation assistance for 728 of them; the entity also recouped approximately 21,000 Kuwaiti dinar ($69,300) in unpaid wages for this vulnerable group. The majority of those admitted to the shelter had fled poor working conditions, including excessive hours and delayed payment of wages, or desired to return to their respective countries of origin. During the reporting period, the government repatriated 1,973 female domestic workers to their respective countries of origin and, in cooperation with an international organization, provided repatriation, reintegration support, and transition assistance to trafficking victims without in-country diplomatic representation. Although the government had in place since 2015 a screening process to proactively identify potential trafficking victims among vulnerable populations, the extent to which the government employed this proactive screening mechanism was unknown, and some labor-sending country representatives reported in some cases MOI or shelter staff turned away workers who were potential trafficking victims. During the year, the government-run shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and other migrant workers. Officials ratified a national referral mechanism in 2018 that aimed to improve intergovernmental coordination, provide training for judicial and prosecutorial personnel, and expedite criminal charges in forced labor cases. During the reporting period the Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking commenced execution of the aforementioned mechanism to identify and prevent cases of trafficking; it contained six stages ranging from proactive identification of victims to their safe repatriation. The shelter served as a one-stop facility, providing medical and psychological care, food, rehabilitation support, and access to officials from various ministries to facilitate legal and repatriation assistance. Residents at the shelter had access to cell phones and freedom of movement to leave on supervised regular outings. In February 2020, shelter management adopted a shift system wherein supervisors, medical staff, and investigators were on duty 24 hours per day. Also during the reporting period, the DWED allocated 5,000 square meters of land to construct a new shelter for female labor trafficking victims. Despite government allocation, budgetary approval, and repeated promises for construction of a male shelter during the previous two reporting periods, Kuwait did not commence construction of such a shelter during the current reporting period.

The government provided an annual budget of two million Kuwaiti dinar ($6.6 million) for domestic worker shelter operations and protection programs for trafficking victims. Some international organizations, in conjunction with foreign affairs officials, provided assistance to an unknown number of domestic workers from nations without diplomatic representation in Kuwait who needed to procure travel documentation. Embassies of the Philippines, India, and Sri Lanka maintained their own domestic worker shelters and worked closely with the Kuwaiti government to seek compensation and legal redress for their nationals subjected to exploitative working conditions in the country. In cooperation with international organizations and foreign embassies, the government assisted victims in retrieving documentation and funding for repatriation, and in the case of administrative deportation, officials provided airline tickets and worked to recoup associated costs from the accused employers. The government allowed victims residing in its shelter to either change sponsors or be repatriated to their country of origin once their residency status was resolved or pending the resolution of a legal case or unpaid bills, without respective sponsor approval. It did not report deporting those who faced retaliation or retribution in their respective home countries. Rather, the government allowed all trafficking victims to change employers and maintain residence in Kuwait or otherwise be repatriated to a third country at the victims' request (most residents chose to be repatriated). In April 2019, MOI's Residency Affairs Investigations Directorate reported it would not deport 10,000 workers sponsored by fake companies whose Kuwaiti owners were referred to public prosecution over trafficking and trafficking-related charges; the entity permitted these laborers to legalize their stay in Kuwait and transfer their residencies to other companies. In November 2019, in an apparent step to streamline sponsor transfers, the MOI modified its existing regulations to more stringently safeguard the ability of workers to voluntarily and unilaterally change employers.

Authorities continued to arrest, detain, and administratively deport some workers who fled their sponsors without permission or recourse to the judicial system. The risk of penalization, coupled with protracted litigation processes and exorbitantly high legal fees, discouraged workers from appealing to police or other authorities for protection and adequate legal redress for their exploitation. In addition, it was not uncommon for sponsors to file counter-grievances against their employees, including trafficking victims who reported abuse. This sometimes resulted in administrative deportation or detention of the employees and victims. Within worker communities, there existed a persistent

fear that confiding in authorities would result in deportation, imprisonment, or return to the employer in question. The government reported public prosecutors willingly tried cases on victims' behalf using their oral and written statements; however, it lacked privacy laws to protect victims against potential retribution and often was unable to provide adequate care for victims throughout the duration of legal proceedings. Media reported the government directed settlements in response to individual civil suits against employers, but the government did not report the amount in civil damages paid out during the year. The government did not report how many victims received restitution.

PREVENTION

The government maintained efforts to prevent human trafficking, though it did not take any new steps to reform the problematic sponsorship system. The Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking, established in 2018, officially convened for the first time and met a total of five times during the reporting period. Key ministries, in collaboration with an international organization, financially supported and conducted numerous public awareness campaigns at shopping malls and the international airport to raise awareness of trafficking and warned against using illegal domestic labor recruitment companies. Various officials also took part in anti-trafficking awareness messaging on local television, radio, and social media platforms. The government continued to disseminate pamphlets to educate migrant workers on their rights, which were published in multiple languages and disseminated in airports, embassies, and labor-recruitment agencies. In August 2019, the Deputy Prime Minister and Minister of Interior, in collaboration with an international organization, organized a three-day awareness campaign to mark "World Day Against Trafficking in Persons"—approximately 250 civilians visited the trafficking booth and participated in a related online survey. In honor of International Migrants Day and in partnership with an international organization, Kuwaiti officials also hosted a seminar on promoting and protecting the rights of foreign workers in Kuwait; the event reached 130 participants from various ministries and embassies.

The domestic labor law (Law 68/15) guaranteed domestic workers one day off per week, a maximum 12-hour workday, minimum wages paid per month, paid annual leave, and access to file formal grievances at the MOI, among other protections. The 2016 by-laws regulated implementation of this law. Amendments to the ministerial resolution of the 2010 labor law, passed in 2016, increased penalties for non-payment of wages, made mandatory documentation of all paid wages, and required prison time and fines for employers and government officials who failed to adhere to provisions of this law. Authorities continued to apply the amended provisions of the domestic labor law by building a monetary reserve to adjudicate cases of labor law violations to pay unpaid wages and cover the costs of repatriation. For issuance or renewal of a license for a domestic labor recruitment firm, it enforced the rule that single offices must submit financial deposits of 40,000 Kuwaiti dinar ($132,010) with a two-year validity and larger companies to present a letter of guarantee worth 100,000 Kuwaiti dinar ($330,030). In July 2019, PAM formed specialized administrative and oversight teams within the DWED aimed at safeguarding the rights of domestic workers. The new teams are comprised of 34 employees that will manage arbitration of workplace disputes, inspection of premises, and licensing of firms.

The DWED continued to investigate domestic worker recruitment agencies to ensure compliance with the 2015 domestic labor law. In addition, it initiated investigations based on grievances filed by domestic workers, employers, and embassies of labor-sending countries. The government arbitrated such grievances and reported referring an unspecified number of cases for criminal investigation or prosecution. During the reporting period, DWED officials received 2,887 work-related complaints, amicably resolved 2,192 in extrajudicial proceedings, referred 499 to labor and criminal courts for further investigation, and the others remained pending. The DWED also conducted 80 inspections of domestic worker recruitment firms and consequently permanently shut down 18 and suspended 52 for three to six months for violation of the domestic labor law, compared to 30 closures the previous year; officials did not refer any of these for criminal investigation or prosecution. Separately, PAM received 15,982 official grievances from foreign laborers, the most common of which included pay discrepancies, denied requests to transfer employers after the required two years with an initial sponsor, and disputes regarding overtime pay issuances. Authorities reported resolving 90 percent of the employment transfer grievances in favor of the employees, to include transference of employer or receipt of unpaid wages; it referred the remaining 6,060 unresolved cases via arbitration to the labor courts. At the close of the reporting period, the outcomes of these cases were unknown, and the government did not report referring any of these cases for criminal investigation or prosecution under the anti-trafficking law. In 2019, PAM conducted and/or participated in more than 50,300 inspections to ensure labor and residency laws were fully implemented by employers; these inspections resulted in roughly 5,000 citations and fines against violating companies. Additionally, PAM identified hundreds of companies that engaged in fraudulent practices by sponsoring workers yet failing to provide legitimate employment. Accordingly, PAM officials referred 422 labor law violations to MOI's investigative department, permanently revoked files of 115 companies, and temporarily suspended files of more than 3,400 companies in contravention of local labor laws. Under Kuwaiti law, a blocked file precludes companies from transferring workers to other employers, hiring new employees, and renewing their licenses to operate.

In adherence to the domestic labor law, the government's centralized recruitment company, *Al-Durra*, worked to reduce recruitment costs, curb illegal recruitment fees, provide greater oversight of recruiting practices, hire male domestic workers, and secure labor agreements for female employees. However, during the reporting period, *Al-Durra* stopped working with expatriate employers after complaints suggested the mechanism was established to help Kuwaitis and was subsequently made available for Kuwaiti citizens only. The most common nationalities hired previously through *Al-Durra* included those from the Philippines, India, Sri Lanka, and Burkina Faso. In May 2018, Kuwaiti officials signed an agreement with the Philippine government to regulate the recruitment and employment of Filipino domestic workers in Kuwait to better safeguard their legal protections; however, due to reports of maltreatment and deaths of Filipino domestic workers, in January 2020 the Philippine government reinstated its ban on new recruits to Kuwait. The ban was quickly lifted again in February 2020 after a diplomatic agreement was reached between the two governments. The Commerce Ministry capped at 990 Kuwaiti dinar ($3,270) the ceiling for mandatory recruitment fees employers pay to agencies to recruit domestic employees; in actuality, a portion of these fees were transferred to the domestic employees. During the reporting period, authorities employed the services of the Mobile Labor Disputes Office to help workers in remote areas of the country file complaints against employers for labor law violations. The mobile unit was run by an emergency team of investigators, inspectors, translators, lawyers, and lay volunteers. Officials also advertised to migrant laborers online services that allowed workers and employers to dock and track workplace issues electronically, receive alerts if an employer filed an absconding charge, notify the respective source country embassy, and challenge legal settlements incurred. PAM maintained a hotline to receive general workplace grievances and

potential trafficking cases, while DWED had an email address for the same purpose; neither entity reported how many trafficking-specific calls they received during the reporting period. The government provided annual anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

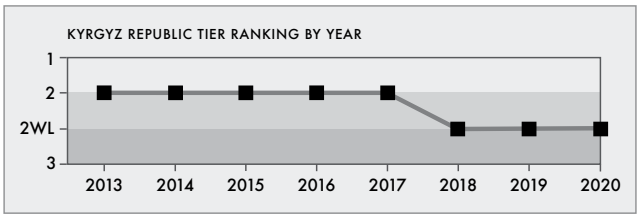
As reported over the past five years, human traffickers exploit foreign victims in Kuwait. Men and women migrate primarily from South and Southeast Asia, Egypt, and the Middle East to work predominantly in the domestic service, construction, hospitality, and sanitation sectors, and the vast majority arrive voluntarily. Unskilled laborers and female domestic workers are especially vulnerable to forced labor, as they often have limited access to assistance due to the absence of diplomatic representation in Kuwait. In October 2018, Kuwait and India signed an agreement on broader protections for domestic workers that resulted in the end of India's 2014 ban on Indian female domestic workers. However, as conditions for many remain perilous, numerous labor-sending countries, including Bhutan, Burundi, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Ethiopia, Ghana, Guinea, Guinea-Bissau, Indonesia, Kenya, Madagascar, Malawi, Niger, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Uganda, and Zimbabwe, continue to restrict their female nationals from domestic employment in Kuwait. The Kuwaiti government has continued its recruitment of domestic employees from African labor-sending countries, and many workers continue to defy the respective bans by transiting through third countries before arrival to Kuwait.

Upon arrival, some sponsors subject migrants to forced labor, and to a much lesser extent sex trafficking, through the following: non-payment of wages, protracted working hours contrary to contractual agreements, deprivation of food, substandard housing, threats or harassment, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and passport confiscation. Although unlawful, passport withholding by employers is ubiquitous in Kuwait. Furthermore, many migrant workers pay exorbitant fees to recruiting agents in their countries of origin and/or are coerced into paying labor broker fees in Kuwait, which, according to Kuwaiti law should be paid by the employer, thereby plausibly rendering workers vulnerable to forced labor, including debt bondage. Visa trading continues to be a common manifestation of trafficking in Kuwait, and illicit visa trading markets increasingly expanded into social media during the reporting period. In some cases, officials do not provide workers copies of their contracts, or the contracts are not written in a language they can read. Some illegal labor recruiting companies facilitate trafficking through the use of deceptive techniques to bring in migrant workers on the basis of unenforceable contracts, fraudulent visas, and nonexistent positions. Some officials allegedly take bribes or overtly sell work permits to illegal labor recruiting companies or directly to migrant workers. The government continued its moratorium on issuing new visas to North Korean workers, and in previous reporting cycles it discontinued all residency permit renewals and repatriated virtually all of them.

Kuwait's sponsorship law, which ties a migrant worker's legal residence and valid immigration status to their employer, restricts workers' movements and penalizes them for leaving abusive workplaces. Domestic workers are particularly vulnerable to forced labor inside private homes, as endemic cultural attitudes—particularly regarding the sanctity of the private household—sometimes enabled the exploitation of expatriate workers. Many workers report experiencing work conditions substantially different from those described in the contract. In addition, sources report runaway domestic workers are sometimes exploited in sex trafficking by agents or criminals, who manipulate their illegal status. The use of fraudulently obtained visas and fake work permits remains common. The current reporting period saw an uptick in sit-ins and protests by employees who had been subcontracted to work for Kuwaiti ministries or companies. These employees alleged their wages were withheld for up to several months by contractors and the respective officials and company representatives ignored their grievances.

KYRGYZ REPUBLIC: TIER 2 WATCH LIST

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the adoption of the national referral mechanism (NRM) that also established formal policies on victim identification and provision of social services, among others. The government also increased investigations and established an interagency focus group to accelerate implementation of the NRM and improve the quality of law enforcement investigations. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not prosecute or convict any traffickers and only conducted limited training on the NRM. Reports of official complicity and corruption accused officials of dropping charges, tipping off suspects, and allowing victims to be pressured or paid to drop charges against alleged traffickers. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Kyrgyz Republic was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore the Kyrgyz Republic remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected trafficking crimes, including government officials allegedly complicit in trafficking or who abuse and exploit trafficking victims. • Convict and punish trafficking offenders, ensuring those convicted serve proportionate and dissuasive prison sentences. • Increase efforts to proactively identify trafficking victims, particularly among vulnerable groups such as individuals in commercial sex, migrant workers, and North Korean workers, and allow all first responders to officially identify potential trafficking victims and refer victims to protection services. • Implement the NRM and train officials on its use. • Implement the requirement that does not tie victim identification and protection measures to the prosecution of a trafficker. • Implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims. • Increase trafficking-specific training for law enforcement, including through contributing to efforts by international organizations to train police, prosecutors, and judges. • Ensure identified trafficking victims are exempt from

punishment for unlawful acts traffickers compelled them to commit. • Continue to collaborate with, and provide financial or in-kind support to, civil society organizations providing assistance to victims. • Improve data collection quality for law enforcement.

PROSECUTION

The government increased law enforcement efforts in some areas but did not prosecute or convict any traffickers. Articles 171 and 173 of the new code criminalized sex trafficking and labor trafficking and prescribed penalties of two and a half to five years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Prosecutors could also charge traffickers using Article 260 for engaging a person in prostitution through the use of force or the threat of force or fraud, which was punishable by a fine or imprisonment of three to five years if the victim was an adult, five to 10 years' imprisonment if the victim was 14-17 years old, and 10 to 15 years' imprisonment if the victim was younger than 14 years old. Investigators frequently downgraded trafficking crimes to lesser charges to ease investigation and prosecution, which lead to lesser penalties.

The government initiated eight trafficking investigations (one sex trafficking and seven labor trafficking) under Articles 171 and 173 in calendar year 2019, compared with two in 2018 and four in 2017. The government reported initiating 25 additional investigations under Article 171, all of which involved adoption fraud with no evidence of exploitation. For the second year, the government did not prosecute any sex trafficking or forced labor cases. The government prosecuted 11 suspects under Article 171; however, all 11 were involved in fraudulent adoption rather than trafficking offenses, compared with eight in 2018 (all eight were also involved in fraudulent adoption rather than trafficking offenses). The government reported that Kyrgyz courts convicted 11 individuals under Article 171; however, all 11 were involved in fraudulent adoption rather than trafficking offenses. The majority of those convicted received fully suspended sentences. The government reported convicting five traffickers in 2018 and seven traffickers in 2017. In addition, the government opened 14 investigations, prosecuted seven, and convicted eight trafficking-related crimes, including child exploitation, pimping, and brothel maintenance.

Victim advocates reported a general lack of proactive investigation, especially if victims did not self-report a specific complaint. However, the new NRM looked to address this gap, allowing civil society and international organizations to file criminal complaints on behalf of the victim. Civil society actors continued to report the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims, work with them as witnesses, and gather evidence outside of victim testimony. The government, in conjunction with international funding and partners, conducted seven training sessions on the identification of victims and 14 sessions on anti-trafficking and related crimes, which trained 1,119 Ministry of Internal Affairs (MVD) officials, compared with 1,112 in 2018. The government provided training to 40 prosecutors in 2019. Despite the increasing number of vulnerable Kyrgyz migrants abroad, the government did not report any international investigations; MVD officials indicated difficulties in conducting international investigations due to a lack of effective bilateral law enforcement relationships. Corruption and official complicity in trafficking cases remained significant concerns, inhibiting law enforcement actions during the year. NGOs and international organizations reported law enforcement officials and judges accepted bribes to drop cases and sometimes warned suspects prior to raids; legal researchers reported the changes to the criminal procedure code would reduce the likelihood that such bribes would be successful; however, there was no evidence of such a reduction. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases.

PROTECTION

The government maintained efforts to identify trafficking victims and increased efforts to protect victims. The government identified and referred two forced labor victims to international organizations and NGOs for assistance, compared with zero in 2018. International organizations and NGOs reported assisting 72 victims in 2019, 60 of whom were exploited in forced labor and 12 in sex trafficking; one of the victims was an Uzbek citizen; one was a child; 40 were male; and 32 female. In September 2019, the government formally adopted an NRM into law. The NRM established formal policies on victim identification, assistance referral, provision of social services, protection of victims' personal data, and does not require victims to participate in a criminal case to receive assistance. Civil society reported the NRM lacked specific measures for assistance of foreign victims and how an NGO could appeal to the government if it did not identify a victim that the NGO believed had legitimate indicators of trafficking. The government trained law enforcement officials on the new NRM during the reporting period. It also reported an unspecified number of victims identified by an international organization that were referred to local governments for assistance according to the NRM protocol. Although police sometimes screened and referred potential victims to NGOs for assistance, it was not systematic during the reporting period. Local governments in Osh and Bishkek continued to provide in-kind support to two NGO-run shelters that provided services for trafficking victims, including foreign nationals. The shelters provided assistance to nine Kyrgyz victims in 2019. The government had regulations in place to govern the operations, financing, and monitoring of shelters for trafficking victims. Consular officials assisted nineteen trafficking victims abroad by providing no-cost travel documents transiting through migration and passport control, and financial support, including procurement of the air tickets for their repatriation, compared to eight in 2018. The government provided legal consultations to one foreign victim identified in 2019 and assisted with their repatriation, compared with 29 in 2018.

The NRM included provisions that addressed the treatment and proper provision of assistance to children. Experts reported victims were highly vulnerable to pressure from traffickers to withdraw their complaint or settle informally; MVD's witness protection unit reported assisting trafficking victims but provided no additional details. Although the law provided for the proper treatment of witnesses, authorities rarely followed it. Article 31 of the new criminal code adopted in January 2019 allowed for investigative judges to receive victim testimony outside of court, or electronically over video calls; however, there is no evidence that victims benefitted from this protection during the reporting period. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. Analysts noted a lack of legal representation for minor victims. While the law provided the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. There were no reports officials fined, detained, or penalized trafficking victims for unlawful acts traffickers compelled them to commit.

PREVENTION

The government increased efforts to prevent trafficking. The State Migration Service (SMS) served as the national coordinating body to prevent and combat trafficking in persons and led the anti-trafficking interagency working group, which included representatives from the interagency, NGOs, and international organizations. The working group convened twice in 2019 to discuss implementation progress of the national action plan and draft the new action plan for 2021-2024. In December 2019, the SMS established an additional interagency focus group of all relevant

entities, including local state, non-state, and international actors to conduct the National Simulation Training in 2020 to accelerate implementation of the NRM and improve law enforcement TIP investigations. The Kyrgyz Parliament's anti-trafficking task force acted as the council's oversight body and met several times across the country in 2019. Anti-trafficking coordination councils at the local level, composed of regional government representatives, NGOs, and local civic groups, continued to meet and were tasked with implementing the NRM. The government cooperated with international organizations and continued to conduct awareness campaigns that reached thousands of people, including the 100 Days to Prevent Trafficking Campaign held across all seven regions of the country. The SMS trained officials from 40 district state administration offices on increasing awareness in their communities. The government lacked a uniform system of collecting trafficking data, which hindered effective evaluation.

The government, with the support of an international organization, continued to operate employment centers in Bishkek and Osh that provided an unknown number of people information on employment services, vacancy advertisements, licensed foreign labor recruitment agencies, and offered pre-departure orientation (which included trafficking prevention) for job seekers to ensure safer migration and employment. The government maintained two publicly available databases of private employment agencies; one contained "government licensed" agencies, and the other a list of agencies about which the government received complaints. The government also reported it introduced amendments to laws governing the recruitment of citizens abroad to strengthen protection for migrants; the amendments remained pending at the close of the reporting period. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance regarding working abroad. An international organization reported calls to the hotline resulted in the identification of two trafficking victims; however, law enforcement officials reported it did not investigate any cases referred from the hotline. The government continued to provide support for a mobile phone application that provided Kyrgyz migrants with information on the rights of migrant workers and contact telephone numbers, including anti-trafficking hotlines and local Kyrgyz embassies. The government did not report providing anti-trafficking guidance for its diplomatic personnel or making efforts to reduce the demand for commercial sex acts.

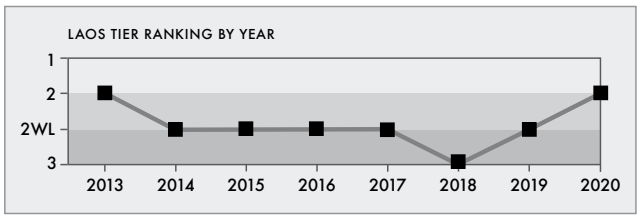
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Kyrgyz Republic, and traffickers exploit victims from the Kyrgyz Republic abroad. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyz men, women, and children are exploited in forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other European countries, as well as within the Kyrgyz Republic, specifically in agriculture, construction, textiles, domestic service, and childcare. The Russian re-entry ban has changed the nature of labor migration in the Kyrgyz Republic; thousands of Kyrgyz migrants are included and unable to return legally to Russia for work. Kyrgyz families on the Russian re-entry blacklist are increasingly sending their children to work in Russia, where they are vulnerable to trafficking.

Sex traffickers exploit Kyrgyz women and girls abroad, reportedly in India, Kazakhstan, Russia, South Korea, Turkey, the United Arab Emirates (UAE), and within the country. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including children, and reports continued of police accepting bribes from alleged traffickers to drop cases. Street children who engage in begging and children engaged in domestic work (often in the homes of extended family members) are vulnerable to traffickers. Women and underage teenaged girls from Uzbekistan and Tajikistan may be exploited in sex trafficking; the south of the Kyrgyz Republic is increasingly becoming a destination area for Uzbek and Tajik citizens who are exploited by sex and labor traffickers. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia and Kazakhstan, the UAE, and Turkey, where they may be exploited in sex and labor trafficking. North Koreans working in Kyrgyz Republic may have been forced to work by the North Korean government. International organizations and NGOs reported some Kyrgyz individuals who join extremist fighters in Syria are forced to remain against their will and recruiters may deceive others, including minors, promising jobs in Turkey, before extremist groups force them to fight, work, or suffer sexual servitude in Syria.

LAOS: TIER 2

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Laos was upgraded to Tier 2. These efforts included investigating the country's first domestic trafficking cases involving foreign victims and securing its first conviction for domestic trafficking. The government significantly increased funding for anti-trafficking activities pursuant to the national action plan and increased multi-sectoral cooperation and awareness at the central and provincial levels and with civil society organizations. However, the government did not meet the minimum standards in several key areas. While the government continued to develop its national victim protection and referral guidelines, it did not approve these guidelines during the reporting period. The government continued to struggle to identify Lao and foreign victims of trafficking within Laos, despite acknowledgment by Lao authorities and NGOs of the increased risk of trafficking in specialized economic zones, agricultural plantations, and large-scale infrastructure projects. Victim protection services remained insufficient for male victims. The government continued to ban workers from migrating overseas for certain unskilled employment categories, which created a risk that some workers would migrate through informal channels, increasing their vulnerability to unscrupulous recruitment agents and traffickers.



PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to disseminate, implement, and train police and border officials on the national victim protection and referral guidelines, with a focus on vulnerable groups. • Screen for trafficking indicators among vulnerable groups, including but not limited to foreign workers, including North Korean workers, and Lao workers on large infrastructure, mining, and agricultural projects and returning from work overseas, and among Lao and foreign women in domestic prostitution. • Strengthen efforts to secure, formalize, and monitor border crossings in remote

and mountainous areas commonly used by Lao labor migrants returning from abroad, and screen for trafficking indicators among them. • Further train law enforcement officials at the national and local level on updates to the Lao Penal Code to improve their ability to investigate, prosecute, and convict traffickers, including complicit officials and child sex tourists. • Increase trafficking investigations, prosecutions, and convictions. • Continue to collaborate with civil society to update and extend the national action plan beyond 2020, taking into account changing trends and trafficking vulnerabilities. • Increase government efforts and resources dedicated to service provision and assistance programs for victims, and expand these services for male victims. • Eliminate the requirement that victims formally request restitution in order to receive compensation from their traffickers. • Further improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with nongovernmental stakeholders. • Reduce barriers to formal labor migration to reduce vulnerability of migrant workers, including by lifting the current ban on migration for domestic work and taking steps to eliminate employee-paid recruitment fees. • Strengthen efforts at diplomatic missions overseas to identify and assist Lao victims of sex and labor trafficking.

PROSECUTION

The government moderately increased law enforcement efforts. The government's revised penal code, promulgated in November 2018, was in effect in 2019. Article 215 of the penal code criminalized sex trafficking and labor trafficking and prescribed increased penalties of five to 15 years of imprisonment and a fine of 10 million to 100 million Lao kip ($1,130 to $11,280); if the offense involved a child victim, the fine range increased to 100 million to 500 million Lao kip ($11,280 to $56,400). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

In 2019, the Anti-Trafficking Department (ATD) within the Ministry of Public Security reported investigating 32 incidents (39 in 2018), culminating in the opening of 14 trafficking cases (26 in 2018). At the end of the year, there were 12 ongoing investigations (18 in 2018). Two ongoing cases involved five suspected sex traffickers who allegedly exploited 10 Vietnamese victims—the first time the government has reported investigating human trafficking cases involving foreign victims in Laos. Authorities initiated prosecutions in 14 cases against 25 suspected traffickers, compared with 12 cases in 2018. The government secured convictions against 18 traffickers in 12 cases (10 sex trafficking and two labor trafficking, involving 33 victims, 10 of whom were minors), compared with 27 convictions in 11 cases in 2018. For the first time, the government secured a conviction for internal sex trafficking. Courts sentenced traffickers to between two and a half years and 18 years of imprisonment and fines ranging from five million to 120 million Lao kip ($560 to $13,540). Courts confiscated 113.54 million Lao kip ($12,810) and 20,600 Chinese renminbi ($2,960) in assets from traffickers and awarded 281 million Lao kip ($31,700) to victims in six cases during 2019. The government provided no information on cases or prosecutions of foreign nationals in Laos who engaged in child sex tourism.

Authorities continued to develop manuals on the management of trafficking cases and to provide extensive training to law enforcement officials, including at subnational levels, directly funding these trainings and collaborating with international organizations. The government cooperated with China, Thailand, and Vietnam pursuant to existing bilateral agreements on information sharing, case investigation and prosecution, and victim repatriation. Luang Prabang provincial authorities, the central government, and Vietnamese authorities identified possible Vietnamese sex trafficking victims in Laos. Also, with assistance from Thailand, the government convicted a Lao broker of labor trafficking in a case involving a male Lao victim and provided restitution to the victim. Several provinces and districts signed memorandums of understanding (MOUs) with Thai officials to promote further cooperation. Despite past reports that some low-level officials might have contributed to trafficking vulnerabilities by accepting bribes for the facilitation of immigration and transportation of girls to China, the government did not report any investigations, prosecutions, or convictions of officials for complicity in trafficking or trafficking-adjacent crimes during the year.

PROTECTION

The government maintained victim protection efforts. In consultation with civil society organizations, the government continued to develop its national victim protection and referral guidelines to establish uniform, protective procedures for referring victims to services with the opportunity to seek justice. However, the government did not approve these guidelines during the reporting period. ATD and other police and border officials stationed near or in at-risk communities continued to employ the existing victim identification manual. The government increased measures to identify victims within Laos and among returning migrant populations and refer them to services. However, the lack of consistent identification and referral practices throughout the country remained an obstacle to combating trafficking. The central ATD was the sole authority able to identify a trafficking victim. In practice, provincial police, immigration police, village-level authorities, the Lao Women's Union (LWU), and NGOs identify victims and may report cases to the ATD. Overseas, Lao diplomatic officials are responsible for identifying victims and reporting cases to the ATD or Ministry of Foreign Affairs; the government reported that these diplomats continued to employ the victim identification manual. However, the ATD may not count or track victims who decline official assistance. Authorities in neighboring countries identified most Lao victims exploited abroad.

Similar to 2018, the government did not report a comprehensive number of identified victims (86 in 2017). However, the LWU, which operated the government's single shelter for trafficking victims, reported providing services to 39 victims during 2019 (52 official victims in 2018). Of the 39 victims, 35 were female, four were male, 34 were victims of sex trafficking, and five were victims of labor trafficking. Observers reported that non-governmental shelters assisted an additional nine victims; of these victims, at least six were female and three were potential victims of labor trafficking. The 2016 anti-trafficking law entitled victims to shelter, legal counseling, medical services, education or vocational training, and financial assistance for reintegration, regardless of sex or nationality; however, in practice, sufficient services and shelter for men remained lacking. Some victims received restitution through the criminal justice process; however, courts did not provide restitution unless the victim or advocate specifically requested it. The government reported that victims may also request civil compensation and that this civil procedure can be combined with a criminal trial. Notably in 2019, officials in some northern and southern border provinces and in the capital established protocols and MOUs with cross-border counterparts to screen returning migrants from Thailand and to a lesser extent, from China, for trafficking indicators and to refer victims to services. However, the government continued to lack such proactive screening and referral protocols within foreign-owned rubber and banana plantations, special economic zones, Laos-China railway construction sites, and garment factories, as well as during some police raids of brothels, bars, and restaurants. The Supreme People's Court continued to allow victims to testify

behind a curtain to protect their privacy and ensure their safety. The government reported that it funded the repatriation of foreign victims in 2019 but did not provide details about or a comprehensive number of such repatriations.

PREVENTION

The government increased prevention efforts. For the first time, the government reported its budget for anti-trafficking activities pursuant to the national action plan, reporting a three-fold increase since 2017 to 300 million Lao kip ($33,840) provided to each ministry during 2018-2019, which included foreign assistance. Ministries could apply to receive more than this amount; however, the government did not report its total anti-trafficking budget. The ministerial level National Steering Committee on Anti-Human Trafficking and the working-level National Secretariat on Anti-Human Trafficking met regularly and led Laos' anti-trafficking response. The Prime Minister's 2018 decree on the creation of multi-sectoral anti-trafficking steering committees at the provincial and district levels to implement the 2016 anti-trafficking law and national action plan remained a priority. The government newly reported during this reporting period that all 18 provinces had established a committee, and in 12 of those provinces, so had every district. The government also assigned personnel with experience working on human trafficking to steering committees. In practice, coordination between central and local authorities remained a challenge; however, coordination with civil society organizations improved, through joint trainings and formal consultations and partnerships at national and sub-national levels. This collaboration with civil society was evident in the government's formulation of its next national action plan and of the national victim protection and referral guidelines, as well as in its screening of Lao migrants returning from Thailand via southern border crossings. This was despite government-imposed burdensome reporting requirements, required prior approval for planned activities, and constraints on the receipt of funding from international donors.

State-controlled media highlighted human trafficking cases and government anti-trafficking efforts, and the government—at central and provincial levels—conducted multiple awareness campaigns designed to reach tens of thousands of participants. The government also funded other awareness mechanisms, including a manual on preventing child sex tourism and a workshop on safe migration for some district-level officials. The Ministry of Education and Sports incorporated a human trafficking component into the primary school curriculum. Three government entities—including the LWU—operated hotlines that each reportedly received an average of two calls per day; however, not all hotline staff provided effective assistance or follow-up, and public awareness of these hotlines appeared limited. The government began evaluating implementation of its 2016-2020 national action plan and considered, in consultation with civil society organizations, ideas for a new plan for 2021-2025. However, the government's annual progress reports on implementation of the existing plan were not publicly available.

Regulations for Lao workers migrating abroad are designed to prevent trafficking but may in fact exacerbate vulnerability to it. A Ministry of Labor and Social Welfare (MLSW) regulation continued to ban certain unskilled employment categories overseas (e.g., domestic work), which created the risk that some workers would migrate through informal channels, increasing their vulnerability to unscrupulous agents and traffickers. MLSW continued to oversee 24 recruitment agencies authorized to recruit for jobs abroad. These agencies acted as gatekeepers to the formal migration process in Laos. Lao law allowed these agencies to charge workers various recruitment fees. A 2002 MOU on employment cooperation with the Government of Thailand, still in force, provided for a formal labor migration process, but it was costly to workers (requiring forced savings for repatriation and payment of other fees), complex, and time-consuming. As a result, the MOU process has not dissuaded migrants from utilizing irregular migration schemes, though the MOU process led to higher wages and fewer hours of work. A 2018 study by an international organization found formal recruitment centers passed on fees to workers, many workers did not understand the contracts they signed with the recruitment centers, and some Thai employers withheld workers' passports, all of which increased workers' vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel during the reporting period, though it provided trainings on fraudulent marriage and potential sex trafficking for its personnel in China the prior year. The MLSW's labor attaché in Thailand continued to monitor worksites, but the government did not report that the attaché received training on identifying and referring trafficking cases. Government capacity to register births and issue family books and other civil documents, particularly in remote areas of the country, remained limited and contributed to vulnerability.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Laos, and traffickers exploit victims from Laos abroad. Laos is primarily a source country for human trafficking, particularly to Thailand and China, as well as Vietnam and Malaysia. Traffickers exploit a large number of Lao women and girls in Thailand in commercial sex and forced labor in domestic service, factories, or agriculture, and in some cases exploit those sold as brides in China in sex trafficking or domestic servitude. Traffickers exploit Lao men and boys in forced labor in Thailand's fishing, construction, and agricultural industries. Some local officials reportedly contribute to trafficking vulnerabilities by accepting payments to facilitate the immigration of girls to China.

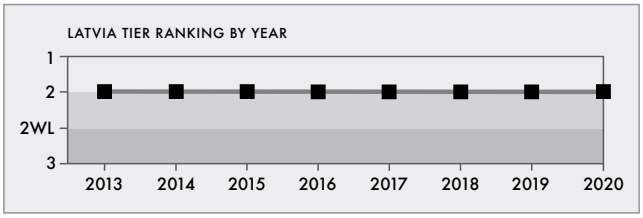
Lao trafficking victims, especially from the southern region of the country, are often migrants seeking opportunities abroad whom traffickers exploit in labor or sex trafficking in destination countries. Some victims migrate with the assistance of legal or illegal brokers charging fees, while others move independently through Laos' 101 official border crossings using valid travel documents. Many of these border crossing are managed by provincial or district level immigration authorities with less formal training and have more limited hours of operation, making them easier transit points for traffickers to facilitate the movement of Lao victims into neighboring countries. Individuals offering transportation services near the Thai border facilitate the placement of economic migrants into forced labor or sex trafficking in Thailand. Foreign traffickers increasingly collaborate with local Lao middlemen to facilitate trafficking. Vehicle drivers sometimes intercept migrants when they return to Laos and facilitate their re-trafficking. Traffickers in rural communities often lure acquaintances and relatives with false promises of legitimate work opportunities or promises of marriage in neighboring countries and then subject them to sex or labor trafficking. Minors from poor, rural areas are especially vulnerable. Students often have little incentive to continue their education, especially given the legal work age of 14 and the lure of higher wages abroad.

With no oversight by local authorities, foreign and Lao workers at or near foreign-owned or foreign-operated agricultural plantations, railway construction sites, and special economic zones are extremely vulnerable to forced labor and sex trafficking. There are reports that the Boten Economic Zone near the border with China houses a flourishing commercial sex industry. Other reports indicate that Burmese nationals working as manual laborers or involved in commercial sex near the Lao portion of the "Golden Triangle"—the geographic area marked by the intersection of the

Lao, Burmese, and Thai borders—may be victims of trafficking. Traffickers also exploit Vietnamese, Chinese, and Lao women and children in sex trafficking in larger Lao cities and in close proximity to national borders, casinos, and special economic zones—reportedly to meet the demand of Asian tourists and migrant workers. NGOs estimate 13,000 individuals are in prostitution in Lao commercial establishments and are potentially vulnerable to sex trafficking, with as many as three times that figure operating independently throughout the country. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States have traveled to Laos for the purpose of exploiting child sex trafficking victims. North Koreans working in Laos may have been forced to work by the North Korean government during the reporting year.

LATVIA: TIER 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Latvia remained on Tier 2. These efforts included prosecuting and convicting more traffickers; issuing substantially stronger sentences, involving imprisonment, to convicted traffickers; amending regulations to allow persons from state care institutions, such as orphanages, to enroll in the state assistance program; and identifying significantly more foreign workers exploited in domestic labor trafficking. However, the government did not meet the minimum standards in several key areas. Officials struggled to identify child trafficking victims, even though children in state orphanages remained vulnerable to sex trafficking. Many judges and prosecutors lacked a sufficient understanding of all forms of trafficking and applying anti-trafficking laws.



PRIORITIZED RECOMMENDATIONS:

Proactively identify trafficking victims, particularly children induced into commercial sex, and victims of sex trafficking in Latvia's legal prostitution industry and provide relevant training to authorities. • Investigate, prosecute, and convict trafficking cases under the trafficking statute (Section 154-1 of the criminal law). • Expand efforts to educate officials involved in judicial proceedings, particularly prosecutors and judges, to understand all forms of trafficking and apply anti-trafficking laws. • Increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion. • Train authorities from agencies tasked primarily with non-trafficking issues, such as the State Labor Inspectorate, State Employment Agency, State Border Guard, and the Office of Citizenship and Migration Affairs (OCMA), to identify trafficking cases for investigation and refer victims for assistance.

PROSECUTION

The government increased law enforcement efforts. Sections 154-1 and 154-2 of Latvia's criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for offenses involving adult victims and between three and 12 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors had the power to reclassify cases from Section 154-1 to lesser crimes. Prosecutors could charge trafficking crimes under Section 164, which criminalized exploiting vulnerability or using deceit to involve individuals in commercial sex with prescribed penalties as lenient as community service or a fine. Additionally, law enforcement officials reportedly were more likely to investigate and charge suspected traffickers for crimes other than trafficking, such as pimping and transfer for sexual exploitation. Authorities used Section 165-1, which prohibited the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking by charging perpetrators who attempted to recruit individuals for sexual exploitation schemes abroad.

The State Police's anti-trafficking unit, comprising 18 officers and specializing in investigating trafficking, brokered marriages, and related crimes, investigated three new cases (one sex trafficking and two labor trafficking) under Section 154-1 in 2019, the same number as in 2018. Authorities indicted three traffickers under Section 154-1, compared with one in 2018. Courts convicted three traffickers (two sex trafficking and one labor trafficking), compared with one in 2018. The convicted traffickers received prison sentences of five years and two months each, whereas in 2018 the convicted trafficker received a conditional sentence, resulting in no prison time. Under Section 165-1, authorities investigated one new case, indicted four defendants, and convicted two traffickers, who received prison sentences of six years and six months. By comparison, in 2018, authorities investigated two cases, indicted one defendant, and convicted one trafficker, who did not receive a prison sentence. In 2019, the anti-trafficking police unit seized approximately €463,000 ($520,230) in assets from suspected traffickers. The prosecutor general's office completed two judicial assistance requests in trafficking cases from the United Kingdom and Ukraine. Furthermore, in January 2020, a reorganization established a specialized prosecution office that reviewed, monitored, and managed all trafficking-related cases of the Riga District Court pertaining to Section 154-1.

Perennial issues within the judicial system, such as lengthy trials, continued to limit Latvia's prosecution efforts. For instance, a 2014 case involving two Riga police officers charged with facilitating pimping remained in court at the end of the reporting period. Prosecutors and judges possessed a limited understanding of trafficking. Experts reported the need for more training for authorities, particularly on applying anti-trafficking laws, working with victims, evidence collection, and understanding psychological coercion. The government addressed some knowledge gaps during the reporting period by training police on the different types of trafficking and preventive measures and border guards on victim identification.

PROTECTION

The government increased efforts to protect victims. The government continued to contract two NGOs to assist victims in the state-funded, NGO-run victim assistance program, allocating €135,420 ($152,160) for the program, a slight increase from €135,110 ($151,810) in 2018. The program offered victims medical and psychological assistance, legal representation, housing, and reintegration services. In 2019, the government updated regulations to allow persons from state care institutions, such as orphanages, to enroll in the victim assistance program. Authorities enrolled victims in the program based on decisions by either law enforcement or an NGO-led panel of experts. In 2019, authorities enrolled 35 out of 39 identified victims (16 female and 23 male), compared with 33 in 2018. Twenty-eight of the enrollees were

victims of labor trafficking and seven of sex trafficking. Twenty-three were foreign nationals, whereas in 2018 all enrolled victims were Latvian nationals. Experts attributed the shift to an increase in domestic labor trafficking of guest workers from Tajikistan and Uzbekistan in the Latvian agriculture and construction industries. Police, immigration, and social services had written procedures for identifying victims. Experts reported most government agencies lacked either the practical experience or willingness to identify victims and noted agencies tasked primarily with non-trafficking issues, such as the State Labor Inspectorate, State Employment Agency, State Border Guard, and the OCMA, rarely referred trafficking cases for investigation or victims for assistance. Identifying child trafficking victims domestically remained a challenge; authorities identified one victim in 2019, even though government officials cited orphanages as vulnerable and noted an increase in potential trafficking cases among minors in recent years. Experts criticized authorities for failing to report cases of sex trafficking of institutionalized minors and for instead giving victims limited assistance onsite. Furthermore, observers noted authorities' limited knowledge of identifying child trafficking victims and trafficking indicators. Experts expressed concern about human trafficking in Latvia's legal prostitution industry, noting law enforcement's focus on fining potential victims who were not in compliance with prostitution regulations or other criminal statutes rather than on identifying victims.

Government regulations on assistance to trafficking victims limited state-funded rehabilitation services to six months, although victims whose cases went to trial received assistance, mostly legal counselling, for the duration of the legal proceedings. Four victims in the state rehabilitation program cooperated with law enforcement in 2019 (seven in 2018); male victims were often reluctant to work with police. Three trafficking victims received compensation from the State Agency for Judicial Assistance, which administered the victims' compensation program (four in 2018). Two trafficking victims received state-funded voluntary repatriation and other services through the state assistance program.

PREVENTION

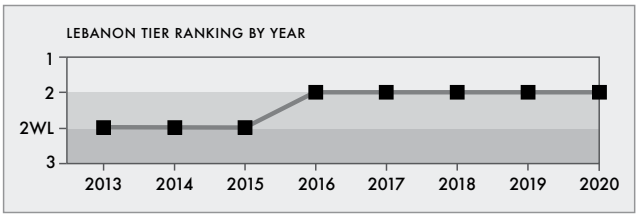
The government maintained prevention efforts. The anti-trafficking working group monitored efforts, facilitated inter-ministerial information exchange, and implemented the 2014-2020 national action plan. Several ministries published quarterly and annual reports on trafficking, including a survey on the scope and social backgrounds of identified victims. Various ministries contributed to a number of public awareness campaigns, including on safe travel and labor exploitation. The Office of the Ombudsman, in conjunction with an NGO, monitored sexual abuse in orphanages and boarding schools to identify the risks of sex trafficking in the sector. A special police unit conducted training on trafficking-related issues and addiction focused on preventing child sex tourism and the sexual abuse of minors. The government did not make efforts to reduce the demand for commercial sex acts. Latvia led a regional project to support stakeholders in combating and disrupting labor trafficking by analyzing and consolidating information, improving assistance to victims, and increasing prosecution of traffickers. The government participated in a four-country project establishing a comprehensive approach to the prevention and investigation of labor trafficking cases, particularly cases combining economic crime and illicit financial flows. In 2019, the state monitored the activities of licensed employment agencies but canceled no licenses for agencies in violation (12 in 2018). The government maintained emergency helplines that received 82 calls on potential trafficking situations; specialists referred 30 cases to law enforcement and NGOs.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Latvia, and traffickers exploit victims from Latvia abroad. Traffickers exploit Latvian women and girls in sex trafficking in Latvia and other parts of Europe. Latvian women recruited for brokered marriages in Western Europe are vulnerable to sex trafficking, domestic servitude, and forced labor. Traffickers target single women with limited education, minors from disadvantaged families, students, unemployed adults, and people with mental disabilities by word-of-mouth and through social media. Observers reported children in state orphanages are particularly vulnerable to sex trafficking, although there have been no documented cases of trafficking of children living in state institutions. Latvian men and women are exploited in forced labor, mainly in other parts of Europe. Government officials report an increase in domestic labor trafficking of guest workers from Moldova, Tajikistan, Uzbekistan, and Ukraine in the agriculture and construction industries and an influx of unregistered workers from Ukraine, Russia, and India in construction, hospitality, and taxi service.

LEBANON: TIER 2

The Government of Lebanon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Lebanon remained on Tier 2. These efforts included convicting more traffickers and referring more trafficking victims to NGO protection services than in the previous reporting period. The government also waived overstay fines for at least 1,000 foreign domestic workers—a population highly vulnerable to trafficking—to allow them to return home. The government continued its longstanding partnerships with NGOs, including through improved cooperation to screen for potential victims in a government-run migrant detention center, and it made modest progress to prevent trafficking. However, the government did not meet the minimum standards in several key areas. The government reported fewer investigations and prosecutions of alleged traffickers, and it identified fewer trafficking victims in comparison to the previous reporting period. The government did not implement formal victim identification and referral procedures, which resulted in the potential for some victims to face arrest, detention, or deportation for unlawful acts traffickers compelled them to commit. Lebanon's sponsorship system, which placed a significant amount of power in the hands of employers of foreign workers, continued to create vulnerabilities for the exploitation of migrant workers and remained a significant impediment to authorities identifying and protecting trafficking victims. In addition, despite the government's efforts to relieve domestic workers of overstay fines, it did not report proactively screening for trafficking among this vulnerable population.



PRIORITIZED RECOMMENDATIONS:

Develop and implement government-approved procedures for officials to identify trafficking victims among vulnerable populations, such as illegal or detained migrants, women holding *artiste* visas, domestic workers, and Syrian refugees, for referral

to protection services. • Increase efforts to ensure trafficking victims are not arrested, detained, or deported for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations. • Strengthen and expand efforts to reform the sponsorship system to ensure all foreign workers, including domestic workers and *artiste* visa holders, are not bound to abusive employers, and allow workers full freedom of movement. • Increase prosecutions and convictions of offenders of all forms of trafficking under the anti-trafficking law, and investigate for potential trafficking crimes employers and recruitment agents who withhold workers' passports, travel documents, or wages. • Increase efforts to train judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law. • Screen all detained domestic workers in detention centers for potential trafficking victims and refer victims to care. • Take concrete steps to establish greater oversight over *artiste* visas, a program that contributes to the vulnerability of women to sex trafficking. • Ensure the judiciary coordinates with the Directorate of General Security (DGS) to consistently apply Lebanon's anti-trafficking law by granting temporary residency permits for trafficking victims and allowing victims to work. • Continue to work in partnership with NGOs to screen for, identify, and provide protection services, including witness support during criminal proceedings, for all victims. • Enact the labor law amendment extending legal protections to all foreign workers, including domestic workers and *artiste* visa holders. • Formally establish the victim assistance fund. • Adopt and implement the draft national anti-trafficking action plan. • Improve the judiciary's capacity to collect, compile, and track data and outcomes of trafficking cases from all courts.

PROSECUTION

The government demonstrated mixed law enforcement efforts. The 2011 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of five to seven years' imprisonment and fines if the offense involved an adult victim, and 10 to 12 years' imprisonment and fines for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government did not have a law that prohibited or penalized confiscation of workers' passports or travel documents by employers or labor agents.

During the reporting period, the Internal Security Forces (ISF) investigated 32 suspected cases of sex trafficking and child trafficking, involving at least 12 victims. Additionally, the DGS investigated 159 suspected cases of trafficking involving migrant domestic workers and women holding *artiste* visas. The DGS reported that 84 of the 159 cases resulted in the following outcomes: referral to judicial or law enforcement authorities for further investigation, payment of back wages to workers, repatriation of migrant workers, and denying or restricting employers and sponsors from hiring migrant workers, including domestic workers. The 191 total investigations in 2019 represented a decrease from the 212 investigations initiated during the previous reporting period. Although the Ministry of Justice (MOJ) reported limitations and challenges in collecting country-wide data, it reported the government prosecuted a total of 46 alleged traffickers involved in 11 cases of sex trafficking and 10 cases of forced child begging during the reporting period. The government did not, however, report prosecuting any perpetrators of forced labor of adults, including domestic servitude, despite reports of the prevalence of the problem in the country. The government also convicted 22 total traffickers, 15 of which were for sex trafficking crimes and seven were for forcing children to beg; sentences for convicted traffickers ranged from three to 15 years' imprisonment. This judicial data demonstrated a decrease in prosecutions but an increase in convictions in comparison to the previous reporting period, when the government prosecuted 69 alleged traffickers and convicted and sentenced four traffickers (three involving forced child begging and one involving sex trafficking), who received sentences that ranged from three to 15 years' imprisonment. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period; however, NGOs continued to report a common perception that DGS officers allegedly accepted bribes to protect adult nightclubs or issue *artiste* visas—a visa program that sustained a significant commercial sex industry in Lebanon and enabled sex trafficking.

The ISF anti-trafficking unit remained understaffed and underfunded, with only 23 officers covering Lebanon and no field offices outside of Beirut; this continued to limit the ISF's work and ability to recruit and train new officers for the unit. Additionally, government officials and NGOs continued to report that some judges lacked understanding of the anti-trafficking law and knowledge of best practices for handling trafficking cases. Officials generally sought to resolve trafficking cases involving foreign workers through mediation between the employer and worker, rather than referring them for criminal prosecution. Government officials continued to report security forces were reluctant to arrest parents for subjecting their children to trafficking, usually in forced begging, due to a lack of social services available should the child be removed from the family. The ISF, DGS, and MOJ continued to occasionally include specialized anti-trafficking training as a part of their curriculum for personnel. The government also continued to encourage officials to participate in anti-trafficking trainings provided by NGOs.

PROTECTION

The government demonstrated uneven victim identification and protection efforts. The government did not formally adopt draft procedures for the identification and referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. The ISF, DGS, and Ministry of Labor (MOL) identified a total of 63 victims and referred 56 of them to NGO protection services during the reporting period. The MOJ also reported 34 victims were involved in prosecutions initiated in 2019. The number of victims identified in 2019 represented a substantial decrease from the 149 victims the government identified in 2018. However, the government increased the total number of victims it referred to protection services in 2019 to 56, compared with 32 victims referred in 2018. In addition, the government reported a DGS-operated hotline received 23 calls, two of which involved women holding *artiste* visas—a visa program that was inherently exploitative. One of the women reported the owner of a nightclub physically abused her, and the DGS responded by issuing a warning to the owner. Another woman reported a nightclub customer raped her, to which the DGS responded by issuing an arrest warrant against the perpetrator; following the complaint, the victim chose to repatriate. Through the MOL's complaints office and 24-hour hotline, it received 107 complaints from foreign domestic workers, some of whom may have been trafficking victims; the MOL reported it resolved the majority of the cases but did not provide additional details.

The government did not directly provide protection services to trafficking victims but continued to work in partnership with NGOs to provide essential victim services. NGO-run victim care facilities in Lebanon were dedicated only to female and child victims of trafficking; there were no services available or government resources dedicated to male trafficking victims, even though trafficking of men in the construction sector reportedly continued. Pursuant to a longstanding memorandum of understanding, renewed during the reporting period, between the government and an NGO, the DGS referred female victims to an NGO-run safe house

and provided security for the location; victims were not allowed to work while receiving assistance at the safe house. In 2019, the safe house assisted 294 trafficking victims. The Ministry of Social Affairs (MOSA) also continued to coordinate and fund the provision of protection services to child trafficking victims through contractual agreements with NGOs. In December 2019, the DGS reported that—as part of an amnesty program—it waived overstay fines and provided plane tickets for an unspecified number of migrant workers, some of whom the DGS identified as trafficking victims. An NGO further reported the DGS provided these exemptions and services to 1,000 Filipina domestic workers, some of whom may have been trafficking victims. During the reporting period, MOSA coordinated with an international organization to provide technical support for the development of a law to create a victim assistance fund; the law remained in draft form at the end of the reporting period. The government did not adopt the draft labor law amendment extending legal protections to foreign workers, nor the draft law to increase labor protections for domestic workers.

The government continued to arrest, detain, and/or deport unidentified victims for unlawful acts traffickers compelled them to commit, such as domestic workers who fled abusive employers, out-of-status or irregular migrant workers, women holding *artiste* visas, and persons in commercial sex. Under Lebanon's sponsorship system, foreign workers—including foreign trafficking victims—who left their place of employment without permission from their employer forfeited their legal status, thereby increasing the risk of arrest, detention, and deportation. Foreign workers without valid residence and work permits were subject to detention for one to two months—or longer in some instances—followed by deportation. Furthermore, women holding *artiste* visas were subject to immediate deportation upon arrest for prostitution violations; however, DGS reported it did not deport any *artiste* visa holders during the reporting period and instead repatriated 29 following investigations. The DGS continued to operate a 750-person detention center where authorities detained foreign domestic workers for violating the terms of their work contracts or visas. For the last several years, the DGS has allowed an NGO to operate a permanent office inside the detention center that allowed staff unhindered access to detainees to provide medical and psycho-social services. However, due to a decrease in funding to the NGO during the reporting period, the NGO was unable to continue providing health services to detainees—including trafficking victims—and was only able to provide social and legal services. The DGS also continued to permit the NGO to interview detainees to identify trafficking victims among the detention center population; it identified 49 trafficking victims in the detention center in 2019, which was an increase from the 25 victims it identified in 2018. The NGO continued to report an increased level of professionalism, sensitivity, and awareness among DGS officials and investigators, which allowed the NGO to more effectively identify victims among detainees.

Victims were able to file civil suits to obtain compensation. Victims also were allowed to reside in Lebanon during an investigation of a trafficking case upon a judge's decision, but the government did not report if any judges issued such a decision during the reporting period. NGOs continued to report that foreign victims preferred quick administrative settlements followed by repatriation rather than long criminal prosecutions because of the lack of protection services or resettlement options during the criminal proceedings. Therefore, authorities faced challenges pursuing potential cases of trafficking when victims chose voluntary repatriation rather than facing an often-lengthy trial process because they were not present in the country to testify against their traffickers. The government did not provide temporary or permanent residency status or other relief from deportation for foreign trafficking victims who faced retribution or hardship in the countries to which they would be deported.

PREVENTION

The government demonstrated modest progress in its efforts to prevent trafficking. The national anti-trafficking steering committee continued to coordinate anti-trafficking efforts during the reporting period. The government did not adopt its draft national anti-trafficking action plan, but relevant ministries continued to implement portions of the plan. In July 2019, the Minister of Justice launched a public call-for-action campaign—in cooperation with a local NGO—that targeted policymakers and the general pubic to raise awareness about human trafficking and to advocate for amendments to the anti-trafficking law. The DGS and the MOL continued to operate hotlines to receive reports of abuse and migrant worker complaints, including suspected trafficking crimes. The DGS continued a program to inform *artiste* visa holders about restrictions and obligations of their visa status upon arrival to Beirut International Airport. Under the program, if the visa holder objected to the visa's terms, she was free to return to her home country; the DGS reported that 14 women who entered the country on an *artiste* visa chose to return to their home countries during the reporting period. Under a directive from the DGS, airport officers continued to return passports directly to foreign domestic workers upon their arrival in Lebanon; however, NGOs reported that many employers ultimately confiscated workers' passports in private.

During the reporting period, the former Minister of Labor established a working group focused on reforming the sponsorship system, in coordination with an international organization. In parallel, the MOL also commenced work on a complaint mechanism for migrant domestic workers and procedures for referral services for the MOL's complaint hotline; however, the initiatives remained pending at the end of the reporting period. Additionally, in March 2020, the MOL completed a draft standardized work contract—in coordination with an international organization—for migrant domestic workers; the contract was undergoing final review at the end of the reporting period. In 2019, the MOL closed 15 recruitment agencies for labor violations or complaints of mistreating migrant domestic workers; it also maintained a blacklist of an unknown number of recruitment agencies for committing fraudulent recruitment practices. The government, however, did not report prosecuting any recruitment or employment agencies for potential trafficking crimes during the reporting period. The government did not take steps to reduce the demand for commercial sex acts or address child sex tourism by Lebanese nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

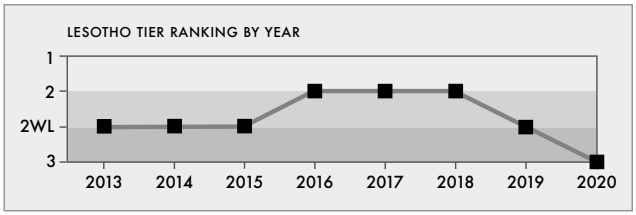
As reported over the past five years, human traffickers exploit domestic and foreign victims in Lebanon, and traffickers exploit victims from Lebanon abroad. Women and girls from South and Southeast Asia and an increasing number from East and West Africa are subjected to domestic servitude in Lebanon. According to an international organization in 2019, there were 250,000 migrant domestic workers in Lebanon. Lebanese government officials and NGOs report most employers withhold their domestic workers' passports, and some employers also withhold workers' wages, force them to work excessive hours without rest days, restrict their freedom of movement, and physically or sexually abuse them; NGOs, however, report that abuse of domestic workers is typically underreported. Many migrant workers arrive in Lebanon through legal employment agencies, but are subsequently exploited or abused by their employers; some employment agencies recruit workers through fraudulent or false job offers. Women primarily from Russia, Ukraine, Belarus, Moldova, Morocco, and Tunisia legally enter Lebanon to work as dancers in nightclubs through Lebanon's *artiste* visa program, which is valid for three months and can be renewed once. The terms of the *artiste* visa prohibit

foreign women working in these nightclubs to leave the hotel where they reside, except to work in the nightclubs that sponsor them, and nightclub owners withhold the women's passports and wages and control their movement; traffickers also exploit these women through physical and sexual abuse and domestic servitude. The government reported 3,376 women entered Lebanon under this program in 2019, which was an increase from the 3,105 *artiste* visa holders who entered Lebanon in 2018.

Men, women, and children among the estimated 1.2 million Syrian refugees in Lebanon are at high risk of sex trafficking and forced labor. Restrictions on Syrians' ability to work legally in Lebanon and the enforcement of visa and residence permit laws increase this population's vulnerability to trafficking. Syrians are commonly involved in the exploitation of other Syrians in Lebanon, particularly targeting refugees fleeing the conflict. For example, Syrian traffickers hold Syrian refugee men, women, and children in bonded labor to pay for food, shelter, and the cost of transit to Lebanon, and contract out groups of refugees to work in the agricultural sector in the Bekaa Valley. Similarly, an international organization reports evidence of bonded labor within refugee communities, where child labor is used in exchange for living in informal tented settlements. Child labor and forced child labor among the Syrian refugee population continues to increase, particularly in agriculture, construction, and street vending and begging. These children are at high risk for labor trafficking, especially on the streets of main urban areas such as Beirut and Tripoli, and in the agricultural sectors of Bekaa and Akkar; for example, in 2019, international organizations reported the presence of children working in illegal cannabis farms in the North Bekaa region. Furthermore, NGOs report that some Syrian refugee children are forced or coerced to conduct criminal activity. Syrian refugee LGBTI, women and girls, and some men are highly vulnerable to sex trafficking. Many women and girls who were recruited from Syria with false promises of work were subjected to commercial sexual exploitation in which they experienced mental, physical, and sexual abuse and forced abortions. Family members or powerful local families force some Syrian refugee women and girls into commercial sex acts or early marriage in order to ease economic hardships; these women and girls are highly vulnerable to trafficking.

LESOTHO: TIER 3

The Government of Lesotho does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Lesotho was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including conducting awareness-raising activities in partnership with an international organization and an NGO, continuing to participate in a regional data collection tool, and training 27 diplomats on trafficking in persons. However, the government did not investigate or prosecute any potential trafficking cases for the second consecutive year and did not convict any traffickers for the fourth consecutive year. Despite serious concerns of official complicity in trafficking crimes, which appeared to restrict all law enforcement actions during the reporting period, the government did not report any investigations, prosecutions, or convictions of government officials for such acts. The government identified fewer victims and did not provide protective services to victims or financial support to an NGO that did. For the fourth consecutive year, it did not finalize standard operating procedures on victim identification or the national referral mechanism. The government did not allocate funding for the Victims of Trafficking Trust Fund for the ninth consecutive year or fund the Child and Gender Protection Unit (CGPU), responsible for handling trafficking cases within Lesotho law enforcement. The government did not adequately train front-line responders, which often resulted in law enforcement re-traumatizing potential victims. The government did not address issues in its legal framework for human trafficking, which did not criminalize all forms of sex trafficking and included penalties that were not sufficiently stringent to deter the crime. The anti-trafficking coordination body did not meet regularly and lacked formal processes to track progress against national anti-trafficking goals. Senior government officials did not support and continued to impede efforts made by the coordination body. The government did not finalize an updated national action plan to combat trafficking–stalled for the second year. In order to avoid prosecuting a trafficker, the government actively blocked the reentry into Lesotho of a foreign national trafficking victim who left the country to obtain a new passport.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers through independent and fair trials, including officials complicit in trafficking crimes. • Finalize and implement guidelines for proactive victim identification and standard operating procedures for referring identified victims to care, in line with the anti-trafficking act regulations. • Adequately fund the CGPU and establish a CGPU focal point in all 10 districts of Lesotho to ensure effective responsiveness to all potential trafficking cases. • Adequately fund shelter and protective services for victims. • Provide trafficking-specific training to police investigators, prosecutors, judges, and social service personnel. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment and remove the requirement of force, fraud, or coercion to constitute a child sex trafficking offense. • Allocate funds for the Victims of Trafficking Trust Fund and implement procedures for administering the funds. • Allocate funding to support operation of the multi-agency anti-trafficking task force. • Amend the anti-trafficking and child welfare laws so that force, fraud, or coercion are not required for cases involving children younger than age of 18 to be considered trafficking crimes. • Fix jurisdictional issues that prevent magistrate courts from issuing the maximum penalty for trafficking crimes. • Increase efforts to systematically collect and analyze anti-trafficking law enforcement and victim protection data. • Increase oversight of labor recruitment agencies licensed in Lesotho to mitigate fraudulent recruitment for mining work in South Africa.

PROSECUTION

The government decreased law enforcement efforts and the human trafficking law remained inconsistent with international law. The 2011 Anti-Trafficking in Persons Act criminalized all forms of labor trafficking and some forms of sex trafficking. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law prescribed penalties of up to 25 years' imprisonment or a fine of one million maloti ($71,140) for the trafficking of adults and up to life imprisonment or a fine of two million maloti ($142,290) for the trafficking of children. These penalties were sufficiently stringent. However, with respect to sex trafficking, by allowing for a fine in lieu of imprisonment, these penalties were not commensurate with penalties prescribed for other serious crimes, such as rape.

Section 77 of the Children's Protection and Welfare Act criminalized child sex trafficking offenses without requiring the use of force, fraud, or coercion, but prescribed penalties of a fine not to exceed 30,000 maloti ($2,130) or 30 months' imprisonment, or both; these penalties were not sufficiently stringent nor commensurate with other grave crimes, such as rape.

For the second consecutive year, the government did not investigate any potential trafficking cases and did not prosecute any suspected traffickers. For the fourth consecutive year, the government did not convict any traffickers. The CGPU, a specialized anti-trafficking unit within the Lesotho Mounted Police, was operational but did not receive adequate financial or political backing to effectively investigate potential cases of trafficking. The government did not report any investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns and appeared to inhibit all law enforcement action for the second consecutive year. A reliable source reported a senior government official responsible for overseeing the anti-trafficking portfolio allegedly was involved in a scheme to assist third country nationals to illegally enter South Africa, which may have included trafficking victims. Lesotho offered visas on arrival for the nationals of many countries, including Pakistanis, who require a visa to enter South Africa. To circumvent South Africa's visa requirements, applicants entered Lesotho and illegally crossed the porous borders into South Africa. For a fee, the government official allegedly ensured all record of entry into Lesotho was erased from immigration records. In addition, although the government was aware of an organized crime syndicate operating a brothel in South Africa where sex trafficking of Basotho women occurred, efforts to liaise with South African officials did not yield tangible results, such as arrests, prosecutions, or convictions of the traffickers involved for the second year in a row. Observers reported the lack of progress over several years to disrupt the suspected traffickers was due to official complicity of both Basotho and South African officials closely linked to the brothel. Many law enforcement officials had limited understanding of trafficking and of how to protect victims from potential intimidation from traffickers, and often did not demonstrate a victim-centered approach.

Many front-line officials incorrectly believed trafficking to be a movement-based crime and did not screen for trafficking among vulnerable groups, including migrant workers. Border points between Lesotho and South Africa were porous and law enforcement officials allegedly were complicit with traffickers regularly operating at the Maseru Bridge border crossing. Senior immigration officers acknowledged people, including with children, illegally cross the border in plain sight of officials without repercussion. Front-line responders conflated gender-based violence and trafficking, and some police officers exhibited extreme insensitivity towards child victims of sexual abuse, including potential trafficking victims. Observers noted that reporting potential trafficking cases to the police made child victims more vulnerable to further exploitation. In coordination with international organizations, the government trained front-line responders on the anti-trafficking law, victim identification and referral, evidence gathering, investigative strategies, and immigration procedures. Such trainings did not result in tangible efforts to identify victims, prosecute, or convict traffickers. For the fifth consecutive year, the government did not address a jurisdictional issue impeding efforts to hold traffickers accountable: the magistrate courts, which are the court of first instance for trafficking cases, lacked authority to impose the maximum penalties allowed in trafficking crimes.

PROTECTION

The government decreased efforts to identify and protect victims. The government did not finalize standard operating procedures for victim identification or the national referral mechanism for the fourth consecutive year. The CGPU identified two trafficking victims, a decrease compared to its identification of seven victims in the previous reporting period. Additionally, South African law enforcement officers identified nine Basotho victims in Welkom, South Africa, and an NGO reported identifying three victims for a total of 14 Basotho trafficking victims identified by all parties during the reporting period. The government did not provide assistance to any trafficking victims; however, it referred three victims to an NGO that provided comprehensive care. The CGPU had limited capacity to respond to potential cases in Lesotho's 10 districts because it operated from Maseru, the capital, and could only provide guidance to other police units who were less capable of responding to trafficking cases. Furthermore, the government did not provide a budget line item to fund the CGPU or its anti-trafficking activities; limited resources restricted its effectiveness assisting victims. In previous years, observers reported government social workers often did not respond to requests to certify victims or respond to potential cases. The government did not provide funding for an NGO-run shelter that cared for all identified victims throughout the reporting period. There were no shelters equipped to provide protective services for male victims. For foreign victims, provision of care beyond a 60-day reflection period was dependent on their cooperation with law enforcement; authorities repatriated victims who did not cooperate with law enforcement after the reflection period. The government did not allocate funding for the Victims of Trafficking Trust Fund for the ninth consecutive year, which it had established to ensure consistent provision of protective services and to provide compensation for victims.

The anti-trafficking act and its implementing regulations prohibited the prosecution of victims for unlawful acts traffickers compelled them to commit, afforded foreign victims permanent residency as a legal alternative to their removal, and encouraged victims to assist in the investigation of traffickers; however, the government did not implement these provisions during the reporting period. The Ministry of Foreign Affairs was responsible to coordinate with the victim's home country for the issuance of travel documents within 60 days of victim identification if the victim no longer had their travel documents in their possession. However, in the case of one Nigerian labor trafficking victim various government officials intentionally impeded his efforts to obtain a new Nigerian passport, issuing him only an exit visa for Lesotho to travel to the Nigerian embassy in South Africa. When the victim expressed his concerns that the authorities would not let him re-enter Lesotho, they refused to issue him a visa allowing his return. Officials responsible for anti-trafficking efforts publicly expressed doubt about his legitimate status as a victim, despite his certification as a victim, and refused to grant him immigration relief or allow him to see his family in Nigeria despite the protracted, five-year wait for his case to be tried. During the reporting period, the victim left Lesotho on an exit visa to travel to South Africa to obtain a new passport and when he attempted to re-enter Lesotho, immigration officials deported him to Nigeria. Observers reported the government took every action to make the case disappear. The government never tried his trafficker, who operates his business in Maseru with impunity.

PREVENTION

The government decreased its efforts to prevent trafficking. The multi-sectoral committee (MSC) met sporadically, and its member ministries, in partnership with an international organization and a local NGO, conducted public awareness activities. These activities targeted students in 10 schools, nine

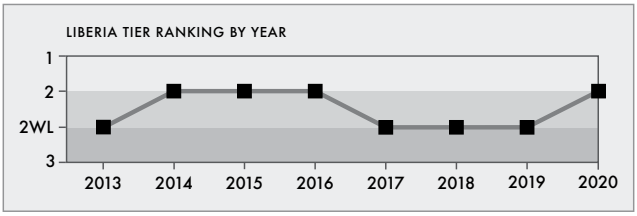
anti-trafficking televised events, and 18 radio spots. The MSC lacked formal processes, including administrative procedures, to determine action items and track progress against national anti-trafficking goals; it lacked coordination among members and the director of public prosecutions office did not regularly attend. Senior government officials did not support and appeared to impede efforts made by the MSC for the second consecutive year. Moreover, the MSC did not invite NGOs to participate in its meetings, which reduced transparency and efficacy of its national anti-trafficking efforts. The government's efforts to update the 2014 national action plan, originally agreed to be finalized by the end of 2018 remained pending for the second consecutive year. The government continued to participate in the Southern African Development Community regional data collection tool by uploading information on trafficking cases including victim and trafficker profiles, and sharing information with countries in the region. The government drafted a national labor migration policy in 2018, but did not provide information on its efforts to regulate and oversee labor recruitment. The government had an agreement with the Government of South Africa that aimed to increase protections for Basotho workers, including domestic workers, employed in South Africa by authorizing the issuance of long-term work permits, requiring signed employment contracts, and allowing Basotho to register for unemployment insurance in South Africa; this agreement did not result in tangible progress to reduce vulnerability of such Basotho vulnerable to trafficking. The government made no efforts to reduce the demand for commercial sex. The Ministry of Foreign Affairs reported training 27 diplomats in 2019.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Lesotho, and traffickers exploit victims from Lesotho abroad. In Lesotho, traffickers exploit Basotho children in domestic servitude and animal herding; traffickers increasingly exploit children, especially orphans who migrate to urban areas, in sex trafficking. Basotho women and girls seeking work voluntarily migrate to South Africa, where traffickers detain some in prison-like conditions and exploit others in sex trafficking. Traffickers exploit some Basotho men who migrate voluntarily, although illegally and often without identity documents, to South Africa for work in agriculture and mining in forced labor; many work for weeks or months before their employers turn them over to South African authorities for deportation on immigration violations to avoid paying them. Traffickers connected to organized crime syndicates operating in South Africa exploit and sometimes kill Basotho men by depriving victims of oxygen in derelict mines. Traffickers also compel Basotho into committing crimes in South Africa, including theft, drug trafficking, and smuggling under threat of violence or through forced drug use. Foreign nationals, including Chinese, subject their compatriots to sex trafficking in Lesotho.

LIBERIA: TIER 2

The Government of Liberia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Liberia was upgraded to Tier 2. These efforts included significantly increasing investigations of internal trafficking; allocating a budget to the anti-trafficking task force for the first time since 2014; promulgating a national referral mechanism; and identifying more potential trafficking victims, including child victims of domestic trafficking. However, the government did not meet the minimum standards in several key areas. The government did not sentence the convicted trafficker to an adequate prison term; law enforcement officials continued to lack adequate resources and understanding of trafficking to effectively investigate and prosecute trafficking crimes; and shelter and services for victims remained limited.



PRIORITIZED RECOMMENDATIONS:

Amend the 2005 anti-trafficking law to remove the requirement of force, fraud, or coercion in child sex trafficking cases. • Amend the 2005 anti-trafficking law to prescribe penalties for adult trafficking that are sufficiently stringent and commensurate with the penalties for other grave crimes. • Expand victim services—particularly for victims outside the capital, males, and victims requiring long-term care—through increased financial or in-kind support to government and NGO shelters. • Increase efforts to more vigorously investigate and prosecute trafficking cases, including internal trafficking cases and officials accused of complicity. • In partnership with international organizations and experts, train and equip law enforcement, immigration officials, labor inspectors, and social workers to more effectively identify trafficking victims, as well as to identify, investigate, and prosecute trafficking offenses. • Continue providing operating and victim protection budgets and in-kind resources, as feasible, to the anti-trafficking task force. • Facilitate additional training for law enforcement and social workers on implementation of the national referral mechanism. • Increase labor inspections in the informal sector and mining regions to improve identification of trafficking cases, including child forced labor. • Continue efforts to raise awareness of trafficking, including internal trafficking. • Enforce the 2005 law requiring restitution be paid to trafficking victims and educate victims of their right to pursue civil suits.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2005 Act to Ban Trafficking in Persons criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed minimum sentences of one year of imprisonment for adult trafficking and six years' imprisonment for child trafficking, but it did not include maximum sentences. The prescribed penalties for trafficking of children were sufficiently stringent, but those prescribed for trafficking of adults were not. The penalties for child sex trafficking were commensurate with those prescribed for other serious crimes, such as kidnapping, but those prescribed for adult sex trafficking were not. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking.

The government investigated 18 cases and initiated prosecutions of four defendants, an increase compared with five investigations and two prosecutions in the previous reporting period. In the course of the 18 investigations, the government arrested nine individuals. Alleged perpetrators were Liberian, Nigerian, and Chinese nationals. Investigators referred five individuals for prosecution for cases that were pending at the end of the reporting period. While some officials continued to view internal trafficking, especially forced labor of children in domestic service,

as a community practice rather than a crime, the government significantly increased investigations of internal forms of trafficking and investigated nine such cases during the reporting period. In other cases, prosecutors may have pursued other charges, including rape and child endangerment, in lieu of sex trafficking or child forced labor due to a low understanding of human trafficking. The government also convicted one Liberian trafficker—the same number as in the previous reporting period—who allegedly brought two children from Guinea and exploited them in street vending; the trafficker received a six-month suspended sentence. In a separate case, the Liberian Drug Enforcement Agency (LDEA) investigated and charged an individual for coercing four underage girls to sell illicit drugs and engage in commercial sex; prosecutors dropped the human trafficking and drug charges for unknown reasons. The government coordinated with the Government of Sierra Leone to extradite a Pakistani national wanted in Sierra Leone in connection to a trafficking case. The government reported investigating cases of officials facilitating trafficking but did not report prosecuting or convicting any allegedly complicit officials. Observers reported law enforcement occasionally accepted bribes from suspected traffickers to end investigations. NGOs and officials reported some government employees may have been directly complicit in child trafficking, including for domestic servitude and street vending.

The Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) was responsible for investigating most trafficking cases and the Liberian Immigration Service (LIS) could investigate transnational trafficking. The LIS Anti-Human Trafficking and Migrant Smuggling Unit, comprising 14 officers, stationed at least one officer at each of Liberia's five major ports of entry. The LNP did not have dedicated anti-trafficking funding or in-kind support and therefore lacked basic resources and equipment to fully respond to and investigate allegations of trafficking, especially outside the capital. With support from an international organization, the LNP continued incorporating anti-trafficking training into its curriculum and trained approximately 60 law enforcement officers on curriculum instruction. In addition, the LNP trained 33 law enforcement officers in February 2020. The LDEA trained 56 officers on identifying trafficking during their basic training from October 2019 to January 2020. In November 2019, the government, in collaboration with an international organization, trained 674 LIS officers. Nonetheless, officials and NGOs reported many labor inspectors, police, prosecutors, and judges remained largely unable to identify trafficking, which posed serious impediments to investigating and prosecuting such cases.

PROTECTION

The government increased efforts to identify and protect trafficking victims. The government improved its efforts to collect more comprehensive data and reported its identification of seven trafficking victims (two child forced labor and five child sex trafficking) and 60 potential trafficking victims, compared with two trafficking victims identified the previous reporting period. This increase was in part due to the large number of victims involved in investigations; for example, in one investigation the government identified 22 potential child victims en route to exploitation. Of the 60 potential victims, 56 were potential forced labor victims and one was a potential sex trafficking victim. The Ministry of Gender, Children, and Social Protection (MOGCSP) provided shelter to 25 potential child trafficking victims for three weeks before assisting with family reunification. While the government had standard operating procedures to identify trafficking victims, authorities reported the majority of law enforcement, immigration, and social services personnel lacked training on such procedures and, at times, identified some trafficking victims as victims of other crimes. Due to this lack of awareness of trafficking among authorities and communities, as well as insufficient government resources to identify trafficking victims, most trafficking victims remained unidentified. In October 2019, the government promulgated the national referral mechanism to direct victims to services and held a workshop in November 2019 in Ganta with relevant law enforcement agencies to discuss its use. The government held three training sessions on the referral mechanism for Ministry of Health (MOH) officials, prosecutors, legislators, and law enforcement officers between December 2019 and February 2020.

Police and community members generally referred trafficking victims to the MOGCSP. The anti-trafficking task force working group, of which the MOGCSP was a member, was responsible for coordinating victim care. Resource constraints limited services available to trafficking victims. The MOGCSP operated shelters in Lofa and Nimba for gender-based violence victims that trafficking victims could access. The MOGCSP occasionally reopened dormant shelters when there was a pressing need; when the LIS identified 22 potential child trafficking victims in September 2019, the MOGCSP reopened one of these shelters for three weeks. The MOGCSP shelters provided long-term care and social services. The government also operated the Liberia Children Village for child victims of neglect and abuse, which provided short-term shelter to 39 children, including potential trafficking victims, during the reporting period. In addition to the two shelters, the MOGSCP operated 12 transit centers that provided medical services and short-term accommodation, and the LNP operated one short-term accommodation center. In theory, each transit center had on staff at least one social worker, one nurse trained in sexual- and gender-based violence cases, and one police officer; however, resources allocated to each center varied. Most of the transit centers did not provide short-term accommodations. The MOH could provide limited medical and psycho-social services. LIS temporarily housed 28 Sierra Leonean potential trafficking victims identified at Roberts International Airport about to depart for Middle Eastern and Central Asian countries for domestic work in several alleged fraudulent recruitment cases. The government relied heavily on NGOs and private shelters when government shelters were unavailable but did not provide financial or in-kind assistance to those shelters. During the reporting period, the government referred an unknown number of child victims to NGO shelters; the government did not report whether it provided financial or in-kind assistance to the NGO. In 2017, MOGCSP embedded two social workers within the WACPS to assist women and children, including trafficking victims, and MOGCSP social workers continued to visit police precincts to coordinate cases. LNP provided food and other in-kind support to the police accommodation center. Shelter and services were available to both domestic and foreign victims. No shelter was available for adult male victims, although some MOGCSP and private shelters could accommodate young boys. Adult victims were only allowed to leave the shelters at will on an ad hoc basis. Shelters often could not protect victims' identities, and stays were limited, usually up to three months due to capacity. MOGSCP could arrange foster care for victims who required longer-term care. MOGSCP continued collaboration with NGOs through regular meetings of the Child Protection Network, which facilitated government-NGO partnership on child protection cases. The government coordinated with the Government of Sierra Leone to repatriate 28 Sierra Leonean potential trafficking victims identified in Liberia.

The government did not systematically encourage victims to participate in investigations and prosecutions of their traffickers but at times provided victim-witnesses support to offset the costs of participating in a trial. During the reporting period, the government provided some limited funding for transportation and lodging to assist victims' participation in prosecutions. In some cases, government officials personally paid for victims' transportation to court due to lack of government funds. The anti-trafficking law provided for restitution but courts did not issue

restitution in any cases during the reporting period. In addition, victims could file civil suits against their traffickers; no victims filed civil suits during the reporting period due to victims' low awareness this option was available to them. The government did not have a formal policy that provided alternatives to removal to countries in which victims would face retribution or hardship but could offer alternatives, including temporary residency, on a case-by-case basis. There were no reports the government penalized victims for crimes committed as a direct result of being subjected to trafficking; however, due to a lack of training on identification procedures, some victims may have remained unidentified within the law enforcement system.

PREVENTION

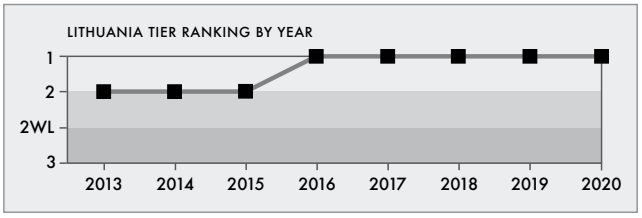
The government increased efforts to prevent trafficking in persons. The anti-trafficking task force continued to meet regularly. For the first time since 2014, the government allocated $50,000 to the anti-trafficking task force in the 2019-2020 budget published in October 2019; at the end of the reporting period, $25,000 had been disbursed to the task force. The government continued implementing activities under the 2019-2024 action plan approved in March 2019. In July 2019, the government organized public awareness activities around World Day Against Trafficking with participation of high-level officials such as the Minister of Labor, Commissioner of LIS, and Minister of Gender. In addition, the Ministry of Labor (MOL) and anti-trafficking task force secretariat conducted multiple outreach events between August and December 2019 to raise awareness among primary school teachers, community leaders, journalists, and others. In collaboration with NGOs, the MOL continued to staff an anti-trafficking hotline during business hours; the hotline received 2,220 calls during the reporting period, 14 of which were referred to the LNP and resulted in four investigations and the identification of a child forced labor victim. Similar to the previous reporting period, LNP visited popular beaches and entertainment centers in Monrovia known to have high instances of child sex trafficking, spoke with community groups, and distributed fliers to sensitize citizens on child protection issues. The government did not make efforts to reduce the demand for commercial sex. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Liberia, and traffickers exploit victims from Liberia abroad. Trafficking within the country from rural to urban areas is more prevalent than transnational trafficking, and the majority of victims are children. Traffickers recruit and exploit most trafficking victims within the country's borders in domestic servitude, forced begging, sex trafficking, or forced labor in street vending, in gold and alluvial diamond mines, and on small-scale rubber plantations. Traffickers typically operate independently and are commonly family members who promise poorer relatives a better life for their children or promise young women a better life for themselves, take the children or women to urban areas, and exploit them in forced labor in street vending or domestic service or sex trafficking. Traffickers are also often well-respected community benefactors who exploit the "foster care" system common across West Africa. While Liberian law requires parents to register children within 14 days of birth, only about 25 percent of births are registered. Although the government has made improvements in birth registration accessibility, continued lack of birth registration and identity documents increases individuals' vulnerability to trafficking. Orphaned children are vulnerable to exploitation, including in street vending and child sex trafficking. Some parents encourage their daughters' exploitation in commercial sex to supplement family income. Liberian nationals and—to a lesser extent—foreigners exploit children in sex trafficking in Monrovia. During the reporting period, traffickers allegedly compelled children to sell illicit drugs. In previous reporting periods, officials documented allegations of women in sex trafficking in Chinese-run hotels. Officials identified potential Chinese and Malaysian forced labor victims in the construction sector during the reporting period. Authorities identified suspected traffickers from Sierra Leone and Guinea operating in Liberia during the reporting period. Traffickers exploited a small number of Liberian men, women, and children in other West African countries, including Cote d'Ivoire, Guinea, Mauritania, Senegal, Sierra Leone, and Nigeria. During the reporting period, Thai authorities identified a Liberian trafficking victim in Thailand. In the past, traffickers exploited women from Tunisia and Morocco in sex trafficking in Liberia and Liberian women in forced labor in Lebanon and Finland.

LITHUANIA: TIER 1

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Lithuania remained on Tier 1. These efforts included authorities investigating more domestic trafficking cases; collaborating with foreign counterparts on more international trafficking investigations; and establishing an association of anti-trafficking NGOs to expand assistance to victims. Although the government meets the minimum standards, authorities prosecuted fewer suspects, convicted significantly fewer traffickers, and identified the lowest number of victims in five years. Shortcomings in victim protection during the investigation and trial process hampered law enforcement efforts, and concerns persisted that relevant agencies lacked the knowledge to recognize indicators of child trafficking. Additionally, authorities inconsistently implemented victim identification and referral mechanisms throughout the country, especially in rural areas.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate and effectively prosecute sex trafficking and labor trafficking cases and convict traffickers. • Proactively identify victims, particularly children, and provide training for authorities and child protective services officials. • Implement formal victim identification and referral mechanisms for victim assistance throughout the country, especially in rural areas. • Expand efforts to protect victims from threats and re-victimization during the investigation and trial of trafficking cases, including by developing clear procedures on how to protect victims. • Expand training for investigators and prosecutors on building trafficking cases, including collecting evidence to corroborate victim testimony. • Provide specialized services to child victims in foster care homes and mixed-use shelters. • Ensure victims have access to appropriate mental health professionals during the interrogation process. • Develop a more comprehensive data collection system, which disaggregates data, including by type of trafficking.

PROSECUTION

The government decreased law enforcement efforts. Articles

147 and 157 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 13 trafficking cases (six sex trafficking and seven labor trafficking, including forced criminality), compared with 11 in 2018, 35 in 2017, and 29 in 2016. Continuing a multi-year decline, the government initiated prosecutions of 24 suspected traffickers (31 in 2018, 54 in 2017, and 64 in 2016) and convicted 12 traffickers, a significant decrease from 44 in 2018 (20 in 2017, 23 in 2016). Nearly all traffickers received prison sentences with terms ranging from three to eight years and four months. Specialized prosecutors led the investigation and prosecution of trafficking cases in five municipalities. Government officials reported collecting adequate evidence remained a problem in prosecuting trafficking cases that occurred outside of Lithuania. The government collaborated with foreign counterparts in 42 international trafficking investigations (32 in 2018), including a sex trafficking case, which involved 118 victims and resulted in the arrest of 13 Lithuanian suspects living in Spain. The general prosecutor's office received no extradition requests (one in 2018) and issued three European arrest orders in trafficking cases (two in 2018). The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The general prosecutor's office organized four anti-trafficking training events for 30 specialized prosecutors, and the courts administration organized an anti-trafficking training for 27 judges. The Border Guards Service arranged anti-trafficking training events for 53 border officials. The Ministry of Interior organized anti-trafficking training events for more than 200 law enforcement officials in five cities.

PROTECTION

The government decreased protection efforts. Authorities identified 36 victims in 2019, the lowest number of identified victims in five years and a decline from 58 in 2018 and 60 in 2017. As in previous years, the government did not report the types of exploitation of victims, corroborating experts' concerns that the data collected across government agencies and civil society were inconsistent and did not provide a comprehensive picture of the trafficking situation. While authorities implemented formal victim identification and referral mechanisms for victim assistance, observers reported authorities in some parts of the country underutilized both and lacked the skills to identify victims. Amid reports indicating an increase in the exploitation of foreign workers, authorities identified six foreign victims in 2019 (none in 2018, 20 in 2017). Observers reported a decrease in rural areas of local officials' propensity to blame victims. Government-funded NGOs supported 224 trafficking victims and at-risk individuals (239 in 2018, 219 in 2017). The government allocated NGOs €165,000 ($185,390) for victim assistance programs, the same amount as in 2018; local governments did not report allotting funds to support trafficking victims in 2019, compared with €48,000 ($53,930) in 2018.

Experts raised concerns about inadequate protection and assistance measures for child trafficking victims. Authorities placed child victims in foster care homes or mixed-use shelters, as there were no shelters specifically for child trafficking victims. According to observers, child protective services struggled to identify child trafficking victims and refer them to care, especially in rural areas. In 2019, authorities identified four minors (three in 2018, eight in 2017). Child sexual abuse victims, including trafficking victims, could seek assistance in the government-operated national support center in Vilnius. The government placed Lithuanian female trafficking victims in municipal and NGO-facilitated shelters for victims of domestic violence and had the option to place foreign victims at a refugee reception center in Rukla. Law enforcement's shortcomings in adequately protecting victims during the investigation and the trial process, including the absence of clear policy, contributed to victims' reluctance to assist in cases. In particular, traffickers sometimes threatened victims as they were entering or exiting the courtroom and victims lacked access to mental health professionals during or after their interrogations by law enforcement. Legislation allowed foreign trafficking victims a 30-day reflection period to decide whether to cooperate with law enforcement; foreign victims cooperating with law enforcement could receive temporary residency. While the government provided legal representation to victims, observers reported attorneys had little experience with trafficking issues; as a result, NGOs often hired private attorneys for victims.

PREVENTION

The government increased prevention efforts. The government allocated approximately €183,000 ($205,620) to implement its 2017-2019 national action plan and maintained an interagency commission for coordinating anti-trafficking efforts. The commission reported a new action plan was in development for 2020. During the reporting period, the commission supported the establishment of a national anti-trafficking NGO association to expand assistance to victims and to advise on anti-trafficking laws, regulations, policies, programs, and implementations. Municipalities continued to finance and implement reforms to the institutional child care system with the goal to move all children from institutions to families by 2020; the minister of social affairs and labor signed a decree prohibiting the placement of new children into care at orphanages as of January 1, 2020. In cooperation with the United Kingdom (UK), the government developed migration policies to protect Lithuanian migrants; it also appointed a specialized trafficking police officer to serve as an attaché in the Lithuanian embassy in the UK. The government and NGOs participated in awareness-raising campaigns organized by the interior ministry in cooperation with regional municipalities, including informing victims and vulnerable groups of their rights and providing information on how to receive financial, health, and social care assistance. Additionally, the police organized an anti-trafficking awareness event in the municipality of Kaunas to inform residents about different forms of trafficking and assistance. The police advertised and managed an email account that the public could use to report potential trafficking situations and solicit advice. The government made efforts to reduce the demand for commercial sex acts, fining 16 individuals for buying sexual services. The Labor Inspectorate and police inspected construction sites to ensure employers were complying with the law regarding third country nationals and reported 26 illegally hired individuals as potential labor trafficking victims. The inspectorate noted labor inspectors lacked the skills to identify labor trafficking victims and subsequently organized five trainings for 60 new inspectors on how to identify recruitment practices known to facilitate human trafficking.

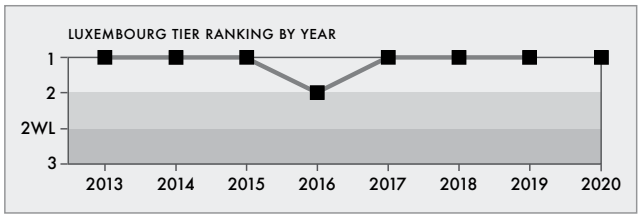
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Lithuania, and traffickers exploit victims from Lithuania abroad. Law enforcement reports the majority of trafficking cases involve Lithuanian trafficking networks that prey on Lithuanian victims. Traffickers exploit Lithuanian men and boys in criminal activities, such as shoplifting, and Lithuanian women and children in commercial sex in Western Europe and Scandinavia. They also continue to exploit women and girls in sex trafficking within the country. Authorities report an increase in the number of women recruited for brokered marriages abroad; these women are vulnerable to sex trafficking, domestic servitude, and forced labor. Reports indicate an increase in exploitation of foreign workers from Ukraine, Russia, and Belarus. Foreign

workers are at risk of labor trafficking as long-haul truck drivers, builders, ship hull assemblers, and welders. The 1,953 children institutionalized in approximately 97 child care institutions are vulnerable to trafficking.

LUXEMBOURG: TIER 1

The Government of Luxembourg fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Luxembourg remained on Tier 1. These efforts included increasing resources for victim assistance, increasing anti-trafficking training to all police recruits, increasing labor inspectors in the field, strengthening international anti-trafficking cooperation, and adopting a new action plan focused on responsible supply chains. Although the government meets minimum standards, the number of investigations and prosecutions declined, and courts continue to fully suspend prison sentences for convicted traffickers, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting nationwide efforts to fight trafficking.



PRIORITIZED RECOMMENDATIONS:

Sentence traffickers to significant prison terms and ensure convicted traffickers serve those sentences in practice. • Develop safeguards for victims to protect them against traffickers freed on suspended sentences. • Revise the trafficking law to clarify that force, fraud, or coercion are core elements of the crime of trafficking of adults rather than aggravating factors. • Increase trafficking training for judges. • Increase law enforcement efforts against labor trafficking. • Increase funding to NGOs to provide full-time availability for victim assistance. • Promote a victim-centered approach in child victim identification procedures. • Increase the number of labor inspectors in the field and grant them the power to proactively identify victims. • Include measurable outcomes in the national action plan to assess its progress. • Coordinate trafficking data collection and fund, maintain, and conduct trafficking research to create an evidence base for future policy decisions. • Establish a victim assistance hotline.

PROSECUTION

The government decreased law enforcement efforts. Luxembourg criminalized sex trafficking and labor trafficking through Articles 382-1 and 382-2 of the criminal code and prescribed penalties of three to 10 years' imprisonment and a fine for trafficking offenses involving adult victims and 10 to 15 years' imprisonment and a fine for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime.

In 2019, the government initiated nine investigations (six of forced labor and three of sex trafficking), compared with 10 investigations in 2018, and seven in 2017. The government initiated two prosecutions (six in 2018 and one in 2017) and convicted two for labor trafficking in 2019 (eight in 2018 and seven in 2017). Courts issued weak sentences for trafficking convictions, a perennial problem that undercut efforts to hold traffickers accountable and protect victims. The government fully suspended both the convicted labor traffickers' prison sentences. The Supreme Court rejected a trafficker's request for judicial review of their 2017 sentence. In a 2019 appeal of a 2018 case, a court upheld the conviction against the trafficker, but the sentence remained fully suspended. Law enforcement officials reported a new law on prostitution hindered investigators' ability to search private homes suspected of prostitution. The police organized crime unit responsible for investigating trafficking comprised 13 investigators. Through police reform efforts, the government maintained the two-person victim protection unit, which ensured separation between victim assistance and investigations. In 2019, the government continued to provide anti-trafficking training to police, prosecutors, and judges. All 100 new police recruits received anti-trafficking training per mandated curriculum. Medical examiners from the government's unit for the documentation of injuries received anti-trafficking training. Police and investigators continued to participate in an ongoing labor trafficking investigation with Belgium involving five suspects in five companies and initiated one new sex trafficking investigation with Germany involving six suspects. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased efforts to protect victims. Authorities identified nine trafficking victims (six forced labor victims and three sex trafficking victims), compared with 14 in 2018, and 11 in 2017. All were foreign citizens, including seven women and two men. Two foreign victims were exploited in another country but received assistance in Luxembourg. Although NGOs reported labor inspectors continued to be chronically understaffed, the labor inspectorate increased its staffing in 2019; the number for field inspectors increased to 29 compared with 22 in 2018. The majority of labor inspectors received anti-trafficking training. In 2019, the government hired additional labor inspectors who were undergoing new recruit training. The government's national rapporteur on trafficking reported the labor inspectorate did not identify any victims despite investigations in highly vulnerable areas such as construction, domestic work, catering, and transportation. Labor inspectors did not have clear victim identification protocols and are not able to identify victims under Luxembourg law, but an increased number of inspectors received training and helped in victim detection by referring cases to law enforcement; the government's ratio of field inspectors to workers is less than half of the ILO's recommendation for highly industrialized countries.

All victims received assistance from government-funded shelters. The government utilized a national mechanism for victim referral and provided €359,420 ($403,850) to the two NGOs responsible for coordinating trafficking victim care, an increase from the 2018 amount of €286,270 ($321,650). The two NGOs continued to operate a maximum combined total of 60 hours per week; the limited operating hours continued to cause delays in victim assistance and hindered proactive operations. When the government identified victims outside operational hours, police could directly refer adult female and child victims to shelters; adult male victims could be housed temporarily in hotels until longer-term housing could be identified. Adult male victims could receive the same access to long-term accommodation and other victim services as adult female and child victims. Victims could leave the shelters

unchaperoned and at will during opening hours of their respective shelter. The government also provided €7.5 million ($8.4 million) to assistance centers that provided shelter and assistance to adult female and child victims of crime, including trafficking victims, compared with €6.8 million ($7.64 million) in 2018. The government further provided €98,860 ($111,080) to an NGO responsible for coordinating male trafficking victim care.

The government had legal alternatives to removal to countries in which victims would face retribution or hardship. Victims were entitled to a 90-day reflection period to decide whether they wanted to testify, during which EU citizens could work. Upon expiration of the reflection period, the government could issue a foreign victim either temporary or permanent residency status, which conferred the right to work, depending upon the victim's willingness to cooperate with law enforcement and whether the victim was an EU national. Victim assistance was not contingent on cooperating with an investigation; however, the police had the sole authority to officially identify a victim and refer to government assistance. Victims who refused to cooperate with police did not benefit from a temporary authorization to stay, but otherwise received the full range of assistance. In December 2019, Luxembourg, the Netherlands, and Belgium signed a declaration of intent to strengthen their joint efforts in combating trafficking in persons, particularly to protect non-EU victims exploited in a territory other than that of the country where they seek help and assistance. Victims could participate in a witness protection program to ensure their security before, during, and after a trial. Victims could claim restitution from the government and file civil suits against traffickers. The government granted one victim restitution of €2,000 ($2,250) during the reporting period.

PREVENTION

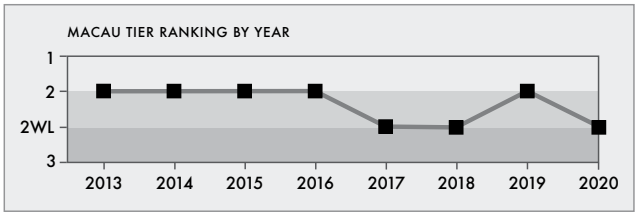
The government maintained prevention efforts. The government's inter-ministerial trafficking committee, chaired by the Ministry of Justice met five times in 2019 (four in 2018), to coordinate anti-trafficking efforts and the national action plan. Some observers noted the government fragmented responsibilities between numerous ministries with little centralized communication, however, the government reported no issues. For example, three separate ministries coordinated funding for male, female, and child shelters. GRETA reported the national action plan, endorsed in 2016, is vague, lacked a timeframe on meeting objectives, and did not allocate any resources. In 2019, the government budgeted €15,000 ($16,850) to fund awareness activities compared to the same amount in 2018. The Advisory Committee on Human Rights served as the independent rapporteur and produced its second biannual report in 2019. In 2019, the government trained an increased number of civil servants by offering its basic and advanced level anti-trafficking courses. The government continued its annual multi-faceted awareness campaign across media and news outlets and initiated a new campaign with the EU. The independent rapporteur reported the need to coordinate data collection across stakeholders. The government made efforts to reduce the demand for participation in international sex tourism by funding an NGO for local awareness campaigns focused on the prevention of child sex tourism. The government encouraged, but did not require, diplomats to attend anti-trafficking training. Labor laws allowed for recruitment fees but criminalized excessive amounts. In December 2019, the government adopted its 2020-2022 national action plan on implementing the UN Guiding Principles on Business and Human Rights, which seeks to prevent forced labor in private sector supply chains. The government did not make efforts to reduce the demand for commercial sex acts, but criminalized soliciting a sex trafficking victim. The government did not operate a victim assistance hotline.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Luxembourg. Traffickers exploit victims from Europe, Africa, Asia, and South America in sex trafficking operations in cabarets, private apartments, and on the street. Increasingly, traffickers engage in forced labor crimes, sometimes involving Chinese, Pakistani, or eastern or southern European men, women, and children in various sectors, including restaurants and construction. Traffickers transport Romani children from neighboring countries for forced begging in Luxembourg. Groups vulnerable to traffickers' illicit schemes include migrant workers in domestic work, catering, construction, and begging, as well as unaccompanied foreign children and people in Luxembourg's legal and illegal commercial sex industry.

MACAU: TIER 2 WATCH LIST

The Government of the Macau Special Administrative Region of the People's Republic of China does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included training numerous police, customs, and social welfare officials; convicting three sex traffickers; funding a campaign to raise awareness through advertisements on public transportation; and continuing to fund services available to victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Concerns remained that traffickers exploited victims in Macau, especially in commercial sex; however, the government investigated only one potential case, did not provide assistance to any victims, and did not initiate any prosecutions or sentence convicted traffickers to significant terms of imprisonment. Therefore Macau was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Significantly increase proactive victim identification, especially among vulnerable populations such as migrant workers and persons in commercial sex. • Significantly increase efforts to investigate, prosecute, and convict sex and labor traffickers, including those operating in casinos and other entertainment establishments. • Ensure victims are referred to and receive protective services. • Sentence convicted traffickers to significant prison terms. • Provide training on the use of the trafficking law to prosecutors and judges. • Increase efforts to screen for and identify labor trafficking and male victims. • Institute a minimum wage for foreign domestic workers.

PROSECUTION

The government's anti-trafficking law enforcement efforts remained static. Law 6/2008 in the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 15 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Authorities initiated one investigation in 2019, a decrease compared with one sex trafficking and two labor trafficking investigations in 2018.

The government did not initiate any prosecutions, a decrease compared with two prosecutions in 2018. In two cases from 2015 and 2016, the government convicted three sex traffickers who were sentenced to suspended terms of imprisonment, compared with two sex trafficking convictions in 2018. However, authorities used procurement statutes and did not convict any cases under the trafficking statute. Judges reportedly believed a victims' initial consent was sufficient evidence to prove a trafficking crime did not occur, which led to trafficking cases being pursued under other crimes. The government reported that victims were often unwilling to participate as witnesses in cases against their traffickers, which also affected the success of trafficking prosecutions. Following a media report documenting the prevalence of sex trafficking in nightclubs and casinos, the government reported initiating an investigation into the allegations. The government continued to include a trafficking component in mandated training for new police and customs recruits and provided additional training when officials were promoted. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

PROTECTION

Authorities maintained minimal efforts to protect trafficking victims. Although the government investigated one trafficking case, it did not report identifying or providing services to any victims in 2019, compared with one sex trafficking victim identified in 2018. The government has never identified labor trafficking victims in Macau. Authorities had formal victim identification procedures, an operational referral process, and standardized screening questionnaires that could guide law enforcement, immigration, and social services personnel to screen individuals vulnerable to trafficking, including persons in commercial sex and migrant workers. The social welfare bureau (SWB) provided a training on victim identification and service procedures for its emergency outreach team. Officials distributed questionnaires to suspected illegal workers to promote self-identification but did not identify any victims of forced labor through these efforts. In previous reporting periods, officials referred child victims to a government-funded NGO that offered shelter, counseling, and economic and medical assistance; however, authorities did not refer any victims to the shelter during the reporting period. SWB designated shelters for female and male trafficking victims but did not report providing shelter to any adult victims. The government allocated approximately 1.72 million patacas ($215,875) for victim protection services, including allocations to NGOs for service provision at shelters, compared with 1.77 million patacas ($221,250) allocated in 2018. In addition, the government reserved a budget of 39,600 patacas ($4,950) under an agreement with an international organization for repatriation assistance, but it did not assist any victims through the agreement during the reporting period. The government operated and publicized a trafficking hotline for the public and potential victims to seek assistance; nonetheless, the government did not report identifying any victims through the hotline. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to a lack of sufficient screenings, some potential victims may have remained unidentified within the law enforcement system. The government continued efforts to finalize a standard operating procedure for ensuring safe repatriation of foreign victims. The government offered temporary residency to non-resident victims, which allowed victims to seek employment while authorities pursued cases against their traffickers. In cases in which a victim faced retribution or hardship in their home country, authorities reported a policy that provided permanent residency on the basis of "well-founded humanitarian reasons," although no victims benefited from this policy.

PREVENTION

Authorities maintained efforts to prevent trafficking. The interagency Human Trafficking Deterrent Measures Concern Committee, led by the security bureau, coordinated Macau's anti-trafficking efforts. The government allocated 3.24 million patacas ($405,000) to the committee for anti-trafficking activities in 2019, compared with 3.7 million patacas ($462,000) allocated in 2018. SWB funded a public awareness campaign on public transportation and funded an anti-trafficking awareness event for university students. The government ran trafficking awareness videos at all border checkpoints. The government disseminated television commercials, online videos, as well as pamphlets and posters in several different languages to raise awareness of trafficking. The Labor Affairs Bureau (LAB) designed a leaflet in three languages covering the prevention of forced labor, which the government planned to distribute in offices of the Immigration Department in 2020. Authorities held labor rights seminars for students and migrant workers, including those in the domestic helper and construction industries. There was no minimum wage established for foreign domestic workers, a situation which may have increased their vulnerability to labor trafficking. LAB adjudicated the labor dispute cases of 1,729 migrant workers and conducted inspections at 33 construction sites and 213 employment agencies for labor violations. The government did not make efforts to reduce the demand for commercial sex acts or provide anti-trafficking training to its personnel posted overseas.

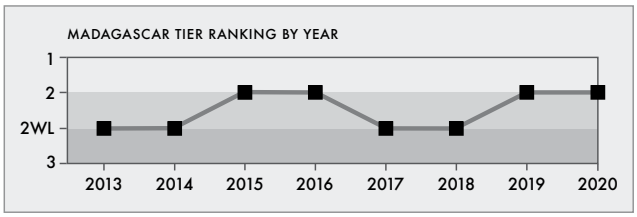
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Macau. Sex trafficking victims originate primarily from mainland China, Russia, and Southeast Asia. Traffickers recruit victims utilizing false advertisements for jobs such as singing and modeling, or work in casinos. Victims are compelled into commercial sex in massage parlors, illegal brothels, nightclubs, entertainment establishments in casinos, hotels, and private homes where they are closely monitored, threatened with violence, forced to work long hours, and sometimes have their identity documents confiscated. Migrant construction and domestic workers may be vulnerable to exploitation in forced labor. Some employment agencies overcharge migrant domestic workers recruitment fees and withhold workers' passports, potentially leading to debt-based coercion. Some brokers bring foreign workers to Macau to renew work visas for other countries while restricting their movement and withholding their passports.

MADAGASCAR: TIER 2

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Madagascar remained on Tier 2. These efforts included convicting traffickers for the first time since 2016; funding the repatriation of victims of trafficking; and increasing the number of campaigns to raise awareness of human trafficking. The National Office to Combat Human Trafficking established a new hotline to report human trafficking and dedicated staff to receive incoming calls. The government, in partnership with an international organization, also established a new, specialized center for gender-based violence victims, including trafficking victims, in Antananarivo. However, the government did not meet the minimum standards in several key areas. The government investigated fewer trafficking cases, identified fewer victims, and provided protective care to significantly fewer victims during the reporting period. Despite continued reports of alleged complicity during the year, the

government did not hold any complicit officials accountable and did not investigate reports of officials facilitating child sex trafficking or the dismissal of trafficking cases. Efforts to address internal trafficking crimes, including domestic servitude, forced begging, and sex trafficking of children, remained inadequate.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses and convict traffickers, including complicit officials and perpetrators of internal trafficking crimes. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Institutionalize the training of front-line officials on case investigation and the use of standard operating procedures for the identification and referral of victims to appropriate services. • Systematically and proactively identify and refer trafficking victims to appropriate care, especially victims of internal trafficking, including domestic servitude, forced begging, and sex trafficking of children. • Amend the 2014 anti-trafficking law to ensure that the penalties prescribed for adult sex trafficking are commensurate with those prescribed for other serious crimes, such as rape and/or kidnapping. • Finalize, adopt, and provide appropriate funding to implement a national action plan to drive national efforts to combat all forms of trafficking. • Establish and implement strong regulations and oversight of recruitment companies, and improve enforcement, including by prosecuting those involved in fraudulent labor recruitment. • Increase migrant worker protections by prohibiting recruitment fees charged to migrant workers and requiring minimum salaries, pre-departure training, a mutually enforceable standard contract, a complaints mechanism for returning workers, and a public blacklist of abusive employers. • Improve coordination between law enforcement and prosecutors/investigating judges, including regular case conferencing and conducting prosecution-led investigations. • Improve the national identification system, including a database and anti-fraud features, to prevent child sex trafficking through issuance of fraudulent documentation. • Utilize the national centralized anti-trafficking data collection and reporting tool to improve data collection, distinguishing between trafficking and other crimes, including the number of victims identified, cases investigated and prosecuted, and the number of convictions. • Increase efforts to raise public awareness of all forms of trafficking, including internal trafficking. • Collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse, including through bilateral labor agreements.

PROSECUTION

The government demonstrated mixed anti-trafficking law enforcement efforts. The government convicted traffickers for the first time since 2016, but did not address reports of official complicity in trafficking crimes, which continued during the reporting period. Law No.2014-040 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to five years' imprisonment and a fine of one million to 10 million Malagasy ariary (MGA) ($280 to $2,760) for offenses involving an adult victim, and five to 10 years' imprisonment and a fine of two million to 20 million MGA ($550 to $5,510) for those involving a child victim. These penalties were sufficiently stringent. For offenses involving children, with respect to sex trafficking, these penalties were commensurate with those prescribed for other serious crimes, such as rape; however, offenses involving adult sex trafficking were not commensurate with those prescribed for other serious crimes.

National statistics on prosecutions and convictions remained difficult to obtain and verify, and the government did not maintain a national database for trafficking crimes. The government reported initiating trafficking investigations involving at least 16 possible suspects in 16 cases. For comparison, the government initiated investigation of at least 74 suspects in 34 cases in the previous reporting period. The government reported initiating the prosecution of one case, involving seven suspected traffickers charged with taking Malagasy women to China for the purpose of exploitation, compared with the prosecution of 56 alleged traffickers in 20 cases in 2018. The government did not report initiating prosecutions of any other investigated cases or provide updates on ongoing cases. The Anti-Corruption Court (PAC) of Antananarivo, whose mandate included trafficking cases that were transnational or involved criminal networks or fraudulent documents, tried the case in October 2019 and convicted six of the seven alleged traffickers, compared with zero convictions since 2016. The PAC sentenced five traffickers to five years' imprisonment and one trafficker to three years' imprisonment. Efforts to investigate and prosecute internal trafficking crimes, including domestic servitude, forced begging, and child sex trafficking, remained inadequate compared to the scale of the problem, and officials continued to frequently conflate trafficking and smuggling.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Furthermore, procedures stating that a government official cannot be arrested without authorization from the official's supervisor impeded holding complicit officials accountable for trafficking crimes. Observers reported some government officials continued to help Malagasy nationals obtain fraudulent travel documentation to circumvent the 2013 travel ban. Observers also alleged that a network of government officials continued to produce false identity documents used to facilitate child sex trafficking, especially in coastal areas like Nosy Be; however, the government did not report initiating an investigation into these continued allegations.

The government facilitated and led six trainings in six cities, funded by an international organization, to educate 60 law enforcement officials, gendarmes, and judges on anti-trafficking legislation. The government also facilitated and led one training, funded by an international organization, for 50 new cadets from the national police school in Antananarivo, which included basic human trafficking training. This was an overall decrease in training, compared with the government training 264 officials on victim-centered investigations and the national victim identification and referral mechanism, with assistance from international organizations, in the previous reporting period. Despite these training efforts, the government did not institutionalize anti-trafficking training and some police, immigration officers, prosecutors, and judges continued to lack a clear understanding of trafficking, which hampered law enforcement and victim identification efforts. Coordination and information sharing between the public prosecutor's office and police were inadequate and continued to hinder case progression. In December 2019, the government, in partnership with an international organization, approved an interagency agreement between the justice system, the national police, and the national gendarmerie to establish a protocol for effective coordination on trafficking cases; however, the different agencies had not signed the agreement and did

not report cases of its implementation during the reporting period. Judges sometimes received high-level instructions to release accused sex offenders, some of whom may have been traffickers, who were often, but not always, foreign citizens. Due to lengthy judicial processes and a lack of implementation for victim protections in criminal proceedings, victims and families often chose to settle conflicts, including trafficking crimes, through informal family mediations at the local level. Victims were often reluctant to file charges due to fear of reprisals. With support from an international organization, the government has had access to a national centralized anti-trafficking data collection and reporting tool since 2016; however, the government has never utilized this tool.

PROTECTION

The government maintained victim protection efforts. Due to a lack of coordinated data collection at the national level, the government did not report comprehensive data. The government reported identifying at least 111 victims of trafficking during the reporting period, compared with 85 victims and 64 potential victims identified in the previous reporting period. The government funded airfare and local transportation to assist the repatriations of 68 Malagasy women from Kuwait as part of an ongoing case, compared with 177 victims repatriated in the previous reporting period. The government reportedly provided various forms of assistance to at least 103 trafficking victims, a decrease compared to 221 assisted last reporting period. NGOs and international organizations reported identifying and assisting at least 1,808 victims, providing various victims with protective services, including medical care, social reintegration assistance, and hotel accommodations; the government did not provide funding or in-kind support for these services.

Contrary to reporting from last year, the government did not have official standard operating procedures (SOPs) to proactively identify trafficking victims and refer then to care that were disseminated and implemented nationally; instead, there were disparate SOPs across different ministries. These procedures did not include methods to proactively screen vulnerable groups to identify potential trafficking victims or a list of assistance organizations to which victims should be referred. Additionally, the government did not distribute these procedures and their use was limited outside of Antananarivo. The Ministry of Population, in collaboration with an international organization, continued to coordinate more than 700 child protection networks across the country to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims of crime, including trafficking. However, due to lack of resources, only about 400 child protection networks provided basic assistance through public hospitals and health units, and most of the networks referred the victims to international organizations and NGOs for additional assistance. Through referral from the child protection networks, an international organization assisted 1,666 children (860 girls and 806 boys), including victims of sexual exploitation and the worst forms of child labor, both including child trafficking. The Mitsinjo Center, a government-owned, trafficking-specific temporary shelter for repatriated adult victims, sheltered at least 12 victims during the reporting period with support from an international organization. Four government hospitals had “one-stop” victim support centers that offered assistance to child victims of various abuses, including sex trafficking; the one-stop support centers, located in Antananarivo, Toamasina, Mahajanga, and Nosy Be, offered victims medical assistance, psychological support, and access to police and social workers, but the government did not report how many victims received assistance at these facilities. The Ministry of Population, in partnership with an international organization, continued to operate a foster care program for exploited children in Nosy Be; the government did not provide statistics on the number of available foster families or beneficiaries, compared with 10 participating families hosting 18 children in the previous reporting period. The government continued to operate and fund the Manjary Soa Center in Antananarivo, which received 35 children who had been removed from situations of forced labor and sex trafficking. This center provided vocational training or reintegration into the public school system. The city of Antananarivo continued to manage an emergency center for child victims of crime, including domestic servitude, and forced begging victims, who were frequently referred by the Morals and Protection of Minors Police Service; the city, in partnership with an international organization, provided food, lodging, psychological and medical aid, and educational services. In November 2019, the government, in partnership with an international organization, established a new, specialized center for gender-based violence victims, including trafficking victims, in Antananarivo. The center provided free psychological support, medical care, and legal assistance; the government did not report the number of trafficking victims assisted during the reporting period.

The Ministry of Foreign Affairs systematically informed the Ministry of Population when victims were in the process of repatriation; in turn, the Ministry of Population continued to contact victims upon their return and offer assistance, but reports indicated some victims were reluctant to work with the government. The 2014 anti-trafficking law required authorities to consider legal alternatives for foreign trafficking victims who believe they may face hardship or retribution if returned to their country of origin, but the government did not report providing this protection to victims during the reporting period. There were occasional reports that the government arrested or punished trafficking victims for unlawful acts traffickers compelled them to commit; police would sometimes arrest underage girls for prostitution crimes without screening for trafficking and would sometimes temporarily keep potential transnational labor trafficking victims in police stations due to a lack of alternative accommodations. To prevent retaliation from suspected traffickers, trafficking trials could be held in private or by camera for the sake of the victim or witness confidentiality and privacy; however, the government did not report doing so during the reporting period. While the 2014 anti-trafficking law entitled victims to restitution, for the sixth consecutive year, the government did not implement this provision

PREVENTION

The government maintained efforts to prevent trafficking. The National Office to Combat Human Trafficking (BNLTEH), which led the government’s national anti-trafficking efforts, received a dedicated budget of 410.9 million ariary ($113,280) for administrative expenses and 90 million ariary ($24,810) for anti-trafficking programs for 2020, an increase compared with 370 million ariary ($102,010) for administrative expenses and 90 million ariary ($24,810) for anti-trafficking programs in 2019. The anti-trafficking national action plan expired in 2019, and the government did not allocate funding to implement the national action plan during the reporting period. BNLTEH began drafting a new national anti-trafficking policy to replace the expired national action plan; the draft policy was awaiting final review by BNLTEH board members at the end of the reporting period. The government conducted several public awareness campaigns, compared with zero in the previous reporting period. BNLTEH organized one awareness-raising conference that targeted law students in Antananarivo and partnered with an international organization to develop a permanent video broadcast on the risks of dangerous migration and human trafficking that played in Ivato International Airport. The Ministry of Civil Service, Administrative Reform, Labor, Employment, and Social Law conducted awareness campaigns focused on child domestic work in several low-income

areas that included training 80 community leaders on their responsibility to prevent and report cases of child domestic labor. The government also partnered with an international organization to conduct an awareness campaign on child labor and forced labor in vanilla production. BNLTEH established a hotline to report human trafficking and dedicated staff to receive incoming calls; however, calling the hotline was not free of charge. The government reported receiving five calls to the hotline during the reporting period; however, the calls were not related to trafficking. In partnership with an international organization, the government continued operation of a national toll-free hotline to report child abuse. The government reported identifying 27 cases of child exploitation from the hotline during the reporting period; however, the government did not provide specific details related to potential trafficking, compared to the identification of nine cases of forced child labor in domestic service and one case of child sex trafficking in the previous reporting period. As in the previous reporting period, the government did not report providing assistance to the victims identified through the hotline.

A 2013 ban on migrant worker travel to unspecified countries the government considered high-risk remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Comoros, Ethiopia, Kenya, Mauritius, and Seychelles. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, the government continued its suspension of all existing accreditations for placement agencies and, thus, its prohibition of recruitment of workers for employment abroad. These prohibitions on migrant workers continued to leave Malagasy with no legal means to travel abroad for work and therefore without access to protection mechanisms available through authorized travel, subsequently increasing their vulnerability to trafficking and blackmail. In September 2019, the Ministry of Public Security (MPS) announced more stringent control of travel justifications for Malagasy women departing from the airport, in an effort to identify and stop those leaving the country through unregulated channels to banned destinations. In practice, this impeded women from traveling freely and decreased border police understanding of indicators of trafficking that involved more than a person's intended destination and their possession of travel documents. MPS officials later clarified and reversed this policy. The Ministry of Labor, Employment, Civil Service, and Social Laws continued to oversee the process of migrant workers traveling to non-Gulf countries by requiring contract approval by the relevant Malagasy embassy. The government did not make progress on the effort to set up a tripartite agreement between the government, placement agencies, and vocational training centers. In January 2020, the Ministries of Foreign Affairs and Labor finalized but did not sign bilateral labor agreements, developed in the previous reporting period, with Comoros, Kuwait, Lebanon, Mauritius, and Saudi Arabia.

The government maintained efforts to reduce the demand for commercial sex acts, including child sex tourism. In 2019, the Ministry of Tourism (MOT), in partnership with international organizations, monitored the commitment of the approximately 1,000 tourism operators in 12 regions who had previously acceded to the tourism code of conduct against commercial child sexual exploitation and sex tourism. MOT conducted an unknown number of compliance inspections in the Boeny and Diana regions to ensure that operators were adhering to the code, compared with 178 compliance investigations in 2018. The government did not report if any operators were in violation of the code or the steps that were taken to rectify noncompliance. During the reporting period, 25 new tourism operators in the Diana region signed the code. MOT conducted hotel inspections to remind hotels of their obligation to display posters in their reception areas publicizing the prohibition of child sexual exploitation; the government also maintained such billboards at airports as a warning for tourists. MOT, in partnership with NGOs, continued to disseminate pamphlets to tourists reminding them that child sex trafficking was illegal. However, despite the continued prevalence of sex tourism, the government did not report any prosecutions or convictions for sex tourism, and reports of official complicity in such crimes continued. The government did not provide anti-trafficking training to diplomats.

TRAFFICKING PROFILE

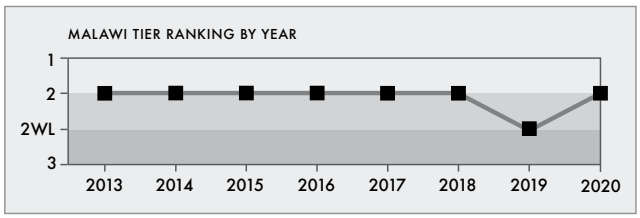
As reported over the past five years, human traffickers exploit domestic and foreign victims in Madagascar, and traffickers exploit victims from Madagascar abroad. Traffickers exploit Malagasy children, mostly from rural and coastal regions and from impoverished families in urban areas, in child sex trafficking and forced labor in domestic service, mining, fishing, and agriculture across the country. The prevalence of child forced begging has increased in Antananarivo; reports indicate that traffickers force children, including disabled children, to work for long hours and in dangerous conditions, frequently at the behest of their parents. Most child sex trafficking occurs in tourist destinations, urban cities, vanilla growing regions, and around formal and informal mining sites with the involvement and encouragement of family members; however, tourist operators, hotels, taxi drivers, massage centers, and local adults in commercial sex also facilitate this crime. Traffickers continue to exploit girls as young as 13 years old in child sex tourism in Nosy Be and other coastal areas. Malagasy men exploit the majority of child sex trafficking victims. The majority of foreign child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians. Traffickers fraudulently recruit some children for work in Antananarivo and Mahajanga as waitresses and masseuses before exploiting them in child sex trafficking. Traffickers continue to abuse traditional practices of arranged marriage, bride purchase, and girl markets to exploit girls in child sex trafficking. Government officials are reportedly complicit in obtaining falsified national identity cards that facilitate child sex trafficking in Madagascar and forced labor in domestic service of Malagasy women abroad. Previous reports indicated child sex trafficking of boys was becoming more prevalent. Forced labor persisted in the context of "dinas," which were informal arrangements for payment or in response to wrongdoing and a way of resolving conflicts or paying debt; these arrangements persisted because authorities did not effectively enforce the law.

Many Malagasy women are employed as domestic workers in China, Lebanon, Kuwait, and Saudi Arabia, and media reports that informal placement agencies are still attempting to circumvent the 2013 ban against sending workers to the Middle East by routing them via Comoros, Ethiopia, Kenya, Mauritius, and Seychelles using tourist visas. Traffickers acting as agents in labor recruitment agencies send Malagasy women to China with falsified identity cards, where they are exploited in forced labor or sold as brides. Traffickers and employers may exploit Malagasy men in forced labor in the services and construction industries in the Middle East and in domestic service in China. Suspending accreditation of placement agencies has led to employers and traffickers increasingly targeting migrant workers for blackmail or solicitation of bribes. Reports indicate traffickers and employers exploit Malagasy workers in Gulf States using various forms of abuse, such as physical violence, salary withholding, and confiscation of passports.

MALAWI: TIER 2

The Government of Malawi does not fully meet the minimum standards for the elimination of trafficking but is making significant

efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Malawi was upgraded to Tier 2. These efforts included increased prosecutions and convictions of traffickers. The government identified more trafficking victims and referred them to protective services, launched standard operating procedures (SOPs) and a national referral mechanism (NRM) for victim identification and assistance, and allocated money to the anti-trafficking fund. It coordinated with a foreign government and used the anti-trafficking fund to repatriate victims, and it also used the fund to support training for frontline officials and awareness campaigns. The government launched the second district-level anti-trafficking coordination structure in Phalombe, a district bordering Mozambique where trafficking risks are high. In coordination with an international organization, the government launched an awareness campaign at the national level, increased funding and hired more labor inspectors, and approved new labor recruitment regulations in alignment with the Trafficking in Persons Act. However, the government did not meet the minimum standards in several key areas. The government did not collect adequate prosecution and victim referral and protection data for trafficking cases. Credible reports of official complicity continued to impede the government's efforts to combat trafficking, including allegations some police and immigrations officers were complicit in aiding traffickers that exploited Nepali women in Malawi. The government transferred a whistleblower police officer to a remote part of the country, allegedly to prevent the officer from further investigating and reporting on official involvement in the case. In two sensitive cases, judges granted traffickers bail, and, in one case, there were credible reports the trafficker continued to recruit women for labor trafficking in the Middle East while awaiting trial. Furthermore, several of his victims who were repatriated from Kuwait were retraumatized by seeing him in town. The government did not investigate or hold any complicit officials criminally accountable despite these credible allegations. The U.S. Department of State suspended the A-3 visa sponsorship privileges afforded to Malawi bilateral mission members as a result of an unpaid default judgement rendered against a former Malawian diplomat by a federal district court in 2016 for trafficking. During the reporting period, the diplomat continued to fail to pay the outstanding judgement, and the government had yet to report taking any further action to hold the diplomat accountable.



PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute sex and labor traffickers and appropriately sentence convicted traffickers under the 2015 law, including government officials complicit in such crimes. • Improve and expand the collection of prosecution and victim protection data for trafficking cases, specifically the number of victims referred and provided protective services. • Ensure victims are protected from further exploitation, and refer them to available services. • Increase the availability of shelters and protection services for victims, including through in-kind or material support to NGOs for expansion of direct service provisions. • Support training and increase funding for judges, prosecutors, labor inspectors, and police to identify, investigate, and prosecute trafficking crimes. • Enter lists of shelters for trafficking victims in the official gazette in order for the law to be fully operational. • Increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints.

PROSECUTION

The government demonstrated mixed law enforcement efforts. The 2015 Trafficking in Persons Act criminalized sex trafficking and labor trafficking, and prescribed punishments of up to 14 years' imprisonment for offenses involving an adult victim and up to 21 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. In 2019, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from 11 of Malawi's 34 district-level police stations, compared with data from seven district-level police stations during the previous reporting period. MPS reported it arrested 48 suspects, prosecuted 30 alleged traffickers, and convicted 30, compared with 32 suspects arrested, 16 traffickers prosecuted, and 16 convicted during the previous reporting period. Among those arrested, one trafficker was later released on bail, and his alleged co-conspirator, who was known to law enforcement, remained at large at the close of the reporting period. The government reported the sentences of two traffickers under the anti-trafficking law, the first to five years' imprisonment and the second to seven years and six months' imprisonment for unknown types of exploitation. The government did not report sentencing data or what type of exploitation occurred in the other cases. Widespread corruption coupled with a lack of capacity and resources led to minimal documentation and poor data collection on trafficking cases. Some police and immigration officers were complicit in aiding traffickers that exploited Nepali women in Malawi. An observer reported that the government transferred an effective police investigator to a remote part of the country, allegedly to prevent the officer from further investigating and reporting on official involvement in the case. During the previous reporting period, experts reported that several police, health, and immigration officials were complicit in cases where Malawians were exploited in Kuwait and Iraq. The government arrested the alleged trafficker that facilitated the exploitation of women in the Middle East through a fraudulent recruitment scheme; however, the judge granted him bail, and observers reported that he continued to advertise for his fraudulent recruitment scheme while awaiting his trial. Some trafficking survivors who were repatriated from Kuwait were retraumatized when they saw the man in their local community. Law enforcement officers regularly failed to screen individuals engaged in commercial sex for trafficking indicators and were allegedly complicit in sex trafficking crimes by arresting and charging girls and women in commercial sex if they did not provide free sexual services to the arresting officer. Furthermore, officers often made little effort to discern the age of individuals in commercial sex or investigate such cases as child sex trafficking crimes, despite indications children were exploited. The Ministry of Homeland Security, which includes MPS and immigration officials, maintained primary responsibility for the prosecution of trafficking crimes and enforcement of trafficking laws. In September 2018, the Minister of Homeland Security designated by Gazette Notice all police, immigration, and labor officers as enforcement officers of the 2015 anti-trafficking act.

The Ministry of Homeland Security, in partnership with an international organization, trained 82 judicial officers in a colloquium on trafficking and conducted consultations for law enforcement agencies on a coordinated approach in data management and reporting. In coordination with an international organization, the government also trained 81 trafficking data collection officers from the Ministry of Labor, the Department of Immigration, the Ministry of Gender, the Ministry of Homeland Security, the Malawi Police Service, and the judiciary. It also

trained 153 law enforcement officers on the new SOPs on victim identification and the NRM and held a workshop to review a new police recruit training manual on trafficking in persons, which included 36 police and immigration officers. The MPS retained anti-trafficking training in its curricula for the Limbe, Mtakata, and Mlangeni Police Training Schools and Zomba Police College, and human trafficking was a topic of continuing education lectures. The government, in coordination with an international organization, conducted a training of trainers on the anti-trafficking act for 40 officials from the police service, Department of Immigration, Ministry of Foreign Affairs, Ministry of Labor, Ministry of Gender, Ministry of Homeland Security, the Human Rights Commission, media, and civil society. With support from an international organization, the government coordinated the third cross-border collaboration forum meeting on migration and trafficking in persons and held a cross-border forum with the Government of Zambia in Mchinji, and it participated in a tripartite meeting on migration with Zambia and Mozambique, which included trafficking in persons.

In April 2019, the U.S. Department of State suspended the A-3 visa sponsorship privileges afforded to Malawi bilateral mission members as a result of an unpaid final default judgment for approximately $1.1 million rendered in November 2016 by a federal district court in a civil human trafficking case involving a domestic worker who sued her former employer, a former Malawian diplomat, for trafficking. The former diplomat left the United States in 2012. During the reporting period, the diplomat continued to fail to pay the outstanding default judgment, and the government has yet to report taking any further action to hold the diplomat accountable. The government partnered with neighboring governments and an international law enforcement organization to increase investigative capacity of law enforcement through an intelligence-driven operation.

PROTECTION

The government increased protection efforts. The government identified 140 trafficking victims, a slight increase from 132 identified during the previous reporting period; of these victims, 65 were children and 75 were adults. The government referred all child victims to an NGO in Lilongwe and three adult victims to another NGO shelter, where they received counseling, medical care, food, and livelihood training, where appropriate. Local law enforcement outside of Lilongwe worked closely with NGOs to improve coordination and ensure victims were safely referred and received care. The Ministry of Homeland Security launched SOPs and an NRM for victim identification and assistance. In 2017, the government launched an anti-trafficking fund and allocated 150 million Malawian kwacha ($197,370) to the fund in 2019, compared with allocating the same amount in 2018. The Ministry of Homeland Security collaborated with an international organization to host an event to raise funding for the construction of a trafficking shelter, during which they raised 11 million Malawian kwacha ($14,470). For the first time, monies from the anti-trafficking fund were used to repatriate victims in coordination with the Government of Nepal. The government did not provide in-kind or financial support for most NGO services, including those offered at the only dedicated shelter for trafficking victims in the country, which was operated by an international NGO. The government ran one social rehabilitation center in Lilongwe for vulnerable children, orphans, and child trafficking and gender-based violence victims, providing counseling and rehabilitation services; however, it is unclear if any trafficking victims used these services during the reporting period.

Some of the approximately 300 police sub-stations at the village level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately, and the quality of services varied throughout the country. In the previous reporting period, observers reported concerns about the failure of the VSUs to adequately provide for the needs of sex trafficking victims, and that some foreign victims avoided these centers due to fear of deportation. Malawian law did not allow for foreign victims to receive temporary residency or other legal alternatives to removal to their countries of origin; foreign victims faced deportation unless they challenged their immigration status in court. The Ministry of Homeland Security approved witness protection regulations in accordance with the Trafficking in Persons Act. During the trial of two traffickers, one High Court Justice determined the courtroom in Lilongwe did not provide the victim witnesses adequate protection from intimidation; the Justice therefore ordered that the victims' testimony be taken in private and allowed them to be repatriated before the conclusion of the case.

PREVENTION

The government increased efforts to prevent trafficking. During the reporting period, the government used monies from the anti-trafficking fund to support training for front-line responders, awareness campaigns, and to support the meeting of the national and the two district coordination committees against trafficking. In coordination with an international organization, the Ministry of Homeland Security launched an awareness campaign at the national level and conducted a trafficking awareness roadshow in the bordering districts of Phalombe and Mchinji. The National Coordination Committee against trafficking conducted a training session for the corporate sector on the implementation of the anti-trafficking law, compliance with the anti-trafficking law, and the trafficking in persons fund. The Malawi Police Service carried out public awareness campaigns; however, observers reported that law enforcement officers continued to conflate trafficking and smuggling. The government continued to implement its 2017-2022 anti-trafficking national action plan, including by launching an anti-trafficking communications strategy, drafting shelter guidelines, launching the SOPs and NRM, and providing specialized training for police, immigration officers, and social workers. The National Coordination Committee, established under the anti-trafficking act that came into force in November 2015, met quarterly. Members of the informal Malawi Network Against Child Trafficking, comprising government officials, NGOs, and international stakeholders, also met during the reporting period. The government expanded the number of district coordination committees against trafficking in persons to two; the first committee was established in 2018 in Mchinji, a border area with Zambia featuring a high risk of trafficking among significant numbers of Zambian and Mozambican nationals entering the country, and the second was in Phalombe, which borders Mozambique. The National Coordination Committee Against Trafficking in Persons (NCCATIP) trained the members of the new coordination committee during the reporting period. It also trained 40 media practitioners, editors, and journalists on reporting on trafficking in persons. The government continued to participate in the South African Development Community (SADC) regional data collection tool by uploading information about trafficking cases, victim and trafficker profiles, and sharing information with neighboring countries.

The government increased funding for the Ministry of Labor's inspection division, added 20 more labor inspectors for a total of 85, and carried out an unknown number of inspections after four years of conducting no labor inspections. The Minister of Homeland Security approved the prevention of exploitative labor recruitment regulations for the Trafficking in Persons Act. The regulations eliminated recruitment fees for migrant workers and stipulated that contracts must be transparent, workers must retain possession of their identify documents, and employers

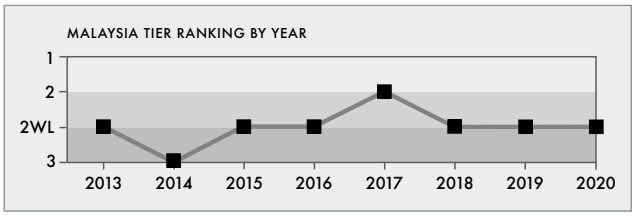
must provide safe and decent working and living conditions. The government did not demonstrate efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malawi, and traffickers exploit victims from Malawi abroad. Traffickers exploit men, women, and children from Zambia, Mozambique, the Great Lakes region, and the Horn of Africa in labor and sex trafficking. Traffickers exploit most Malawian victims within the country, generally transported from the southern part of the country to the central and northern regions for forced labor in agriculture (predominantly the tobacco industry), goat and cattle herding, and brickmaking. Many cases of child labor external to the family involve fraudulent recruitment and physical or sexual abuse, indicative of forced labor. Traffickers—primarily facilitators, family members, or brothel owners—typically lure children in rural areas by offering employment opportunities, clothing, or lodging for which they are sometimes charged exorbitant fees, resulting in sex trafficking coerced through debts. Traffickers exploit teenage boys in forced labor on farms and young girls in sexual exploitation in nightclubs or bars. Traffickers exploit children in forced labor in begging, small businesses, and potentially in the fishing industry; in past years, some were coerced to commit crimes. Adult tenant farmers are vulnerable to exploitation, as they incur debts to landowners and may not receive payment during poor harvests. Malawian victims of sex and labor trafficking have been identified in Mozambique, South Africa, Zambia, Kenya, and Tanzania, as well as in Iraq, Kuwait, and Saudi Arabia. Some young girls are drugged, gang-raped, and exploited in commercial sex. Some girls recruited for domestic service are instead forced to marry and are subsequently exploited in sex trafficking by their "husbands." Fraudulent employment agencies lure women and girls to Gulf states, where traffickers exploit them in sex and labor trafficking.

MALAYSIA: TIER 2 WATCH LIST

The Government of Malaysia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included identifying more victims than the previous reporting period, increasing the number of trafficking-specialist prosecutors, drafting victim identification standard operating procedures (SOPs), identifying two volunteer victim assistance specialists that worked with more than 100 victims, and co-hosting the first national conference on anti-trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous year. The government prosecuted and convicted fewer traffickers, and the number of labor trafficking investigations was low compared to the scale of the problem. Despite ongoing concerns that corruption facilitated trafficking, the government did not make sufficient efforts to prosecute official complicity in trafficking-related crimes or make public the results of investigations into such crimes. Insufficient interagency coordination and inadequate victim services, which discouraged foreign victims from remaining in Malaysia to participate in criminal proceedings, impacted the success of law enforcement efforts to prosecute traffickers. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Malaysia was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Malaysia remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Finalize, disseminate, and train relevant officials, including labor inspectors and immigration officials, on SOPs for victim identification that include information on trafficking indicators. • Increase efforts to prosecute and convict more trafficking cases, including those involving complicit officials and forced labor crimes. • Make public the results of investigations involving corrupt officials to increase transparency and deterrence and hold officials criminally accountable when they violate the law. • Increase efforts to identify trafficking victims among vulnerable populations, including migrant workers and domestic workers. • Create a system for access to timely and accurate interpretation in victims' primary languages available to law enforcement, the court system, and shelters. • Increase the number of trafficking victims who obtain approval for freedom of movement from shelters, expand freedom of movement to include unchaperoned movement, and increase victims' access to communication with people outside shelter facilities, including through telephone calls. • Increase law enforcement capacity to investigate and prosecute trafficking cases, including by improving interagency coordination. • Strengthen and continue to expand cooperation with NGOs, including through financial or in-kind support to NGOs to provide some victim rehabilitation services. • Increase the number of trafficking victims who obtain approval for employment and streamline the process for finding a job. • Take steps to eliminate recruitment or placement fees charged to workers by Malaysian labor recruiters and ensure any recruitment fees are paid by employers. • Expand labor protections for domestic workers and investigate allegations of domestic worker abuse. • Reduce prosecution delays, including by providing improved guidance to prosecutors on pursuing trafficking charges, and increase judicial familiarity with the full range of trafficking crimes, particularly forced labor. • Improve case management and communication with trafficking victims, including through increased prosecutor-victim interaction at least two weeks prior to trial in compliance with the attorney general's directive. • Expand efforts to inform migrant workers of their rights and Malaysian labor laws, including their rights to maintain access to their passports at any time, as well as opportunities for legal remedies to exploitation. • Effectively enforce the law prohibiting employers from retaining passports without employees' consent, including by increasing resources for labor inspectors, and include language explicitly stating passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labor source countries.

PROSECUTION

The government maintained weak law enforcement efforts. The 2007 Anti-Trafficking in Persons and Smuggling of Migrants (ATIPSOM) Act—amended in 2010 and 2015—criminalized labor trafficking and sex trafficking and prescribed punishments of three to 20 years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. During the reporting period, the government conducted 277 investigations, initiated 20 prosecutions, and convicted 20 individuals, compared with 281 investigations, 50 prosecutions, and 50 convictions during the previous reporting period. However,

these numbers may have also included convictions for smuggling. Of the 277 investigations, 80 involved forced labor (123 in 2018). The government reported sentences ranged from three to 10 years' imprisonment; in the past, courts sentenced some traffickers to fines alone as punishment. The government did not report efforts to coordinate with foreign law enforcement to investigate or prosecute trafficking cases.

The Royal Malaysia Police continued to serve as the lead enforcement agency under ATIPSOM and assigned 247 officers to its specialized anti-trafficking unit. The labor department also assigned 30 officers to its specialized trafficking enforcement team. Although the government operated an interagency anti-trafficking law enforcement task force, coordination among agencies was insufficient. For example, police, immigration, and customs officials often failed to collaborate when an investigation fell under the purview of two or more units or departments. Law enforcement did not proactively investigate potential trafficking crimes, including those NGOs reported to them, and sometimes referred potential victims for immigration violations, rather than investigating their traffickers. This subsequently resulted in increased unwillingness among civil society to report trafficking cases to officials. The government sometimes pursued cases of forced labor as disparate labor law violations instead of criminal cases of human trafficking. Following allegations during the previous reporting period that several rubber-product manufacturers exploited migrant workers, including through methods indicative of forced labor, the government reported it fined some rubber-product manufacturers and continued to pursue 42 charges against one of the companies for breach of the labor law. However, the government did not report investigating or prosecuting these allegations as trafficking crimes. In addition, in August 2019, three nonprofit organizations filed a formal complaint with a foreign government urging it to ban imports of products from a Malaysian palm oil company partially owned by the government due to reports of forced labor at the company's plantations; the government did not report if it investigated these allegations for trafficking crimes.

The attorney general's chambers increased the number of trafficking-specialist deputy public prosecutors from 55 to 69 during the reporting period. Nonetheless, some were reluctant to try trafficking cases, and the government did not provide clear guidance to prosecutors on what approvals were required to proceed with trafficking charges; this led to delays in prosecution of trafficking crimes as well as cases not being pursued. The government continued to operate its special trafficking court in Selangor, but it had not implemented plans to expand special trafficking courts around the country. During the previous reporting period, a group of 45 judges drafted best practices for handling trafficking cases but had not yet finalized their recommendations or disseminated the practices. The government continued to conduct or support anti-trafficking trainings, including 35 in-service trainings and 30 transnational or bilateral trainings in the region for police officials focusing on victim protection and law enforcement. The government also hosted 23 trafficking-focused training sessions for its labor inspectors and 15 trafficking training programs for 70 prosecutors at the attorney general's chambers. Nonetheless, observers reported officials did not consistently understand the definition of trafficking. Prosecutors often interpreted the definition of trafficking under ATIPSOM to require the physical restraint of a victim to pursue trafficking charges, which meant prosecutors did not pursue many potential trafficking cases under trafficking charges. A 2014 directive required prosecutors to meet with victims at least two weeks prior to the start of trial to prepare victims to record their statements and to help them understand the judicial process. Prosecutors reported they engaged with victims; however, limited availability of interpretation services made effective communication difficult. In addition, NGOs reported some prosecutors did not meet with victims before trial as required by the directive and sometimes only met a victim on the first day of a trial. Further, the absence of shelters in northern Malaysia hindered the ability of prosecutors to meet with victims who were relocated to Kuala Lumpur for services. Law enforcement agencies also overwhelmingly cited language barriers with potential victims as an ongoing challenge in their work. While the government sometimes worked with foreign embassies or NGOs to interpret conversations, it did not have an institutionalized way to ensure timely and accurate communication with potential trafficking victims who did not speak Bahasa Malaysia or English. Some foreign victims reported a reluctance to stay in Malaysia to participate in prosecutions due to fears of extended shelter stays, unappealing shelter conditions, and intimidation from traffickers. Although the law permitted victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings.

Corruption and official complicity facilitated trafficking and impeded anti-trafficking efforts. The government did not report convicting any complicit officials during the reporting period. The government did not report initiating prosecutions against any of the 600 immigration officials it reassigned in 2017, including seven who were arrested, for their alleged involvement in four smuggling networks that operated at the Kuala Lumpur International Airport, which may have facilitated trafficking. Media reported that from 2015-2018, Malaysian employment agencies and 10 Bangladeshi recruitment agencies bribed officials and politicians in both countries to create a monopoly on recruitment of Bangladeshi workers that increased the recruitment fees charged to workers—which increased Bangladeshi migrant workers' risk of debt-based coercion. In response to these allegations, the government charged the former joint-deputy prime minister and minister of home affairs with multiple counts of corruption and criminal breach of trust during the previous reporting period, and filed additional charges in June 2019; some charges also related to allegations that he received bribes from a private company to appoint it as the implementer of the one-stop center to process work permits for Pakistani and Nepali migrant workers. The government did not report any new developments regarding the previously reported investigations of 18 immigration and police officers for human smuggling and trafficking in persons crimes, or prosecutions of two officers for exploitation of their domestic employees (unrelated to their official duties). Despite allegations of official complicity in migrant smuggling and trafficking crimes in relation to the 2015 discovery of migrant camps and mass graves in Wang Kelian, containing bodies of suspected Rohingya and Bangladeshi victims of extortion, torture, and other crimes, authorities have not brought charges against any Malaysian official or private citizen. During the reporting period, a Royal Commission of Inquiry concluded its investigation into the Wang Kelian mass grave site; however, the findings of the investigation were not made public, nor were any trafficking charges related to the inquiry announced.

PROTECTION

The government maintained uneven protection efforts. During the reporting period, the government identified 2,229 potential victims and confirmed 82 victims, an increase compared to 1,305 potential victims and confirmed 97 victims during the previous reporting period. Of the 82 confirmed victims, 55 were adult women. The government continued to focus most of its identification efforts on the use of large-scale police raids of suspected commercial sex establishments, rather than placing adequate attention to the investigation of forced labor, the larger trafficking problem in Malaysia. The anti-trafficking council (MAPO) drafted new victim identification SOPs during the reporting period, and the government reported it would disseminate the SOPs to NGOs for their review; however, the government did not finalize

or disseminate the SOPs by the end of the reporting period. Observers reported the current SOPs used by each of the five law enforcement agencies lacked basic indicators that would allow officials to proactively and accurately identify trafficking victims and instead focused on the role and responsibility of the officer once a victim was referred to law enforcement. Officials reported an interpretation that ATIPSOM required a trafficking victim be subjected to physical restraint prevented the government from issuing protection orders to many suspected victims of trafficking. The government did not adequately screen asylum-seekers and refugees for indicators of trafficking. Officials reported the government's identification of labor trafficking victims often relied on reports of abuse from embassies representing foreign workers or from workers' complaints of non-payment of wages and other violations, rather than proactive screening efforts. NGOs relayed that authorities often treated potential victims identified during police or immigration raids like criminals; this treatment and the raid-environment were not conducive to victims speaking candidly to law enforcement and consequently contributed to the government's insufficient identification of victims. NGOs reported that officials arrested and charged some victims for prostitution or immigration violations instead of identifying them as trafficking victims. As a result, the government detained some victims in immigration detention centers, which were often overcrowded and did not provide adequate medical care, food, clothing, or clean water. The government extended its pilot program that provided victim assistance specialists until March 2021. Two specialists worked with more than 100 victims during the reporting period to provide assistance during their identification, through the judicial process, and during their repatriation in their home country.

ATIPSOM required the government to place victims granted a court-ordered 21-day interim protection order (for potential trafficking victims) or a subsequent 90-day protection order (for certified trafficking victims), at a "place of refuge," designated by the minister of home affairs. The government housed the majority of identified victims in government-operated shelters where they had access to food, medical care, social and religious activities, and security. The Ministry of Women, Family, and Community Development continued to fund and operate eight shelters for trafficking victims, one of which became operational during the reporting period, including five for women, one for men, and two for children. While the law permitted victims who were Malaysian citizens or permanent residents to be placed in the care of family members or a guardian, as opposed to a government shelter or other designated place of refuge, foreign victims were required to remain in government shelters for the duration of their protection orders. The government typically renewed protection orders for certified victims until the completion of the trial associated with their case; this resulted in some victims remaining in the shelters for up to six months. Shelter staff limited victims' communication, including with family members in their home countries, and the government did not permit victims to possess personal phones in shelters. The government reported it allotted each victim 35 Malaysian ringgit (RM) ($8.56) to make telephone calls each month; however, in practice this amounted to one or two calls supervised by shelter staff. Some government shelters were not able to track phone costs per victim and instead instituted one 10-minute international phone call per month, while others only allowed calls within Malaysia. Further, victims were not permitted to leave shelters unless authorities granted them a special immigration pass that authorized freedom of movement. However, in practice, a victim's freedom of movement outside of shelters remained restricted to chaperoned trips. NGOs reported these shelter conditions resulted in victims feeling as though they were detained. Of the 82 confirmed victims, the government issued 45 special immigration passes that authorized freedom of movement, compared with 68 passes for 97 confirmed victims during the previous reporting period. The government was less likely to approve these passes for female victims of sex trafficking. While the government reported it streamlined the process to issue immigration passes, which required a security risk assessment, medical screening, and mental health evaluation, by the end of their 21-day interim protection order, the majority of confirmed victims did not receive this pass, and the government continued to lack enough qualified mental health counselors to conduct the required psycho-social evaluation during the appointed timeframe. Although the government did not require victims to participate in prosecutions to access immigration passes or work permits, NGOs reported the government required victims seeking these benefits to make an initial deposition in court. The government issued a work visa to one victim during the reporting period, compared to zero in the previous reporting period.

NGOs reported medical screening was inadequate for victims upon arrival to government shelters, and shelters lacked full access to reproductive health and dental services. Shelters did not have medical staff on site, and accessing medical care required shelter staff to coordinate transportation and a chaperone. An NGO that funded and provided medical and mental health care for victims at four government shelters since 2017 faced budgetary constraints and ceased its programming during the reporting period; the government did not report efforts to seek alternative solutions to provide this care in their absence. The government allocated one million RM ($244,560) to two shelters operated by local NGOs that could assist potential and certified victims. NGOs provided some victim rehabilitation services, including medical care and counseling, without government-allocated funding; however, NGOs continued to express difficulty maintaining adequate resources and staffing levels to provide consistent services for victims. Despite placing translated shelter rules and regulations in five languages in some government shelters, language barriers continued to impact the government's victim services. The lack of available and adequate interpretation services prevented some victims from understanding shelter rules and their rights during the judicial process, contributing to stress and reluctance to participate in prosecutions. As in past years, many identified victims preferred to return immediately to their home countries. The government worked with foreign diplomatic missions to fund and provide repatriation assistance for victims to return to their countries of origin. The government continued to give monthly allowance payments of 127 RM ($31) to victims for incidental expenditures. The government did not always disburse the funds on a monthly basis; some victims received the allowance as a lump sum when they repatriated home. Shelter staff continued to provide opportunities for victims to engage in handicrafts and other income-generating activities in the shelter. The government offered technical and vocational training for shelter residents in the Kuala Lumpur women's shelter and the Malacca men's shelter; since this program was established in February 2019, 51 victims (44 women and seven men) participated in English-language classes and vocational courses in cosmetology. For victims who participated in court proceedings, prosecutors noted they were instructed to request restitution in each case; in 2019, prosecutors requested restitution in 24 cases, compared with 29 in 2018, and secured 124,410 RM ($30,430). The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution; ATIPSOM required that foreign victims without legal residence in Malaysia be referred to immigration authorities for repatriation upon the revocation of their protection order.

PREVENTION

The government maintained efforts to prevent trafficking. The Ministry of Home Affairs led the MAPO council, which included five enforcement bodies, other government entities, and three

NGOs. It met on a quarterly basis and coordinated interagency anti-trafficking efforts to implement the government's 2016-2020 national action plan. MAPO held consultation sessions with NGOs and partnered with civil society organization to host the first national conference on human trafficking in August 2019, which was attended by more than 300 government officials, NGO representatives, business leaders, and officials from international organizations. The government collected more than 200 recommendations made by attendees to consider for the next national action plan. In 2019, the government maintained its allocation of four million RM ($978,230) to operate the MAPO secretariat. The communications ministry created eight television and eight radio anti-trafficking programs and continued to distribute brochures raising trafficking awareness in multiple languages. Unlike in previous years, the government did not air any public service television broadcasts, but it did air 27,667 radio broadcasts, an increase compared to 16,880 radio broadcasts in 2018. Labor officials continued to provide banners and other signage at the Kuala Lumpur International Airport in holding lounges for newly arrived migrant workers in a range of languages to help educate foreign workers about their rights in Malaysia. In addition, the Ministry of Foreign Affairs hosted a seminar on trafficking for 21 students pursuing degrees in diplomacy.

The government reported it enforced its ban of Malaysia-based outsourcing companies, which previously often used practices that perpetuated debt-based coercion among migrant workers, as of March 2019. The government's Private Employment Agency Act (PEAA) required all private recruitment agencies to secure a license with the Ministry of Human Resources to recruit foreign workers, including domestic workers. The PEAA capped employee-paid recruitment placement fees at 25 percent of the first month's salary for Malaysian workers employed within or outside of Malaysia and one month's salary for non-citizens employed within Malaysia. The law did not define what comprised a "placement fee" and enforcement of this rule was lacking; the majority of migrant workers in Malaysia paid much higher fees to recruitment agents, including in their home country, which contributed to the workers' vulnerability to debt-based coercion. The government also mandated employers pay the foreign worker levy, a one-time cost paid to the government for any non-Malaysian the company hired, instead of forcing workers to bear the cost. The government did not report investigating any employment agencies for violating the PEAA, compared to 14 investigations during the previous reporting period. In January 2020, the government launched an online application system for foreign workers to renew their temporary work permits without using a broker.

Employment law continued to exclude domestic workers from a number of protections, including maximum working hours and the country's minimum wage. Civil society observed a lack of adequate efforts to inform migrant workers of their rights and Malaysian labor regulations. The labor department employed 673 labor inspectors; however, despite ongoing concerns of a prevalence of labor trafficking in Sabah and Sarawak, the majority of inspectors were assigned to peninsular Malaysia. Nonetheless, the lack of adequate resources, including for additional labor inspectors, hindered the government's ability to adequately identify labor trafficking and enforce the prohibition on employer-perpetrated passport retention, which remained widespread. The government did not report any prosecutions or convictions for unauthorized retention of passports. Labor courts resolved 17,448 labor disputes and ordered employers to provide workers back wages amounting to more than 44 million RM ($10.76 million) and levied fines against employers who violated labor laws of 1.1 million RM ($269,010).

As of the end of the reporting period, the government had not made public the results of a survey it funded in 2018 on the prevalence of forced and child labor in the palm oil sector, despite having completed data collection in January 2019. Malaysian birth registration policies left more than 450,000 individuals, including children, stateless and therefore unable to access some government services, including legal employment, increasing their vulnerability to trafficking. The law did not permit the government to grant asylum or refugee status, which left more than 178,000 refugees and asylum-seekers in Malaysia, including more than 97,000 Rohingya, unable to obtain legal employment, which increased their vulnerability to exploitation. Further, while some refugee community schools operated in Malaysia, the law did not permit stateless and refugee children to attend public schools. The government did not demonstrate efforts to reduce demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel, and for its troops prior to their deployment abroad on international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malaysia, and to a lesser extent, traffickers exploit victims from Malaysia abroad. The overwhelming majority of victims are among the estimated two million documented and an even greater number of undocumented migrant workers in Malaysia. Foreign workers constitute more than 20 percent of the Malaysian workforce and typically migrate voluntarily—often through irregular channels—from Bangladesh, Burma, Cambodia, India, Indonesia, Laos, Nepal, the Philippines, Thailand, and Vietnam. Refugees, asylum-seekers, and stateless individuals who lacked the ability to obtain legal employment in Malaysia were also vulnerable to trafficking. Employers, employment agents, and illegal sub-agents exploit some migrants in labor trafficking primarily through debt-based coercion when workers are unable to pay the fees for recruitment and associated travel. Some agents in labor source countries impose onerous fees on workers before they arrive in Malaysia and Malaysian agents administer additional fees after arrival—in some cases leading to forced labor through debt-based coercion. Large organized crime syndicates are responsible for some instances of trafficking. Employers utilize practices indicative of forced labor, such as restrictions on movement, violating contracts, wage fraud, assault, threats of deportation, the imposition of significant debts, and passport retention—which remained widespread—to exploit some migrant workers in labor trafficking on oil palm and agricultural plantations; at construction sites; in the electronics, garment, and rubber-product industries; and in homes as domestic workers. Malaysian law allows employers to hold workers' passports with the workers' permission, but it is difficult to determine if workers have freely given permission, and some employers retain the passports to prevent workers from changing jobs. A 2018 NGO report documented multiple indicators of forced labor associated with the production of palm oil in Malaysia, including coercive practices such as threats, violence, lack of clarity of employment terms and conditions, dependency on the employer, lack of protection by police, debt bondage, high recruitment fees, and involuntary overtime. Traffickers use large smuggling debts incurred by refugees to subject them to debt-based coercion. North Koreans working in Malaysia may have been forced to work by the North Korean government in 2019, however, Malaysian officials reported there were no North Korean workers remaining in Malaysia as of December 2019.

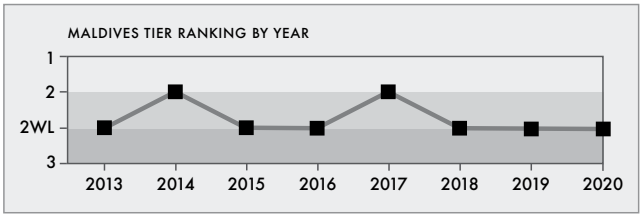
Traffickers recruit some young foreign women and girls—mainly from Southeast Asia, although also recently from Nigeria—ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, or for brokered marriages, but instead compel them into commercial sex. Traffickers use fraudulent recruitment practices to lure Rohingya women and girls residing in refugee camps in Bangladesh to Malaysia, where they are coerced to

engage in commercial sex. Traffickers also exploit men and children, including Malaysians, into commercial sex. Traffickers exploit Malaysian orphans and children from refugee communities in forced begging. Traffickers increasingly exploit Malaysian women and children in forced labor. Stateless children in Sabah were especially at risk of forced labor in palm oil production, service industries, and in forced begging. Media report young male and female Malaysians pay recruitment fees for promised high-paying jobs, but traffickers transfer them to Cambodia and exploit them and authorities arrest them for immigration violations. In order to circumvent the Indonesian government's ban on Indonesian migration to 21 countries, some Indonesian workers transit Malaysia legally en route to Middle Eastern countries, where traffickers exploit some in forced labor.

Official complicity continues to undermine anti-trafficking efforts. Ongoing corruption related to processes for foreign nationals to work in Malaysia increase the cost of migration and consequently increase migrant workers' vulnerability to trafficking through debt-based coercion. Corrupt immigration officials facilitate trafficking by accepting bribes from brokers and smugglers at border crossings, including at airports. Some government officials profit from bribes and direct involvement in extortion from and exploitation of migrants.

MALDIVES: TIER 2 WATCH LIST

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting two individuals for trafficking-related offenses, convening the National Anti-Trafficking Steering Committee (NAHTSC) for the first time in two years, and drafting and finalizing a 2020-2022 national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Despite continued reports of indicators of trafficking among migrant workers, including non-payment of wages and passport retention, the government did not hold employers or recruitment agencies accountable. For the fourth consecutive year, the government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, and it did not identify a single trafficking victim among more than 31,000 undocumented workers, some with indicators of trafficking, that it encountered during the reporting period. The government did not report criminal investigations into, or victim care provided in, 21 suspected child trafficking cases. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Maldives was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Maldives remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Respecting due process, significantly increase investigations, prosecutions, and convictions for all forms of trafficking, including official complicity in trafficking-related crimes. • Significantly increase oversight of labor recruitment agencies and employers, and refer indicators of trafficking such as non-payment of wages and passport retention to police for criminal investigation. • Amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Significantly increase efforts to identify victims, and formally adopt and train officials on SOPs for proactive trafficking victim identification and referral to services. • Increase training for front-line officials on differentiating sex trafficking from sexual abuse, and train immigration officials and social service providers to identify and refer suspected trafficking cases to police. • Increase training for law enforcement and judges on investigation of trafficking crimes and application of the anti-trafficking law. • Allocate resources for proactive monitoring of resorts and guest homes for labor violations and child exploitation. • Re-establish the state-run shelter and consistent rehabilitation services, including psycho-social support and interpretation for foreign victims. • Finalize and implement the draft SOPs for shelter operations and victim services. • Raise public awareness of human trafficking—especially among migrant workers—through widespread media campaigns. • Convene regular meetings of the National Steering Committee on trafficking and its working-level bodies.

PROSECUTION

The government made mixed anti-trafficking law enforcement efforts. The PHTA criminalized some, but not all, forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the PHTA required transportation of a victim in order to constitute a trafficking offense. The law criminalized child sex trafficking but did not make clear if forced prostitution of adults was considered a form of trafficking. Article 16 criminalized debt bondage without reference to transportation. The PHTA prescribed penalties of up to 10 years' imprisonment for trafficking offenses involving an adult victim and up to 15 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to draft an amendment to align the PHTA's definition of trafficking with the 2000 UN TIP protocol.

The government investigated two trafficking cases and 27 potential labor trafficking cases, initiated prosecution in one case and continued prosecutions in three cases from previous years, and convicted two traffickers in two cases. This was compared with investigating two sex trafficking cases, continuing prosecution in three cases, and convicting no traffickers the previous reporting period. In the previous reporting period, the immigration department began investigating 67 recruitment agencies for violations of the formal recruitment process, including human trafficking, illegal recruitment, and negligence. During the reporting period, immigration forwarded to the Maldives Police Services' Human Trafficking Unit (MPS-HTU) labor trafficking cases against 27 recruitment agencies, but MPS-HTU determined none of the cases contained trafficking offenses. While the Ministry of Gender, Family, and Social Services identified six child sex trafficking cases and 15 potential child labor trafficking cases, it did not refer them to MPS-HTU; it was unclear whether the MPS Family and Child Protection Department investigated the cases on other charges. The Prosecutor General's Office (PGO) initiated one new prosecution of two alleged sex traffickers. The prosecution was ongoing at the close of the reporting period. The government completed prosecutions in two cases initiated in previous reporting periods. In the first case, the court convicted one individual of procuring commercial sex, sentenced him to seven years' imprisonment, and acquitted him of human trafficking. The case was pending appeal of the acquittal at the close of the reporting period. In the second case, the court

acquitted two defendants and convicted the third of unlawful restraint of a person, withholding of travel documents under the PHTA, and sentenced him to more than four years' imprisonment. This was the first conviction under the PHTA since 2016. In the previous reporting period, PGO had appealed the dismissal of a child sex trafficking investigation, and the case was pending in high court at the close of the reporting period.

The government took steps to investigate select reports of trafficking-related corruption, but corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. During the previous reporting period, the Controller of Immigration alleged the former government had illegally issued quotas relating to the number of migrant workers allowed, which in turn facilitated fraudulent recruitment and human trafficking, and the Minister of Economic Development (MED) similarly alleged in public remarks that Maldivian recruiters bribed senior officials in exchange for larger quotas to bring in more migrant workers. While the government had dismissed several senior immigration officials during the previous reporting period, it did not investigate any of these allegations or file charges against any of the dismissed officials. Civil society alleged labor inspectors accepted bribes in exchange for not reporting labor violations. Private employers and some government agencies, including education and health ministry officials, held foreign employees' passports. The Labor Relations Authority (LRA) referred to MPS-HTU one case of passport retention by a private employer, but authorities did not report any investigations into passport retention among the government ministries. Observers stated some traffickers operated with impunity due to connections with influential Maldivians. Observers reported some officials warned businesses in advance of planned raids to investigate labor violations.

Immigration continued to implement a mandatory trafficking training for new recruits, and MPS-HTU reported all of its current officers had previously received trafficking-specific training. Despite these trainings, officials continued to conflate human trafficking with migrant smuggling, and government efforts focused primarily on transnational labor trafficking to the possible detriment of sex trafficking. Government officials acknowledged the need for increased training on identifying and investigating trafficking cases, especially among MED, MPS, and LRA personnel. Civil society reported law enforcement and judges' lack of awareness and training on the PHTA likely contributed to the dearth of successful prosecutions. MPS, in partnership with an international organization, maintained a trafficking case management system that allowed potential victims to submit cases to the police online; however, it was only available in English, which limited its utility. Authorities recognized the lack of cooperation with source-country governments as an obstacle to investigating cases with foreign victims or perpetrators; they did not report collaborating with other governments during the reporting period. The absence of dedicated foreign language interpreters for victims and witnesses among law enforcement and social service providers continued to hamper law enforcement and victim protection efforts.

PROTECTION

The government identified slightly more trafficking victims but maintained inadequate screening and protection efforts. Officials identified one sex trafficking victim and five potential labor trafficking victims—one Maldivian and four foreigners—compared to one potential forced labor victim identified in the previous reporting period. Additionally, the Ministry of Gender, Family, and Social Services identified six child trafficking victims and 15 potential child labor trafficking victims, all Maldivian, compared with identification of 13 potential child trafficking victims the previous reporting period. The government did not have standard procedures to identify trafficking victims or refer them to care. It did not formally adopt the SOPs for victim identification, protection, and referral that NAHTSC had finalized in 2016. Although MPS had disseminated the SOPs to its officers in the past, government agencies did not uniformly employ them, at times resulting in the failure to identify, and the deportation of, potential trafficking victims. While all agencies could screen for trafficking, only MPS-HTU could officially declare an individual a trafficking victim. MPS and social service providers did not have a clear understanding of the differences between sex trafficking and sexual abuse, especially in cases of children; this made the true number of sex trafficking victims unknown.

No ministry had funding that could quickly assist trafficking victims, and despite a statutory requirement requiring a shelter, the government did not have a shelter that could accommodate trafficking victims. Victims were entitled to rehabilitative services, including counseling, interpretation, and police protection; in practice, however, the government did not always provide these services. One NGO provided shelter and services to one trafficking victim during the reporting period. Article 32 of the PHTA provided a 90-day reflection period during which victims could receive services while deciding whether to assist authorities in a criminal case. PGO could only provide a victim support officer to trafficking victims if their cases went to prosecution. The judiciary could provide protections for child trafficking victims who participated in trials against their alleged traffickers. Despite convicting two individuals for trafficking-related offenses, prosecutors did not request restitution for the victims.

In September 2019, MED conducted a large-scale drive to register thousands of undocumented migrant workers. By February 2020, it had enrolled more than 31,000 previously unregistered migrant workers in the program. At one point, more than 90 percent of migrant workers seeking registration did not have possession of their passports. MED inquired about participants' work histories and backgrounds but did not screen for indicators of trafficking. In December 2019, immigration officials joined the drive and began some screening for trafficking. The government did not identify a single trafficking victim through the drive. There were reports the government inappropriately penalized potential labor and sex trafficking victims. While the government screened for physical confinement before arresting foreign women in commercial sex, it did not adequately screen for fraud or coercion. Foreign trafficking victims could receive a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution, but no victims received this visa during the year. The PHTA permitted the deportation of identified victims who had voluntarily entered Maldives illegally. Civil society reported immigration officials did not adequately screen for trafficking among undocumented migrant workers who applied for voluntary departure.

PREVENTION

The government modestly increased anti-trafficking prevention efforts. The NAHTSC, composed of senior government officials, coordinated government and NGO anti-trafficking efforts, including implementation of the national action plan. A mid-reporting year portfolio transfer between ministries and lingering confusion on the role of lead agency for combating trafficking continued to stymie collaboration. In July 2019, the government transferred the trafficking portfolio from MED to the Ministry of Defense (MOD). In December 2019, the MOD convened the NAHTSC for the first time in more than two years. For most of the reporting period, hampered by its lack of meetings, the NAHTSC made minimal progress implementing the 2015-2019 anti-trafficking national action plan and failed to comply with a legal requirement to

develop and submit to Parliament an annual report of its activities. In February 2020, the NAHTSC drafted and finalized a 2020-2022 national action plan. MPS-HTU maintained a trafficking hotline but did not receive any calls during the reporting period. Officials noted a need to increase awareness of the hotline, and civil society reported the lack of Bengali-speaking hotline operators could have been a barrier to the large number of suspected Bangladeshi trafficking victims.

In September 2019, the government created a special task force distinct from the NAHTSC to address migrant workers' issues, including human trafficking and illegal employment. In September 2019, the task force instituted a cap of 150,000 unskilled workers from each country. As the number of Bangladeshi unskilled workers in Maldives exceeded 150,000, the ban prevented further recruitment of unskilled labor from Bangladesh. For the second year, a draft memorandum of understanding on human trafficking between the Maldivian and Bangladeshi governments awaited finalization by Maldivian officials at the end of the reporting period.

LRA had the authority to inspect all worksites, including private homes, and it carried out approximately 200 inspections in 2019, compared to 357 in 2018. LRA, however, lacked the resources, staff, and training necessary to fulfill its mandate. LRA generally received numerous complaints of non-payment of wages and mediated such claims with the employer. If an employer did not agree to mediation, LRA could file a civil case in the labor tribunal to impose a fine. Officials and civil society, however, reported the government did not enforce settlements the tribunal adjudicated, so employers often refused to pay fines without repercussions. Neither LRA nor the tribunal referred labor violations to police for criminal investigation. LRA could request MED to blacklist foreign recruitment agencies with repeated or serious labor violations. MED did not always implement LRA's recommendations. Despite repeated LRA's recommendations to blacklist certain agencies, those agencies continued to operate. Immigration also inspected establishments that employed migrant workers and issued warnings to six establishments for lack of proper documentation, including invalid work visas. It did not report any further action against the establishments. LRA continued to use an online portal on each island for island councils to report the number of individuals, including migrant workers, but some councils did not push businesses to register their employees with the portal because they did not want to expose the plethora of undocumented workers.

Civil society reported a continued lack of significant efforts to raise awareness of trafficking among the most vulnerable groups. MPS-HTU conducted an awareness program on child sexual exploitation and child-safe tourism for island and atoll councils and guesthouse operators. The government did not make efforts to reduce the demand for commercial sex acts or for child sex tourism. The government reported increased concerns that traffickers could use resorts and guesthouses to facilitate child sex tourism, in part because no government agency had the authority or resources to monitor these establishments for such crimes.

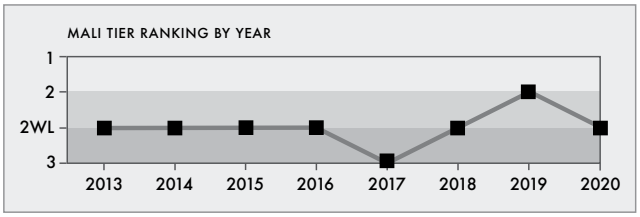
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Maldives, and traffickers exploit victims from Maldives abroad. Traffickers subject an unknown number of the approximately 169,000 documented and 65,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt-based coercion. Migrant workers pay approximately $2,500 to $4,000 in recruitment fees to work in Maldives, contributing to their risk of debt-based coercion upon arrival. Officials reported an increasing number of Bangladeshi workers fraudulently obtained 12-month work visas while only possessing the requirements for three-month visas; it was unclear what roles each the worker, employer, and recruitment agency allegedly played in this scheme. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. Civil society reported labor traffickers targeted Bangladeshi minors who entered the country on work visas and falsified passports. Police reported an increase in Bangladeshi nationals living in Maldives who pose as labor agents and fraudulently recruit migrant workers from Bangladesh, facilitate their travel to Maldives, and abandon them upon arrival without documentation, rendering them vulnerable to traffickers. South Asian women may be victims of forced labor in domestic service in Maldives. Traffickers may have targeted migrant workers on fishing and cargo boats in Maldivian for forced labor. Traffickers use Maldivian minors in forced criminality, including the transportation of drugs for criminal gangs. Sex traffickers exploit women and girls from Maldives and other South Asian countries and—to a lesser extent—women from Africa, Asia, and Eastern Europe in Maldives. Some impoverished parents act as traffickers, allowing sex traffickers to exploit their children in exchange for financial assistance. Some traffickers bring women from South Asia into Maldives under the guise of tourism and force them into commercial sex. Specifically, police reported an increase in traffickers bringing Bangladeshi women into Maldives on tourist visas and exploiting them in commercial sex. Some employers transport Maldivian children from other islands to the capital for domestic work, where employers sexually abuse some, and others are vulnerable to labor traffickers. Traffickers may have exploited Maldivian women in sex trafficking in Sri Lanka. Traffickers have exploited Maldivian children in child sex tourism.

MALI: TIER 2 WATCH LIST

The Government of Mali does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting hereditary slavery cases for the first time, increasing convictions, and continuing training and awareness raising activities. The government took measures to address child soldier issues by releasing all children verified to be associated with the Malian armed forces (FAMa) to an international organization for care; collaborating with an international organization to train security and law enforcement officials on protection of children in armed conflict, including handover protocols; and partnering with an international organization to identify 215 children used by armed groups in the reporting period and refer most of those children to international organizations for care, as part of its continued efforts under its disarmament, demobilization, and reintegration plan with the UN. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. For the first time, observers verified a unit of FAMa recruited and used children in support roles. The government continued to provide support to and collaborate with the Imghad Tuareg and Allies Self-Defense Group (GATIA), a non-governmental armed group headed by a Malian general that recruited and used child soldiers, although reportedly in smaller numbers than in the past. The government did not investigate any suspects, including government officials, for child soldiering offenses or make efforts to prevent armed groups from recruiting

and using children. Law enforcement continued to lack resources and understanding of human trafficking, which impeded law enforcement efforts. Shelter and services for victims, especially male victims, remained insufficient and primarily restricted to Bamako. Therefore Mali was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Ensure FAMa has ceased unlawful use of children and investigate any reports of military personnel's use of children, including in support roles. • Cease support to armed groups that unlawfully recruit and use children and hold criminally accountable any individuals or officials complicit in child soldiering. • As part of the peace process, engage with non-governmental armed groups to cease recruitment and use of children. • Expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants, including psycho-social care, family reintegration, education, and vocational training, and release any children inappropriately detained. • Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including complicit officials, with sentences prescribed in the 2012 anti-trafficking law. • Allocate dedicated budgets, resources, and personnel to the anti-trafficking committee and institutionalize monthly meetings of the anti-trafficking committee to improve operationalization of anti-trafficking policies and inter-ministerial coordination. • Screen vulnerable populations for trafficking indicators and refer them to appropriate services, including children associated with armed groups, individuals in commercial sex, North Korean workers, and communities vulnerable to hereditary slavery. • Develop and train officials on standardized mechanisms to identify trafficking victims. • Train and equip law enforcement on effective, victim-centered investigation techniques and ensure trauma-sensitive approaches are taken when interviewing victims. • Regularly train judges and prosecutors on the 2012 anti-trafficking law and standardize refreshment trainings. • Provide funding and in-kind support to NGOs that help identify and assist trafficking victims.

PROSECUTION

The government maintained inadequate law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices, as amended, criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment for trafficking offenses, except forced begging, for which it prescribed lesser penalties of two to five years' imprisonment and a fine of 500,000 to two million West African CFA francs (FCFA) ($860 to $3,440). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Government officials and NGOs reported that the law could not be effectively implemented to prosecute trafficking cases involving hereditary slavery because hereditary slavery is not precisely defined in the law. In July 2019, the government collaborated with an international organization to revise the anti-trafficking law; government stakeholders were reviewing the draft legislation at the end of the reporting period.

As in the previous reporting periods, the justice minister issued a decree instructing judicial personnel to prioritize prosecutions of cases under the 2012 law. Law enforcement data was incomplete and otherwise difficult to obtain due to a lack of a centralized mechanism to collect comprehensive anti-trafficking law enforcement statistics. The government reported investigating at least 40 new cases, including 30 cases involving hereditary slavery, and continuing 35 investigations begun in previous reporting periods, compared with 17 investigations during the previous reporting period. The government prosecuted 34 cases involving 61 defendants and continued six prosecutions initiated during previous reporting periods, compared with 37 cases involving 55 defendants during the previous reporting period. The majority of cases prosecuted were sex trafficking cases, although prosecutions included hereditary slavery cases. The government convicted 13 traffickers, including five Nigerians for sex trafficking and two Malian slaveholders, an increase from one conviction in the previous reporting period. Courts sentenced the five Nigerian sex traffickers to between 18 months' to two years' imprisonment, while the two convicted slaveholders each received two year suspended sentences and 150,000 FCFA ($260) fines. NGOs observed this is the first time the government had prosecuted cases involving hereditary slavery. In October 2019, the Brigade de Moeurs of the National Police, gendarmerie, and INTERPOL conducted a joint operation in artisanal gold mines in Kangaba and Bamako, which resulted in the arrest of three sex trafficking suspects and two forced labor suspects; Nigeria's National Agency for the Prohibition of Trafficking in Persons provided interpretation support. The Brigade de Moeurs was the primary law enforcement agency investigating sex trafficking and cases involving minors. The Specialized Judiciary Brigade and Specialized Investigative Brigade investigated other forms of human trafficking but were not adequately trained or resourced. In October 2019, a foreign donor assisted the government to establish the Migrant Smuggling and Trafficking Brigade, a police force focused primarily on transnational trafficking and migrant smuggling.

During the reporting period, an international organization trained 257 government officials, including shelter staff, judges, prosecutors, and law enforcement on victim identification with limited government support. A foreign donor supported an NGO to train 27 justice sector actors on victim-centered investigations and prosecutions involving hereditary slavery. In October 2019, an international organization provided training to judicial officials, security forces, and law enforcement on protection of children affected by armed conflict, including referral and handover protocols for children associated with armed groups. However, frequent turnover and transfers of officials limited the impact of the training. Despite these efforts, continued lack of awareness of the 2012 anti-trafficking law stymied law enforcement action. Additionally, the police's system-wide lack of funding and resources, including vehicles and equipment to investigate crimes, impeded anti-trafficking efforts. The government had limited or no judicial presence in four of the country's eight regions, primarily in the north and center of the country, due to continuing security challenges. Insufficient funding limited regular sessions of the Court of Assizes—where all serious criminal felony cases, including trafficking, were heard—and caused significant delays to trafficking cases. Observers alleged government officials interfered in hereditary slavery cases in an effort to have charges dismissed and at times threatened community members following arrests for hereditary slavery. The government dropped charges for lack of evidence against two Malian police officers brought in the previous reporting periods; the officers had allegedly assisted a former diplomat from Democratic Republic of the Congo to facilitate the transportation of Congolese girls to African, European, and Asian countries for exploitation. A foreign government alleged Malian law enforcement returned two trafficking victims to their trafficker and reported a case where law enforcement officers allegedly coerced victims to pay bribes to police to secure

their release from their traffickers. During the reporting period, observers verified for the first time that FAMa recruited and used 24 children between the ages of 9 and 14 years old in support roles in Gao region as couriers and domestic help; FAMa released all 24 children to their families and an international organization for care in November 2019. In February 2020, an international organization reported unconfirmed allegations FAMa recruited and used an additional 21 children in support roles in Gao region. The non-governmental armed group GATIA, led by a Malian general, continued recruiting and using child soldiers during the reporting period; an international organization verified one child recruited and used by GATIA during the reporting period, compared with at least 22 children during the previous reporting period. The government did not report any investigations, prosecutions, or convictions of corrupt and complicit officials or traffickers for any child soldiering offenses or other trafficking crimes.

PROTECTION

The government decreased efforts to identify and protect trafficking victims. Government officials and NGO partners identified 64 sex trafficking victims and 106 potential trafficking victims during the reporting period, compared with 122 trafficking victims and 46 potential victims during the previous reporting period. Authorities identified 64 sex trafficking victims from Nigeria, Guinea, and Burkina Faso in an artisanal gold mine in Kangaba and in Bamako. In addition, the government and an international organization identified at least 215 children associated with armed groups. The government did not have standardized mechanisms to identify trafficking victims.

The government did not have a formal referral mechanism but worked closely with the Fodé and Yeguine Network for Action (RAFY), a national network composed of NGOs, international organizations, and government ministries, including the Ministry for the Advancement of Women, Children, and the Family (MFFE), to refer identified trafficking victims to service providers. RAFY reported the network did not adequately function during the reporting period due to poor coordination between members. With some government assistance, RAFY assisted 106 trafficking victims during the reporting period. Of those 106 assisted, 28 were foreign national children (eight girls and 20 boys). In addition, 64 foreign national adults (10 women and 54 men) were assisted by RAFY, including 18 from Pakistan, nine from Bangladesh, eight from India, three from Sri Lanka, five from Sudan, two from Cameroon, and 19 from other West African countries. RAFY identified 13 potential Malian child trafficking victims during the reporting period. Services varied by location but generally included shelter, food, counseling, vocational training, repatriation, and reintegration assistance. Most service providers were NGOs, and the government relied on these NGOs to provide the majority of services, funded by private and international donors. An international organization assessed services for victims remained inadequate during the reporting period. MFFE had general care facilities that could assist trafficking victims; the government did not report whether these facilities assisted trafficking victims during the reporting period. Shelter capacity was limited with only one shelter available to victims in Bamako. Shelters and services for victims outside the capital remained limited, especially in the north. Foreign and domestic victims received the same services, and while some facilities could offer specialized services for females, there were no such services for males. In collaboration with international organizations, the government also coordinated repatriation for at least one Malian child exploited in Senegal by providing family reintegration and travel documents. The Nigerian consulate in Bamako coordinated with an international organization to assist approximately 337 Nigerian victims during the reporting period with shelter, basic services, and repatriation.

The government did not offer legal alternatives to removal to countries in which victims would face retribution or hardship; however, most identified victims were ECOWAS nationals who did not require special status to remain in Mali. The government did not have formal policies to encourage victims to participate in trials against their traffickers. In addition, sources reported the government rushed victims to provide their statements in trauma-insensitive methods due to fears victims would be unavailable or unwilling to provide future statements once they entered NGO and international organization shelters. Victims could file civil suits against their traffickers, but the government did not report that any did so during the reporting period, in part due to victims' lack of awareness of this avenue of redress. Malian law protected victims from being fined, detained, or otherwise penalized for unlawful acts traffickers compelled them to commit; however, due to a lack of formal identification procedures, some victims may have remained unidentified within the law enforcement system. Authorities continued following the government's 2013 inter-ministerial protocol requiring them to direct former child soldiers to rehabilitation centers; however, most officials trained on the protocol were transferred to other positions. Under a DDR agreement with an international organization, the government and international organization partners reported identifying 215 children used by non-state armed groups in the reporting period and referred most of those children to international organizations for care; however, an international organization reported 39 children were inappropriately detained for alleged affiliation with non-state armed groups during the reporting period. During the previous reporting period, the government and international organization reported identifying and referring to care 114 children used by armed groups. An international organization reported concerns the government held some children, including potential trafficking victims, with adults in military detention centers, which increased their vulnerability to further exploitation.

PREVENTION

The government maintained weak efforts to prevent trafficking. The government continued implementing the 2018-2022 National Plan of Action (NPA) to Combat Trafficking in Persons during the reporting period. The national anti-trafficking committee met three times during the reporting period, but the lack of coordination and ownership for activities in the action plan among committee members impeded its effectiveness. There is no dedicated staff in the government to work on trafficking, including the chairman of the anti-trafficking committee, which severely impeded the government's efforts to consistently coordinate anti-trafficking activities. The government allocated 200 million FCFA ($343,640) for anti-trafficking efforts, the same amount allocated the previous year. With this funding, the government conducted activities outlined in the 2018-2022 NPA such as anti-trafficking trainings and awareness-raising activities in coordination with NGOs. In November 2019, the anti-trafficking committee trained members of the Malian Bar Association on the 2012 anti-trafficking law with the support of a foreign donor. The government also conducted awareness-raising sessions on child forced begging for community leaders and Quranic teachers in Gao and Timbuktu. During the reporting period, the UN and non-governmental armed groups, including GATIA, drafted an action plan to cease recruitment and use of children; at the end of the reporting period, the UN approved the draft action plan and it was pending signature from the leadership of each armed group. The police had a hotline for crimes against women and children, although it did not report receiving any trafficking cases during the reporting period. The government did not make efforts to address the fraudulent recruitment of Malians abroad, and labor inspectors remained without sufficient capacity or resources to regulate the informal sector, where most cases of forced labor occurred. The government did not make efforts to decrease the

demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

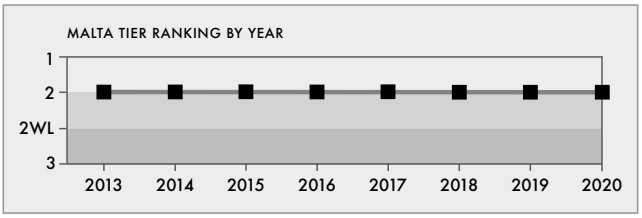
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mali, and traffickers exploit victims from Mali abroad. Some families sell their children into domestic servitude or forced labor in gold mines. Internal trafficking is more prevalent than transnational trafficking. Labor traffickers exploit boys from Mali, Guinea, and Burkina Faso in agriculture—especially rice, cotton, dry cereal, and corn cultivation—artisanal gold mines, domestic work, transportation, begging, and the informal commercial sector. Corrupt Quranic teachers also coerce and force Malian boys to beg or perform agricultural work in neighboring countries, including Senegal, Guinea, and Cote d'Ivoire. Slaveholders subject some members of Mali's black Tuareg community to slavery practices rooted in traditional relationships of hereditary servitude. An NGO noted hereditary slavery practices in Mali differ from surrounding countries because, in Mali, it is communities which exploit the enslaved rather than individuals or families. Traffickers exploit men and boys, primarily of Songhai ethnicity, in a long-standing practice of debt bondage in the salt mines of Taoudeni in northern Mali. NGO reports indicate Malian children endure forced labor on cotton and cocoa farms in Cote d'Ivoire. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia and domestic servitude in Lebanon, Saudi Arabia, and Tunisia. Traffickers recruit women and girls from other West African countries, particularly Nigeria and Benin, with promises of jobs as nurses or waitresses in Bamako but instead exploit them in sex trafficking throughout Mali, especially in small mining communities. In January 2019, Nigerian authorities estimated more than 20,000 Nigerian girls are victims of sex trafficking in Mali, although this data has not been corroborated. An NGO reported an increased number of traffickers exploiting girls in sex trafficking since 2005. Traffickers compel women and girls into sex trafficking and forced labor in domestic work, agricultural labor, and support roles in artisanal gold mines. Reports allege corruption and complicity among local police and gendarmes in Farako may have facilitated forced labor and sex trafficking in mining communities. Africans transiting Mali to Europe, primarily via Algeria and Libya and less so via Mauritania, are vulnerable to trafficking, and Nigerian traffickers exploit Nigerian women in sex trafficking in Mali en route to Europe. An international organization repatriated 147 Malians from Algeria and 1,305 Malians from Libya in 2019, compared with more than 1,430 Malians from Libya in 2017; while some returnees were identified as trafficking victims in 2017, the international organization determined none of the 2019 returnees were trafficking victims. North Koreans working in Mali may have been forced to work by the North Korean government.

During the reporting period, the government did not exercise control over the majority of its territory and lost ground it had previously regained. Justice officials had no or an extremely limited presence in four of Mali's eight regions, limiting the government's ability to provide justice, victim services, and gather data. Since early 2012, rebel and Islamic extremist groups have occupied parts of northern Mali. Terrorist organizations and armed groups continue to recruit and use children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols; some used boys for running errands and spying. Some of these groups used girls in combat, support roles, and for sexual exploitation, including sexual slavery through forced marriages to members of these militias. The armed groups purportedly coerce some families to sell their children to the groups or compelled communities into giving up teenage boys to the groups for "community protection." An international organization reported traffickers fraudulently recruited some children for education in Quranic schools but forced them to fight with armed groups. Some families reportedly insert their children into the ranks of armed groups because parents believe they will benefit from disarmament, demobilization, and reintegration assistance. In the past, a Malian armed group forcibly recruited Malian refugees in Mauritania to be child soldiers in Mali. The government provided in-kind support to and collaborated with GATIA, a non-governmental armed group led by a Malian general that used and recruited at least one child during the reporting period. In 2016, an international organization investigated GATIA officials, Malian Defense and Security Forces officers, and civilians for conflict-related sexual violence, including sex trafficking and sexual slavery. During the reporting period, FAMa recruited and used at least 24 children between the ages of 9 and 14 years old in support roles in Gao region as couriers and domestic help.

MALTA: TIER 2

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Malta remained on Tier 2. These efforts included increased victim care funding, public awareness campaigns, and convictions, which included significant prison sentences. However, the government did not meet the minimum standards in several key areas. The government decreased both investigations and prosecutions, identified and referred fewer victims, continued to lack coordination among ministries, and did not effectively enforce labor recruitment regulations or control massage parlors where vulnerability to trafficking was high.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously and expeditiously investigate and prosecute trafficking offenses. • Increase efforts to convict traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Increase efforts and training of relevant staff and officials to proactively identify trafficking victims, including Maltese nationals, and among vulnerable populations, particularly children, migrant workers, and individuals in commercial sex. • Improve coordination efforts among ministries to effectively implement a finalized and funded national action plan. • Increase migrant worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting for fraudulent labor recruitment. • Implement license control for massage parlors, including oversight and screening for trafficking victims. • Increase collaboration between police and other stakeholders during investigations to decrease the length of investigations and prosecutions and to increase the possibility of successful convictions. • Institutionalize anti-trafficking training for front-line officials, police officers, prosecutors, and judges, and use it to increase focus on working with victims. • Ensure adequate availability of interpreters for victims.

PROSECUTION

The government made uneven law enforcement efforts. Article 248A-G of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 12 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In 2019, the police vice squad, which is responsible for trafficking, initiated five investigations into eight suspects for sex trafficking and one investigation into one suspect for labor trafficking. The police vice squad also continued the investigation of five cases involving eight suspects ongoing from prior years. This compared with 10 investigations in 2018. The government did not prosecute any suspected traffickers in 2019, compared with 10 prosecutions in 2018. Prosecutions of 20 suspects, all of whom were released on bail, from prior reporting periods remained ongoing. The government convicted three traffickers during the reporting period. Two traffickers, one male and one female, were convicted of sex trafficking and sentenced to 12 years' imprisonment and a fine, making it one of the longest trafficking sentences to date. The third trafficker, a male, was convicted of forced labor and sentenced to two years' imprisonment and a fine, compared with one conviction with a fully suspended sentence in 2018. The perennial issues with rule of law, corruption, slow court proceedings, and an understaffed police force continued to hamper prosecutions and convictions. While there were no new investigations or prosecutions of government employees complicit in trafficking offenses, an investigation, initiated in 2004, of a former police officer who allegedly acted as an accomplice to a convicted trafficker, remained ongoing during the reporting period. A court hearing for the former police officer was scheduled for April 2019, but the government reported the case was deferred for final submissions; if guilty of complicity in trafficking, the prolonged court proceedings and lack of a court judgement contributed to impunity and inhibited justice for victims. An NGO-led training, co-funded by the government as well as other foreign governments, provided anti-trafficking training to Maltese officials, the government sent four front-line officials abroad for anti-trafficking training, and 35 social workers participated in a training on anti-trafficking procedures. The police cooperated in a joint international sex trafficking investigation, which resulted in the arrest and extradition of one suspect.

PROTECTION

The government decreased protection efforts. Police identified 11 foreign trafficking victims and zero Maltese victims during the reporting period, compared with 24 and 30 victims, respectively, in the two prior reporting periods. There were nine victims of labor trafficking and two victims of sex trafficking, four of whom were male and seven female. The majority of victims were from the Philippines, but there were also victims from Bangladesh, Colombia, The Gambia, and India. In 2019, the government did not identify any children or Maltese victims. Officials and NGOs continued to utilize standard operating procedures to systematically refer victims to the national social welfare agency, where all 11 victims were referred for care and provided with shelter and psycho-social assistance. The national social welfare agency continued to coordinate effectively with the police, legal aid, and health services to provide quality care to victims. Two full-time, specialized social workers at the national social welfare agency assessed the long-term needs of each victim and arranged for shelter, food, counseling, translators, and assistance with obtaining legal status and job searches, as well as medical and legal aid appointments. Victims could receive protection services, regardless of their agreement to cooperate with law enforcement. While there was no time limit for victims to access some services, such as services from social workers, their stay in shelter or safe housing could not exceed 180 days, with some exceptions. Victims had freedom of movement in government shelters, and both men and women had access to two shelters. Approximately 3,100 migrants arrived in Malta in 2019, more than three times as many compared with the 1,000 migrants in 2018, after which they were placed in one of four government-run open centers. Migrants remained vulnerable to trafficking, but the government, in cooperation with an NGO, continued to offer trafficking education sessions and screen for victims of trafficking. During the reporting period, police continued to screen for sex trafficking victims among individuals in commercial sex. In 2019, the government spent €83,400 ($93,710) on victim care, including salaries for two social workers, training, and safe housing for victims; this amount was an increase compared with €53,000 ($59,550) in 2018.

The government encouraged, but did not require, victims to assist in the investigation and prosecution of their alleged traffickers. The government also provided victims with protective support, including the option to testify via video, although courts inconsistently offered it. Victims could make use of interpreters, and courts endeavored to keep their identities confidential; however, some victims reported challenges in accessing interpreters. The law provided victims a two-month reflection period to recover and contemplate cooperation with law enforcement, but the government did not report whether it provided this option to any victims during the reporting period. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a renewable six-month temporary residence permit free of charge, police protection, legal assistance, and the right to work. The government could grant refugee status to victims as an alternative to removal to countries where they may face hardship or persecution, but it did not report providing this status to any victims during the reporting period. The government also did not report providing temporary residence permits to trafficking victims identified during the reporting period, compared with 15 provided during the previous reporting period. The government could grant compensation to victims from state funding; unlike in previous years, the government did not issue compensation to any victims during the reporting period because it received no such requests. Additionally, prosecutors could file for restitution from traffickers in criminal cases; unlike in previous years, the government did not award restitution to any victims during the reporting period.

PREVENTION

The government maintained prevention efforts. The inter-ministerial anti-trafficking monitoring committee is responsible for implementing the national action plan, coordinating data collection, functioning as the national rapporteur, and reviewing policy and practice. However, the committee did not meet during the reporting period. While the government did not have a national action plan, it did have a draft 2020-2023 plan. The government also had an anti-trafficking stakeholder task force, which included civil society, but it did not report efforts the task force undertook during the reporting period. Authorities and NGOs continued to report a lack of effective interagency coordination on trafficking issues. The government reduced its anti-trafficking training budget from €20,000 ($22,470) in 2018 to €16,000 ($17,980) in 2019. The government held an awareness raising conference attended by 106 government ministers, police, and diplomats. In July 2019, the government launched a new public awareness campaign that focused on reducing the occurrence of trafficking by educating the public on the use of goods and services provided by victims of exploitation, including trafficking victims. The government continued to increase public awareness by organizing a variety of initiatives, including a new anti-human trafficking website, available in six languages, with trafficking indicators and victim stories; anti-trafficking television commercials on the three largest networks; plays, information sessions, and the publication

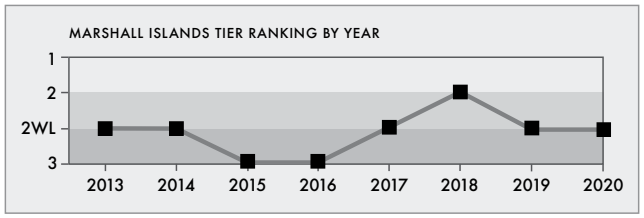
of a children's book to teach children about trafficking; anti-trafficking media advertisements and billboards; a photographic exhibition at the residence of the prime minister; and many other initiatives. During the reporting period, the government created a checklist to assist private sector stakeholders in assessing their compliance with relevant legislation and ethical recruitment standards, especially for migrant workers. The Employment Agencies Regulations law regulated labor recruiters and required recruiters to have a license. The law did not allow workers to be charged recruitment fees, but it still sometimes occurred. The national employment authority conducted 3,920 routine inspections of employers in 2019 but did not report identifying any trafficking victims or investigating or prosecuting fraudulent labor recruiters. Fraudulent labor recruitment remained a significant concern during the reporting period; traffickers would sometimes replace the originally signed contract with a less favorable one upon arrival, or force victims to perform a different job than what was agreed upon. NGOs continued to report a lack of oversight and regulation on the licensing for massage parlors, which remained places of high concern for sex trafficking. Traffickers would sometimes confiscate the passports of victims upon arrival. The government did not have any bilateral labor agreements with source countries. The government made efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel during the reporting period. The national welfare agency continued to operate a hotline for individuals in need of social services, including potential trafficking victims; two labor trafficking victims were referred to care via an NGO hotline during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malta. Sex traffickers exploit foreign and domestic women and children, and labor traffickers exploit foreign men and women. Labor trafficking victims originate from China, Eastern Europe, and Southeast Asia, with increasing numbers from the Philippines. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe, Russia, and Ukraine working in nightclubs represent populations vulnerable to trafficking. The approximately 5,000 irregular migrants from African countries residing in Malta are vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors. Fraudulent labor recruitment continues to occur; traffickers replace the originally signed contract with a less favorable one upon arrival or force victims to perform a completely different job than what was agreed upon. Traffickers confiscate the passports of victims upon arrival. Co-nationals and Maltese citizens frequently work together to exploit trafficking victims.

MARSHALL ISLANDS: TIER 2 WATCH LIST

The Government of the Republic of the Marshall Islands (RMI) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included initiating its first trafficking prosecution since 2011 and opening an investigation into an immigration official for alleged trafficking complicity. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Despite reports of child sex trafficking, the government did not report efforts to identify trafficking victims and did not report providing assistance to any potential or confirmed victims during the reporting period. The government has not convicted any traffickers since 2011. Therefore the RMI remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence traffickers to adequate penalties, which should involve significant prison terms. • Disseminate and employ proactive procedures to identify trafficking victims among all vulnerable groups, such as women in commercial sex and foreign fishermen, and train officials on their use. • Train law enforcement and prosecution officials to implement the anti-trafficking laws. • Strengthen efforts to administer and fund protective services for victims in cooperation with NGOs and international organizations and ensure potential victims are proactively offered services while their case is investigated. • Finalize and implement the revised national action plan. • Develop and conduct anti-trafficking education and awareness-raising campaigns. • Undertake research to study human trafficking in the country. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government increased law enforcement efforts. The Prohibition of Trafficking in Persons Act of 2017 criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment, a fine of up to $10,000, or both if the victim was an adult, and up to 20 years' imprisonment, a fine of up to $15,000, or both if the victim was under age 18. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape. The government reported one trafficking investigation, the same number as reported during the previous reporting period. The government did not report the outcome of two investigations into child sex trafficking initiated in prior reporting periods. The government initiated one prosecution for sex trafficking in 2019—this was the government's first trafficking prosecution since 2011. Both the investigation and prosecution stemmed from a case identified during the prior reporting period, when local media uncovered alleged child sex trafficking of Marshallese girls at a brothel near the capitol building and alleged police inaction until after the newspaper published the story. In August 2019, media continued to report the brothel was operating with child sex trafficking victims. In February 2020, the government charged a Chinese national with promoting commercial sex and child sex trafficking in the case; the case was ongoing at the end of the reporting period. The government has not convicted any traffickers since 2011.

In January 2020, the government reported it was investigating and had removed the Director of Immigration because of allegations of trafficking complicity; the investigation remained ongoing at the end of the reporting period. The government did not report any other investigations into official complicity or any prosecutions or convictions of allegedly complicit officials. Marshallese law enforcement officials cooperated with a foreign government on an ongoing international trafficking case. An unspecified number of law enforcement officials attended international trafficking trainings during the reporting period. Stakeholders identified the

need for a dedicated role in law enforcement focused primarily on anti-trafficking efforts. The government acknowledged a need for improved technical capacity for law enforcement on investigative and surveillance techniques and for prosecutors on case management and court filing procedures. Additionally, the government noted the lack of sufficient institutionalized law enforcement training, recruitment of officers, law enforcement facilities, and funding as obstacles to combating trafficking.

PROTECTION

The government maintained inadequate efforts to protect victims. While the government had standard operating procedures for the identification of victims, the government did not report employing such procedures or identifying any victims. The government, with non-governmental, faith-based, and international organizations, could provide protective services to victims; however, it did not provide such services to any potential or identified trafficking victims during the reporting period, despite local media reporting potential child sex trafficking victims. Government-provided services included counseling, legal assistance, testing for sexually transmitted diseases, and accessible services for victims with disabilities. The government had a memorandum of understanding with an NGO to assign female victims between ages 14 and 18 to survivor support services and place them in a network of approved safe houses. The Ministry of Internal Affairs continued to assume supervision of all other child victims and continued to fund two social workers whose duties included coordinating assistance to trafficking victims, among others. Adult victims were provided shelter by NGOs and were able to leave safe houses or shelters unchaperoned unless it was determined that doing so might put them in danger. The government reported providing $100,000 of funding to an NGO to provide free legal advice and support to victims, including trafficking victims, compared with providing $93,000 in the previous reporting period for such services. The government did not provide long-term alternatives to removal to countries where victims may face hardship or retribution, although no foreign victims were identified during the year.

PREVENTION

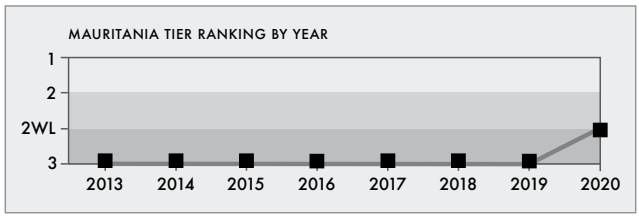
The government decreased efforts to prevent trafficking. The National Task Force on Human Trafficking encompassed a wide array of government, NGO, and international organization members and, while it continued to lead the government's anti-trafficking efforts, it was reportedly not as active as in previous years. The government's national action plan expired in 2017; during the reporting period, the government continued to take steps to renew the plan but did not finalize it. The government reported conducting awareness campaigns on policies and procedures regarding adoptions and the government services available, but authorities did not report the extent to which these campaigns featured explicit trafficking-related content. The government continued to take measures to prevent the commercial sexual exploitation of vulnerable populations by prohibiting unauthorized visitors on board licensed foreign fishing vessels docked in Majuro and issuing immigration day passes for most crewmembers that mandate they return to their ship by the evening. The government created a digital registry system to track the movement of passengers from the country's main ports increasing oversight of individuals entering and exiting the country. The government did not have an anti-trafficking hotline. The government did not take steps to reduce the demand for commercial sex acts. The RMI is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported in the past five years, human traffickers exploit domestic and foreign victims in the Marshall Islands, and traffickers exploit Marshallese victims abroad. Traffickers exploit East Asian and Marshallese girls and women in sex trafficking in the RMI; some of these women and girls have also been confined and subjected to forced childbearing as part of international fraudulent adoption schemes. Hotel and bar staff and family members recruit and transport women and girls and exploit them in sex trafficking with foreign construction workers and crewmembers of foreign fishing and transshipping vessels that dock in Majuro. Observers report commercial sexual activity involving foreign fishermen has increasingly moved from fishing vessels to local bars and hotels. Traffickers also exploit some of these foreign fishermen in conditions indicative of forced labor on ships in Marshallese waters. Traffickers compel foreign women, most of whom are long-term residents of RMI, into commercial sex in establishments frequented by crewmembers of Chinese and other foreign fishing vessels; some traffickers recruit Chinese women with the promise of other work and, after paying large recruitment fees, they force them into commercial sex. Some wealthier or more powerful family members use traditional cultural practices to exploit impoverished Marshallese from outer islands to serve as indentured labor on their property. Limited reports indicate some Marshallese searching for work in the United States experience indicators of trafficking, such as passport confiscation, excessive work hours, and fraudulent recruitment. Some Marshallese children are transported to the United States, where they are subjected to situations of sexual abuse with indicators of sex trafficking.

MAURITANIA: TIER 2 WATCH LIST

The Government of Mauritania does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Mauritania was upgraded to Tier 2 Watch List. These achievements included convicting five hereditary slaveholders—cases that had been pending since 2011 and 2015. The government solicited input from, and coordinated with, civil society to draft new anti-trafficking legislation and an anti-trafficking national action plan. To prevent child forced begging in Quranic schools, the government launched several initiatives, including raising awareness with imams and religious leaders on child trafficking, establishing an inter-ministerial committee on child forced begging, collaborating with an NGO on publication of a child protection guide, and operating a cash transfer program. Despite these achievements, the government has rarely imprisoned convicted slaveholders, and the government did not proactively identify any trafficking or hereditary slavery victims. Government agencies charged with combating trafficking and hereditary slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and reports persisted of officials refusing to investigate or prosecute perpetrators.



PRIORITIZED RECOMMENDATIONS:

Direct law enforcement to investigate all allegations of slavery and trafficking and hold government officials accountable for

failure to investigate alleged hereditary slavery offenses and interference in ongoing investigations. • Significantly increase efforts to investigate, prosecute, and convict traffickers and slaveholders with appropriate prison terms in accordance with the 2003 anti-trafficking and 2015 anti-slavery laws, and mandate that any human trafficking cases tried under the 2003 anti-trafficking law are automatically referred to the anti-slavery courts. • Continue to increase funding for the anti-slavery courts, ensure each of the anti-slavery courts is appropriately staffed with a dedicated prosecutor (*procureur*), judge of inquiry, and trial judge, and train prosecutors and judicial officials on both the 2003 anti-trafficking and 2015 anti-slavery laws. • Develop standard procedures to identify and refer trafficking and hereditary slavery victims to care, and train authorities on the procedures' implementation. • Institute measures to support trafficking and hereditary slavery victims during investigations, including providing easier access to legal assistance and protection from intimidation and threats from their alleged traffickers. • Partner with NGOs to provide shelter and services to all trafficking victims, including adults. • Proactively screen for trafficking indicators among vulnerable populations, including sexual abuse victims, women in commercial sex, and irregular migrants, and cease detaining, deporting, or otherwise penalizing potential trafficking victims. • Investigate and prosecute individuals accused of fraudulently recruiting Mauritanians abroad for exploitation in forced labor and sex trafficking. • Legally recognize anti-trafficking NGOs and allow them to register and operate freely within the country without undue government interference. • Implement the anti-trafficking national action plan to address all forms of trafficking, including hereditary slavery and forced labor, with input from civil society and all relevant ministries in the government. • Continue to enhance dialogue with civil society working on anti-slavery issues and, with input from civil society, develop and implement a plan to continue providing assistance to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement. • Increase public awareness campaigns against trafficking, including hereditary slavery.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking, except hereditary slavery, and prescribed penalties of five to 10 years' imprisonment and a fine of 500,000 to one million Mauritanian ouguiya (MRU) ($13,510-$27,030), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalized hereditary slavery and prescribed sufficiently stringent penalties of five to 20 years' imprisonment and a fine of 250,000 to five million MRU ($6,760-$135,140). During the reporting period, the government collaborated with an international organization to revise the 2003 Law Against Trafficking in Persons to increase base penalties for trafficking and expand victim protection provisions. The government coordinated with the international organization to host workshops to solicit input from civil society organizations and other government ministries. The cabinet approved the draft legislation in March 2020, which was pending parliamentary approval at the end of the reporting period.

As in previous years, the government did not report comprehensive law enforcement data during the reporting period. According to media and government reports, the government investigated at least one case, prosecuted three alleged traffickers, and convicted five traffickers, an increase from four investigations, one prosecution, and zero convictions the previous reporting period. Judicial police investigated the case of a girl in domestic servitude to a family for whom her mother previously worked in Nouakchott. After the initial judicial police investigation report, the public prosecutor's office ordered an additional investigation; in September 2019, the public prosecutor charged three suspects in the case. The Nema anti-slavery court convicted five traffickers in three cases that had been pending since 2011 and 2015; all five were convicted in absentia and sentenced to between five and 15 years' imprisonment. The Ministry of Justice (MOJ) issued formal extradition requests through INTERPOL for the convicted in order for them to serve their sentences. No slave owners or traffickers are currently in prison and NGOs reported several of the convicted traffickers appealed their court's decision. A total of 10 cases are pending before the three anti-slavery courts: four before the Nema court, four before the Nouadhibou court, and two before the Nouakchott court. NGOs reported the government did not initiate any new investigations into fraudulent recruitment.

Three regional anti-slavery courts had exclusive jurisdiction over trafficking and hereditary slavery cases; however, the courts lacked the staff, funding, and resources to investigate and prosecute trafficking and hereditary slavery crimes throughout their regions. The three courts received a total of 900,000 MRU ($24,320) during the reporting period, an increase from a total of 700,000 MRU ($18,920) during the previous reporting period. While the appointed judges received specialized training on the 2015 anti-slavery law, they have not been trained in its enforcement and the unique challenges of investigating hereditary slavery cases, including how to prevent slaveholders from intimidating victims to withdraw their cases. Moreover, while other topical courts had specialized prosecutors, there were no specialized prosecutors for the anti-slavery courts. Judicial shuffles affected the anti-slavery courts twice during the previous reporting period; during the annual meeting of the government's judicial council in December 2019, the government opted not to replace any of the existing anti-slavery court judges. The MOJ directed all courts to transfer cases under the 2015 anti-slavery law to the anti-slavery courts; judges transferred nine hereditary slavery cases and officials reported no hereditary slavery cases remained with local courts.

Efforts to address hereditary slavery remained weak. Despite past persistent concerns of official corruption impeding investigation of hereditary slavery cases, the government did not report any prosecutions or convictions of government officials accused of corruption related to human trafficking and hereditary slavery offenses. Four Mauritanian soldiers and police officers deployed as UN peacekeepers to the Central African Republic (CAR) were accused of sexual misconduct in 2019; the government appointed a national investigation officer to investigate one of the four allegations involving two Mauritanian soldiers. The other three allegations are pending investigation by the UN. Some police, prosecutors, and investigative judges reportedly refused to investigate and try cases of hereditary slavery or to acknowledge hereditary slavery continued to occur. The government at times relied on lesser statutes to punish potential slavery offenses due to a lack of adequate training for government officials and a lack of political will to prosecute such offenses. NGOs reported some local authorities encouraged victims and their families to resolve trafficking and hereditary slavery cases through social mediation rather than through the criminal justice system. Although prosecutors have a legal obligation to transfer slavery cases to the anti-slavery courts, some prosecutors encouraged victims to withdraw their complaints in exchange for a small amount of financial compensation. *Corrupt marabouts* (Quranic teachers) suspected of exploiting *talibés* (Quranic students) in forced begging are rarely prosecuted and usually enter agreements with prosecutors to drop cases. The government provided trainers for international organization-sponsored trainings for 270 police officers, gendarmes, and customs officers working in border areas on human trafficking and migrant smuggling during the reporting period.

PROTECTION

The government maintained insufficient efforts to identify and protect trafficking victims. Similar to the previous reporting period, the government did not report identifying any trafficking victims. An NGO reported identifying 2,704 child forced begging victims and 364 child sex trafficking and domestic servitude victims in 2019. The government did not have formal measures to identify trafficking victims or refer them to care, but the Ministry of Social Affairs (MASEF) continued using existing referral procedures for child victims of crime. An international organization produced a manual for border agents that included victim identification; however, the border agents did not consistently use the manual during the reporting period. NGOs noted social workers lacked training to identify trafficking victims, including in domestic work and commercial sex, and did not know where to refer identified victims for care. MASEF reported supporting 350 children at risk of, or victims of, violence, abuse, and exploitation, which could include trafficking victims, at its public day centers, similar to 360 children during the previous reporting period. Some children received socio-legal assistance, medical care, and educational support from NGOs. The government did not provide financial or in-kind support to NGOs that continued to provide the majority of protective services to trafficking victims. An international organization received requests to assist the reintegration of 50 Mauritanian trafficking victims in Gulf countries.

MASEF managed seven public day centers for the protection and social integration of children that provided basic educational services, such as vocational training and literacy programs, which child trafficking victims could access. In addition, two of its day centers in Nouakchott could provide overnight and long-term care for child victims of crime. Because most of MASEF's day centers closed at night, some *talibés* and other vulnerable children risked returning to their exploitative situations or sleeping on the streets; however, MASEF was able to place most children with host families at night. After short-term care, MASEF generally referred victims to other government shelters or NGOs for long-term care and vocational training; MASEF continued to assist approximately 700 vulnerable children identified in previous years. Government shelters accommodated both Mauritanian and foreign victims, although no shelters could accommodate adults; victims had to depart MASEF centers at age 18. Psychological support for trafficking victims is insufficient and not offered in languages other than French or Arabic. The lack of long-term rehabilitative care rendered victims vulnerable to re-trafficking. The government did not provide any services to protect victims from threats or intimidation from their traffickers. In 2019, an international organization conducted microbusiness training for Mauritanians exploited in trafficking abroad with support from the government.

The government did not have a formal policy to encourage victims to assist in investigations and prosecutions against their alleged traffickers. NGOs reported the government often brought victims and accused traffickers together when interviewing, which placed enormous pressure on victims to change their testimony. The 2015 anti-slavery law provided for comprehensive legal assistance for victims of hereditary slavery and the creation of support centers in each province; however, the government did not report implementing such provisions during the reporting period. The law allowed victims to obtain restitution, although the complex and opaque legal system made such efforts extremely difficult; the Nema anti-slavery court collectively awarded 5 million MRU ($135,140) restitution to 15 victims. Victims could also file civil suits against their traffickers; however, the government did not report any victims doing so, in part due to their lack of awareness of this option. Mauritanian law allows potential victims to file for asylum or refugee status; however, the government did not report granting these legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. There were reports the government penalized and imprisoned on fornication charges girls who had been sexually abused, some of whom were likely victims of domestic servitude or sex trafficking; however, the draft anti-trafficking legislation includes provisions that could be used to protect trafficking victims from penalization under fornication charges. Officials jailed women suspected of engaging in commercial sex and held irregular migrants in detention until their refugee status was resolved, without screening for trafficking.

PREVENTION

The government increased efforts to prevent human trafficking. The prime minister's office coordinated the government's inter-ministerial response to human trafficking. The inter-ministerial anti-trafficking committee, which reported to the prime minister, did not meet during the reporting period. During the reporting period, the government drafted and approved a new anti-trafficking action plan in coordination with an international organization. The government and a separate international organization conducted a workshop to solicit input from international partners and civil society in February 2020. The government collaborated with an NGO to organize five forums for 90 imams and religious scholars on child exploitation and forced begging. In addition, the government created an inter-ministerial committee to combat forced begging comprising officials from MASEF, the Ministry of Islamic Affairs and Traditional Education (MIATE), Ministry of Interior, and Human Rights Commission. MIATE continued implementing a program begun in 2016 to modernize *mahadras* (Quranic schools) in poor areas to reduce students' vulnerability to forced begging by providing cash transfers to families, paying the rent for the buildings, and providing math and French lessons to participating Quranic schools; in 2019, 60 schools participated in the program reaching approximately 1,800 children. In conjunction with the modern *mahadras* program, MIATE partnered with 8,000 imams to provide literacy classes for adults that address child rights issues, including child labor and child trafficking. The government provided 1.5 million MRU ($40,540) to the independent National Commission for Human Rights and NGOs to lead a traveling awareness campaign through the northern and eastern regions of the country to raise awareness among communities vulnerable to slavery about domestic legal protections against slavery and forced labor. In November 2019, the government established the Agency for National Solidarity and the Fight against Exclusion (Taazour) to replace Tadamoun, the former government agency mandated to address poverty and the "vestiges of slavery." Taazour is mandated to provide education, economic opportunity, and health services to vulnerable communities, in particular communities traditionally subjected to hereditary slavery. The government allocated four billion MRU ($108 million) to Taazour for fiscal year 2020. In contrast to previous years, there were no reports the government harassed or prevented anti-slavery activists from operating in Mauritania during the reporting period. Multiple organizations working on anti-slavery issues remained unable to legally register, limiting their ability to operate in the country; the government drafted new legislation to ease registration of NGOs in the country, but the legislation remained pending at the end of the reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The government organized twelve regional consultations in 2019 with over 500 participants, including trade unions, to discuss forced labor risks in recruitment practices. In 2017, the government signed a memorandum of understanding with Saudi Arabia to increase protections for prospective domestic workers; according to NGOs, the government did not report on the effectiveness of the agreement to prevent trafficking. The government continued working with an international organization to study the scope of forced labor in Mauritania; following delays, the final report is expected in September 2020. The government

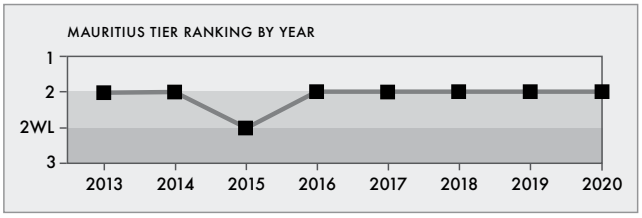
continued partnering with an international organization to issue identification cards to Malian refugees—as well as birth certificates to Malian refugee children born in Mauritania—in Mbera camp to reduce vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel. In coordination with a foreign donor, the government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; however, in September 2019, three Mauritanian personnel allegedly engaged in sexual exploitation while on mission in the CAR.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritania, and traffickers exploit victims from Mauritania abroad. Adults and children from traditional slave castes in the Haratine (Black Moor) and Afro-Mauritanian (Halpulaar, Soninke, and Wolof) communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on forced labor and hereditary slavery does not exist, local and international experts agree hereditary slavery continues to affect a small, but not insignificant, portion of the country's population in both rural and urban settings. Many former slaves and their descendants remain in dependent relationships with the family of their former slaveholders due in part to cultural traditions as well as a lack of skills and alternate economic opportunities. Some former slaves reportedly continue to work for their former masters or others under exploitative conditions to retain access to land they had traditionally farmed. Corrupt *marabouts* force boys from Mauritania and other West African countries who study at *mahadras* to beg for food and money; boys from low-income families in the Halpulaar community are particularly vulnerable. According to a 2015 survey, approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Fraudulent recruiters promise Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities—shelter and an education, but force them into domestic servitude, especially in larger cities such as Nouakchott, Nouadhibou, and Rosso. Children of Haratine and Afro-Mauritanian descent working in the fisheries sector are vulnerable to forced labor. An NGO reported traffickers coerce women and children to smuggle illicit drugs. West African women and girls, especially Senegalese and Ivoirians, are vulnerable to domestic servitude and sex trafficking in Mauritania. Refugees in Nouadhibou reportedly engage in commercial sex due to their dire financial situations, increasing their vulnerability to sex trafficking. Mauritanian, Nigerian, and Senegalese traffickers in the port city of Nouadhibou exploited Sub-Saharan African migrants transiting Mauritania en route to Morocco and Europe in forced labor and sex trafficking. Foreign agencies and Mauritanian intermediaries fraudulently recruit Mauritanian women for nursing and teaching jobs abroad and exploit them in domestic servitude and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East, promising substantial payment, and are exploited as sex slaves and in sex trafficking in Saudi Arabia and other Gulf countries. In 2016, an international organization identified and removed from a refugee camp in southeastern Mauritania 16 Malian child soldiers aged 15-17 associated with Malian rebel groups; some of the victims had been recruited in Mali, and others allegedly had been recruited from the camp in Mauritania.

MAURITIUS: TIER 2

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mauritius remained on Tier 2. These efforts included convicting two traffickers, providing protective services to all identified victims, and conducting nationwide campaigns to raise awareness of trafficking. The government established and allocated funds for its first shelter for adult trafficking victims during the reporting period. The government continued to screen migrant workers for trafficking indicators upon their arrival to the country and through inspections of migrant worker employment sites. However, the government did not meet the minimum standards in several key areas. The government continued to lack standard operating procedures to identify and refer adult victims to comprehensive protection services, and no government ministry took responsibility for leading efforts to combat adult sex trafficking. While the government established a shelter for adult victims, authorities' lack of expertise hindered shelter operations. Coordination between law enforcement and prosecutors slightly improved; however, the judicial process continued to be prohibitively slow, discouraging some victims from pursing legal redress. The government did not adopt a national action plan for the sixth consecutive year.



PRIORITIZED RECOMMENDATIONS:

Improve comprehensive protection services for adult trafficking victims by developing and implementing standardized procedures for proactive victim identification and referral to protective services—especially among at-risk populations including individuals in commercial sex and migrant workers—and by ensuring provision of adequate assistance once identified. • Increase efforts to investigate and prosecute trafficking offenses, and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. • Increase coordination between law enforcement and prosecutors to decrease the length of the judicial process, including continued case conferencing and prosecution-led investigations. • Implement a witness protection program to increase protection for victims and to increase victim willingness to cooperate in prosecutions. • Vigilantly monitor employers of migrant workers to identify indicators of trafficking and investigate potential trafficking situations. • Finalize, adopt, and allocate funding to implement the national action plan to combat trafficking. • Increase anti-trafficking coordination efforts among government agencies to prioritize the inter-ministerial committee's role in driving national efforts and assign a department or agency responsible for efforts related to adult sex trafficking. • Provide specific anti-trafficking training to law enforcement officials, labor inspectors, social workers, prosecutors, and magistrates to improve case investigation and victim identification and referral to appropriate care. • Enhance arrangements with source country governments to increase protections for migrant workers. •

Utilize the national centralized anti-trafficking data collection and reporting tool.

PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. The Combating of Trafficking in Persons Act of 2009 criminalized sex trafficking and labor trafficking of adults and children and prescribed penalties of up to 15 years' imprisonment. In addition, the amended Child Protection Act of 2005 criminalized child sex and labor trafficking and prescribed penalties of up to 30 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2009 anti-trafficking law prohibited the recruitment of workers by using fraudulent or deceptive offers; however, the law did not extend to foreign recruiters who operated outside Mauritius.

In 2019, the government reported initiating six investigations into nine suspects, compared with four investigations into at least five suspects in 2018. Specifically, authorities conducted four child sex trafficking investigations, one adult sex trafficking investigation, and one adult labor trafficking investigation. The government reported initiating the prosecution of one suspect under the 2009 anti-trafficking law, a decrease compared with 15 prosecutions in 2018; the other five new investigations remained ongoing at the end of the reporting period. The government convicted and sentenced the trafficker, an adult female Malagasy foreign national, to four months' imprisonment. The other defendant in the case, a Mauritian adult male, died before the trial began. The government also reported convicting and sentencing a Mauritian adult male involved in a 2014 child sex trafficking case to four years' imprisonment under the 2009 anti-trafficking law, as well as eight months' imprisonment for child debauchery under the 2005 child protection act to be served concurrently. These two convictions compared with zero convictions of traffickers reported in 2018. The government also reported 11 ongoing sex trafficking investigations and four ongoing prosecutions initiated in previous reporting periods; however, the government did not provide updates on these cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. With training and support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool; although it had been fully deployed during the previous reporting period, government use of the tool remained limited.

While law enforcement and prosecutors reported continued case conferencing, coordination required further improvement; additionally, the judicial process continued to be prohibitively long—frequently many years—which at times dissuaded victims from seeking legal redress. The Mauritius Police Force (MPF) maintained an internal coordination committee to combat trafficking, as well as a "human trafficking desk," where two police officers focused on trafficking cases and served as a resource for other police units. The Ministry of Gender Equality, Child Development, and Family Welfare (MWFWCD) trained 120 police officers, first responders, teachers, and Ministry of Health officials on various crimes, including commercial sexual exploitation of children. In 2019, the Mauritius Police Training School provided anti-trafficking courses to 400 law enforcement officers, compared with 462 officers trained in 2018. Despite these training efforts, some law enforcement officers continued to lack an understanding of the anti-trafficking law. Similar to previous years, proper investigations, including collection of evidence and adequate witness testimony, remained difficult for law enforcement, often leading to lengthy and poor investigations and prosecutions.

PROTECTION

The government maintained victim protection efforts. The government continued to lack standard identification and referral procedures for adult trafficking victims; however, the MWFWCD's Child Development Unit (CDU) continued to systematically employ standard referral procedures after identifying child trafficking victims. In 2019, the government identified six trafficking victims, a decrease compared with 11 victims identified in 2018. The six victims included one adult female Malagasy victim of sex trafficking, one adult male Bangladeshi victim of labor trafficking, one minor female Mauritian victim of sex trafficking, and three potential victims of child sex trafficking. The government provided medical assistance, counseling, and victim support to all six victims. The government provided shelter or referral to an NGO-run shelter to four victims. The Passport and Immigration Office (PIO) provided the Bangladeshi victim of forced labor with an extended work permit, pending the investigation and trial. The government reported supporting the repatriation of the Malagasy victim of sex trafficking to Madagascar; however, the government did not indicate what type of support it provided. A program existed to repatriate Mauritian citizens in distress abroad, but the government did not report any cases of repatriated Mauritian human trafficking victims during the reporting period.

During the reporting period, the government established its first shelter for adult trafficking victims, including male victims, and provided shelter to at least two victims; however, the government reported that operations remained limited due to the MPF's reluctance to operate the shelter. Adult victims in the shelter had freedom of movement and were able to seek employment while staying at the shelter; however, officials required victims to inform the police of their whereabouts. Despite opening a new shelter, there continued to be no clear government agency responsible for assisting adult sex trafficking victims. At least three NGO-run shelters provided temporary housing to adult female victims. The government continued to operate a shelter for female child sex trafficking victims, which could host up to 32 children; however, it did not report the number of victims assisted at the shelter during the reporting period. Child victims could leave the shelter to attend school and received medical and psychological assistance. The government allocated 34 million Mauritian rupees ($939,230) to the National Children's Council to manage two shelters for child abuse victims; however, only one of these shelters provided services to child trafficking victims, and the government did not disaggregate the funding between shelters. The government did not report providing funding to anti-trafficking NGOs, compared with providing 14 million Mauritian rupees ($386,740) to several anti-trafficking NGOs in 2018. There were no reports that the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit; however, due to a lack of identification measures and gaps in understanding of human trafficking among some law enforcement officers, authorities may have penalized some unidentified adult victims of sex trafficking and forced labor. As in previous years, police officers generally did not screen individuals involved in commercial sex for trafficking indicators. During the reporting period, immigration officials continued to regularly turn back single Malagasy women traveling on their own with small amounts of money who attempted to enter the country on tourist visas on the grounds that they might be coming to Mauritius to engage in commercial sex; authorities generally did not adequately screen these women to identify or provide services to potential victims of trafficking.

PIO officers continued to proactively screen migrant workers to identify potential labor trafficking victims. In prior years, NGOs reported that not all migrant workers had freedom of movement beyond work hours and many employers provided housing facilities that were comparable to compounds, with

fences and security guards. Observers also previously reported that some companies in Mauritius actively deterred and prevented migrant workers from petitioning for their rights, and some companies used informants to expose the leaders of potential protests and subsequently cancel their contracts and deport them. The 2009 anti-trafficking law provided victims limited legal alternatives to removal to countries in which they would face hardship. The law gave authority to the Minister of Home Affairs to allow a trafficking victim to remain in the country for up to 42 days before deportation, and issue a temporary residence permit, but only if the victim agreed to cooperate with the investigation and prosecution of the trafficking case. The law also separately allowed the Minister of Home Affairs to extend the trafficking victim's permit on humanitarian grounds. The government did not report utilizing these law or other efforts to address abuses by employment agencies during the reporting period. The government lacked formal policies and procedures to provide protective services for and encourage trafficking victims' participation in investigations and prosecutions. There was no witness protection program for victims, but authorities kept victims' identities confidential during court proceedings. Courts allowed victims to provide testimony via video or written statement, and if a victim was a witness in a court case against a former employer, they could obtain employment, move freely within the country, or leave the country pending trial proceedings; however, the government did not report providing these protective measures during the reporting period. The anti-trafficking law allowed the courts to award a victim up to 500,000 Mauritian rupees ($13,810) in restitution from the convicted trafficker; however, the courts did not award any restitution to victims during the reporting period. The law also allowed victims to file civil suits against their alleged traffickers for compensation for damages exceeding the amount of restitution awarded during criminal proceedings; however, civil suits could be prohibitively expensive and lengthy, and there were no reports of suits filed during the reporting period.

PREVENTION

The government slightly decreased efforts to prevent trafficking. The Prime Minister's Office was the government's lead on its anti-trafficking efforts. The National Steering Committee on Trafficking in Persons, the working-level technical committee under the high-level inter-ministerial committee, designated to drive daily operations on anti-trafficking efforts, was inactive since a change in leadership in March 2019. The MWFWCD, including the National Children's Council and the CDU, led government efforts to combat child trafficking; there continued to be confusion within the government on which department was responsible for addressing adult sex trafficking. While an anti-trafficking national action plan has reportedly been drafted for several years, the government has not implemented a national action plan since 2013. The MWFWCD continued to operate a hotline to report child abuse cases; the hotline recorded 36 calls during the reporting period, but did not report call data related to trafficking. The MPF continued to operate various hotlines that were available 24 hours a day and in multiple languages; the government identified one case of trafficking through a MPF-run hotline during the reporting period.

The government conducted several awareness-raising campaigns during the reporting period, primarily targeting elementary and high school students, parents, teachers, senior citizens, and tourism stakeholders. The MWFWCD conducted 282 awareness campaigns in schools, children's clubs, and child protection clubs that covered various crimes against children, including child sex trafficking, that reached approximately 5,000 children and parents. The CPU reported conducting awareness programs in schools and community centers for approximately 14,000 people, compared with 27,149 people in 2018. For the second consecutive reporting period, the government distributed approximately 10,000 anti-trafficking posters in schools and other official buildings. In partnership with a foreign government, the government continued to produce and distribute migrant worker rights brochures, translated into seven languages, to all foreign workers upon arrival to Mauritius. The government also reported that labor inspectors conducted awareness campaigns among migrant workers, but did not report further details of these campaigns.

The Ministry of Labor (MOL) conducted 1,198 individual sessions to sensitize migrant workers of their rights, including producing relevant documents in the native language of the migrant worker, compared with conducting 2,940 sessions in 2018. The MOL's Special Migrant Workers Unit, responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites, responded to 457 complaints from migrant workers, compared with 563 in the previous reporting period; however, the MOL did not report identifying any trafficking victims during these inspections. Although the MOL was required to approve all employment contracts before migrant workers entered the country, some migrant workers reportedly continued to enter the country with contracts that were incomplete or had not been translated into languages the workers could read. The government signed a worker recruitment agreement with the Government of Nepal in June 2019. The agreement reportedly outlined the rights, requirements, and regulations for Nepali workers recruited to work in Mauritius; however, the government did not report any instances of its implementation during the reporting period. The government began negotiating a similar agreement with the Government of Bangladesh. The government did not make efforts to reduce the demand for commercial sex acts. The government provided training for diplomatic personnel that included an anti-trafficking component.

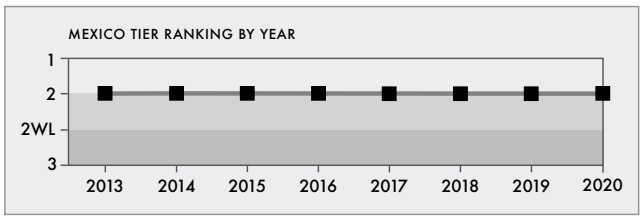
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritius. Peers, significant others, family members, or businessmen offering other forms of employment exploit girls from across the country in child sex trafficking. Taxi drivers often transport child sex traffickers to their victims with whom they engage in commercial sex acts; taxi drivers also transport victims to traffickers. Traffickers exploit girls from poor neighborhoods, an especially vulnerable population, in both sex trafficking and forced labor. Malagasy women transit Mauritius en route to employment as domestic workers in the Middle East, where traffickers exploit many in forced labor and sex trafficking. Mauritius' manufacturing and construction sectors employ approximately 45,000 foreign migrant workers from Bangladesh, India, Sri Lanka, Nepal, China, and Madagascar, some of whom traffickers subject to forced labor. Employers operating small- and medium-sized businesses employ migrant workers, primarily from Bangladesh, who have been recruited through private recruitment intermediaries, usually former migrant workers now operating as recruiting agents in their country of origin; labor trafficking cases are more common in small and medium enterprises, rather than in larger businesses that recruit directly without the use of intermediaries. Despite the practice's illegality, employers routinely retain migrant workers' passports to prevent them from changing jobs, enhancing the vulnerability to forced labor.

MEXICO: TIER 2

The Government of Mexico does not fully meet the minimum standards for the elimination of trafficking but is making efforts to do so. The government demonstrated increasing efforts compared

to the previous reporting period; therefore Mexico remained on Tier 2. These efforts included investigating and prosecuting more traffickers, such as the successful prosecution of a transnational sex trafficking ring under their new accusatory system; identifying more victims in Mexico and abroad; investigating and prosecuting allegedly corrupt or complicit government officials, including the conviction of a government official to 39 years' imprisonment; maintaining law enforcement cooperation with the United States; providing increased resources for victim services; and initiating more investigations as a result of hotline referrals. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers than in the previous year, although those convicted were sentenced to significant prison terms; provided inadequate specialized services for trafficking victims, which were unavailable in most parts of the country; and maintained an inadequate number of shelters compared to the scale of the problem. The government sometimes erroneously detained trafficking victims during operations. The government investigated and prosecuted few complaints of forced labor.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking offenses, including forced labor, at both the federal and state levels and sentence convicted traffickers to significant prison terms. • Increase victim identification and referral, especially among vulnerable populations, such as migrant workers, indigenous populations, and individuals in commercial sex using existing protocols. • Increase efforts to protect victims and witnesses testifying against traffickers, while ensuring they are not coerced into testifying or inappropriately misidentified as traffickers and unlawfully detained. • Increase efforts to hold corrupt or complicit public officials accountable through effective prosecutions and sentence convicted officials to significant prison terms. • Develop and implement a national strategic action plan on victim services in consultation with international organizations and NGOs to include specialized trafficking victim services and shelters for all victims, including men, and funded by the government. • Increase federal funding for law enforcement efforts and victim services. • Increase the capacity of federal and state specialized anti-trafficking prosecutors or units to respond more effectively to trafficking cases, through increased funding and staff training. • Provide improved security and victim-centered care to victims during judicial proceedings to ensure their safety, avoid re-traumatization, and prevent unlawful detention. • Train officials to seek or order restitution for victims through the victim fund as provided by law. • Increase capacity and strengthen the labor inspection system, particularly in the agricultural sector, and enforce laws to hold fraudulent foreign labor recruiters accountable. • Finalize, implement, and allocate sufficient resources to a national anti-trafficking action plan that is coordinated across federal, state, and local authorities. • Strengthen data collection efforts.

PROSECUTION

The government increased its law enforcement efforts in investigations and prosecutions, but it obtained fewer convictions. The 2012 anti-trafficking law criminalized sex trafficking and labor trafficking, prescribing penalties of five to 30 years' imprisonment and fines for sex trafficking offenses and five to 20 years' imprisonment and fines for labor trafficking. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes such as rape. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. Federal officials had jurisdiction over all international trafficking cases, all cases that took place on federally administered territory involving organized crime, and all cases involving allegations against government officials. States investigated other internal trafficking cases. Twenty-eight states had enacted trafficking laws. The 2012 law obligated states to have a dedicated human trafficking prosecutor; 30 of 32 states had established specialized anti-trafficking prosecutors or units.

Authorities initiated 133 federal investigations (including one case of forced labor) and at least 545 state investigations for trafficking in 2019, compared with 112 federal and 304 state investigations in 2018, 127 federal and 298 state investigations in 2017, 188 federal and 288 state investigations in 2016, and 250 federal and 415 state investigations in 2015. Authorities initiated prosecutions against at least 522 individuals in federal and state cases in 2019, compared with 510 in 2018, 609 in 2017, 479 in 2016, and 578 in 2015. The government also cited an additional 30 individuals held in "pretrial detention" for trafficking-related offenses; these cases are awaiting prosecution. Experts noted the rise in prosecutions was in part due to an increase in state-level prosecutorial efforts in Mexico City, and the States of Mexico and Chihuahua. Authorities convicted 29 traffickers in federal and state cases in 2019, compared with 60 traffickers in federal and state cases in 2018, 95 traffickers in federal and state cases in 2017, 228 traffickers in federal and state cases in 2016, and 86 traffickers in federal and state cases in 2015. The government reported sentences ranging from two years' to 53 years' imprisonment; several of the state level court convictions had penalties ranging from 22 years' to 53 years' imprisonment. This compared to five years' to 32 years' imprisonment, with an average term of imprisonment of 10.5 years in 2018. Notable cases included the government's July 2019 successful prosecution of several members of a Tlaxcala family on sex trafficking charges; this is the first trafficking case to be prosecuted under the new accusatory system, which involved a complex trafficking ring from southern Mexico to the U.S. border. State of Mexico judges convicted a mother for sex trafficking and forced begging of her two children, and sentenced her to 53 years, five months in prison plus fines and restitution. Michoacán state prosecutors convicted a woman for the sex trafficking of indigenous minors from Queretaro, and sentenced her to 30 years in prison, plus fines and restitution.

Mexican authorities maintained law enforcement cooperation with the United States, including the extradition of two traffickers to the United States, the successful prosecution of a Tlaxcala sex trafficking ring, prosecution training that led to the successful convictions with 15-, 18-, and 43-year prison sentences of three traffickers from the State of Mexico, and information assistance on three additional trafficking-related cases. The government maintained international cooperation by requesting assistance from the Colombian, Venezuelan, and Peruvian governments to interview victims for three trafficking cases. In addition, the government reported receiving six requests for legal assistance from other countries related to trafficking cases. The government participated in drafting a memorandum of understanding with The Bahamas to facilitate information sharing and the execution of trafficking investigations. The government conducted 13 trainings for law enforcement officials focused on trafficking investigations. The Ministry of Finance's Financial Intelligence Unit received 364 reports of suspicious financial transactions allegedly related to human trafficking, the most since its inception in 2003. It also conducted its first trafficking training related to

money laundering, initiated 10 trafficking investigations in 2019, held meetings in Washington, DC, focused on financial networks involved in combating trafficking, and increased collaboration with the Organization of American States on investigations of trafficking cases. An international organization held a workshop on human trafficking for 60 judges in the State of Mexico. In 2019, the federal government dedicated 74 million pesos ($3.92 million) to the Special Prosecutor for Violence Against Women, which was responsible for investigating and prosecuting crimes related to violence against women and trafficking in persons. This compared to the federal government dedicating 65 million pesos ($3.44 million) in 2018. Additionally, the government dedicated 15.53 million pesos ($822,040) in 2019 to the Specialized Unit for Investigating Trafficking in Minors, Persons, and Organs under the Special Prosecutor for Organized Crime; this compared with 21 million pesos ($1.11 million) in 2018. The prosecutor's office in Nuevo Leon published a Manual for the Attention and Detection of Trafficking in Persons. In August 2019, the government passed the Asset Forfeiture Law which allows authorities to seize trafficker's assets.

State-level authorities outside Mexico state, Chihuahua state, and Mexico City conducted limited investigations, and investigations and prosecutions were sometimes delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the country. Officials noted problems with federal prosecutions and convictions due to a lack of specialized judicial courts for human trafficking cases. Experts expressed concern over budget cuts and limited personnel, particularly in rural and indigenous communities, affecting the government's ability to combat trafficking. Experts also cited a limited understanding of trafficking, particularly forced labor, as an impediment to the government's response. NGOs also noted weaknesses in the government's application of the law, including misuse or misunderstanding of the law, an overly broad legal definition of trafficking, failure to perform official functions, and insufficient identification of victims, particularly related to forced labor, as factors limiting the government's effectiveness.

Trafficking-related corruption remained a concern. The Special Prosecutor for Violence Against Women and Trafficking in Persons (FEVIMTRA) reported four ongoing investigations into government employees engaged in trafficking crimes involving officials from the National Migration Institute (INM) who received monetary payments for facilitating the entry and illegal residency of migrant trafficking victims. In September 2019, prosecutors secured a conviction of 39 years' imprisonment for a former federal law enforcement agent for the sex trafficking of Venezuelan women in Mexico. In October 2019, media sources reported that police from Tlaxcala forced a journalist to leave the city while she was investigating trafficking issues. In January 2020, a senator from the Labor Party presented an initiative in the Mexican Senate to additionally sanction and increase penalties for INM public servants that engage in trafficking-related crimes.

PROTECTION

The government maintained protection efforts; however, there were issues with the identification of forced labor victims and many victims did not receive adequate shelter or specialized services. The government reported identifying 658 trafficking victims in 2019—compared to 706 victims in 2018, 667 victims in 2017, 740 victims in 2016, and 1,814 victims in 2015. Of the 658 trafficking victims identified, approximately 18 percent were male, 58 percent were female, and 24 percent with their gender unspecified, compared to 21 percent male, 54 percent female, and 25 percent gender unspecified in 2018. The federal government identified 113 compared to 146 in 2018, 140 in 2017, 194 in 2016, and 876 in 2015. The state governments identified 545 of the total victims, compared to 560 in 2018, 527 in 2017, 691 in 2016, and 938 in 2015. The government identified and provided support to an additional 933 Mexican trafficking victims abroad, including 912 in the United States and 21 in other countries, compared to 860 Mexican victims abroad in 2018, 196 Mexican forced labor victims abroad in 2017, and 20 in 2016.

Immigration and other federal officials each had formal protocols for the identification of victims. INM, in collaboration with an international organization, developed a protocol to detect and refer trafficking victims to services; in 2019, the government developed and trained personnel on this protocol. The process for referral of Mexican victims to shelters, however, was ad hoc and varied from state to state. Experts called for the government to increase its resources and training to accurately identify and refer trafficking victims among vulnerable populations, such as migrant workers and individuals in commercial sex. While victim services varied and were unavailable in some parts of the country, federal and state agencies generally offered victims emergency services, such as medical care, food, and housing in temporary or transitional homes, and longer-term victim services, such as medical, psychological, and legal services, often in partnership with NGOs. Specialized and integrated care for trafficking victims was inadequate, particularly for male, adolescent, rural, and forced labor victims, and victims in rural areas remained inadequate. Observers noted a lack of government funding for victim services, highlighting that child labor trafficking victims were left often without appropriate social services. NGOs, many with foreign donor or private funding, provided specialized shelters and assistance to some victims who were at times referred by officials. Some NGOs reported increased collaboration with the government on victim care. The government began efforts to centralize its assistance services to improve victim care; however, financial and human resources were not yet allocated to this strategy. The National Institute of Social Development provided 4.39 million pesos ($232,370) in 2019 for victim services, compared to 3.02 million pesos ($159,860) in 2018. In 2019, the System for the Protection of Girls, Boys, and Adolescents created the Commission for the Comprehensive Protection of Migrant Girls, Boys, and Adolescents, which includes the prevention, protection, and care of girls, boys, and adolescents who were human trafficking victims. In 2019, the Executive Commission for Victim Assistance created a prevention and gender issues-focused unit in coordination with the inter-secretarial commission against trafficking in persons. The Mexican government adopted austerity measures in response to a contracting economy and the prioritization of development initiatives, which impacted programs in every secretariat and institution, including those addressing trafficking in persons. Federal programmatic funding was further impacted by additional austerity measures adopted in response to the COVID-19 pandemic.

Experts noted an overall lack of shelter and housing for victims. FEVIMTRA continued to operate a high-security shelter in Mexico City, and reported it spent 49 percent of its total 2019 budget, 263,960 pesos ($13,970), on the shelter and related victim care expenses for 34 victims (32 female, two males; 20 adults, 13 minors, and one unspecified; 17 Mexican, 11 Colombian, four Venezuelans, one Guatemalan, and one Nicaraguan). The shelter allowed women to have their children with them. Women were not allowed to leave the shelter alone as a security precaution; NGOs expressed concern this arrangement re-traumatized some victims. The states of Mexico, Chiapas, and Mexico City continued operating six government-funded trafficking shelters; however, the shelters at both federal and state levels typically housed victims of trafficking only during a criminal prosecution. An NGO in the State of Puebla continued to operate the country's only public-private shelter, which provided comprehensive services to 100 victims in 2019, compared to 77 victims in 2018. In addition to these shelters, there were two publicly funded Women Justice Centers in the states of Hidalgo and Guanajuato that worked jointly with

the Specialized State District Attorneys for Trafficking in Persons to provide a temporary shelter for trafficking victims. There were not shelters for males above the age of 13. Government centers for crime victims provided some trafficking victims with emergency services, as did state-level prosecutorial, social service, and human rights offices. During 2019, the government signed six new memorandums of understanding involving the Mexican consular network in the United States and U.S. local entities specializing in human trafficking to provide care to Mexican victims in the United States. Mexican consular officials abroad operated special windows in the United States to identify situations of risk for trafficking among migrant children, women, and indigenous persons.

In 2019, the INM provided temporary immigration relief in the form of humanitarian visas to 60 victims of human trafficking or illicit smuggling and did not report the number of repatriated victims of human trafficking or illicit smuggling; this compared to 241 humanitarian visas and 399 victims repatriated in 2018. Humanitarian visas enabled foreign trafficking victims to remain in the country up to one year, and could be extended. Some government officials and NGOs expressed concern authorities did not grant humanitarian visas as often as they should due to a failure to identify eligible foreign trafficking victims, victims' lack of awareness of the process for obtaining such relief, victims' desire to return to their country of origin, length of legal proceedings, and the waiting time for processing requests for immigration relief. The inter-secretarial anti-trafficking commission provided funding to an international organization to develop a national information system to track the number of victims identified, referred, and assisted across the country; the government completed the first phase of installation in 2017, incorporated additional data in 2018, and planned to implement the system in 2020. The law provided victims with protection from punishment for unlawful acts traffickers compelled them to commit; however, NGOs reported the government sometimes mistakenly detained trafficking victims on these charges. Some officials transferred victims to shelters to serve as detention facilities until the cases were completed. Many victims reported they were afraid to identify themselves as trafficking victims or, if identified, to testify against their traffickers in court under the accusatorial system. Few victims filed complaints or assisted in investigations and prosecutions due to their fear of retribution from traffickers, the lack of specialized services and security, or distrust of authorities. NGOs also reported officials often re-traumatized trafficking victims due to lack of sensitivity and the lack of adequate protection for victims during criminal proceedings. Experts expressed concern that prosecutors coerced some victims to testify during judicial proceedings. Observers noted that indigenous victims experienced discrimination within the judicial system. The national anti-trafficking law provided for restitution from a victims' fund that was unfunded and no victims received restitution; this compared with two victims receiving restitution in 2018.

PREVENTION

The government maintained prevention efforts. The inter-secretarial anti-trafficking commission coordinated with 45 government agencies and institutes, met twice in 2019, and its subcommittee met four times to prepare the annual work program and present the results of ongoing initiatives. The commission updated the national training program; amended internal regulations; reviewed and further developed its national information system on human trafficking; and created prevention campaigns and dissemination strategies. With the expiration of its national anti-trafficking action plan in 2018, the commission created six working groups of government, civil society, and academic members and held roundtables around the country to draft a new plan for 2020-2024; however, the government did not complete the plan by the end of the reporting period.

Experts noted Mexico's lack of a comprehensive approach, planning, and evaluation of the government's anti-trafficking activities. The National Human Rights Commission (CDNH) published its five-year assessment of trafficking in Mexico and noted the need to: improve proactive victim identification; inter-institutional coordination, research and analysis on local, regional, and national trafficking patterns; increase attention to the trafficking vulnerabilities of rural and indigenous communities; increase allocation of resources for NGOs to improve victim services and shelter; resource the victims fund for restitution; improve data collection of traffickers and case management of victims; increase public awareness campaigns of the risk of trafficking for Mexicans abroad, school-age children, rural and indigenous communities; and assess identification protocols. Twenty-nine out of 31 states had state-level anti-trafficking committees. The government passed a ban on marriage for children younger than 18 years of age in 31 of 32 states to protect children and prevent forced marriage.

The Secretariat of the Interior (SEGOB) inaugurated the National Human Rights Program 2019-2024 to consolidate national policy around human rights and trafficking in persons. In the first phase of this program, SEGOB held 14 forums in 11 states with the participation of 2,383 public servants; in the second phase, SEGOB organized 31 working group sessions with participants from NGOs, government, academics, and experts. SEGOB established a capacity-building working group within the anti-trafficking commission, which delivered several anti-trafficking training courses to government officials. The government provided a variety of anti-trafficking training and awareness programs for government officials and the public to improve trafficking investigations. Several state governments partnered with an international organization to deliver anti-trafficking workshops involving victim identification and assistance to government officials and NGOs, including those serving indigenous populations. The government partnered with other NGOs to conduct public awareness campaigns at universities, schools, and with civil society organizations. The government also created public awareness campaigns on social media platforms. In October 2018, the Mexican National Commission for the Development of Indigenous Populations, the Government of Canada, and an international organization announced a project to identify and prevent trafficking in Mexican indigenous communities; awareness raising tools were under development during the reporting period. NGOs commented that the government could make more effort to clarify the definition of human trafficking (particularly involving forced labor), increase efforts, and conduct more evaluations of its public awareness campaigns. Experts also noted that prevention campaigns were not targeted at children or adolescents, rural and indigenous communities, or communities needing language translation and/or interpreters.

The NGO-run anti-trafficking hotline received 3,526 calls in 2019, compared to 1,389 calls in 2018. Of those calls, 316 were determined to be potential trafficking-related cases (77 percent sex trafficking, 14 percent forced labor). This compared to 131 potential trafficking cases identified in 2018 and 103 calls in 2017. From the 3,526 calls, the government opened 88 investigations. Hotline workers reported an increase in open investigations by the government from hotline reporting, with 17 open investigations from previous years in 2019, compared to two in 2018. The government operated additional hotlines, including one from the prosecutor general's office and one for crimes against women and trafficking crimes. The government initiated two investigations for trafficking in persons as a result of calls to the prosecutor general's hotline. The NGO-run and Mexico City prosecutor general's office hotlines identified 229 victims.

The Secretariat of Labor and Social Welfare (STPS) had a

requirement and protocol to identify victims of forced labor in registered businesses and farms and to report such crimes to law enforcement officials; the government did not report identifying victims of forced labor through the use of this protocol in 2019. Observers noted resource constraints, a limited number of inspectors and inspections, requirements of a 24-hour notice for inspections, lack of understanding of labor trafficking, lack of clarity between federal versus state jurisdictions, and no oversight of the informal economy hampered consistent enforcement of labor laws and the identification of forced labor, particularly among children, indigenous populations, and other vulnerable groups. Authorities arrested suspected traffickers who allegedly exploited individuals in forced labor, but conducted very few inspections in major farming states, investigated few complaints, and did not report successful prosecutions for the crimes. Inspectors lacked resources and faced technical difficulties and security concerns in carrying out inspections. The government conducted outreach to foreign migrant workers to inform them of their rights and responsibilities. While Mexican law criminalized fraudulent labor recruiting and prohibited charging worker-paid recruitment fees, authorities did not report efforts to inspect, regulate, or hold accountable delinquent labor recruiters. NGOs reported authorities failed to enforce this law and its regulations, which resulted in workers being charged exorbitant recruitment fees, a factor that often leads to debt bondage to either the recruiter or employer, employers illegally holding wages and making threats of violence or nonpayment of wages if workers leave, and few registrations of recruiters and corresponding labor inspections of their operations.

The government established a pilot program to enroll domestic employees in social security following the passage of a new law requiring employers to formalize their status and allow them other protections prescribed for in the formal employment sector. NGO and industry officials reported Mexican government efforts to combat forced labor in public and private supply chains were insufficient due to limited capacity and resources. The government ratified ILO Convention 189, which guarantees the promotion and protection of human rights for domestic workers. In conjunction with the ILO, STPS joined the Alliance 8.7, which is a voluntary group of member states committed to achieving the United Nations' 2030 Agenda for Sustainable Development, Target 8.7 aimed at ending forced labor, modern slavery, human trafficking and child labor. With financial and technical assistance from NGOs and a foreign government, STPS launched a new project to promote and protect labor rights in the Mexican sugarcane and tobacco sectors in Jalisco and Nayarit, increase the government's capacity to enforce labor laws and conduct labor inspections, create a new case management and grievance reporting systems, and create public awareness campaigns to Mexican farmworkers and the public.

Several NGOs reported tourism officials in Merida, Yucatan, Zacatecas, and Campeche conducted awareness campaigns. Through support from an NGO, the government provided training on its "code of conduct" for travel agencies, hotels, restaurants, tourist guides, training centers, and transportation providers in five states. The government had laws to facilitate the investigation, prosecution, or conviction of child sex tourists but did not report any such cases. In collaboration with the United States, the government maintained the Angel Watch Program, which compared registered American sex offenders against travel information. The government provided an online anti-trafficking course for its diplomats. The Ministry of Foreign Affairs instructed Mexico's 50 consulates in the United States to strengthen anti-trafficking collaboration mechanisms. The government did not make efforts to reduce the demand for commercial sex acts.

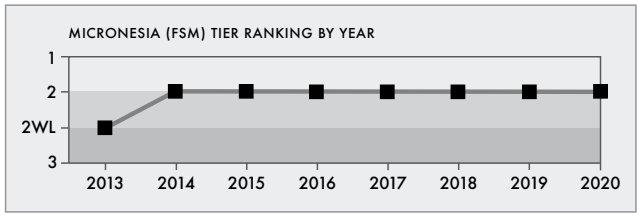
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mexico, and traffickers exploit victims from Mexico abroad. Groups considered most at risk for trafficking in Mexico include women, children and unaccompanied minors, indigenous persons, persons with mental and physical disabilities, migrants, and LGBTQI individuals. Traffickers recruit and exploit Mexican women and children, and to a lesser extent men and transgender individuals, in sex trafficking in Mexico and the United States through false promises of employment, romantic relationships, or extortion. Traffickers exploit Mexican men, women, and children in forced labor in agriculture, domestic service, child care, manufacturing, mining, food processing, construction, tourism, begging, and street vending in Mexico and the United States. Traffickers exploit day laborers and their children in forced labor in Mexico's agricultural sector; these individuals migrate from the poorest states to the agricultural regions to harvest vegetables, coffee, sugar, and tobacco; receive little or no pay, health care, or time off, may live in substandard housing, and in the case of children, are denied education. Observers report some Mexicans are held in debt bondage in agriculture by recruiters or the company itself. NGOs estimated traffickers increasingly exploited individuals in forced labor in Mexico; but government and NGO statistics showed fewer than 1,500 forced labor victims identified from 2013 to 2019. Observers reported potential trafficking cases in substance abuse rehabilitation centers, women's shelters, and government institutions for people with disabilities, including by organized criminal groups and facility employees. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America, particularly El Salvador, Guatemala, Honduras, and Venezuela; traffickers exploited some of these victims along Mexico's southern border. NGOs and the media report victims from the Caribbean, South America, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States, and could include refugees and asylum-seekers. Observers reported an increase in Venezuelan migrants vulnerable to trafficking over the past three years and concerns about migrants in general as a vulnerable population.

Organized criminal groups profit from sex trafficking and force Mexican and foreign men, women, and children to engage in illicit activities, including as assassins, lookouts, and in the production, transportation, and sale of drugs. Observers, including Mexican legislators, noted links between violence against women and girls and between women's disappearances, murders, and trafficking by organized criminal groups. Experts expressed concern over the recruitment and use of torture and murder by organized criminal groups of indigenous children and youth to exploit them in forced criminality. Observers also expressed concern over recruitment of recently deported Mexican nationals and foreign migrants by organized criminal groups for the purpose of forced criminality. Authorities reported that the economic vulnerability of migrants left them susceptible to various forms of trafficking. Trafficking-related corruption continued to raise concern. NGOs reported child sex tourism remains a problem and continues to expand, especially in tourist areas and in northern border cities. Many child sex tourists are from the United States, Canada, and Western Europe; Mexicans also purchase sex from child trafficking victims. Authorities reported the use of bitcoin for money laundering involving trafficking crimes. In light of bars and nightclubs shut down due to COVID-19, government, NGO, and media reports indicated that traffickers in Tlaxcala were using people's homes for sex trafficking of women.

MICRONESIA, FEDERATED STATES OF: TIER 2

The Government of the Federated States of Micronesia (FSM) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore FSM remained on Tier 2. These efforts included funding an anti-trafficking training for law enforcement officials and providing $120,000 for trafficking victim services. The government established an anti-human trafficking division within the Department of Justice. However, the government did not meet the minimum standards in several key areas. The government remained without comprehensive standard operating procedures (SOPs) for proactive victim identification and referral to protection services. Law enforcement and judicial understanding of trafficking remained low and overall protection services continued to be insufficient.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Finalize, disseminate, and train officials on procedures for the proactive identification and referral of trafficking victims to rehabilitation services. • Increase resources for protection services for trafficking victims. • Increase and institutionalize anti-trafficking training for police, prosecutors, and judges, including on how to implement a victim-centered approach. • Provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution. • Strengthen efforts to implement the national action plan (NAP) and state-level plans, including through staffing a governmental anti-trafficking secretariat. • Monitor foreign labor recruitment for trafficking indicators, including the coercive use of debt. • Strengthen efforts to conduct anti-trafficking awareness campaigns targeted to traditional leaders, health care professionals, and the public, including those citizens of FSM who might migrate for work overseas.

PROSECUTION

The government maintained law enforcement efforts. The national anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment, a fine of $5,000-$25,000, or both for offenses involving adult victims, and up to 30 years' imprisonment, a fine of between $5,000-$50,000, or both for offenses involving child victims. These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Each of Micronesia's four states had its own laws that criminalized trafficking offenses; however, Pohnpei and Chuuk States did not explicitly prohibit adult sex trafficking. Cases prosecuted at the state level may be heard subsequently at the national level, under national anti-trafficking law, depending on which court hears a case.

The government reported investigating one alleged trafficking case, compared with nine in 2018, and prosecuting eight alleged traffickers, compared with seven in 2018. Courts convicted six traffickers during the reporting period, the same as in 2018. A sex trafficking case involving one victim and five alleged traffickers remained ongoing at the end of the reporting period; in March 2020, three of the traffickers were convicted of human trafficking and the sexual exploitation of a minor while charges remained ongoing for the other two alleged traffickers. The acting Attorney General of Yap was murdered, and some media reports stated the motivation behind the action may have been related to her work against human trafficking. Two perpetrators were arrested and were awaiting trial at the end of the reporting period.

During a previous reporting period, the Department of Justice (DOJ) assigned a full-time assistant attorney general to prosecute all human trafficking cases and hired four investigators, two in Chuuk and two in Kosrae, who specialize in human trafficking; these positions remained unchanged at the end of the reporting period. In July 2019, the government funded a three-day anti-trafficking and victim centered approach training for law enforcement officials; an international government agency conducted the training. Unlike in previous years, the government did not report providing DOJ with funding for investigation and awareness programs. DOJ continued to provide training for law enforcement, judges, lawyers, health providers, faith-based organizations, and youth and women's groups at the state and national level. Despite these trainings, judges lacked specialized training and consequently some judges lacked sensitivity to trafficking issues and the trauma victims experienced. In previous years, the absence of judicial training and Micronesian law, which allowed for penalties of fines in lieu of imprisonment, regularly permitted judges to apply penalties that were disproportionately low to the severity of the crimes. The government's police academy training for new cadets included a mandatory training on investigating trafficking cases and how to interview potential victims. Observers stated police still required additional training on sex trafficking and sophisticated investigation techniques. The insular nature of the small island communities at times protected traffickers and impeded investigations. Police did not frequently investigate or charge traffickers whose role was to facilitate rather than impose exploitation, such as hotel owners, taxi drivers, and family members. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government maintained efforts to protect victims. In the previous reporting period, the government finalized and approved SOPs for victim assistance and referral to state law enforcement; however, the government remained without comprehensive SOPs to proactively identify trafficking victims and refer them to rehabilitation services. Due to insufficient identification efforts, authorities may have penalized unidentified victims through law enforcement actions against them, such as deportation. Similar to last year, the government did not report its proactive identification of any victims—five victims self-identified throughout the reporting period. The government reported providing food, clothing, medical services, psychological evaluation, counseling services, assistance with the appointment of legal guardians, and academic and social reintegration support, in partnership with an international organization, to four trafficking victims. This was compared with the government providing limited protection services to 10 victims during the previous reporting period.

In the previous reporting period, the government opened its first shelter, available to all victims of crimes, in Chuuk; the shelter continued to provide services throughout this reporting period. The government provided $120,000 for victim services, an increase

from $100,000 in 2018; however, unlike the previous reporting period, the government did not report providing additional funds towards a trafficking victim psychologist and the trafficking hotline. A trafficking hotline established in a previous reporting period continued to operate 24 hours a day in English and local languages, and while it received calls during the reporting period, none of the calls resulted in trafficking investigations. In the previous reporting period, the DOJ employed an anti-human trafficking coordinator at the national level and three assistant coordinators at the state level, who provided support to the victim from the investigation through the trial and for several years after the disposition of the victim's case; the government did not report if this position continued during the reporting period. During the reporting year, a judge in Chuuk granted the implementation of special trial procedures by agreeing to close the court and providing a screen for the victim to sit behind during the victim's testimony. Courts ordered convicted traffickers to pay restitution to three victims during the reporting period. The government did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

PREVENTION

The government decreased efforts to prevent trafficking. DOJ coordinated the government's anti-trafficking efforts. In August 2019, an executive order established the Division of Anti-Human Trafficking within the DOJ; the division is tasked with conducting public awareness campaigns, developing anti-trafficking training programs, providing victim protection services, and assisting in investigations. Each of the four states' anti-trafficking task forces were comprised of members of state and national law enforcement, the legal community, medical and mental health professionals, immigration officials, and women's empowerment and faith-based groups; only Chuuk and Pohnpei's task forces were active during the reporting period.

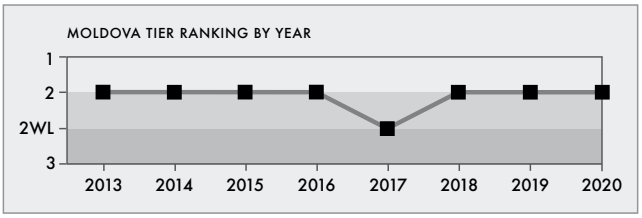
The government reported it continued to implement its 2014 NAP and three of the four states had action plans linked to the NAP. DOJ, in partnership with the Department of Education, conducted a series of awareness activities in Pohnpei schools; similar programs were reportedly conducted in Chuuk and at college campuses and churches. The government did not report funding DOJ for investigations and awareness activities, a decrease compared with the $100,000 provided in 2018. However, the government reported it conducted monthly community awareness programs throughout the four states. The government did not report any efforts to monitor foreign labor recruitment or preparation of Micronesian women and girls leaving to work in other countries. While the government reported conducting awareness campaigns focused on destigmatizing individuals in commercial sex and closing known brothels, it did not report efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the FSM, and traffickers exploit victims from FSM abroad. Sex traffickers exploit Micronesian women and girls through commercial sex with the crewmembers of docked Asian fishing vessels, crewmembers on vessels in FSM territorial waters, or with foreign construction workers. Some family members exploit Micronesian girls in sex trafficking. Local authorities claim many sex trafficking cases are unreported due to social stigma and victims' fear of possible repercussions in their home communities. Foreign and domestic employers in FSM exploit low-skilled foreign migrant workers in forced labor, including in restaurants. Foreign migrants from Southeast Asian countries report working in conditions indicative of human trafficking on Asian fishing vessels in FSM or its territorial waters. Traffickers recruit FSM women with promises of well-paying jobs in the United States and its territories; but, upon their arrival, they are subsequently forced into commercial sex or domestic servitude.

MOLDOVA: TIER 2

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Moldova remained on Tier 2. These efforts included prosecuting and convicting more traffickers, allocating more funding to victim services, and commencing development of a center for male trafficking victims. Furthermore, the Prosecutors General Office (PGO) issued guidelines requiring all police and prosecutors to conduct financial investigations, including asset forfeitures, as part of trafficking investigations. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking cases and identified fewer trafficking victims. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. The government did not report any complicit officials involved in trafficking crimes despite contradictory reports from civil society and a long history of complicity by government employees. Traffickers continued to intimidate victims, and authorities provided uneven levels of protection during court proceedings. Protection and assistance for child victims remained inadequate, despite the increasing number of children identified. The government limited unannounced labor inspections, which was the county's main mechanism to identify child labor, including forced child labor, and permitted authorities to conduct announced onsite inspections only if they received written complaints and gave businesses 10 days' notice, providing traffickers opportunity to evade detection.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials. • Implement measures to address corruption in the judicial sector and law enforcement community, including taking steps to shield trafficking investigators and prosecutors from external influence and internal corruption. • Exempt all victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin. • Ensure consistent use of laws and regulations designed to protect victims during trial, take steps to protect victims and witnesses during court proceedings, and prosecute perpetrators of witness tampering and intimidation. • Increase shelter and rehabilitation assistance to child trafficking victims. • Proactively identify trafficking victims, including undocumented migrants, and refer them to care facilities for assistance. • Empower authorities to conduct onsite unannounced labor inspections and announced inspections regardless of whether authorities receive written complaints. • Amend the law to allow authorities to inspect facilities when they have suspicions or visual evidence of businesses' involvement in child labor, including forced child labor, and to delegate authority to the State Labor Inspectorate to conduct labor inspections. • Train police, judges, and prosecutors on a

victim-centered approach to investigations and prosecutions. • Improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations. • Formalize government oversight of private employment agencies, including monitoring for any recruitment fees charged to applicants.

PROSECUTION

The government maintained law enforcement efforts. Articles 165 and 206 of the criminal code criminalized sex trafficking and labor trafficking. The law prescribed penalties of six to 12 years' imprisonment for trafficking offenses involving an adult victim and 10 to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code also criminalized forced labor and imposed penalties of up to three years' imprisonment. In 2019, authorities conducted 153 investigations, a decrease from 223 in 2018 and 185 in 2017. The government initiated 90 prosecutions (55 sex trafficking, 35 labor trafficking, including forced begging), compared with 83 in 2018 and 85 in 2017. Courts issued 63 convictions (59 in 2018, 58 in 2017). Prison sentences ranged from four years and eight months to 17 years. During the reporting period, authorities cooperated with foreign counterparts on trafficking investigations.

Major political upheaval in 2019 and existing law enforcement deficiencies hindered government progress. The Center for Combating Trafficking in Persons (CCTIP), the specialized anti-trafficking law enforcement body, continued to suffer from turnover of experienced staff, limiting its ability to investigate complex cases, including transnational criminal organizations or complicit government officials. In a case referred to CCTIP for investigation in 2019, observers reported alleged complicity by a Moldovan Border Police officer suspected in connection with exploiting a person with disabilities; the case remained ongoing at the end of the reporting period. Despite this report and a long history of complicity by government employees, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Furthermore, corruption in the judicial system remained an acute impediment to bringing traffickers to justice with prosecutors, members of the judiciary, and members of law enforcement implicated in corrupt practices. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds. Judges tended to re-qualify cases from trafficking crimes to crimes with lesser penalties, such as pimping, and issue disproportionate sentences to traffickers for the same crimes committed under the same circumstances. Observers noted prosecutors sent trafficking cases to court without sufficient evidence collection and withheld case files from lawyers representing victims. Moreover, lengthy trials impeded justice and often led to the acquittal of traffickers. Since final verdicts could take years, and by law, authorities could only detain suspects for 12 months, authorities released suspected traffickers before trials concluded, enabling them to flee the country or retaliate against witnesses.

The PGO maintained a Trafficking in Persons and Cybercrimes Unit with specialized prosecutors, who focused on trafficking cases. In 2019, PGO issued guidelines requiring all police and prosecutors to conduct financial investigations, including asset forfeitures, as part of trafficking investigations. The Chisinau Prosecutor's Office maintained an Anti-Trafficking Bureau and conducted the prosecution of trafficking cases from Chisinau municipality; at the district level, specialized prosecutors conducted the prosecution of trafficking cases. Poverty, along with widespread corruption and tax avoidance, limited the government's ability to fund key law enforcement and social protection institutes. As a result, the government relied heavily on donor funding to train police, border guards, prosecutors, and judges.

PROTECTION

The government maintained victim protection efforts. In 2019, the government identified 341 trafficking victims, compared with 364 in 2018. Of the identified victims, 109 were children, a significant increase from 60 in 2018. Similar to the previous reporting period, a limited number of identified victims received assistance— 71 in 2019, compared with 110 in 2018. Teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance. The National Referral Mechanism (NRM) governed identification procedures. Observers reported the NRM lacked policy guidance and hindered efficient identification and referral. Some law enforcement officials intentionally avoided taking action on victim identification, and border police did not consistently screen undocumented migrants for trafficking before placing them in detention facilities. Furthermore, law enforcement failed to refer two-thirds of identified victims to shelters or NGOs for victim assistance due to poor cooperation between law enforcement and civil society.

Victims received protection and assistance in government-funded centers across the country. In 2019, the government allocated approximately 11 million lei ($643,270) for victim services, an increase compared with nine million lei ($526,320) in 2018. The government often relied on NGOs and international organizations to supplement government employee salaries and fund victim services; government contributions were often insufficient to cover basic living expenses for both employees and victims. Social workers in outlying regions lacked specialized training, which led to inefficient and poor quality services offered to victims and contributed to the risk of re-victimization. The government assisted adult trafficking victims through regional centers where they received shelter and medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. However, psychological assistance, legal aid, and long-term reintegration support were insufficient, and some victims were unable to obtain the free medical insurance afforded under Moldovan law. Male victims were entitled to all forms of assistance, but lacked access to shelters. In 2019, the government in collaboration with an international organization commenced development of a center to support male trafficking victims with specialized services and accommodation for up to 10 men. Child trafficking victims received assistance through the Center for Assistance and Protection (CAP). The CAP shelter in Chisinau remained the only facility for child victims despite children representing nearly a third of all identified victims. In 2019, CAP assisted 18 children with specialized medical care and social, psychological, and legal assistance. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Children's rights groups noted the limited assistance to child victims put them at a higher risk for institutionalization and further trauma. Foreign victims received the same access to care as citizens. Authorities granted foreign victims a 30-day reflection period during which they could receive assistance and protection from deportation. Foreign victims who chose to cooperate with law enforcement received temporary residence. Victims in Transnistria could not access or benefit from Moldovan services or legal protections.

The government did not adequately protect victims participating in investigations and prosecutions. Law enforcement seldom fully informed victims of their rights, and victims did not understand court proceedings. Victims relied mostly on NGOs for legal assistance. The law required adult victims to confront their alleged traffickers in person, putting victims at risk for

re-traumatization and likely deterring victims from reporting crimes. Judges frequently disregarded laws and regulations designed to protect victims during trial proceedings, thereby violating victims' rights and allowing traffickers to intimidate some victims in the courtroom such that the victims felt pressured to change their testimony. Consequently, authorities could fine or imprison victims for making false statements if they changed their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the trauma experienced. The law allowed victims to receive restitution. In 2019, the courts ordered damages in favor of victims for 504,000 lei ($29,470); however, victims did not receive any reparation. Victims could submit compensation claims to the Ministry of Justice when they could not obtain compensation from the convicted perpetrator. Law enforcement recovered criminal assets from traffickers totaling 1.55 million lei ($90,640). The criminal code exempted trafficking victims from criminal liability for committing offenses because of their exploitation. However, when authorities classified cases under related statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. Similarly, when authorities reclassified sex trafficking cases to pimping cases, victims were no longer exempt from punishment and could be charged with prostitution offenses.

PREVENTION

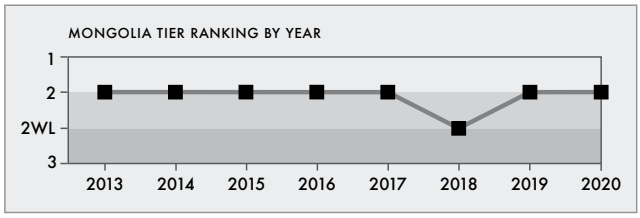
The government maintained prevention efforts. The government continued to implement its 2018-2020 national strategy and national action plan. The Permanent Secretariat of the National Committee on Combatting Trafficking published several online reports, including one on evaluating risks in combating transnational crime, focusing on trafficking and illegal migration. In collaboration with civil society and international organizations, the government executed several awareness campaigns mostly funded by donor assistance. In 2019, the government limited unannounced labor inspections, which was the county's main mechanism to identify child labor, including forced child labor, and permitted authorities to conduct announced onsite inspections provided they received written complaints and gave businesses 10 days' notice, giving traffickers opportunity to evade detection. During inspections, authorities could only focus on the alleged violation outlined in the complaint, even if they identified other egregious violations, such as forced child labor. The law prohibited authorities from inspecting facilities even when they had suspicions or visual evidence of businesses' involvement in child labor, including forced child labor. The law also limited the State Labor Inspectorate's authority to conduct inspections and delegated the responsibilities to 10 different government agencies. Due to these legal changes, government and NGO sources reported that the child labor violations identified by the government did not reflect the scale of the country's problem. Additionally, government officials expressed concern about noncompliance with Moldova's international obligations to perform unannounced labor inspections and the lack of knowledge many of the 10 agencies possessed to conduct inspections. Moreover, there was no mechanism to conduct labor inspections, including for child labor and forced child labor, in Transnistria. The government reported conducting 111 unannounced labor inspections in 2019. In December 2019, the Permanent Secretariat organized a workshop on employment legislation and avoiding labor trafficking in the workplace for employers in the agriculture sector. The National Agency for Employment provided information on the benefits of a registered employment contract between employees and employers and the risks of illegal employment abroad. The agency also conducted information sessions on safe migration. Observers noted the general lax oversight and control of private recruitment agencies, particularly those offering foreign job opportunities, as a key trafficking vulnerability. The government funded and operated several trafficking hotlines available in Romanian and Russian and reported receiving 39 calls related to trafficking crimes. The government also provided partial funding to an NGO to manage a hotline on child abuse and exploitation. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Moldova, and traffickers exploit victims from Moldova abroad. Traffickers exploit Moldovan victims in sex trafficking and labor trafficking within Moldova and in other parts of Europe and the Middle East. Traffickers operating in Romania and Moldova exploit Moldovan women and girls through Romania with fraudulent passports in trafficking operations across Europe. Most victims are from rural areas and have low levels of education. Children represent a third of all victims identified. Traffickers exploit children ages 5 to 14 in commercial sex acts and child labor, most of them in agriculture, service, and industrial sectors. Children, living on the street or in orphanages or abandoned by parents migrating abroad, remain vulnerable to exploitation. Child sex tourism remains a concern, including from the EU, Turkey, Australia, Israel, Thailand, and the United States. Children are exploited in online child pornography, which experts note is used as a grooming method for sex trafficking. Labor trafficking remains the most prevalent form of exploitation among adult victims. Labor migrants remain at risk of trafficking, particularly in labor-intensive sectors such as the construction industry. The undocumented, or stateless, population, including the Roma community, within Moldova are at risk of exploitation, primarily in the agricultural sector. The breakaway region of Transnistria remains a source for predominately sex trafficking victims. Women from Gagauzia—a Turkic-speaking autonomous territorial region—are vulnerable to sex trafficking in Turkey or Northern Cyprus. Official complicity in trafficking continues to be a significant problem in Moldova.

MONGOLIA: TIER 2

The Government of Mongolia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mongolia remained on Tier 2. These efforts included convicting significantly more traffickers and identifying more victims than the previous reporting period. However, the government did not meet the minimum standards in several key areas. Authorities did not identify any foreign or male victims, nor did they dedicate sufficient resources toward establishing standard identification or referral procedures. With the exception of forced child begging cases prosecuted under laws carrying insufficient penalties, officials did not detect or initiate any investigations or prosecutions of forced labor.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking offenses

using Articles 12.3 and 13.1 of the criminal code, rather than under alternative criminal provisions that prescribe significantly lower penalties. • Increase efforts to detect, investigate, prosecute, and secure convictions for forced labor crimes. • Impose adequate sentences on convicted traffickers to include time in prison. • Amend relevant laws to ensure victims' access to protection services regardless of whether officials initiate formal criminal proceedings against their alleged traffickers. • Systematize and fully implement formal procedures to guide government officials, including police, immigration, and labor authorities, in victim identification and referral to protective services, especially among foreign workers, domestic and foreign nationals transiting major border crossing areas, women and children living in mining communities, and LGBTI persons. • Strengthen interagency coordination to combat trafficking and protect victims. • Amend Articles 16.1 and 16.4 of the criminal code to increase prescribed penalties such that they are in line with penalties for other child trafficking crimes. • Allocate additional resources for, and increase efforts to train officials on, implementation of anti-trafficking provisions of the criminal code, especially among rural prosecutors' offices. • Allocate increased funding to support and expand both government and NGO-run shelters and other forms of tailored victim assistance and protection, including for male victims and children. • Expand the availability of assistance funds to all Mongolian victims identified abroad, regardless of what form of trafficking they experience. • Strengthen efforts to monitor the working conditions of foreign laborers employed in Mongolia, and screen them for labor trafficking indicators, including by increasing funding and resources for labor inspectors and allowing them to conduct unannounced inspections.

PROSECUTION

The government maintained enforcement efforts. Article 13.1 of the criminal code criminalized sex trafficking and labor trafficking; it prescribed penalties of two to eight years' imprisonment for offenses involving an adult victim and five to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Article 12.3 of the criminal code criminalized sexual exploitation offenses, including some forms of sex trafficking; penalties ranged from two to eight years' imprisonment for trafficking offenses involving individuals older than the age of 14, and 12 to 20 years' imprisonment for those involving children younger than the age of 14. As in prior years, authorities sometimes prosecuted trafficking crimes under statutes carrying lesser penalties. Articles 16.1 and 16.4 criminalized "inducing a child to the committing of a crime" and "forcing a child into begging," respectively; they both prescribed penalties of a travel ban for one to five years or one to five years' imprisonment. Some prosecutors reportedly charged child forced begging cases as misdemeanors, rather than as criminal offenses. Observers noted complex case initiation and referral procedures, coupled with restrictions on contact between anti-trafficking police and prosecutors, at times hindered investigations and prosecutions.

During the reporting period, the government initiated 10 investigations involving 24 alleged perpetrators (compared to 17 investigations involving 62 alleged perpetrators in 2018). The National Police Agency (NPA) maintained an anti-trafficking unit, which conducted all 10 of these investigations (11 in 2018 and none in 2017). Six investigations of alleged sex trafficking crimes initiated in the previous reporting period were ongoing. Authorities did not initiate any new investigations or prosecutions of alleged forced labor crimes during the reporting period, but they concluded three forced labor prosecutions cases initiated in a prior year. They newly prosecuted three defendants under Article 12.3 and six under Article 13.1 (compared to six and 15, respectively, in 2018). Of the prosecutions initiated in 2018, 12 cases under Article 12.3 and 13 cases under Article 13.1 remained in process at the end of the reporting period; authorities referred two of the former and four of the latter for full trial in 2019. Courts convicted 12 individuals under anti-trafficking articles in 2019—three for forced labor and nine for sex trafficking—compared to six total in 2018 and none in 2017. Courts also convicted 10 individuals under Article 16.1 and two under Article 16.4 (unreported in 2018). Authorities did not report full sentencing data, but Judicial General Council officials reported courts sentenced nine traffickers to prison terms ranging from five to eight years' imprisonment and restitution payments to at least one victim amounting to 798,400 Mongolian tugriks ($290).

Upon enactment of the new criminal code in 2017, prosecutors dismissed as many as 26 trafficking cases filed under a defunct criminal code article, rather than assessing each case to determine whether the relevant allegations fell under Articles 13.1 and 12.3. The Prosecutor General's Office then established a working group to reassess and consider formally reinstating these cases in 2018; authorities did not provide information on its findings during the reporting period, nor did they reopen any of the cases. In previous reporting periods, international observers expressed concern that the government's provision of early release to some incarcerated traffickers was excessively lenient and possibly contributed to continued incidence of the crime.

Due to the misconception among many government officials that traffickers only exploit women and girls, authorities rarely used Articles 13.1 or 12.3 to prosecute cases in which traffickers targeted male victims and instead used provisions with less stringent penalties. The government continued organizing, facilitating, and providing funding and in-kind support for specialized training courses for law enforcement officers and social workers on trafficking. However, law enforcement authorities noted judiciary officials' general unfamiliarity with trafficking-specific provisions of the criminal code continued to lead to lesser charges in some cases. Contacts described an acute need for additional training, resources, and dedicated personnel to properly handle trafficking cases. Mongolia maintained mutual legal assistance agreements with China, Thailand, and Malaysia. As in prior years, authorities did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government increased some efforts to protect victims. The government provided little victim protection; NGOs continued to provide the vast majority of victim services, which remained limited. Two NGO-operated shelters were the main victim service providers in the country; only one could accommodate male victims, and neither was accessible to persons with disabilities. The government ran at least two shelters that housed trafficking victims alongside victims of domestic violence and other forms of abuse; contacts reported child sex trafficking victims experienced further sexual abuse within two of these shelters due to poor oversight and lack of specialized care. NPA investigators reported using a trafficking risk assessment checklist containing 11 questions to identify victims; however, contrary to prior reporting, this process did not include screening of vulnerable groups. In practice, NGOs indicated victim identification and referral procedures were vague, not sufficiently systematic, and often depended largely on the awareness and initiative of individual officers.

Neither the government nor the primary service provider NGO identified any foreign or male victims during the reporting period, despite the prevalence of trafficking observed among both groups. Authorities did not maintain complete statistical records on victim identification or service provision. According to available data,

police identified 68 female trafficking victims, including 20 girls, an increase from 20 total victims identified in 2018. Authorities referred five Mongolian victims to NGO shelter services during the reporting period (eight to psycho-social and medical care in 2018) and 11 to NGO-provided legal assistance (unreported in 2018). One NGO assisted 34 Mongolian victims of sex trafficking (one victim of forced labor and 38 victims of sex trafficking in 2018). These included one victim returned from the Philippines, one returned from China, and 32 whom traffickers had exploited within Mongolia. The same NGO, in turn, formally supplied information on 12 cases involving 20 of the victims to the NPA for criminal investigations into the relevant suspects. The NPA's Victim and Witness Protection Department reportedly staffed psychologists who were equipped to handle domestic violence cases, but they did not provide services to any trafficking victims in 2019. Among victims identified in 2019, 25 received protection services under the auspices of a South Korea-funded project focused primarily on preventing violence against women and providing assistance to victims of sexual exploitation; this included direct assistance for 12 individuals, referral to social programs for 10, and vocational training for three. Another NGO conducted screenings for at-risk women and girls at a key border crossing with China, at times advising some of them not to travel and providing them with information on available assistance options. However, border authorities and law enforcement officials did not report using this information in proactive identification or referrals.

Mongolia maintained a National Anti-Trafficking Program (2017-2021) and work plan aimed at improving prevention and protection efforts; the government allocated 509 million tugriks ($186,210) to implement this program (709 million tugriks ($259,370) in 2018 and no funding in 2017). This budget allocation allowed border authorities to continue using immigration software to screen for trafficking indicators among hundreds of Mongolian children traveling internationally with and without their parents or legal guardians; although they did not identify any victims among these children, border authorities prevented 105 of them from traveling as a result of detected vulnerabilities (none in 2018).

Article 8.1 of the criminal procedural code included language that reportedly denied trafficking victims' access to protective services until prosecutors had initiated cases against their alleged traffickers, thereby obstructing access to protective services for some victims. In an effort to address this issue in 2018, the Ministry of Justice and Home Affairs (MOJHA) created a working group and instituted an intra-governmental comment period to consider amendments to the Law on Victim and Witness Protection. However, authorities did not report on the outcome, status, or projected timeframe of that review process, and some officials claimed victims were able to access protection services regardless of whether relevant prosecutions had begun. Article 15 of the anti-trafficking law stipulated victims were entitled to compensation for damages wrought by their traffickers, but officials and non-government observers agreed inconsistencies between the criminal code and the civil code made this provision impossible to fully implement. Mongolia's Immigration Agency, the General Authority for Border Protection (GABP), and the Consular Department within the Ministry of Foreign Affairs (MFA) shared responsibility for handling cases involving Mongolian trafficking victims abroad. The latter maintained a fund to assist Mongolian victims, but it was only available in cases involving organized crime syndicates or "grave harm." In 2019, authorities repatriated three Mongolian victims—one each from China, Kyrgyz Republic, and the Philippines—a significant decrease from a total of 20 in 2018. Authorities did not report providing psycho-social or other rehabilitative services to any of these victims.

Unlike in 2018, authorities reportedly did not arrest any minors as part of anti-prostitution raids during the reporting period. However, Mongolia's Law on Petty Offenses, which allowed authorities to detain anyone apprehended on suspicion of prostitution for seven to 30 days, reportedly continued to place some victims at risk of penalization for crimes committed as a direct result of unlawful acts their traffickers compelled them to commit. Contacts also noted some victims were hesitant to self-report or testify due to fear they may face prosecution for such crimes. Mongolian law did not provide legal alternatives to the removal of foreign victims to countries in which they could face retribution or hardship. The Immigration Agency deported more than 1,500 foreign nationals to 26 countries during the reporting period; as screening procedures were neither universally implemented nor sufficient to detect all cases of trafficking, it is possible this figure included undetected trafficking victims.

PREVENTION

The government maintained efforts to prevent trafficking. It decreased funding to the National Anti-Trafficking Program (2017-2021) and corresponding work plan. Under the management of a National Sub-Council, the program aimed to provide technical guidance on trafficking prevention and coordinate interagency efforts to implement relevant legislation; however, some contacts continued to express concern over insufficient interagency coordination. With funding from the Government of South Korea, the Ministry of Labor and Social Protection (MLSP) partnered with an NGO to conduct a survey on "vulnerability to prostitution and sexual exploitation" that included trafficking elements. The General Authority for Specialized Investigation (GASI) also conducted three large-scale surveys on child labor and protection issues during the reporting period. The Family, Child, and Youth Development Agency began assembling a large database containing information on at-risk populations, and it collaborated with an international organization to establish multidisciplinary committees focusing on at-risk children's rights and protections at the district and provincial capital levels; some of this work included anti-trafficking equities. The government also provided 20 million tugriks ($7,320) to an NGO for maintenance of a hotline system, through which one sex trafficking investigation was initiated.

Officials continued to disseminate a daily trafficking-themed public service announcement (PSA) on social media and television, and they expanded the PSAs to key rail lines connecting Mongolia to Russia and China. Authorities also continued to distribute PSAs to police stations in all provinces. Border officials provided approximately 50,000 Mongolian nationals with passport inserts explaining trafficking vulnerabilities and listing information on victim assistance options; recipients included nearly 1,000 Mongolian children traveling abroad for sporting competitions and cultural events known to feature trafficking vulnerabilities, including horse racing, acrobatics, and contortionism. In the south, authorities also continued conducting anti-trafficking awareness-raising activities for hundreds of students and local medical professionals specializing in adolescent care in an effort to address trafficking vulnerabilities among youth crossing into China for employment opportunities.

The MLSP's General Agency for Labor and Social Welfare had the authority to monitor labor agreements for foreign nationals working in Mongolia, as well as those for Mongolians working in countries that had bilateral work agreements with Mongolia. The government maintained such agreements with South Korea, Czech Republic, and Japan; observers noted these agreements were not always sufficiently implemented to prevent labor abuses, including trafficking. GASI had the authority to inspect labor contracts, monitor compliance with the law for all workers in Mongolia, and conduct inspections of working conditions in Mongolian formal sector establishments. Officials and NGOs noted funding and resources for the inspectors were too low

to provide comprehensive oversight, and the government did not report statistics on, or the outcomes of, these inspections. Moreover, GASI was required to give employers five days' advance notification before conducting an inspection in most cases, raising concerns that employers may have been able to conceal violations in the interim. Authorities reportedly began a formal process to consider amendments outlining unannounced inspections, but it had not concluded the process at the end of the reporting period. Unlike last year, the government did not take measures to reduce the demand for commercial sex acts. In 2018, the government worked with an international organization to jointly launch a campaign to raise awareness on, investigate, and intervene in fraudulent online recruitment leading to sex trafficking and forced labor; authorities did not continue this campaign during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mongolia, and they exploit victims from Mongolia abroad. Traffickers may also use Mongolia as a transit point to subject foreign individuals to trafficking in Russia and China. Traffickers subject Mongolian men, women, and children to forced labor in China, Kazakhstan, Norway, Sweden, and Turkey, and to sex trafficking in Belgium, Cambodia, China, Germany, Hong Kong, Japan, Macau, Malaysia, the Philippines, South Korea, Sweden, Turkey, and the United States, as well as in Mongolia. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. Most sex trafficking of Mongolian victims from rural and poor economic areas occurs in Ulaanbaatar, provincial centers, and border areas. One recent civil society survey found domestic violence drove the vast majority of Mongolian trafficking victims to seek and accept unsafe employment opportunities that left them vulnerable to traffickers. Traffickers exploit women and girls in sex trafficking in Mongolian massage parlors, illegal brothels, hotels, bars, and karaoke clubs, sometimes through the permissive facilitation of local police. Transgender women are reportedly at higher risk of sex trafficking due to pervasive social stigma barring them from employment in the formal sector. Tourists from Japan and South Korea have reportedly engaged in child sex tourism in Mongolia in prior years; some civil society groups believe this practice persists.

The ongoing development of the mining industry in southern Mongolia continues to drive growing internal and international migration, intensifying trafficking vulnerabilities—especially along the China-Mongolia border. Truck drivers transporting coal across the Chinese border in Omnogovi Province are often more vulnerable to labor traffickers due to an arrangement under which employers confiscate their passports as collateral for their vehicles. These drivers often wait in truck lines with minimal sleep for weeks or months at a time until they receive permission to cross and make deliveries in China, where customers impose wage deductions for the delays; this loss of income reportedly makes them further vulnerable to labor exploitation. Traffickers are increasingly exploiting women and girls in sex trafficking in these border crossing truck lines, along the coal transport roads connecting mining sites to the Chinese border, at nightlife establishments in mining towns, and at entertainment sites across the border in Inner Mongolia. Mining workers sometimes leave their children at home alone while on extended shift rotations, during which time the children are at elevated risk of sex trafficking. Child forced labor also occurs in connection with artisanal mining.

Traffickers force some children to beg, steal, or work in other informal sectors of the economy, such as horseracing, herding and animal husbandry, scavenging in garbage dumpsites, and construction. Some families are complicit in exploiting children in sex trafficking and forced labor. In previous years, traffickers have forced Mongolian girls to work as contortionists—often under contractual agreements signed by their parents—primarily in Mongolia and Turkey, and to a lesser extent in Hong Kong and Singapore. Mongolian boys are at high risk of forced labor and sex trafficking under visa regimes that enable them to work indefinitely as horse jockeys and circus performers across the Chinese border, provided they return with a chaperone once a month; this frequent facilitated transit also makes them more vulnerable to trafficking. Traffickers compel women and girls to work in domestic service and engage in commercial sex acts after entering into commercially brokered marriages with men from China and, to a lesser extent, South Korea.

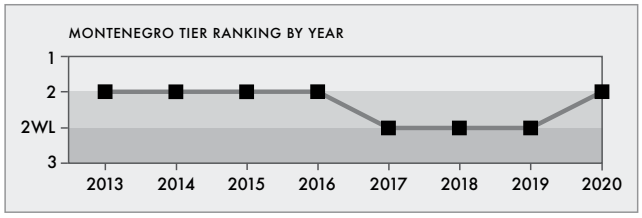
Chinese companies increasingly are hiring Mongolian men and boys to work at agricultural operations for compensation far below minimum wage and under ambiguous immigration status, placing them at high risk of trafficking. Some Chinese micro-lending institutions reportedly retain Mongolians' passports as a form of collateral, leaving them vulnerable to immigration status-related coercion.

Chinese workers employed in Mongolia are vulnerable to trafficking as contract laborers in construction, manufacturing, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining. Some of them experience contract switching when they enter the country, making them especially vulnerable to coercion due to resultant immigration violations. In previous years, North Koreans also experienced forced labor in these industries; they reportedly did not have freedom of movement or choice of employment, and companies allowed them to retain only a small portion of their wages while subjecting them to harsh working and living conditions. Pursuant to a 2017 UN Security Council resolution requiring the repatriation of all North Korean nationals earning income overseas by the end of 2019, subject to limited exceptions, the government reportedly repatriated all North Korean labor migrants covered under the relevant provision. Some Russian and Ukrainian women entering Mongolia through Chinese border crossings for short visits under visa-free regimes may be sex trafficking victims. Observers report corruption among some Mongolian officials facilitates sex trafficking in illicit establishments and impedes the government's anti-trafficking efforts.

MONTENEGRO: TIER 2

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Montenegro was upgraded to Tier 2. These efforts included increasing prosecution and victim protection efforts. The government investigated and prosecuted more suspects and convicted two traffickers under its trafficking law, the first convictions in five years, and imposed significant prison terms. The government significantly increased the number of identified victims, mainly due to a notable case with 12 trafficking victims and 87 potential victims from Taiwan. The government eliminated the requirement for victims to cooperate with law enforcement in order to receive services, created a multi-disciplinary group to officially identify trafficking victims, and increased funding for victim protection. However, the government did not meet the minimum standards in several key areas. The government did not officially include civil society organizations in victim identification procedures and did not consistently share and provide information on anti-trafficking issues to all stakeholders.

Additionally, observers reported concern with the quality of assistance at the new trafficking shelter.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code. • Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Update standard operating procedures to formalize cooperation with NGOs on victim identification. • Ensure the new shelter provides high quality assistance and support. • Increase proactive screening of potential victims, especially for individuals in commercial sex, migrants, seasonal workers, and children engaged in begging. • Increase access to justice and victim-witness protection for victims. • Incentivize and encourage victim participation in investigations and prosecutions in a victim-centered manner. • Integrate Romani groups into decision-making processes regarding victim protection. • Create and finance an accessible compensation fund, and inform victims of their right to compensation during legal proceedings.

PROSECUTION

The government increased law enforcement efforts. Article 444 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties ranging from one to ten years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated seven cases (four in 2018). The government prosecuted two defendants for forced labor (none in 2018). Courts convicted two traffickers under Article 444, the first convictions in five years. Judges sentenced one trafficker to 17 years imprisonment and the other to 14 years imprisonment. In one notable case, law enforcement arrested eight suspects and identified 12 trafficking victims and 87 potential victims from Taiwan.

The government maintained a multi-disciplinary task force to proactively investigate trafficking. Additionally, a specialized trafficking unit within the Police Directorate conducted investigations and continued annual operations targeting forced child begging and sex trafficking. Law enforcement conducted raids on bars, nightclubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations in 2019 or 2018. In previous years, authorities investigated and prosecuted possible sex trafficking cases under other offenses, such as brokering in prostitution (Article 210). District prosecutors stopped some investigations when they secured enough evidence to prosecute under Article 210 and did not investigate for more subtle forms of coercion or seek additional evidence through specialized investigative techniques; however, the government changed case referral procedures by requiring the Supreme Prosecutor's Office to initially review all trafficking-related cases and then downgrading cases not deemed a trafficking offense. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government, at times in cooperation with an international organization, separately trained police, border police, prosecutors, judges, and judicial representatives. The government continued an ongoing investigation with Taiwan authorities, provided legal assistance to German authorities, and extradited a trafficker to Moldova.

PROTECTION

The government increased victim protection efforts. The government identified 39 official victims and 85 potential victims (no official victims and four potential victims in 2018). Of the official victims, all were victims of forced labor (four victims of forced begging in 2018); 12 female victims and 27 males (four female victims in 2018); and no children (four in 2018). Police did not identify any child victims of forced begging (22 in 2018) but, in 2018, police accommodated most of these children at local social welfare centers until releasing them to their parents or guardians. First responders carried out the preliminary identification of possible victims and then contacted police who formally recognized the individuals as potential trafficking victims. Police officers proactively screened foreign nationals and individuals in commercial sex for indicators of trafficking. In previous years, observers continued to report the low number of identified victims reflected inadequate victim identification procedures. The government updated standard operating procedures for identifying and referring victims to services, including eliminating the requirement for victims to cooperate with law enforcement in order to receive services, by creating "the Team for Identification of Trafficking Victims" (TITV), which assessed and officially recognized potential victims and coordinated victim care and placement. The TITV consisted of a doctor, a psychologist from the Center for Social and Child Protection, police, a social worker from the Center for Social Work, and a representative from the Office for the Fight against Trafficking in Persons (TIP Office); however, the TITV did not include representatives from civil society organizations despite their interest in participating in the victim identification process. The government provided the same services to potential victims and officially recognized victims. The government provided training on victim identification to police, labor inspectors, health workers, and social workers.

The Ministry of Interior (MOI) transferred funding responsibilities for victim protection to the Ministry of Labor and Social Welfare (MLSW), which subsequently defunded the only NGO-run shelter due to its inability to obtain necessary licenses to provide victim assistance. MLSW opened a call for proposals to establish a new specialized shelter (the shelter), selected an NGO with the necessary licenses, and allocated €40,000 ($44,940), compared with €24,000 ($26,970) for the defunded NGO-run shelter in 2018. While the government reported providing ad hoc support to two victims identified during the shelter transition, the selected NGO did not have experience in victim assistance, according to observers, who noted the potential for low quality of assistance at the new shelter. The shelter provided specialized services for trafficking victims, including vocational training and medical, psycho-social, legal, and reintegration assistance; the shelter accommodated two victims (three in 2018). The shelter had limited space and capacity but could accommodate adult male, adult female, and child victims in separate living quarters. Victims could leave the shelter after an assessment by police or by the social welfare centers in the case of children. MLSW operated local social and welfare centers and two regional institutions, which provided general services for victims of abuse, including trafficking victims. The law allowed foreign victims to acquire temporary residence permits from three months to one year with the ability to extend; no victims applied for temporary residence permits in 2018 or 2019.

In 2018, the government penalized one potential victim for unlawful acts traffickers compelled them to commit due to inadequate identification. The government, in cooperation with an international organization, provided training to police, prosecutors,

and judges on implementing guidelines for non-penalization of trafficking victims. The law provided witness protection, free legal aid, and a psychologist to encourage victims to participate in prosecutions; however, observers continued to report the government assigned lawyers with little or no experience to victims. Prosecutors continued to implement victim-centered approaches for victims who participated in court proceedings. For example, prosecutors video recorded a child victim's testimony in the presence of a social worker, requested a female judge, and separated her from the trafficker to prevent re-traumatization. However, observers reported in previous years that police failed to protect a potential victim from intimidation and threats to change her testimony from her at-large perpetrator. The law on compensation of victims intended to provide financial assistance to victims of violent crimes; however, this law will not go into effect until Montenegro becomes a member of the EU. The law entitled victims to file criminal and civil suits against their traffickers for restitution; no victim has ever received restitution in civil or criminal proceedings, and observers reported some prosecutors did not know they could make claims during criminal proceedings.

PREVENTION

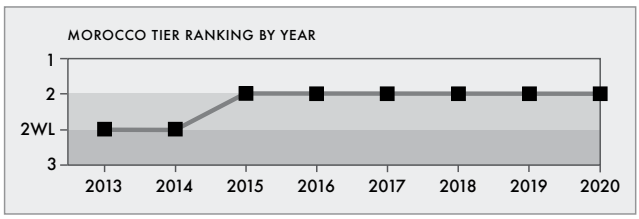
The government maintained prevention efforts. The government implemented the national anti-trafficking strategy for 2019-2024 and the national action plan for 2019. The government allocated €155,250 ($174,440) to the TIP Office, compared with €166,170 ($186,700) in 2018. The TIP Office led overall anti-trafficking efforts and the head of the TIP Office was the national coordinator and chaired the anti-trafficking coordinating body, which comprised government agencies, non-governmental and international organizations, and the international community. The TIP Office and the anti-trafficking coordinating body published biannual reports on anti-trafficking efforts; however, experts reported difficulties in sharing and obtaining information from relevant government actors. The MOI financed 12 NGO projects to raise public awareness on trafficking and the government organized awareness campaigns at schools, trained journalists on reporting on trafficking, and held seminars for representatives from local government on anti-trafficking efforts. The government, in coordination with the Roma Council and NGOs, continued trafficking awareness campaigns targeting the Romani community. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims. The hotlines received 384 calls (565 calls in 2018); one call initiated an investigation, but observers reported police rarely acted on potential cases from the hotlines. The government did not make efforts to reduce the demand for commercial sex acts. The government did not have procedures in place to regulate labor recruitment agencies.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad. Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in the hospitality industry, including bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are exploited in forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo, and forced into domestic servitude. Migrants from neighboring countries are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other Balkan countries.

MOROCCO: TIER 2

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Morocco remained on Tier 2. These efforts included increased prosecutions and convictions of traffickers, as well as increased identification of trafficking victims and referral to care. However, the government did not meet the minimum standards in several key areas. It remained without institutionalized, nation-wide victim identification and referral procedures, and—as a result—unidentified victims remained at risk of penalization, including arrest and deportation, and re-trafficking. The government continued to forcibly relocate some sub-Saharan African migrants from the areas near Ceuta and Melilla—a highly vulnerable population to trafficking in Morocco—without instituting measures to screen for trafficking indicators. The government also did not provide specialized protection services specifically for trafficking victims.



PRIORITIZED RECOMMENDATIONS:

Adopt and systematically implement procedures to proactively identify trafficking victims, especially among irregular migrants, to appropriate protection services. • Create and implement a national victim referral mechanism and train judicial and law enforcement authorities on its application. • Continue to investigate, prosecute, and convict traffickers using the anti-trafficking law and sentence convicted traffickers to significant prison terms. • Continue to train law enforcement and judicial officials, child labor inspectors, and healthcare personnel on awareness of the anti-trafficking law, victim identification, non-penalization of victims, and referral best practices using current mechanisms with the NGO community, to increase officials' ability to identify internal trafficking cases, as well as cross-border trafficking cases as distinct from migrant smuggling crimes. • Provide adequate protection services for victims of all forms of trafficking, including but not limited to shelter, psycho-social services, legal aid, and repatriation assistance. • Disaggregate law enforcement data on human trafficking and migrant smuggling crimes. • Increase provision of specialized services for populations vulnerable to trafficking and/or financial or in-kind support to NGOs that provide these services. • Ensure that victims are not punished for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. • Implement nationwide anti-trafficking awareness campaigns.

PROSECUTION

The government increased efforts to investigate, prosecute, and convict traffickers, but the government did not disaggregate data to distinguish human trafficking from migrant smuggling crimes. Law 27.14 criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and 10,000 and 500,000 dirhams (~$1,040 and $52,100) for offenses involving adult victims, and 20 to 30 years' imprisonment and a fine of between 100,000 and one million dirhams ($10,420 and $104,200) for those involving child victims. These penalties were sufficiently

stringent, and with regard to sex trafficking, commensurate with penalties for other serious crimes, such as rape.

In 2019, the government reported it investigated 151 alleged trafficking cases involving sex trafficking, forced labor, and forced begging. Authorities did not report disaggregated human trafficking and migrant smuggling; without detailed information, it was unclear if the government prosecuted and convicted perpetrators for human trafficking or for other crimes. The government reported that it initiated the prosecution of 307 alleged traffickers for sexual exploitation and forced labor under Law 02-03 and Articles 52, 53, and 73. These laws, however, pertained to irregular migration, and the government did not disaggregate the data to demonstrate how many of the 307 alleged perpetrators committed smuggling crimes rather than trafficking crimes. The government reported it convicted 68 traffickers and acquitted 10, but it did not report the details of these cases or the laws under which the traffickers were convicted; of the 68 convictions, 17 received less than one year imprisonment, 27 received sentences of one to five years' imprisonment, 17 received sentences ranging from five to10 years' imprisonment, and seven received more than 10 years' imprisonment. This demonstrated a significant increase in comparison to 2018, when the government reported it investigated 80 potential sex and labor trafficking cases involving 231 alleged traffickers, prosecuted 16 cases, and convicted five perpetrators. The government did not report initiating any investigations, prosecutions, or convictions of government officials complicit in human trafficking. Following on a criminal complaint, as of December 2019, a former member of the Moroccan Mission to the United Nations in New York, his ex-wife, and her brother had been charged with, among other crimes, conspiring to commit visa fraud from 2006 to 2016 in order to exploit foreign domestic workers from the Philippines, Morocco, and other countries. Police arrested the ex-wife in March 2019.

The General Prosecutor continued to ensure there were two prosecutors specialized to handle trafficking cases in every court of appeal across the country. In 2019, the Ministry of Labor provided anti-trafficking training to 32 newly recruited labor inspectors. The government did not report providing other anti-trafficking training, but it allowed officials to participate in trainings funded and provided by NGOs and international organizations.

PROTECTION

The government significantly increased efforts to identify trafficking victims, but it remained without appropriate victim protection services, and authorities continued to punish unidentified victims among vulnerable populations, such as undocumented foreign migrants. In 2019, the government reported it identified 423 trafficking victims—including both children and adults, 277 Moroccans, and 146 foreigners—and referred them to Ministry of Justice (MOJ) protection units and civil society organizations for assistance; the government reported it provided victims with legal aid, housing assistance, medical care, foreign residence permits, and family reunification. This data represented an increase from 2018, when the government reported it identified 131 male and female victims. The government did not have formal victim identification procedures or a national victim referral process, but it continued to collaborate with an international organization to establish standard procedures and a draft victim referral mechanism. In the absence of a formal referral mechanism, the government continued to informally refer victims and provided financial or in-kind support to some civil society organizations that provided essential services to populations vulnerable to trafficking.

The government did not provide shelter or psycho-social services specific to the needs of victims of all forms of trafficking. However, it continued to provide services to female and child victims of violence, including potential trafficking victims, at reception centers staffed by nurses and social workers at major hospitals, as well as in MOJ protection units in Moroccan courts. Moroccan law enforcement agencies reportedly continued to utilize focal points to work directly with these reception centers and MOJ units, and continued to use a list of NGO service providers to whom authorities could refer trafficking victims for care. The government did not specify if any of these services were available to adult male trafficking victims. Prosecutors in the courts of first instance and the courts of appeal—in coordination with the Ministry of Health—had the authority to order trafficking victims to be removed from exploitative situations and to place them in the care of a hospital or civil society organization. The government also reported it placed an unknown number of officials in courts throughout the country, who were responsible for identifying and referring trafficking victims to psycho-social support, medical services, and legal aid. The government, however, did not report how many—if any—victims these officials or prosecutors referred to protection services. The government continued to encourage victims to cooperate in investigations against their traffickers, but it did not report the number of victims who did so during the reporting period, nor did it report if victims received restitution from traffickers or if measures were taken to protect witness confidentiality. The government provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

The Ministry Delegate in charge of Moroccans Residing Abroad and Migration Affairs continued to lead the government's National Strategy for Immigration and Asylum, which aimed to regularize the legal status of migrants, refugees, and asylum-seekers, including trafficking victims. Under this strategy, foreign trafficking victims could benefit from various services, including reintegration assistance, education, vocational training, social services, and legal aid. However, the government did not report proactively identifying potential trafficking victims during these regularization efforts or how many foreign trafficking victims—if any—benefited from these services during the reporting period. Due to the lack of proactive screening and identification measures, some foreign trafficking victims remained unidentified. Furthermore, foreign trafficking victims—especially among the sub-Saharan African migrant population—remained vulnerable to penalization for unlawful acts traffickers compelled them to commit, such as immigration violations. For example, in 2019, the government continued to conduct large-scale arrests and forced relocations away from the areas near Ceuta and Melilla of reportedly thousands of sub-Saharan African migrants in Morocco in an effort to curb irregular migration; however, the government did not report proactively screening for trafficking among this highly vulnerable population. Foreign migrants reported they feared arrest and deportation, thereby deterring them from reporting trafficking or other types of crimes to the police.

PREVENTION

The government increased some efforts to prevent human trafficking. In May 2019, the government formally established a national inter-ministerial anti-trafficking committee, which was led by the MOJ and included two representatives from civil society. The committee oversaw the government's national strategy for immigration and asylum, which included efforts to manage irregular migration, combat trafficking, and organize training sessions for security services on asylum, migration, and trafficking issues. The government also continued to implement a national anti-trafficking action plan, which included coordination across relevant ministries. In December 2019, the Ministry of Family, Solidarity, Equality, and Social Development launched a new initiative to combat forced child begging. The government, however, relied heavily on NGOs and international

organizations to address trafficking. As in the previous reporting period, the government—in coordination with an international organization—continued to organize anti-trafficking trainings and raise awareness of the anti-trafficking law among government officials, civil society, and vulnerable populations, including women, children, and migrants. The government continued its regularization campaigns to grant legal status and protections to migrants, refugees, and asylum-seekers, which helped decrease this population's vulnerability to trafficking.

The government reportedly continued to implement Law No.19.12—adopted in October 2018—which provided protections for foreign domestic workers. The government continued to operate a hotline through the National Center for Listening and Reporting for the public to report abuses against children's rights, but the government did not report if the hotline received any claims of potential child trafficking crimes. During the reporting period, the government continued partnering with NGOs that assisted homeless children in urban areas, particularly Casablanca, to prevent vulnerable youth from becoming victims of various forms of exploitation, including forced labor. The Ministry of Labor and Vocational Integration continued to conduct child labor inspections in the formal economy across the country, but the government reported it remained concerned about child labor violations in the informal sector, including potential forced child labor crimes. The government reported that overall labor inspections suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, throughout the country. Furthermore, there was no national focal point to receive complaints about child labor or forced child labor, and no national referral mechanism for referring children found during inspections to appropriate social services. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism during the reporting period. Moroccan peacekeeping forces received anti-trafficking training and operated under a "no tolerance" standard for troops involved in UN peacekeeping missions; the government reported that, in 2019, the government—in collaboration with the UN—initiated the prosecution of three cases of Moroccan peacekeepers for allegations of sexual exploitation and abuse, which were ongoing at the end of the reporting period.

TRAFFICKING PROFILE

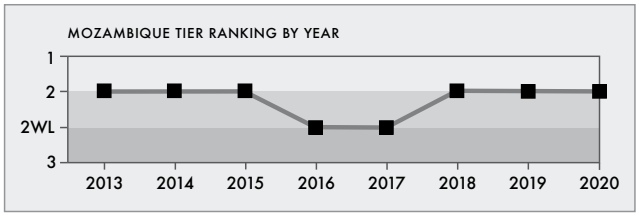
As reported over the past five years, human traffickers exploit domestic and foreign victims in Morocco, and traffickers exploit Moroccan victims abroad. Documented and undocumented foreign migrants, especially women and children, are highly vulnerable to forced labor and sex trafficking in Morocco and as they transit through Morocco to reach Europe. Traffickers exploit many migrants who voluntarily use smugglers to enter Morocco. In 2019, the number of sub-Saharan migrants clandestinely entering the country—the majority of whom intend to transit Morocco on their way to Europe—decreased by an estimated 50-60 percent in comparison to 2018; however, the number of Moroccan migrants departing for Europe reportedly increased. The Spanish government and international organizations estimate that 25,000 people, including Moroccan citizens, crossed clandestinely from Morocco to Spanish territory in 2019 either by sea or over land. Both sub-Saharan and Moroccan migrants making this journey to Spain and further into Europe are at risk of trafficking in Morocco and Europe. For example, traffickers exploit some female migrants while seeking assistance at "safe houses" in Morocco, which usually are run by individuals of their own nationality. Some female undocumented migrants, primarily from Sub-Saharan Africa and a small but growing number from South Asia, are exploited in sex trafficking and forced labor in Morocco. Criminal networks operating in Oujda on the Algerian border and in northern coastal cities, such as Nador, exploit undocumented migrant women in sex trafficking and forced begging; networks in Oujda also reportedly exploit children of migrants in forced begging. Some female migrants, particularly Nigerians, who transit Oujda are exploited in sex trafficking once they reach Europe. Furthermore, some contacts claim that entrenched Nigerian networks, working with Moroccan criminal elements, exploit primarily Nigerian women in sex trafficking, and retain control over these victims when they arrive in Europe. International organizations, local NGOs, and migrants report women and unaccompanied children from Cote d'Ivoire, Democratic Republic of the Congo, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports suggest Cameroonian and Nigerian networks exploit women in sex trafficking, while Nigerian networks also exploit women in forced begging in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia and francophone sub-Saharan Africa are recruited for employment as domestic workers in Morocco; upon arrival, employers force them into domestic servitude through non-payment of wages, withholding of passports, and physical abuse.

Traffickers, including parents and other intermediaries, exploit Moroccan children in Morocco for labor, domestic work, begging, and sex trafficking. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal, textile, and construction industries and in mechanic shops. Although the incidence of child domestic workers has reportedly decreased in Morocco since 2005, girls are recruited from rural areas for work in domestic service in cities and some become victims of forced labor. NGOs and other observers anecdotally reported in 2018 that a significant number of girls work as domestic help in Moroccan households, but it is difficult to determine the extent of the problem because of authorities' inability to access this population. Some family members and other intermediaries exploit Moroccan women in sex trafficking. Some foreigners, primarily from Europe and the Middle East, engage in child sex tourism in major Moroccan cities. Traffickers exploit Moroccan men, women, and children in forced labor and sex trafficking, primarily in Europe and the Middle East, particularly in the Gulf. Using force, restrictions of movement, threats, and emotional abuse, traffickers force Moroccan women into commercial sex abroad where they experience restrictions on movement, threats, and emotional and physical abuse. Swedish authorities reported in early 2020 that, since 2016, traffickers force homeless boys and young men from Morocco to deal drugs, carry out thefts, and perpetrate other criminal activities in Sweden; however, these cases reportedly decreased in 2019.

MOZAMBIQUE: TIER 2

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mozambique remained on Tier 2. These efforts included significantly increasing national awareness-raising efforts, specifically addressing vulnerable populations; training more front-line responders across the country; and prosecuting all confirmed cases of trafficking. However, the government did not meet the minimum standards in several key areas. The government did not proactively identify trafficking victims other than those represented by criminal cases. The government did not adopt its national action plan, hindering the implementation of regulations for trafficking victim and witness protection. Additionally, the government did not finalize a draft national

referral mechanism for a third consecutive year, which may have limited victims' access to protective services. Mozambican officials remained without effective policies or laws that would regulate foreign recruiters and hold them civilly and criminally liable for fraudulent recruiting.



PRIORITIZED RECOMMENDATIONS:

Finalize and implement the national action plan, and issue regulations necessary to implement the victim protection and trafficking prevention provisions of the 2008 anti-trafficking law. • Amend the anti-trafficking law to bring the definition of trafficking in line with the definition of trafficking under international law. • Develop a formal system to proactively identify trafficking victims among vulnerable populations, including migrant workers and individuals without formal identification. • Finalize and implement the national referral mechanism. • Report on services provided to victims, and expand the availability of protective services for all victims, including long-term shelter and reintegration assistance, and increase services available to male victims. • Screen vulnerable populations for trafficking indicators, including individuals in resettlement camps and foreign nationals, such as migrants from neighboring countries and North Koreans, and refer them to appropriate services. • Build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to investigate trafficking cases and refer victims to care. • Vigorously investigate, prosecute, and convict traffickers, including complicit officials. • Report funding or in-kind support to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons. • Hold labor recruiters liable for fraudulent recruitment. • Develop national level data collection on anti-trafficking law enforcement efforts and trafficking victims. • Continue to train officials to investigate and prosecute criminals who facilitate both adult and child sex trafficking.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2008 Law on Preventing and Combating the Trafficking of People criminalized sex trafficking and labor trafficking and prescribed penalties of 16 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. In December 2019, the government approved updates to the penal code that reportedly penalize sex trafficking offenses, including providing harsher penalties for child sex trafficking offenses; these updates will be implemented in June 2020. Additionally, draft amendments to bring the 2008 anti-trafficking law in line with international standards were awaiting approval by various stakeholders at the end of the reporting period.

The government investigated 13 potential trafficking cases in 2019, determining eight of these cases to be trafficking; this compared with 10 investigations in 2018. These cases involved 22 Mozambican male and female victims who were sexually abused and exploited in forced labor from rural areas in southern Mozambique to Maputo; the government did not report the number of traffickers involved in the eight cases. The government initiated prosecutions in all eight of the confirmed cases of trafficking, compared with prosecuting seven defendants in seven cases during the previous reporting period. The government convicted two traffickers under the 2008 anti-trafficking law, the same number of convictions reported in 2018. Courts sentenced traffickers to imprisonment ranging from three to 13 years. The remaining six prosecutions did not result in conviction. Observers indicated that there may have been other trafficking cases in process at the end of the reporting period that were otherwise not reported by the government. For example, an international organization reported that the government arrested and prosecuted an alleged child trafficker in an IDP resettlement camp during the reporting period; however, the government did not provide information on this case. Similar to previous years, alleged traffickers commonly bribed police and immigration officials to facilitate trafficking crimes both domestically and across international borders; however, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The government conducted various trainings across the country for front-line responders during the reporting period. In partnership with an international organization, the government trained judges and investigators from the National Criminal Investigation Service on the legal elements of trafficking. The Department of Assistance to Family and Minor Victims of Violence conducted 52 training courses for 887 National Police officers to discuss integrated care for victims of violence, including trafficking. The government, in partnership with an international NGO, also provided training on the legal framework of trafficking to provincial reference groups in Maputo and Gaza Provinces and training on victim identification and assistance to border officers in Maputo Province and at the South African border. The attorney general's office maintained bilateral memoranda of understanding with the Republic of South Africa, Eswatini, and Zambia to address cross-border cooperation on trafficking cases.

PROTECTION

The government maintained modest victim protection efforts. The government identified and referred to care 22 victims, compared with 26 victims identified and referred during the previous reporting period. The government continued to lack adequate procedures to screen vulnerable populations for trafficking. The government partnered with civil society organizations to identify victims of trafficking and refer them to care, but did not report providing financial or in-kind support to such organizations. Additionally, civil society organizations reported that the actual number of trafficking victims in Mozambique is significantly higher than the number represented by criminal cases. The Ministry of Gender, Children, and Social Action operated three centers, which could provide short-term shelter, medical and psychological care, and legal assistance to trafficking victims; however, the government did not provide details regarding services provided during the reporting period. The government did not have a long-term shelter for victims of trafficking. While the government reported that it occasionally could provide shelter for adult male victims, it did not report implementing this service during the reporting period. The government did not finalize a draft national referral mechanism for a third consecutive year, but used it informally to identify and refer victims. The government continued drafting implementing regulations for trafficking victims and witness protection; however, those regulations remained incomplete for the fifth consecutive reporting period. The government, in partnership with an international organization, trained 50 government workers to identify victims of trafficking and screen for trafficking indicators in up to 71 resettlement camps and communities.

Police stations throughout the country had specialists, trained by

the Office of Assistance to Women and Children Victims of Domestic Violence, equipped and available to respond to suspected trafficking cases. The government continued to operate facilities in more than 215 police stations and 22 "Victims of Violence" centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime. The government did not, however, provide specific numbers of trafficking victims who benefited from these services in 2019. The anti-trafficking law required police protection for victims who participated as witnesses in criminal proceedings against traffickers, but the government did not report any victims utilizing these services. Mozambican law provided for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution; however, the government did not identify any foreign victims during the reporting period, so it did not implement these provisions. The government did not provide information regarding its efforts to assist Mozambican victims of trafficking abroad.

PREVENTION

The government maintained overall efforts to prevent trafficking, while increasing efforts to raise awareness of trafficking among vulnerable populations. The National Reference Group convened an annual meeting of all members to coordinate anti-trafficking efforts and members at the national, provincial, and district levels met regularly as working groups to address specific trafficking cases and concerns. While the attorney general and the Ministry of Justice, Constitutional, and Religious Affairs reportedly finalized the draft national action plan, the government did not adopt the national action plan for the third consecutive year. The government increased awareness-raising efforts during the reporting period. The government, in partnership with an international organization, conducted various awareness campaigns to address vulnerabilities to trafficking as a result of increasing violent extremism and in the post-disaster context, including school programs focused on preventing online recruitment and monthly awareness raising sessions in 25 resettlement camps. The government also conducted national public awareness campaigns in all provinces, which included 5,000 speeches and presentations and 233 radio and television programs. Provincial-level reference groups consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations carried out awareness campaigns to educate the public in urban and rural areas and coordinated regional efforts to address trafficking and other crimes. In July 2019, officials conducted awareness-raising activities associated with the World Day Against Trafficking in Persons in all provinces, including seminars on governmental actions to prevent trafficking.

The government enhanced its participation in the Southern African Development Community regional data collection tool by providing increased information on trafficking cases, victim and trafficker profiles, and improved sharing of information with countries in the region. The government did not report operating or providing support to a hotline exclusively available for adult victims of trafficking; however, the government continued providing logistical and technical support for an NGO-run hotline that is available to report crimes against children, including potential trafficking. In 2019, the hotline identified less than one percent of approximately 2,500 calls as potential trafficking cases; however, this could be due to a lack of training on the identification of potential trafficking victims. Previously, the government reported training labor inspectors to screen workers for trafficking indicators; however, the government did not report conducting such trainings during the reporting period. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not provide anti-trafficking training to diplomats. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

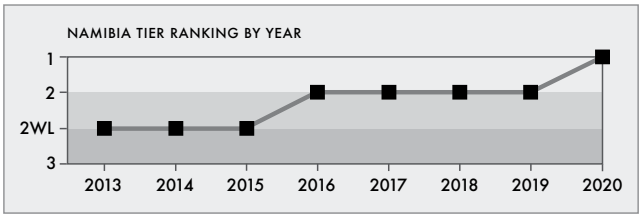
As reported over the past five years, human traffickers exploit domestic and foreign victims in Mozambique, and traffickers exploit victims from Mozambique abroad. Forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. Traffickers lure voluntary migrants, especially women and girls from rural areas, from neighboring countries to cities in Mozambique or South Africa with promises of employment or education, and then exploit those victims in domestic servitude and sex trafficking. Traffickers exploit Mozambican girls in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Eswatini and South Africa. Child sex trafficking is of growing concern in the cities of Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, their arrival could increase the demand for sexual services, potentially including child sex trafficking. As of December 2019, an international organization reported there were over 100,000 IDPs in Mozambique as a result of two tropical cyclones; individuals in resettlement camps or otherwise affected by the cyclones are increasingly vulnerable to trafficking.

Traffickers exploit Mozambican men and boys in forced labor on South African farms and mines, where victims often work for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Eswatini to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Traffickers exploit Mozambican adults and girls in forced labor and sex trafficking abroad, including in Angola, Italy, and Portugal. North Koreans working in Mozambique may have been forced to work by the North Korean government. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports alleged traffickers bribe officials to move victims within the country and across national borders to South Africa and Eswatini.

NAMIBIA: TIER 1

The Government of Namibia fully meets the minimum standards for the elimination of trafficking. The government made key achievements to do so during the reporting period; therefore Namibia was upgraded to Tier 1. These achievements included finalizing implementing regulations for the Trafficking in Persons Act of 2018, significantly increasing the number of prosecutions, convicting and sentencing one trafficker, and training front-line responders. The government identified more victims, referred to care a higher percentage of identified victims, and partially funded two NGO shelters that provided protective services for victims. More victims voluntarily participated with law enforcement investigations, and the government provided victim witnesses with protective services. The national anti-trafficking coordination body met quarterly; the government launched a nationwide awareness campaign in collaboration with an international organization, increased training of front-line responders to prevent trafficking, and continued to utilize the Southern African Development Community (SADC) regional data collection tool to gather and organize clear trafficking data. Although the government meets

the minimum standards, it did not adequately train frontline officials on the National Referral Mechanism (NRM) or Standard Operating Procedures (SOPs), and observers reported some frontline responders did not fully understand their roles with regard to the provision of services to trafficking victims. Occasional breakdowns in communication between government officials and civil society and within government ministries led to a lack of coordination among members of the National Coordinating Body (NCB). Although there were officials who underwent Training of Trainers curricula, it was not always clear how they could be mobilized to share their knowledge and build capacity.



PRIORITIZED RECOMMENDATIONS:

Train officials on the Trafficking in Persons Act of 2018. • Train officials on implementation of the NRM and SOPs. • Strengthen coordination among government ministries to ensure roles and responsibilities are clear and anti-trafficking policies are increasingly effective. • Improve communication between government ministries and civil society. • Continue to ensure all identified victims are referred to protective and rehabilitative services. • Increase funding to civil society partners that provide accommodation and care to trafficking victims to ensure they have adequate resources. • Increase efforts to investigate, prosecute, and convict traffickers. • Increase efforts to raise public awareness, especially in rural areas.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The Combating of Trafficking in Persons Act of 2018, which came into effect in November 2019, criminalized sex trafficking and labor trafficking, and prescribed penalties of up to 30 years' imprisonment, a fine not exceeding one million Namibian dollars ($71,140), or both. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. It reported investigating nine new labor trafficking cases and arresting 31 individuals, 20 for alleged labor trafficking and 11 for sex trafficking, and 29 ongoing investigations, nine for sex trafficking and 20 for labor trafficking, compared to investigating the same number of new cases (nine) in 2018. Of the nine new labor trafficking investigations, the government initiated 15 prosecutions (seven labor trafficking cases and eight sex trafficking cases), an increase from seven cases prosecuted in 2018. The government reported four prosecutions were ongoing from the previous reporting period. The government convicted one defendant of sex trafficking and sentenced her to 28 years' imprisonment, compared to two convictions during the previous reporting period. The trial of a South African national extradited to Namibia in December 2017 was ongoing in the Windhoek High Court at the close of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

In collaboration with an international organization, the government conducted multidisciplinary training for 35 criminal justice practitioners on identifying potential victims and referring them to protective services and legal support, as well as on prevention efforts and raising awareness of the crime. A lead law enforcement officer within the Namibian Police Force responsible for handling human trafficking cases trained participants at the South African Police Service Academy, and the Ministry of Justice, Safety, Security and Home Affairs trained 166 immigration officials on identifying and assisting trafficking victims. Police officers and prosecutors used anti-trafficking manuals that provided guidelines for victim identification. The Namibian Police Force collaborated with the Namibian Consulate in Turkey to investigate a potential labor trafficking case. The government entered into bilateral law enforcement cooperation agreements with Zimbabwe and Angola.

PROTECTION

The government increased efforts to protect trafficking victims by identifying and referring more victims to care. The government identified 30 trafficking victims, including 11 girls, nine boys, four men, two women, and four victims of unknown age or gender, compared with 21 victims in 2018. The government referred all 30 victims to NGO shelters, two of which were partially government-funded, compared to referring 14 of 21 identified victims in 2018. Traffickers had exploited the victims from Namibia, Angola, Zambia, and Zimbabwe in sex and labor trafficking, including domestic servitude and agricultural work on private farms. The Cabinet approved and the government began implementation of SOPs for victim identification and an NRM for provision of services to victims during the previous reporting period. However, observers reported some government and civil society frontline responders still did not fully understand their roles with regard to the provision of services to trafficking victims. The Ministry of Home Affairs and Immigration continued to provide immigration officials a printed manual to guide identification of trafficking victims. Separate from the SOPs and NRM, the Namibian Police Force (NamPol) and immigration officials used their own referral procedures. In practice, labor inspectors and immigration officials contacted NamPol when they identified an instance of potential trafficking; NamPol referred victims of all crimes to temporary shelter and medical assistance.

The government partnered with a local NGO to provide protective services to Namibian and foreign victims of trafficking; the NGO provided safe accommodation and the government provided psycho-social support, legal assistance, medical care, and ensured victims had proper documentation. Child victims were provided with access to education. The Gender-based Violence Protection Unit's facilities offered initial psycho-social, legal, and medical support to crime victims, in cooperation with the police, the Ministry of Gender Equality and Child Welfare (MGECW), the Ministry of Health, and NGOs. Adult victims had the ability to seek employment and work while receiving assistance, though it is unknown how many victims did so during the reporting period. The NGO shelter that received victims during the reporting period was equipped to receive families, teen boys, and men; the government provided 26,000 Namibian dollars ($1,850) per month to the NGO. The government also provided 13,000 Namibian dollars ($920) to an NGO shelter in the northeastern part of the country. Thirty victims voluntarily assisted law enforcement during the reporting period, compared with 14 during the previous reporting period. The Ministry of Home Affairs and Immigration issued special immigration passes on an ad hoc basis that allowed foreign victims to remain in the country for the duration of the investigation and legal proceedings and provided witness protection.

PREVENTION

The government increased prevention efforts. The NCB met four times during the reporting period to review cases and progress made with regard to national efforts and activities to combat trafficking. In partnership with an international organization, the government launched a nationwide awareness campaign, which included posters, billboards, a campaign song by a local artist, television and radio ads, pens, pencil cases and wristbands. The

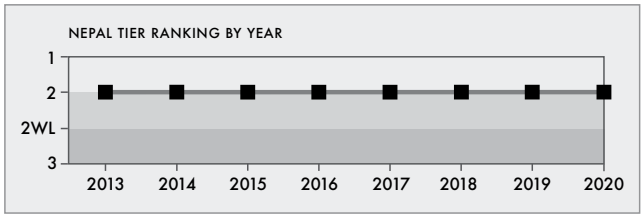
government conducted two workshops to train 1,057 frontline responders from throughout the country, including investigators, police officers, prosecutors, social work students, church leaders and the media on trafficking prevention, victim identification, and referral procedures. MGECW conducted media training on trafficking for 18 journalists and hosted the fourth annual commemoration of World Day Against Trafficking in Persons in all 14 regions of the country. The Namibian Police High Profile Crime Investigation Sub-Division gave a presentation on trafficking to 45 third-year social work students at the University of Namibia. The government continued to participate in the SADC regional data collection tool by uploading information about trafficking cases and victim and trafficker profiles, as well as sharing information with countries in the region. The Ministry of Labor and Social Welfare employed an unknown number of labor and occupational health and safety inspectors, who were responsible for enforcing laws against child labor. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Namibia, and traffickers exploit victims from Namibia abroad. Some victims are initially offered legitimate work for adequate wages, but then traffickers subject them to forced labor in urban centers and on commercial farms. Traffickers subject Namibian children to forced labor in agriculture, cattle herding, and domestic service, and to sex trafficking in Windhoek and Walvis Bay. Namibians commonly house and care for children of distant relatives to provide expanded educational opportunities; however, in some instances, traffickers exploit these children in forced labor. Among Namibia's ethnic groups, San and Zemba children are particularly vulnerable to forced labor on farms or in homes. Traffickers may subject children from less affluent neighboring countries to sex trafficking and forced labor, including in street vending in Windhoek and other cities as well as in the fishing sector. Traffickers may bring Angolan children to Namibia for forced labor in cattle herding, agricultural work, and domestic servitude. Traffickers allegedly operate at the international airport.

NEPAL: TIER 2

The Government of Nepal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Nepal remained on Tier 2. These efforts included investigating multiple government officials for complicity in human trafficking, identifying and removing more children, including trafficking victims, from exploitative care homes, and funding repatriation for more Nepali trafficking victims overseas. The government continued to stand up its law enforcement unit dedicated to human trafficking—the Anti-Trafficking-in-Persons Bureau (Anti-TIP Bureau)—and parliament voted to accede to the 2000 UN TIP Protocol. However, the government did not meet the minimum standards in several key areas. The government's laws do not criminalize all forms of labor trafficking and sex trafficking, and officials' identification of, and protection for, male trafficking victims and transnational labor trafficking victims remained severely inadequate compared to the size of the problem. Official complicity in trafficking offenses remained a serious problem, both direct complicity and negligence, and the government did not report investigations into several documented allegations. In addition, some police continued to arrest, detain, and fine adult and child sex trafficking victims identified in the adult entertainment sector (AES). Furthermore, officials continued to encourage migrant workers exploited abroad to register cases under the 2007 Foreign Employment Act (2007 FEA), which criminalized fraudulent recruitment, rather than refer cases to police for criminal investigation of labor trafficking.



PRIORITIZED RECOMMENDATIONS:

Investigate allegations of official complicity in trafficking crimes and hold perpetrators criminally accountable. • Amend the Human Trafficking and Transportation (Control) Act (HTTCA) to criminalize all forms of sex trafficking and labor trafficking, in line with the 2000 UN TIP Protocol. • Finalize and train front-line responders on standard operating procedures (SOPs) to identify and refer trafficking victims to services, especially male labor trafficking victims and females in commercial sex. • Establish SOPs for law enforcement to investigate human trafficking cases, including referrals between agencies. • Increase investigations, prosecutions, and convictions of all trafficking offenses, including criminal investigations into labor recruiters and sub-agents for labor trafficking. • Expand access to and availability of victim care, including shelter and repatriation, for all victims, especially males and workers exploited overseas. • Increase staff, training, and resources to the Department of Foreign Employment (DFE) to facilitate full implementation and monitoring of the low-cost recruitment policy. • Implement the victim-witness protection provisions of the HTTCA. • Significantly increase monitoring of children's homes and orphanages and hold accountable those that do not meet the government's minimum standards of care. • Authorize labor inspectors to monitor AES establishments for labor violations. • Remove the HTTCA provision that allows the judiciary to fine victims if they fail to appear in court and hold them criminally liable for providing contradictory testimony. • Lift current bans on female migration and engage destination country governments to create rights-based, enforceable agreements that protect Nepali workers from human trafficking. • Provide documentation to Haruwa-Charuwa communities and internationally recognized refugees and asylum-seekers to allow them to work, attend school, and access social services.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2007 HTTCA criminalized some forms of sex trafficking and labor trafficking. The HTTCA criminalized slavery and bonded labor, but did not criminalize the recruitment, transportation, harboring, or receipt of persons by force, fraud, or coercion for the purpose of forced labor. It criminalized sex trafficking but, inconsistent with international law, required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Prescribed penalties range from 10 to 20 years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2017 Labour Act 2074, which is enforced by specialized labor courts, criminalized forced labor and prescribed penalties of up to two years' imprisonment, a fine of up to 500,000 Nepali rupees (NPR) ($4,400), or both. Additionally, the 2002 Bonded Labor (Prohibition) Act criminalized bonded labor and prescribed penalties of a fine between 15,000 and 25,000 NPR ($132-$220) and the Child Labour Act criminalized forced child labor and prescribed penalties of up

to one year imprisonment, a fine of 50,000 NPR ($440), or both. None of these laws prescribed sufficiently stringent penalties. The 2007 FEA criminalized fraudulent and deceptive labor recruitment. For the fifth consecutive year, revisions to the HTTCA to bring the definition of human trafficking in line with international law remained stalled.

During the Nepali fiscal year, police conducted 258 investigations involving 524 suspects, the Office of the Attorney General initiated prosecution in 407 cases, and district courts convicted 231 traffickers in 110 cases, all under the HTTCA. This is compared to initiating 313 investigations involving 546 suspects, initiating 303 prosecutions and continuing 190 from previous years, and convicting 213 traffickers the previous reporting period. The government did not report sentences prescribed to convicted traffickers. District courts acquitted 243 suspects in 125 cases, compared to 113 acquittals in the previous reporting period. Officials did not disaggregate data to distinguish between sex and labor trafficking cases, and in some reported cases, suspects exploited victims in non-trafficking crimes, such as forced marriage, without evidence of exploitation in forced labor or commercial sex. Some police and prosecutors investigated and prosecuted suspected sex traffickers and facilitators for rape and public offenses. In one high-profile case, the judiciary convicted for child abuse a high-ranking official at an NGO who used his child welfare organization to sexually abuse children, including keeping several children as sex slaves. The court sentenced him to nine years' imprisonment and ordered him to pay compensation to two victims; the trafficker appealed the conviction at the close of the reporting period.

The government had standard training for labor, immigration, judicial, law enforcement, and foreign employment officials that included general definitions of human trafficking. International donors provided training on trafficking case identification, proactive investigation techniques, and building prosecutions. Despite these trainings, most police lacked sophisticated investigative techniques and resources to interact with trafficking survivors in a victim-centered way. In addition, the dearth of investigators and prosecutors trained to work on trafficking cases, coupled with the frequent turnover, further hampered efforts. The government hired 41 new investigators for the Anti-TIP Bureau, a specialized police unit dedicated to trafficking crimes created in 2018. The unit had filled 77 of 171 anticipated permanent positions at the close of the reporting period and continued to draft internal SOPs to define its operations. Additionally, it opened two new provincial offices. The Anti-TIP Bureau also assumed the mandate for transnational trafficking cases, previously handled by the Central Investigation Bureau (CIB). While the Anti-TIP Bureau will eventually investigate all human trafficking cases, other agencies continued to investigate cases. The Nepal Police Women's Cells (NPWC) had female officers in all 77 districts to investigate crimes against women and girls, including trafficking, but not all district offices were fully operational. Law enforcement did not proactively identify trafficking cases, and in many of the referrals it received, the alleged trafficking crimes had occurred more than one year prior, which undermined evidence collection and prosecution efforts. Moreover, police and prosecutors remained reliant on victim testimony for successful cases. Victims often did not want to assist in cases against their perpetrators because the perpetrators were family friends or relatives. Traffickers often bribed victims and their parents not to provide testimony in trafficking cases. Neither the Anti-TIP Bureau nor other law enforcement units had the resources to coordinate with NGOs and victims on registering cases against their traffickers, which made it harder for victims to do so. Police and the judiciary did not always collaborate, which led to police submitting incomplete cases that prosecutors could not pursue in court. Many district courts did not comply with the 2013 Supreme Court directive to adopt a "fast-track" system for human trafficking cases at times due to overwhelming non-trafficking caseloads. While the National Judiciary Academy publicized SOPs on investigation and prosecution of trafficking cases, whether officials employed the SOPs varied by judge. Police worked informally with some foreign law enforcement, including Indian officials, on trafficking cases. The government did not report collaboration with Gulf countries on trafficking cases.

NGOs and police monitored some children's homes and orphanages for child abuse and arrested several suspects during the reporting period, including for human trafficking. Generally, however, authorities rarely prosecuted owners of the exploitative establishments, and the establishments used political connections to circumvent oversight by child protection agencies. The government did not make sufficient efforts to investigate or prosecute suspects for bonded labor. The government continued to misidentify the majority of transnational labor trafficking cases as labor violations and resolved them administratively through the Ministry of Labor, in lieu of criminal investigation, with inadequate sentences for perpetrators. Legal experts stated prosecutors could pursue a case under both the HTTCA and the 2007 FEA for transnational labor trafficking and foreign employment fraud, respectively; however, prosecutors regularly refused to do so, believing such action would violate the prohibition against double jeopardy. DFE did not refer labor complaints to police to screen for trafficking. Many migrant workers remained unaware of the process for obtaining redress, including in cases of trafficking. DFE officials continued to advise abused migrant workers to register complaints under the 2007 FEA rather than notify police. Notably, in January 2020, DFE and the police signed a memorandum of understanding (MOU) to allow labor trafficking victims to file complaints at local police stations instead of requiring them to travel to Kathmandu. However, the government did not report how it communicated this change to migrant workers or local police stations. Many labor trafficking victims preferred to submit claims for restitution through the 2007 FEA in lieu of lengthy criminal prosecutions under the HTTCA, citing the desire to avoid the stigma associated with trafficking, the higher potential for compensation through the 2007 FEA, and the lack of time and funding to access the centralized institutions charged with providing redress.

The government investigated some officials allegedly complicit in human trafficking, but corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Traffickers continued to bribe government officials to include false information in genuine Nepali passports and provide fraudulent documents to prospective labor migrants or foreign employment agents. NGOs had concerns that because a number of government officials, including parliamentarians, maintained close ties to foreign employment agencies, such officials might have a conflict of interest in approving migrant-friendly practices, such as prosecution of abusive recruitment agencies and increasing protections for migrant workers. However, the government modestly increased efforts to address other allegations of official complicity. In August 2017, parliament ordered the government to take action against negligent and complicit immigration officials and police who had allowed 60 percent of Nepali domestic workers to depart the international airport without completing the required exit procedures. In response, in October 2019, the Commission for the Investigation of Abuse of Authority (CIAA), a semi-independent investigative body, filed charges against 13 immigration officials for circumventing Nepal's labor migration restrictions and illegally charging 248 Nepali female migrant workers a 10,000 NPR ($88) fee to send them to Qatar and United Arab Emirates (UAE) for domestic work. Additionally, in January 2020, CIB opened a criminal investigation into 41 recruitment

agencies for earning money from illicit activities while sending migrant workers abroad. In November 2017, the CIAA arrested the director general of DFE and two DFE officials for allegedly attempting to collect a bribe from a foreign employment agency; law enforcement released the three officials on bail or their own recognizance, and the case remained pending at the end of the reporting period. NGOs alleged some police and political party leaders were complicit in sex trafficking in conjunction with their financial involvement in the AES. Some traffickers, including owners of AES establishments and exploitative orphanages, enjoyed impunity due to personal connections with politicians and by bribing police to avoid raids or procure fraudulent identity documents. Observers reported cases in which police solicited sexual favors from sex trafficking victims.

During the reporting period, the UN Human Rights Committee heard two cases against Nepali military officials who allegedly forced one boy and one girl into labor in 2010 and 2002, respectively. In the first case, a Nepali man alleged that when he was between 12 and 14 years old, a Nepali army officer forced him into domestic work for 18 hours per day without pay from 2010-2012. When he escaped in 2012, he alleged the official filed a fraudulent complaint of theft, police arrested and tortured him, which medical reports substantiated, and the judiciary refused to investigate his claims. The committee ordered the government to compensate the man, but it refused to compensate him or criminally investigate the suspects. In the second case, the committee urged the government to support a woman's claim that in 2002, at age 14, the Royal Nepalese Army and police arrested, detained, forced her into labor at military barracks, and then forced her to become an informant on the anti-government Maoist forces. The government did not report criminally investigating the claims or initiating compensation procedures.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. While it identified fewer trafficking victims overall and services for male victims and trafficking victims abroad remained inadequate, the government increased identification and removal of children from exploitative care homes and repatriated more trafficking victims than the previous reporting period. NPWC identified 387 victims in its 258 investigations, a sharp decrease from 546 victims in 313 cases the previous fiscal year. Of the 387 victims, traffickers exploited 74 in sex trafficking and 80 in labor trafficking; reports did not specify the type of trafficking for the other 233 potential victims. The 387 victims included 150 victims aged 18 or younger and 71 males. This is a slight decrease from identifying 119 males in three cases the previous fiscal year but a general increase from prior years, when authorities rarely identified male victims. The government, with NGO assistance, removed more than 200 children from exploitation in abusive and unregistered orphanages. The orphanages had forced some children into labor making handicrafts and begging and had sexually abused other children. The government estimated at least one-third of the total registered orphanages, which care for approximately 15,000 children, did not meet government standards and did not have regular oversight. The government did not have SOPs for victim identification and referral to services. NPWC had internal guidelines on the identification and treatment of victims, and the Ministry of Women, Children, and Senior Citizens (MWCSC) continued drafting SOPs on victim identification, referral, and data collection. Authorities did not systematically track the total number of victims identified. Officials' poor understanding of trafficking and the lack of SOPs hindered proactive identification, especially among returning male migrant workers exploited abroad. Police did not always recognize that children in commercial sex constituted sex trafficking and sometimes removed girls 16-17 years old from commercial sex, sent them home, and did not refer them to services or file criminal charges against the client. Police lacked the staff, resources, and training required to patrol Nepal's nearly 1,100-mile border with India, where significant transnational trafficking occurred; therefore, NGOs conducted checkpoint inspections where possible but focused almost entirely on intercepting female travelers. Police reported NGOs did not always alert them when the NGOs identified potential trafficking victims.

Although the government had national standards for victim care, referral efforts remained ad hoc and inadequate. NPWC typically referred trafficking victims to government-run, one-stop emergency centers located within hospitals or to NGOs, both of which could provide shelter, medical, and legal services. The government did not report how many victims it referred to services. While the government cooperated with NGOs to identify and remove trafficking victims, it often left the victims with the NGOs for care without providing financial or material support. In other cases, the government referred victims to one of the 10 shelters for trafficking victims that NGOs operated with little MWCSC assistance. The government did not report how much funding it allocated to the 10 shelters and to its embassies abroad to care for victims, compared to 10 million NPR ($87,910) in the 2018-2019 fiscal year. While the shelters assisted 1,021 victims of crime generally during the fiscal year, including trafficking victims, the shelters could not accommodate all identified trafficking victims and did not always care for males. Moreover, the shelters could not provide long-term shelter or counseling to victims who filed cases against their traffickers, which led many victims to not file cases. MWCSC and NGOs operated community service centers for female victims of gender-based violence, including trafficking, and have steadily increased the number of shelters over previous years to the 123 shelters across 36 districts. MWCSC could provide NGOs with funding for some staff salaries, operational costs, and victim assistance such as legal and psychological support, but MWCSC only disbursed the funding when NGOs requested reimbursement. While public hospitals should have provided free medical assistance to trafficking victims, they often charged NGOs for such care. MWCSC did not allocate dedicated funds for the protection and rehabilitation of male trafficking victims, although it could reallocate other sources of funding for that purpose. Nevertheless, international organizations reported male and labor trafficking victims frequently did not receive services. Victims could obtain restitution from traffickers through criminal proceedings, or if the government was unable to collect the fines imposed on traffickers, the government could provide back wages from a rehabilitation fund. As in prior reporting periods, the government did not report if any victims obtained restitution or if the government provided any compensation from the fund.

Overall victim-witness protection mechanisms and the practices of police and justice officials remained insufficient. In civil suits against their traffickers, most victims remained unaware of the HTTCA provision granting the right to private representation. Even in cases where victims had private representation, the attorneys often could not build strong cases because law enforcement and the judiciary denied them access to critical case files and the dates of hearings. Police continued efforts to pay for some victim and witness transportation and lodging during judicial hearings; authorities did not report whether they provided these services to any trafficking victims. Victims continued to report challenges in providing testimony, including open doors to rooms where victims provided testimony via camera, threats from perpetrators, and the lack of compensation and lack of ability to collect compensation when awarded. Notably, resource limitations impeded authorities' provision of a victim's right to police protection, and observers stated victims were reluctant to file criminal complaints under HTTCA in part because of personal or family safety concerns.

The HTTCA authorized the judiciary to fine victims who failed to appear in court and hold victims criminally liable for providing testimony contradicting their previous statements. Some police arrested, detained, and fined adult and child sex trafficking victims for unlawful acts traffickers compelled them to commit. The government did not have legal alternatives to the deportation of foreign victims. The Department of Immigration continued to deport foreign nationals who had overstayed their visas; it was unclear if the department screened for trafficking among those deported.

Government services for its nationals exploited abroad remained inadequate. The 2007 FEA required the government to appoint labor attachés in countries with more than 5,000 registered Nepali migrant workers to facilitate claims of abuse, exploitation, and repatriation. Due to the cost of the attachés, however, they were not present in all required countries. While some embassies could provide temporary shelter and repatriate trafficking victims, officials acknowledged inadequate staffing and resources created large delays in provision of assistance, and the quality of the government-run shelters was poor. Nepali embassies in Bahrain, Kuwait, Malaysia, Oman, Qatar, the Republic of Korea, Saudi Arabia, and UAE could provide emergency shelter for approximately 25 female migrant workers each, some of whom were trafficking victims; embassies did not report the number of workers assisted. Despite high numbers of Nepali male trafficking victims in those countries, the shelters did not assist males. The Foreign Employment Board (FEB) acknowledged shelters lacked sufficient space, staff, and resources to meet the high demand for assistance. FEB collected fees from departing registered migrant workers for a welfare fund to provide repatriation and one year of financial support to families of injured or deceased workers, which could include trafficking victims. During the fiscal year, the fund repatriated 84 migrant workers, an increase from 64 the previous year, and repatriated the bodies of 391 Nepalis who had died while employed abroad, a significant decrease from repatriation of 823 bodies the previous year. Moreover, outside of the welfare fund, FEB paid for the repatriation of an additional 5,050 migrant workers from Malaysia during the reporting period. The government did not report identifying any trafficking victims among those repatriated or initiating any criminal investigations into their exploitation. MWCSC funded Nepali embassies to repatriate an additional 311 Nepali trafficking victims from India, Malaysia, Sri Lanka, Thailand, and UAE during the reporting period. FEB could also repatriate undocumented migrant workers, including trafficking victims, by requesting funds through the finance ministry on an ad hoc basis, but it could not provide any other financial support or services. Other government agencies repeatedly vetoed FEB's proposal to create a welfare fund for undocumented migrant workers exploited abroad, including trafficking victims. NGOs bore the primary cost of repatriating Nepali trafficking victims from India and noted that due to the lack of formal repatriation procedures between countries, repatriation could take up to two years. DFE maintained an online migrant worker portal that allowed migrant workers facing abusive or untenable situations overseas or someone on the migrant worker's behalf to file a request for repatriation. NGOs reported many migrants lacked the requisite computer access or skills to use the site. While it reported an increased number of requests for repatriation, primarily from Gulf countries and Malaysia, DFE did not report the number of requests, how many it fulfilled, and how many involved human trafficking. NGOs reported coordination between the labor ministry and MWCSC remained weak, and labor officials did not routinely inform labor trafficking victims about the services MWCSC and NGOs could provide.

PREVENTION

The government decreased efforts to prevent human trafficking. The national anti-trafficking committee, the National Committee for Controlling Human Trafficking (NCCHT), continued to lead interagency efforts on human trafficking. While it continued to coordinate anti-trafficking action within the government and with civil society, observers noted frequent turnover among members hampered efficacy. Additionally, the government continued to operate and fund local anti-trafficking committees (LCCHTs) and district anti-trafficking committees (DCCHTs), but as the government reorganized these structures, several became inactive. NGOs reported the LCCHTs and DCCHTs lacked resources, which limited key anti-trafficking efforts to the national-level and caused delays. MWCSC did not report how much funding it allocated to these committees for prevention and protection activities. While the NCCHT continued to meet with and train officials from the DCCHTs, observers noted the need for improved coordination between the NCCHT, DCCHTs, and LCCHTs. MWCSC began amending legislation to redefine each committee's role. A January 2018 MWCSC-led review of the 2012-2022 anti-trafficking national action plan revealed the government had implemented less than one-third of the plan's prosecution and capacity-building objectives. During the reporting period, the MWCSC-led working committee began revising the action plan, but the NCCHT did not report further implementation of the plan. MWCSC issued its seventh annual report on the government's anti-trafficking efforts, and the National Human Rights Commission's Office of the Special Rapporteur on Trafficking (OSRT) in Women and Children issued its ninth report on human trafficking. Officials noted OSRT had declined in efficacy, and the government had failed to fill its top position for several years. During the reporting period, the Central Bureau of Statistics published the government's first forced labor prevalence study covering the last five years, which documented more than 61,000 Nepali forced labor victims—including approximately 10,000 children—notably in the agriculture, forestry, and construction sectors. The government conducted public awareness campaigns throughout the country, sometimes in partnership with NGOs or international organizations, although MWCSC noted such campaigns often did not reach the most vulnerable audiences. While police continued regular inspections of the AES and the overall quality of the inspections generally improved, the quality depended on the dedication of the individual unit or lead officer. Legislation did not permit labor inspectors to monitor AES establishments for labor violations, which NGOs reported allowed many establishments to use children and adult trafficking victims with impunity. While the government had special committees to monitor the AES to mitigate this regulatory gap, they also remained highly dependent on individual officers and did not have a comprehensive regulatory framework to use when monitoring such establishments. Observers estimated only half of AES establishments had valid registration.

During the reporting period, DFE opened offices in all seven provinces to increase prospective migrant workers' access to foreign employment-related services. In addition, the labor ministry launched a project in key migrant labor source districts to assess and rectify the most common issues Nepali workers encountered in the labor migration process. The government continued mandatory pre-departure trainings for migrant workers, but officials only conducted them in a few districts, and the trainings did not address the consular services or mechanisms for redress available abroad. Moreover, some recruitment agencies charged workers a fee for the training certificate but never conducted the training. The government offered free skill tests for returned migrant workers and provided certifications for skills obtained abroad; it did not report how many workers utilized these services. During the reporting period, Nepal signed labor recruitment MOUs with Mauritius, Malaysia, and the UAE. Some of these MOUs required the employers pay all recruitment and travel expenses, others set fixed limits for worker-paid fees, and most provided workers access to the civil justice system in the destination country. However, it was unclear how the government

would enforce these worker protections, because it did not adequately enforce these same worker protections under similar schemes. The government did not disclose the text of its MOU with Malaysia, so it was unclear if it contained worker protections. The government's labor migration policies remained lengthy, costly, and sometimes discriminatory against women. The government maintained its ban on migration of female domestic workers younger than age 24 to Gulf states and mothers with children younger than two years old, which observers noted increased the likelihood such women would migrate illegally. Migrant rights activists expressed concern the government continued to send Nepali female domestic workers abroad to countries without bilateral agreements to protect workers' rights.

The government's 2015 labor migration guidelines included a policy requiring foreign employers to pay visa and transportation costs for Nepali migrant workers bound for Malaysia and Gulf states and restricted agency-charged recruitment fees to 10,000 NPR ($88). To crack down on fraudulent recruitment and better manage the recruitment process, DFE cancelled the licenses of 185 registered recruitment agents. In addition, several manpower agencies closed, which reduced the total number of licensed manpower agencies to 853 (down from 1,527). Among the 853, only 24 had authorization to recruit domestic workers (down from 39). The government did not report if it initiated any civil or criminal investigations into the agents or agencies. Both NGOs and government officials noted the monitoring mechanism was ineffective to address non-compliance; employment agencies regularly charged migrant workers fees above the 10,000 NPR ($88) limit. While DFE reported it investigated three recruitment agencies per week, civil society countered that DFE did not sufficiently investigate or punish agencies for labor violations, especially for charging illegal fees. FEB also reportedly monitored some agencies for labor violations and referred cases to DFE and the Foreign Employment Tribunal (FET) for adjudication and penalization. FEB did not report if it referred any cases during the reporting period. Observers reported DFE settled the vast majority of labor complaints administratively and neither referred violators to the FET for civil penalties nor to police for criminal investigation. During the reporting period, the Office of the Auditor General reported DFE had failed to monitor implementation of the government's "free visa, free ticket" policy, a program aimed at lowering migrant worker-paid fees for several Gulf states and Malaysia. As a result, employers and agencies continued to charge migrant workers exorbitant fees with impunity.

While the informal sector employed more than 70 percent of workers in the country, including nearly all child laborers, inspectors did not regularly inspect the informal sector for violations, including forced labor. The government continued to fund and conduct inspections focused specifically on child labor. However, NGOs reported the Department of Labor (DOL) remained reticent to take meaningful action against perpetrators of child and forced child labor and did not undertake many unannounced inspections. DOL did not report how many child laborers it identified or removed from exploitative conditions during the reporting period, and it typically only removed children whom employers physically or sexually abused. While civil society reported forced and bonded labor at carpet factories, labor inspectors did not regularly monitor the factories, and police did not report investigations into allegedly exploitative employers. DOL did not report referring any employers for criminal investigation or issued assessed administrative penalties. Furthermore, NGOs reported DOL encouraged mediation over prosecution, including in cases of forced child labor. The government did not make efforts to reduce the demand for commercial sex acts. Despite multiple cases of child sex tourism, the government did not make efforts to prevent child sex tourism. The government did not provide anti-trafficking training to its diplomatic personnel. Parliament voted to accede to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nepal, and traffickers exploit Nepali victims abroad. Sex traffickers exploit Nepali women and girls in Nepal, India, the Middle East, Malaysia, and—to a lesser extent—other Asian countries and Sub-Saharan Africa, including Kenya. Traffickers use Nepal's open border with India to transport Nepali women and children to India for sex trafficking, including under the guise of "orchestra dancers," where girls dance at public functions and men sexually exploit them. Labor traffickers exploit Nepali men, women, and children in Nepal, India, and the Middle East, especially men in the construction sector and women in domestic work. The government estimates approximately 1.5 million Nepalis work in the Middle East, with the vast majority of men in construction in Saudi Arabia, Qatar, and UAE. In Saudi Arabia, officials estimate more than 70,000 Nepalis work under oppressive conditions, which could include forced labor, and Nepali workers in both Qatar and UAE report employers retain their passports and sometimes do not pay them for months at a time. Due to the Government of Nepal's partial ban on female domestic workers to Gulf countries, many Nepali domestic workers in Iraq, Kuwait, and Saudi Arabia do not have valid work permits, which increases their vulnerability to trafficking. Labor traffickers exploit Nepali men, women, and children in East Asia—including in China, Japan, and Malaysia—and Europe—including Portugal—on farms and in construction, factories, mines, begging, and the adult entertainment industry. Traffickers bring Nepali victims to Europe and Australia on tourist, student, marriage, and work visas. Some recruitment agencies and agents engage in fraudulent recruitment practices and impose high fees to facilitate forced labor. Traffickers target unregistered migrants, including the large number of young Nepali women who transit India or men and women who rely on unregistered recruitment agents. Some Nepali women who agree to arranged marriages through Nepali companies to men in China and the Republic of Korea are forced into domestic servitude. Traffickers subject some migrants who transit Nepal en route to the Middle East to human trafficking, including Bangladeshis and Sri Lankans who use falsified Nepali travel documents. Some government officials accept bribes to include false information in Nepali identity documents or provide fraudulent documents to prospective labor migrants, which allows recruiters to evade recruitment regulations. Traffickers reportedly take advantage of more relaxed pre-departure screenings at Kolkata and Chennai airports or bribe Indian officials in New Delhi and Mumbai to fly Nepali migrant workers to third countries without proper documentation, which increases the workers' vulnerability to trafficking. Labor traffickers also transport Nepali victims through Sri Lanka and Burma en route to destination countries.

Within Nepal, forced labor, including through debt-based bondage, of adults and children exists in agriculture, brick kilns, the stone-breaking industry, and domestic work. A government study documented more than 61,000 Nepali—including approximately 10,000 children—in forced labor over the past five years, especially in agriculture, forestry, and construction. NGOs continued to report some children worked in brick kilns, including carrying loads, preparing bricks, and performing other tasks at kilns for extended periods. Traffickers subject Nepali and Indian children to forced labor in the embroidered textile, or *zari* industry, as well as in carpet factories and stone quarrying. According to the government's 2017-2018 labor survey, traffickers force children younger than 15 into labor in agriculture, forestry, and construction. Some Nepali brick kilns employ Indian migrant laborers, including children, who take out large advances that require them to work for subsequent seasons. Traffickers exploit debts to compel adults and children into labor in carpet factories. Parents sometimes force their children to work in carpet factories to repay family debts. Recruitment agents promise Bangladeshi

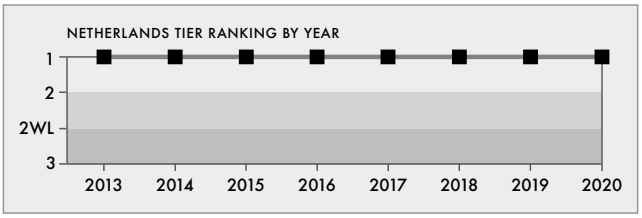
workers well-paying jobs in Nepali carpet factories but exploit them, including by obtaining tourist visas for them instead of work visas and pay less than the agreed wages. Traffickers use children to transport drugs across the Indian-Nepali border. The North Korean government may have forced North Korean workers into labor in Nepal.

Traffickers subject Nepali girls and boys to sex trafficking in Nepal on the streets and in the AES, including dance bars, massage parlors, and cabin "restaurants," a type of brothel. Sex traffickers increasingly use private apartments, rented rooms, guesthouses, and restaurants as locations for sex trafficking. A study focused on the Kathmandu Valley determined approximately 17 percent of workers in the AES are minors, and 62 percent of adult women in the AES had commenced work while a minor, including as young as seven years old. Many women reported a family or friend had connected them to the establishment, where they voluntarily agreed to waitress-like positions. Then, employers exploited them in forced labor or sex trafficking. The study estimated nearly 30 percent of all minor workers in AES establishments are victims of forced labor, usually as restaurant staff, and employers later subject many to sex trafficking. Traffickers subject transgender persons to sex trafficking. Police report an increasing trend of AES businesses recruiting Nepali female employees for work abroad in the same sector, which increases vulnerability to sex trafficking abroad. NGOs alleged some police and political party leaders are complicit in sex trafficking because of their financial involvement in the AES. NGOs reported girls in early and forced marriages, especially in the Terai region among Dalit and Madhesi communities, were vulnerable to sex traffickers.

Under false promises of education and work opportunities, some Nepali parents give their children to brokers who instead take them to frequently unregistered children's homes and force them to pretend to be orphans to garner donations from tourists and volunteers. The government estimated more than 15,000 children live in both registered and unregistered children's homes and orphanages in Nepal. Seventy-five percent of registered Nepali orphanages and children's homes are located in the country's five main tourist districts, out of 77 national districts. Some of the orphanages and homes force children into manual labor, begging, force them to entertain visitors for donations, and sexually abuse them. Since 2016, police have identified and arrested at least 12 tourists or international volunteers, all men older than 50 mostly from Western countries (Austria, Canada, Denmark, France, Germany, India, Netherlands, United Kingdom, and the United States), for sexual abuse of Nepali children, including child sex trafficking. NGOs reported some owners of exploitative child institutions, including fake orphanages, use political connections to thwart child protective agencies and prosecution. Traffickers transport Rohingya girls from refugee camps in Bangladesh to Kathmandu for sex trafficking. Traffickers target young, poorly educated people from traditionally marginalized castes and ethnic minority communities and increasingly utilize social media and mobile technologies to lure their victims. Law enforcement reported victims' families are sometimes complicit in their trafficking. Organized criminal networks engage in trafficking in some parts of the country. Many Nepalis whose homes or livelihood were destroyed by the 2015 earthquakes—especially women and children—remain vulnerable to trafficking. The government does not provide documentation to most of the approximately 12,000 Tibetan refugees in the country, which prevents them from legally working, studying, traveling, and accessing public services. Nepali law treats newly arrived asylum-seekers and UNHCR-recognized refugees as illegal immigrants and does not provide for government-issued identification; lack of documentation increases their vulnerability to traffickers.

NETHERLANDS: TIER 1

The Government of the Netherlands fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore the Netherlands remained on Tier 1. These efforts included investigating more trafficking cases, expanding victim assistance capabilities and shelter capacity, increasing regional anti-trafficking coordination, and increasing resources within the labor inspectorate to investigate trafficking cases. Although the government meets the minimum standards, authorities prosecuted and convicted fewer traffickers, identified fewer victims, and discontinued a pilot program that decoupled official designation as a victim from cooperation with law enforcement. For the second consecutive year, the islands of Bonaire, St Eustatius, and Saba (BES islands) (fully under the authority of the Netherlands) did not prosecute or convict any traffickers in 2019. The government did not report complete victim statistics for the reporting period.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify victims. • Provide all potential trafficking victims with care services, regardless of their ability to cooperate with an investigation. • Increase efforts to investigate, prosecute, convict, and sentence traffickers to significant prison terms. • Strengthen the child protection system to protect against vulnerability to exploitation. • Improve data collection quality for law enforcement and ensure the timely release of victim identification data for policy evaluation. • Incorporate measurable goals into the national action plan. • Increase outreach to potential victims in labor sectors and identify forced labor. • Implement results-based training and mentoring of officials in the BES islands to increase identification of victims and prosecution of traffickers. • Expand the rapporteur's mandate or assign another independent body to evaluate anti-trafficking efforts and assess trafficking prevalence in the BES islands.

PROSECUTION

The government maintained law enforcement efforts. Article 273f of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of up to 12 years' imprisonment or a fine of up to €87,000 ($97,750) for trafficking offenses involving an adult victim, and up to 15 years' imprisonment or a fine of up to €87,000 ($97,750) for those offenses in which the victim was a minor. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Police brought 145 new trafficking cases to the prosecutor's office for further investigation, compared with 142 in 2018. The government prosecuted 101 alleged traffickers, compared with 138 in 2018. The government convicted 84 traffickers, compared with 111 in 2018.

The government did not report complete sentencing data but confirmed several cases in which traffickers received significant prison terms. For instance, in December 2019, a district court in The Hague sentenced a man to 13 years in prison and ordered him to pay between €2,000 ($2,250) and €87,500 ($98,310), in

compensation to five victims of sex trafficking. In December 2019, the Court of Appeals in The Hague convicted a man for human trafficking, distributing child pornography, trafficking in drugs, and possessing a firearm. The Court of Appeals sentenced the man to 13 years in prison and ordered compensation payments to each of his victims, ranging from €2,000 ($2,250) to €87,500 ($98,310). During a ten-year period, the man exploited five women in sex trafficking. Independent observers reported the police do not have sufficient resources allocated to trafficking due to a shift in police priorities. Law enforcement efforts remained weak in the BES islands (fully under the authority of the Netherlands), which for the second consecutive year did not investigate, prosecute, or convict any traffickers in 2019. Bonaire maintained a database for human trafficking, which served as a repository for future leads on human trafficking.

The government continued to participate in international investigations and led joint investigation teams with other EU nations. The government led EUROPOL's Multidisciplinary Platform Against Criminal Threats program on trafficking. In November 2019, the police announced plans to post police liaison officers in Italy and the western Balkans to monitor migrants vulnerable to trafficking. The government provided police and prosecutorial assistance and training overseas, and funded trafficking programs in victim source countries. Judges with trafficking-specific training heard all trafficking cases in 2019. The government continued to deliver a high volume of anti-trafficking training to law enforcement; training remained institutionalized as part of the standard professional curriculum across agencies. The national police and each region had a dedicated anti-trafficking police unit. Anti-trafficking police officers were required to pass examinations in a training course focused on policing commercial sex. Dutch authorities trained customs and coast guard officials in the BES islands and seconded Dutch law enforcement staff to the islands. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and dealing with traumatized victims. The government did not report increased trafficking prosecutions resulting from these training efforts. The government did not report any government officials complicit in trafficking. The government commissioned and released video guides available to all agencies that served as a comprehensive guide to trafficking case management and victim referral. The government frequently did not charge child sex traffickers under the trafficking law but under a sexual abuse law (article 248b), which carried lesser penalties. In September 2019, Parliament adopted a resolution that called for allocating an additional €10 million ($11.2 million) to the Aliens Police, Identification, and People Trafficking Department's budget for anti-trafficking efforts; a third of the additional budget will be directed at strengthening alien identification to bolster non-EU TIP victim identification.

PROTECTION

The government maintained efforts to protect victims. In 2018, the most recent year official data was available, the government-funded national victim registration center and assistance coordinator registered 668 possible trafficking victims, compared with 958 in 2017. Of these, 458 were victims of sex trafficking, 142 of labor trafficking, 28 of both labor and sex trafficking, and 40 of uncategorized trafficking. Children comprised 62 of the victims (194 in 2017). The top countries of victim origin in 2018 (in order of prevalence) were the Netherlands, Nigeria, Uganda, Romania, and Sierra Leone. The police reported identifying 530 victims (432 in 2017); regional health care organizations 91 (320 in 2017); labor inspectors 75 (38 in 2017); border security 12 (21 in 2017); and other organizations identified the remaining victims. The BES islands did not identify any victims in 2019. The government continued to identify fewer victims than in years prior to 2016, despite officials and civil society reporting no decrease in trafficking prevalence. During the reporting period, both attributed some of the decrease in the identification of victims to misinterpretation of the EU's General Data Protection Regulation (GDPR), which required non-law enforcement organizations to obtain consent from the victim before official registration unless a "justified interest" existed. Shelters said victims feared being stigmatized as a trafficking victim for the rest of their lives and would rather withdraw from the victim process. Non-law-enforcement organizations were hesitant to share personal information with law enforcement and other care organizations out of fear of being non-compliant with EU privacy regulations; this also resulted in the withdrawal of criminal complaints to the police. In October 2019, Dutch data protection authorities and legal experts argued that in their view providing care to trafficking victims was considered a "justified interest" under the GDPR and therefore consent was not required for trafficking victims to receive social services. Final EU legal opinion on "justified interest" remained pending. Additionally, civil society and government officials reported the government identified fewer victims due to a shift in police resources away from trafficking to new priorities, which led to staff turnover and a loss of accumulated trafficking expertise. Civil society reported victims preferred to register for residency permits under the asylum process rather than the specialized process for trafficking victims. In 2019, the national rapporteur conducted a multiple systems estimation study that estimated up to 7,000 trafficking victims within the country.

The government funded an extensive network of care facilities for both foreign and domestic victims. In July 2019, the government expanded shelter services by funding 36 additional specialized beds spread over six existing shelters for victims who also have a psychological disorder, developmental limitations, or "substance abuse disease." The government allocated €2 million ($2.25 million) to fund these new services. The government fully funded three NGO-managed shelters that provided dedicated services for child, adult female, and adult male trafficking victims to include 50 shelter beds with 16 beds designated for male victims. The government provided €600,000 ($674,160) to the shelters, compared to €800,000 ($898,880) in 2018. All shelters provided medical and psychological care, schooling, language and skills training, and legal assistance; some also provided self-defense classes, and most had facilities accessible to individuals with disabilities. Local governments also funded shelters for domestic violence victims, which had dedicated space for trafficking victims. Children remained vulnerable in the protection system; the national rapporteur and independent media reported thousands of children had left without notice to unknown destinations from Dutch refugee centers over the past 10 years, some of them were found later in the UK, their planned final destination. In 2019, the number of health care regions with a trafficking victim coordinator increased to 33, compared with 24 in 2018.

The government permitted potential victims to stay in shelter care for a three-month reflection period to begin recovery and decide whether to assist law enforcement. To address an issue identified by the national rapporteur, the Ministry of Justice issued clear guidance to law enforcement agencies and the labor inspectorate to ensure the three-month reflection period was uniformly offered. During the reflection period, non-EU victims had access to specialized shelters but could not work. After the reflection period, victims who agreed to assist police could continue to stay in shelters. According to civil society, foreign victims who ceased cooperation with authorities lost their residence permits and consequently all support services. NGOs reported non-EU victims were increasingly unwilling to report victimhood to the authorities as they were concerned with participating in a long court process, fearful of retribution from convicted traffickers due to light sentencing, and uncertain of obtaining permanent residency. In

an effort to address concerns regarding linkage of assistance to participation in criminal investigations, the government completed a pilot project that assigned a multidisciplinary team to review the effects of de-coupling the two. According to the government the project concluded that formal decoupling of designation as a victim from cooperation with law enforcement was unnecessary and lessons learned from the pilot would be incorporated into immigration procedures. The national rapporteur and NGOs criticized the decision not to continue and expand the pilot. Non-EU trafficking victims received a short-term residency permit (B-8 permit) upon identification. Victims willing to testify against their alleged trafficker were eligible to receive a five-year residence permit, which can be extended to a permanent residency permit if authorities decided to prosecute the suspected trafficker. In 2018, the most recent year data was available, 333 (131 in 2017) foreign victims applied for the permanent B-8 permit. A victim could apply for asylum if their case closed without a conviction or they declined to assist in an investigation. The government did not report the number of potential victims who applied for asylum. A procedure also existed to circumvent B-8 eligibility requirements for residency in cases where victims were seriously threatened or had serious medical or psychological conditions. Authorities worked with civil society to repatriate foreign victims unable to acquire residency permits.

PREVENTION

The government increased efforts to prevent trafficking. The Human Trafficking Task Force, composed of local and national government authorities, the private sector, and NGO representatives, set long-term anti-trafficking policies, while the Ministry of Justice and Security led the implementation and coordination of anti-trafficking efforts. In November 2018, the government issued its new national anti-trafficking action plan, which focused on improving information sharing among stakeholders, identifying more victims, strengthening local governments' anti-trafficking programs, and increasing efforts against labor trafficking. In 2019, the government organized regional trafficking "expert" meetings, which bolstered information sharing between localities and with the national government. The government invited victims to provide input to the national action plan and frequently participated in regional "expert" meetings throughout the reporting period. Several NGOs criticized the action plan for its lack of measurable goals and monitoring tools, although the government issued a November 2019 report on its progress implementing the action plan. The rapporteur published two reports during the reporting period that analyzed victim statistics from 2014-2018 and trafficking crimes from 2013-2017. The government continued multiple awareness campaigns with videos, websites, handouts, and school prevention curricula. The labor inspectorate continued to focus on sectors with an elevated risk of exploitation. In July 2019, the labor inspectorate launched "Information Point Human Trafficking," an internal hub to share and analyze possible trafficking cases, and announced an increased focus on labor trafficking in 2020. Teams of police, labor inspectors, and health care personnel continued to conduct brothel inspections, which included screening for signs of trafficking. Authorities trained immigration, hotel, aviation, customs, and labor inspection staff in methods to identify victims and child sex tourism. Three more market sectors (metal, floriculture, and stone importers) joined the government's Covenant on Reducing Human Rights Violations in Supply Chains. The government did not make efforts to reduce the demand for commercial sex acts. The government continued to implement a national plan against child sex tourism, screened for potential child sex tourists at airports in cooperation with foreign governments, and posted police liaisons to the Dutch embassies in Cambodia and Thailand. The government organized international training and conferences, provided law enforcement assistance overseas, awarded funding for initiatives in source countries, and funded anti-TIP projects in foreign countries via its embassies. The foreign ministry continued to conduct outreach to foreign diplomats' domestic workers, without their employers present, on how to report cases of abuse. A government-funded NGO maintained a victim assistance hotline during extended business hours.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Netherlands. Most identified victims are Dutch girls enticed by young male traffickers, known as "lover boys," who coerce vulnerable girls into sexual exploitation. Labor traffickers exploit men and women from Eastern Europe, Africa, and South and East Asia in industries such as inland shipping, leisure river cruises, agriculture, horticulture, hospitality, domestic servitude, and forced criminal activity. Refugees and asylum-seekers, including unaccompanied children, are vulnerable to labor trafficking. Criminal groups force Romani children into pickpocketing and shoplifting rings. Over the last five years, more than 1,600 foreign children have left refugee centers to unknown destinations and remain highly vulnerable to exploitation. The Netherlands is a source country for child sex tourists. Refugees and asylum-seekers, including children in government-run asylum centers, are vulnerable to sex trafficking.

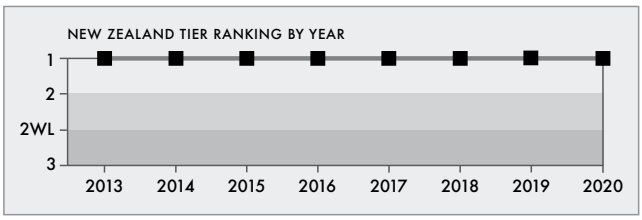
BONAIRE, ST. EUSTATIUS, AND SABA (BES)

As reported over the past five years, human traffickers exploit foreign victims in the BES islands. Increasingly, traffickers exploit Venezuelan women in sex trafficking on the BES islands. Local authorities believe labor traffickers also exploit men and women in domestic servitude and in the agricultural and construction sectors. Women in commercial sex and unaccompanied children are highly vulnerable to trafficking. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

The BES criminal code criminalized sex and labor trafficking under article 286f, prescribing penalties ranging from six to 15 years' imprisonment. Bonaire prosecuted its first trafficking case in 2012; the case remained ongoing at the end of the reporting period. The mandate of the Netherlands' national rapporteur did not extend to the BES islands; therefore, the office could not conduct local research. Local governments on the BES islands ran multidisciplinary anti-trafficking teams, which cooperated with each other and with Dutch counterparts; however, there was little evidence of their effectiveness. Victims of violence, including trafficking, were eligible for compensation from the Violent Offenses Compensation Fund.

NEW ZEALAND: TIER 1

The Government of New Zealand fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore New Zealand remained on Tier 1. These efforts included investigating eight potential labor trafficking cases, forming an anti-trafficking operations group to increase law enforcement coordination, and conducting a training-needs assessment. Although the government meets the minimum standards, it did not initiate any prosecutions and convicted only two traffickers, which was a decrease from eight offenders convicted for trafficking-related crimes in the previous reporting period. The government did not identify or assist any victims of sex trafficking and identified fewer victims of forced labor than in the previous reporting period.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify victims through proactive screening of vulnerable populations. • Improve training provided to front-line law enforcement, labor inspectors, and social service providers, including by ensuring officials understand that children in commercial sex are victims of trafficking and ensuring that potential trafficking cases are referred to law enforcement for prosecution. • Take steps to improve potential victims' access to services and ensure government-funded services are suitable for trafficking victims. • Distribute materials to raise public awareness of all forms of human trafficking. • Amend the trafficking statute to define the sex trafficking of children as not requiring the use of deception or coercion. • Increase resources for anti-trafficking law enforcement. • Update the national action plan to address current trafficking trends in the country, including domestic trafficking. • Improve the content of and distribution of materials explaining migrant workers' rights and mechanisms for reporting exploitation. • Increase coordination with NGOs, social service providers, and other civil society stakeholders on anti-trafficking efforts, including victim identification and assistance. • Provide anti-trafficking training to diplomatic personnel.

PROSECUTION

The government maintained law enforcement efforts. The Crimes Act of 1961, as amended, criminalized sex trafficking and labor trafficking. Section 98D (trafficking in persons) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of up to 20 years' imprisonment, a fine not exceeding 500,000 New Zealand dollars ($337,150), or both; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 98D required a demonstration of deception or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The government reported initiating a process to amend this provision, which could strengthen the government's ability to effectively investigate the sex trafficking of children. However, Section 98AA criminalized all forms of child sex trafficking under its "dealing in persons" provision and prescribed penalties of up 14 years' imprisonment, which were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. The government sometimes utilized Sections 20 and 21 of the Prostitution Reform Act (PRA), which criminalized the facilitating, assisting, causing, or encouraging a child to provide commercial sex, in addition to receiving earnings from commercial sex acts provided by a child. The PRA prescribed a maximum penalty of seven years' imprisonment for the sex trafficking of children.

During the reporting period, the government initiated investigations for eight potential cases of trafficking, did not initiate any new prosecutions, and convicted two traffickers; this was compared with two investigations, five trafficking-related prosecutions, and eight trafficking-related convictions in the previous reporting period. The government primarily focused its efforts on investigating potential cases of forced labor and approached sex trafficking via labor law enforcement measures, rather than pursuing sex trafficking cases as criminal violations. In a case initially investigated in 2018, a court convicted an offender under the trafficking statute in March 2020, for exploiting 13 Samoan victims in forced labor; as of the end of the reporting period, sentencing was scheduled for July 2020. The government convicted a New Zealand man engaged in child sex tourism overseas and sentenced him to six years and six months' imprisonment. Two offenders convicted during the previous reporting period were sentenced to four years and five months' and two years and six months' imprisonment in May 2019. In November 2019, after serving a third of their nine-and-a-half-year sentence, a parole board authorized the release of a trafficker convicted in 2016 for exploiting 15 victims in forced labor. The government also reported that in 2019 the New Zealand Customs Child Exploitation Operations Team arrested and prosecuted 16 offenders for border offenses relating to the sexual exploitation of children; however, it was not clear how many of these involved trafficking.

In December 2019, the government formed an anti-trafficking operations group, composed of immigration authorities, police, and the children's ministry, to increase law enforcement coordination. As in previous years, authorities continued to report a lack of sufficient resources, and a lack of understanding of trafficking among some front-line officers, as well as high evidentiary and procedural standards, which may have resulted in the prosecution of some potential traffickers under different statutes, including non-criminal labor violations. The labor inspectorate investigated forced labor complaints but worked mainly within the civil legal system, contributing to the lack of criminal prosecution of forced labor crimes. Immigration New Zealand's (INZ) serious offences unit investigated trafficking cases but were limited to investigating only those cases in which immigration violations were also identified, and police did not report vigorously investigating perpetrators of domestic trafficking, including of those who exploit New Zealand children in sex trafficking. The Ministry of Business, Immigration, and Employment (MBIE) required immigration officers, labor inspectors, and other staff likely to work trafficking cases to complete an online training module on human trafficking. New Zealand Police (NZP) required anti-trafficking training for all detectives and included a trafficking and smuggling chapter in its police manual, and held a training workshop with INZ during the reporting period. Nonetheless, officials reported a lack of trafficking awareness among front line officers. MBIE reported it completed a training-needs assessment to design a specialist training program for border officers and investigators. The government did not report training prosecutors or judiciary officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government maintained victim identification and protection efforts. During the reporting period, the government identified three victims of labor trafficking in one case, a decrease compared with seven victims of labor trafficking identified during the previous reporting period. The government did not identify any victims of sex trafficking during the reporting period. The government had not finalized its operational framework to outline the process of victim identification, referral, and provision of victim services for government officials, which it began drafting in 2017. The government reported providing training for police and immigration officials on procedures for treatment of victims. The Ministry of Health drafted and distributed written procedures on treatment of potential trafficking victims to all district health boards and primary health organizations. Nonetheless, the conflation of trafficking with other crimes and a perceived lack of awareness that children in commercial sex are victims of trafficking by some officials and social service providers meant

some victims went unidentified, and a lack of coordination between the government and social service and health providers may have resulted in ineffective referral procedures. While police reportedly pursued sexual violence-related charges for some potential cases of sex trafficking (often due to lower evidentiary standards and familiarity with those statutes), they did not report identifying victims in such cases as victims of trafficking or referring them to care appropriate for trafficking victims. Law enforcement reportedly had legal limitations on their ability to proactively screen for trafficking victims, including those who are New Zealand citizens, within the legal commercial sex industry. For example, due to regulations prohibiting police from inspecting legal brothels without a complaint, police relied on an organization that works closely with persons in commercial sex to report potential violations. Nonetheless, the government did not report providing training to the organization's staff on definitions or indicators of sex trafficking, or procedures for referring trafficking victims to services.

The government did not allocate funding specifically dedicated to assisting trafficking victims or provide services designed for trafficking victims. However, victims were eligible to receive government-funded services provided through arrangements with local community groups, and the government provided temporary housing, medical services, employment assistance, and other social services, as well as emergency grants in cases involving debt-based coercion. Nonetheless, some civil society experts reported a lack of adequate services available for child victims of sex trafficking, that services were not easily accessible for victims of labor and sex trafficking, and that government officials did not provide clear guidance to some NGO service providers seeking government assistance. The law authorized the extension of temporary residence visas to foreign trafficking victims for up to 12 months, which also made them eligible for legal employment. The government granted temporary visas for 17 previously identified victims during the reporting period. In addition, foreign victims facing hardship or retribution in their home countries could apply for a residency visa. During the reporting period, the government took steps to reconsider the residency applications of victims denied residency by INZ in 2017, after an immigration tribunal subsequently found that INZ failed to adequately investigate their claims of facing retributive threats against themselves and their families in their home country. The law allowed victims to receive restitution from criminal proceedings. In addition, victims could seek compensation from assets forfeited in criminal cases through civil claims.

PREVENTION

The government maintained efforts to prevent trafficking. INZ chaired the government's interagency working group on trafficking and operated a three-person team responsible for coordinating government efforts related to anti-trafficking. Some observers reported the assignment of INZ as the lead agency may have resulted in the government overly focusing its anti-trafficking efforts on transnational forms of trafficking, rather than a balanced approach that also focused on domestic trafficking. The government did not complete its review and update of the 2009 anti-trafficking action plan, initially scheduled for 2017, despite a November 2018 order by the Minister of Immigration that it be completed by the end of 2019. During the reporting period, the government's consultative group on trafficking composed of four NGOs was disbanded, and replaced with an advisory group co-chaired by two civil society organizations; INZ held an observatory role within the new advisory group. In October 2019, MBIE sought public submissions on suggested policy changes related to its review of exploitation among temporary migrant workers. In addition, MBIE published government-funded academic research on migrant worker exploitation in New Zealand in July 2019. The government did not report sufficient efforts to raise awareness of sex trafficking. However, it maintained webpages and distributed pamphlets to raise awareness of trafficking indicators and victim support and continued to host and participate in forums and workshops with businesses, students, and other community groups to increase awareness. INZ engaged with the airline industry to review trafficking training materials provided to flight crews. The government also reported officials' appearances in the media discussing migrant exploitation and trafficking helped raise awareness. Nonetheless, observers reported a lack of sufficient efforts to increase public awareness of trafficking, noting low levels of understanding of the crime across New Zealand. The government continued to distribute guides for employers recruiting Filipino workers and to send welcome emails with workers' rights information to all approved residence, work, and student visa holders in 13 languages. MBIE continued to distribute pamphlets, in five languages, which listed who was able to legally engage in commercial sex and provided information on how to report exploitation, however these materials did not specifically address trafficking. In addition, materials on migrant workers' rights and employment laws were not clear or distributed effectively, and some workers were unaware of their rights or how to report exploitation. INZ and the labor inspectorate operated hotlines in which workers could make complaints; however, the government did not operate a trafficking specific hotline.

In September 2019, the government announced that by 2021 it would replace six employer-assisted temporary work visa categories with one visa that will require an accreditation of employers to, in part, ensure they take steps to reduce exploitation of workers. Delays in processing migrant workers' applications to change conditions of their visas, including changing employers, left some workers in exploitative conditions for extended periods of time. Government regulations banned employers who breach employment standards from recruiting migrant workers for periods of six to 24 months and the government published a list of all offending employers on its website. Immigration officials and labor inspectors reported inspecting legal brothels to ensure working conditions complied with the law, and conducting investigations and routine audits in work places that employed migrant workers. However, the labor inspectorate was believed by some NGOs to be under-staffed and -resourced, which they felt limited its ability to carry out effective inspections and adequately investigate exploitative employment, including potential cases of trafficking. Some observers reported penalties proscribed to unscrupulous employers in employment courts were often not significant enough to deter exploitative practices. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

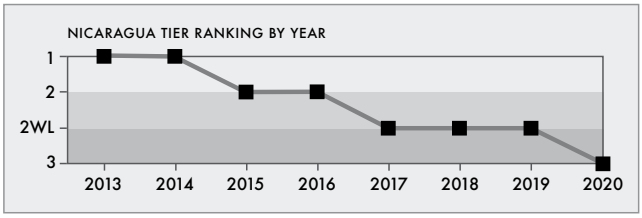
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in New Zealand. Traffickers exploit foreign men and women from Asia, the Pacific, and some countries in Latin America in forced labor in New Zealand's agricultural, dairy, construction, viticulture, food service, technology, hospitality, and domestic service sectors. Unregulated and unlicensed immigration brokers operating in New Zealand and source countries, particularly in India and the Philippines, facilitate trafficking by assisting in the process to issue visas to victims. Some foreign workers are charged excessive recruitment fees and experience unjustified salary deductions, non- or under-payment of wages, excessively long working hours, restrictions on their movement, passport retention, and contract alteration. Some employers force migrant workers to work in job conditions different from those promised during recruitment, and victims often do not file complaints due to fear of losing their temporary

visas. Foreign workers aboard foreign-flagged fishing vessels in New Zealand waters are at risk of forced labor. Gang members, boyfriends, family members, or others recruit young children and teenagers into commercial sex. Some victims are coerced into commercial sex through drug dependencies or threats by family members. Foreign women from Asia and South America are at risk of sex trafficking. Unscrupulous brothel owners subject some migrants to conditions indicative of sex trafficking, including non-payment of wages, withheld passports, physical or sexual abuse, threats of deportation, and excessive working hours. Some international students and temporary visa holders are at risk of sex and labor trafficking.

NICARAGUA: TIER 3

The Government of Nicaragua does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Nicaragua was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including identifying slightly more victims than in the previous reporting period and prosecuting a trafficker. However, the government did not convict any traffickers, and victim identification efforts remained inadequate. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, despite endemic official corruption and widespread complicity. The government did not cooperate with NGOs in the national anti-trafficking coalition or the provision of victim services. Prosecution, protection, and prevention efforts in the two Caribbean autonomous regions of Nicaragua continued to be much weaker than in the rest of the country.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to identify victims of sex and labor trafficking, including foreign nationals. • Investigate, prosecute, and convict traffickers, including complicit officials. • Vigorously implement the National Strategy for Comprehensive Attention to Victims of Trafficking in Persons by identifying victims, including among vulnerable populations, and effectively refer victims to appropriate services. • Partner with NGOs to provide victims short-term care, long-term care, and reintegration services. • Amend the 2014 anti-trafficking law to include a definition of trafficking consistent with international law. • Increase funding for victim protection, finance the trafficking fund, and provide specialized services for trafficking victims. • Fulfill the requirement under Law 896 to include the Nicaraguan Coordinating Federation of NGOs working with Children and Adolescents (CODENI) to represent NGOs in the National Coalition against Human Trafficking (NCATIP). • Increase training for government officials—including social workers, labor inspectors, and law enforcement officials—to facilitate increased victim identification and assistance, including securing restitution. • Strengthen law enforcement and victim protection efforts in the Caribbean autonomous regions, especially through increased staff and funding. • Annually report on progress in implementing the national action plan.

PROSECUTION

The government decreased law enforcement efforts. The Law against Trafficking in Persons of 2015 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from 10 to 15 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, coercion, or deceit as an aggravating factor rather than an essential element of the crime; the penalties increased to 16 to 18 years' imprisonment for trafficking offenses involving these factors. The penalty for child trafficking increased to 19 to 20 years' imprisonment. The law also defined trafficking broadly to include all labor exploitation and illegal adoption without the purpose of exploitation.

Authorities reported initiating six investigations in 2019—all for sex trafficking—compared with four investigations in 2018 and five in 2017. The government made five arrests associated with trafficking but only prosecuted one trafficker, accused of sex and labor trafficking, during the reporting period, compared with zero prosecutions in 2018 and two in 2017. There were no ongoing cases from previous reporting periods. In 2019, the government did not convict any traffickers for the second consecutive reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Despite endemic official corruption, the government did not have policies to prevent official complicity in trafficking. However, officials within at least four of the government agencies in the NCATIP have perpetrated or authorized human rights violations, creating an environment of impunity and potentially decreasing the likelihood of victims reporting trafficking in persons. The government conducted fewer trafficking-related trainings for law enforcement officials than in previous years; in 2019, there were no specialized trafficking trainings for investigators, prosecutors, judges, or other law enforcement officials.

PROTECTION

The government further decreased its minimal protection efforts. The government identified eight trafficking victims, including four women and four girls, compared with six victims in 2018, 12 in 2017, 13 in 2016, and 30 in 2015. The government reported there were no additional victims identified by NGOs and other organizations; however, outside data indicated there were at least several dozen NGO-identified trafficking victims in 2019. Although the government claimed there were no foreign trafficking victims in 2019, an international organization arranged the repatriation of three victims to Guatemala, Panama, and Costa Rica. The government reported developing a new set of protocols for identifying child and adolescent trafficking victims among vulnerable populations; it did not, however, share further details or confirm implementation, and observers could not substantiate the reports. Officials did not identify any victims in the autonomous regions where one-sixth of the population resided and where identification and referral mechanisms were lacking.

The government provided medical and psychological attention, legal advice, and protection measures for the eight victims it identified, who were Nicaraguan nationals. The government reported there was an allocation for trafficking victim protection in the national budget, but it did not provide for specialized services or shelters and the government did not disclose a figure for these allocations. The government placed two adolescent victims in non-specialized shelters and returned the other two adolescent victims to their homes, despite risk of re-victimization. The government did not prioritize accessibility for disabled trafficking victims in care facilities. There were no shelters available for men. NGOs

reported there was minimal, if any, formal coordination with the government on victim services provision.

According to the government, adult victims were free to leave shelters at will, but it was not clear whether they were permitted to do so without supervision. The government did not provide long-term care, and the availability of extended services from NGOs was limited. The government did not provide funding to or collaborate with NGOs that provided the majority of victim protection, sometimes leaving victims without vital assistance. Observers reported the government maintained an unofficial policy of placing victims with family members, which puts these individuals at risk of re-victimization by family members who may have been complicit in their exploitation. The Ministry of Family coordinated services for child trafficking victims, including medical and legal services and access to education. Both Managua and regions outside Managua largely lacked adequate services for trafficking victims.

Law 896 established a dedicated fund for victim protection and prevention activities to be financed through budget allocation, donations, and seized assets from traffickers. However, for the fifth year, there was no indication that the government made the fund operational. Law 896 provided victims the ability to testify in advance of the trial and allowed testimony via video or written statement to encourage participation and protect a victim's identity; however, the government did not report using these provisions during the reporting period. Victims may obtain compensation by filing civil suits against traffickers; however, the government and NGOs reported that, in practice, victims had never exercised this right. The government reported one instance of limited collaboration with a foreign government to identify a victim. While there were no reports of identified victims penalized for unlawful acts traffickers compelled them to commit, authorities frequently misclassified trafficking victims, potentially resulting in penalties for misidentified victims. The government did not report efforts to screen for or identify trafficking victims among migrant populations or individuals in commercial sex. Nicaraguan law provided for humanitarian visas for foreign trafficking victims, but the government did not recognize any foreign victims in 2019.

PREVENTION

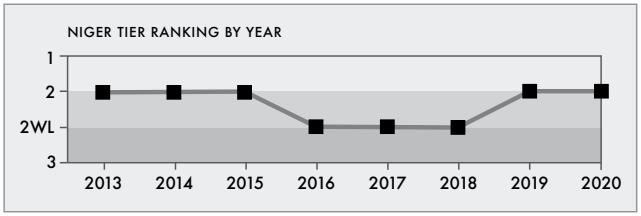
The government decreased its efforts to prevent trafficking. The government reported the NCATIP led 16 working committees, although civil society reported the coalition and its committees were largely inactive, making little contribution to capacity building and awareness raising on trafficking. For a fifth consecutive year, the NCATIP did not fulfill the requirement under Law 896 to include CODENI to represent NGOs. While the NCATIP reported engaging with a select group of international civil society organizations, local organizations were excluded from the coalition's activities. Observers considered the NCATIP to be inactive and ineffectual as an anti-trafficking entity and reported the apparent dissolution of a number of its regional bodies. The government had a national action plan for 2018-2022, which focused on awareness raising; increasing technical capacity to investigate, prosecute, and sentence traffickers; protecting the rights of victims and witnesses and providing assistance; and monitoring and implementing the plan. The government reported conducting research and monitoring its own efforts; however, it did not publicly release any research or assessments, and these reports were inconsistent with civil society observations. The government reported conducting national prevention campaigns targeting students, faculty, parents, indigenous communities, and community leaders along border towns and tourism destinations, but it did not provide details of these campaigns. Observers noted significantly fewer campaigns compared with previous years. The government reported maintaining two 24-hour crime hotlines that could process trafficking complaints and provide information on trafficking and gender-based violence, but it did not report whether any calls led to trafficking investigations or the identification of victims. During the reporting period, more Nicaraguans encountered problems obtaining national identification cards, which increased their vulnerability to trafficking and limited their ability to access public services. Nicaraguan law criminalized knowingly engaging in sex acts with a sex trafficking victim, but officials did not report having investigated, prosecuted, or convicted any suspects of such acts. The government required private employment agencies to register and established minimum wages and maximum hours for adult and adolescent domestic workers; it did not report identifying forced labor in these sectors. Labor inspectors conducted an unspecified number of inspections in bars and nightclubs suspected of engaging in trafficking, but the government did not report any cases of forced labor during these visits. The Ministry of Tourism had an agreement with Nicaraguan businesses to monitor and report suspected child sexual exploitation in the industry, but the government did not report any activity related to this program in 2019. The government mostly cooperated with the United States to deny entry to convicted sex offenders via land and air, though some entered via cruise ships. NGOs reported child sex tourism continued to be an issue in the country; however, authorities did not investigate, prosecute, or convict any tourists for the purchase of commercial sex acts with children during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nicaragua, and traffickers exploit victims from Nicaragua abroad. Groups considered at heightened risk to human trafficking in Nicaragua include women, children, and migrants. Traffickers subject Nicaraguan women and children to sex trafficking within the country and in other Central American countries, Mexico, Spain, and the United States. Victims' family members are often complicit in their exploitation. Traffickers increasingly use social media sites to recruit their victims, who are attracted by promises of high salaries outside of Nicaragua for work in restaurants, hotels, construction, and security. Traffickers also recruit their victims in rural areas or border regions with false promises of high-paying jobs in urban centers and tourist locales, where they subject them to sex or labor trafficking. Nicaraguan women and children are subjected to sex and labor trafficking in the two Caribbean autonomous regions, where the lack of strong law enforcement institutions, rampant poverty, and a higher crime rate increase the risk to the local population. Nicaraguans who migrate to other Central American countries and Europe are reportedly vulnerable to and have been victims of sex and labor trafficking. In addition, experts report traffickers target children left by migrants in Nicaragua for sex and labor trafficking. Nicaraguan adults and children are subjected to labor trafficking in agriculture, construction, mining, the informal sector, and domestic service within the country and in Costa Rica, Panama, the United States, and other countries. Traffickers subject some children in artisanal mining and quarrying to forced labor. Observers report traffickers exploit children through forced participation in illegal drug production and trafficking. Children and persons with disabilities are subjected to forced begging, particularly in Managua and near tourist centers. Traffickers subject some male migrants from Central American countries transiting Nicaragua en route to Costa Rica and Panama in search of employment to labor trafficking in these destination countries. Nicaragua is a destination for child sex tourists from the United States, Canada, and Western Europe.

NIGER: TIER 2

The Government of Niger does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Niger remained on Tier 2. Officials investigated and prosecuted more suspected traffickers and identified more victims. The government increased funding for the second consecutive year to the National Coordinating Commission for the Fight against Trafficking in Persons (CNCLTP) and the National Agency for the Fight against Trafficking in Persons and the Illicit Transport of Migrants (ANLTP/TIM). It opened and staffed the government's first shelter specifically for trafficking victims with funding from a partner and ceased coordinating with the Malian paramilitary group, Imghad Tuareg and Allies Self-Defense Group (GATIA), which recruited and used child soldiers in 2019. However, the government did not meet the minimum standards in several key areas. Niger's law did not include penalties for adult sex trafficking commensurate with those for other serious crimes, such as rape. The government did not report investigating, prosecuting, or convicting individuals for traditional slavery practices, victim protection services remained unavailable for many victims, and the government did not disseminate or implement its national referral mechanism for standardizing victim identification and referral procedures.



PRIORITIZED RECOMMENDATIONS:

Amend the 2010 anti-trafficking law to increase the base penalties for adult sex trafficking so they are commensurate with those for rape or kidnapping. • Increase efforts to investigate and prosecute trafficking offenses, convict traffickers, and sentence convicted traffickers to adequate penalties, including those engaged in traditional forms of caste-based servitude and hereditary slavery. • Train additional law enforcement and first responders on the 2010 anti-trafficking law and the 2003 anti-slavery law. • Increase coordination with regional, sub-regional, and international law enforcement organizations to investigate and prosecute transnational trafficking cases, separate from smuggling cases. • Disseminate and implement the national referral mechanism to increase proactive victim identification and referral to services. • Increase the quantity and quality of services available to victims, especially outside of Niamey, in coordination with international and multilateral organizations, as well as NGOs and civil society organizations. • Partner with civil society to expand awareness of trafficking throughout the country and enhance the ability of community members to identify the crime and report it to law enforcement officers. • Continue to fund and empower the CNCLTP and ANLTP/TIM to execute their mandates.

PROSECUTION

The government increased prosecution efforts. Order No.2010-86 on Combating Trafficking in Persons, enacted in 2010, criminalized sex trafficking and labor trafficking. This law prescribed penalties of five to 10 years' imprisonment for trafficking offenses involving an adult victim, and 10 to 30 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent. Penalties for sex trafficking of children were commensurate with those prescribed for other serious crimes, such as rape, although the penalties for sex trafficking of adults were not.

During the reporting period, the government investigated and prosecuted 54 suspected traffickers, compared with investigating 28 suspects and prosecuting 27 cases during the previous year. Courts convicted four traffickers under its 2010 anti-trafficking law during the reporting period and sentenced two traffickers to two years' imprisonment and the other two traffickers to five years' imprisonment and a 500,000 West African CFA francs (FCFA) ($860) fine. During the previous reporting period, authorities convicted 11 traffickers. Additionally, law enforcement officials collaborated with an international organization in January 2020 to arrest 18 suspected traffickers in Niamey; investigations were ongoing at the end of the reporting period. The government did not report investigating or prosecuting any *marabouts* (Quranic schoolteachers) who forced children to beg, or traditional chiefs who perpetuated hereditary slavery practices, including the enslavement of children, despite credible information such practices continued.

Some victims continued to lack access to justice, as many were uninformed about their legal rights and faced challenges in accessing the necessary resources to seek punitive action against their traffickers. Unfulfilled victim protection requirements of the 2010 anti-trafficking law, due in part to limited government resources, resulted in victims inconsistently participating as witnesses and prosecutorial delays. ANLTP/TIM provided training on Niger's anti-trafficking law, methods to improve governmental coordination, and investigative techniques to more than 425 law enforcement and security personnel, justice sector officials, civil society actors, and journalists in 2019, compared with training approximately 319 officials in 2018. Authorities did not report investigating, prosecuting, or convicting government officials for complicity in trafficking crimes; however, corruption and official complicity in trafficking crimes remained concerns and may have impeded law enforcement action during the year.

PROTECTION

The government increased efforts to identify victims and refer them to care. The government did not compile comprehensive victim identification statistics nor did it have standard operating procedures (SOPs) for victim identification. Despite the lack of SOPs, the government reported identifying 53 victims in 2019. In 2019, border officials screened irregular migrant populations for signs of trafficking, identifying approximately 47 potential victims. Additionally, law enforcement officials in Niamey identified 232 victims (primarily Ghanaian men and Nigerien children) in January 2020 during a joint operation with an international law enforcement organization. This was a significant increase compared with identifying 111 potential victims during the previous reporting period. Officials did not report disseminating or implementing the referral mechanism (finalized in February 2019) during the reporting period. The referral mechanism identified roles for prosecutors, judges, law enforcement, labor inspectors, diplomats, international organizations, NGOs, and union actors.

Due to budgetary constraints, officials commonly lacked resources to provide shelter and services for victims, reducing the government's ability to encourage victims to assist in investigations and prosecutions. The ANLTP/TIM referred an unknown number of victims to an international organization it gave in-kind support to and worked with traditional leaders to house children removed from forced labor circumstances. The government partnered with a donor to open Niger's first shelter for trafficking victims in July 2020; authorities referred seven victims to the shelter during the reporting period, which had the capacity to accommodate 40 victims. Government officials manage and staff the shelter, provide victims

medical, psycho-social, and legal services, and coordinate with an international organization to deliver individualized reintegration assistance to victims to facilitate their return to their country of origin. Additionally, international organizations reported the Ministry for Women's Promotion and Children's Protection referred victims to appropriate shelter during the reporting period.

Victims of forced labor and caste-based servitude could file civil and criminal complaints simultaneously; however, there were no reports they did so during the reporting period. There were no reports officials penalized victims for unlawful acts traffickers compelled them to commit; however, some victims may have remained unidentified and subsequently penalized due to the government's failure to employ systematic measures to identify trafficking victims among vulnerable populations. The law provided for the possibility of granting victims legal residency in Niger, including the ability to obtain employment, if it was unsafe for them to return to their countries of origin; authorities did not report granting these protections to victims during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. During the reporting period, the government ceased coordinating with the Malian paramilitary group GATIA, which recruited and used child soldiers in 2019. CNCLTP continued to serve as the coordinating body for the government's anti-trafficking efforts, and the ANLTP/TIM was the government's permanent implementing body to address trafficking in persons. The government increased funding to the CNCLTP and ANLTP/TIM for the second consecutive year from 73.5 million FCFA ($126,290) in 2018 to 117 million FCFA ($201,030) in 2019. Despite this increase, budget constraints and coordination challenges with international organizations impeded some anti-trafficking efforts related to training. In July 2019, the president signed legislation establishing Child Protection Committees to operate at the community level to raise awareness of child exploitation and abuse, including child trafficking, across the country. The ANLTP/TIM continued to expand its national engagement with prosecutors' offices, improving its collection of trafficking statistics and law enforcement coordination across the country.

The ANLTP/TIM continued to implement its public awareness campaigns and used multiple media platforms across Niger to familiarize the public with trafficking and the risks of irregular migration to Europe. The government expanded its public engagement around its annual September 28 anti-trafficking day events for the fifth consecutive year, featuring senior officials from the Ministry of Justice, Ministry for Women's Promotion and Children's Protection, and the Ministry of Public Health, in addition to traditional leaders and representatives from media outlets. The ANLTP/TIM held a workshop in June 2019 to familiarize 33 senior government administrators, seven regional leaders (*groupements*), nine village chiefs, four National Guardsmen, two police officers, five representatives from the transportation sector, and eight leaders of women and youth organizations on the risks of trafficking and traditional slavery practices. In addition, ANLTP/TIM partnered with an international organization to conduct a training workshop on human trafficking and migrant smuggling for twenty magistrates of the Courts of First Instance (ten investigating judges and ten juvenile judges) during the reporting period.

The government did not make efforts to reduce the demand for commercial sex acts. Bylaws governing the armed forces required troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, and the government addressed such requirements through a program conducted by a foreign donor. The Ministry of Foreign Affairs disseminated trafficking-related guidance to its missions abroad but did not report providing training for diplomats prior to their departure.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Niger, and traffickers exploit victims from Niger abroad. Hereditary and caste-based slavery practices perpetuated by politically influential tribal leaders continued in 2019. Anecdotal reports indicate some Arab, Zarma, and Tuareg ethnic groups propagate traditional forms of caste-based servitude in western and northern regions, as well as along the border with Nigeria. An expert stated victims of hereditary slavery frequently do not self-identify or file complaints against their traffickers because of a lack of reintegration services and ingrained dependency on their trafficker. In the Tahoua region of Niger, influential chiefs facilitate the transfer of girls from impoverished families to men as "fifth wives" for financial or political gain. This practice—known as *wahaya*—results in some community members exploiting girls as young as nine in forced labor and sexual servitude; *wahayu* children are then born into slave castes, perpetuating the cycle of slavery. Girls fleeing these forced marriages are vulnerable to traffickers who exploit them in commercial sex due to a lack of reintegration support exacerbated by continued discrimination based on their former status as *wahayu*. Another form of traditional bondage known as "passive" slavery consists of powerful community members preserving complete control of their former servants' individual freedoms.

Traffickers in Niger predominantly exploit Nigerien children and women, as well as West and Central African victims in sex and labor trafficking. Some Quranic schoolteachers (*marabouts*) exploit boys (*talibés*) in forced labor and begging within Niger, as well as in neighboring countries. Transnational criminal groups force Nigerien and neighboring countries' children to labor in gold, salt, trona, and gypsum mines; agriculture; stone quarries; markets; bus stations; and manufacturing within the country. Criminals exploit girls in sex trafficking along the border with Nigeria. Brothel owners in Niger sexually exploit some women from Nigeria in the country and during their transit to North Africa.

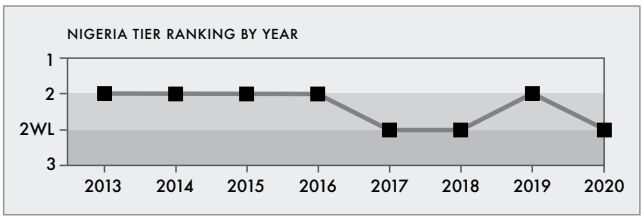
Illicit labor recruiters facilitate the transport of Nigerien women and children to Nigeria, North Africa, the Middle East, and Europe where traffickers then exploit victims in sex trafficking or forced labor in domestic service or the agricultural sector. During the reporting period, fraudulent labor recruiters used online job postings to entice Ghanaian men to travel to Niamey, where the recruiters then confiscated the job seekers' identity documents and restricted their liberty. Impoverished seasonal migrants—commonly from the Zinder region—traveling to Algeria for agricultural work were also vulnerable to forced labor and sexual exploitation. Observers note Nigerien trafficking networks became more sophisticated over the course of 2019 in response to increased government enforcement efforts as well as rising instability motivating individuals to migrate irregularly.

Niger is a transit country for men, women, and children from West and Central Africa migrating through Algeria, Libya, and Morocco on to Western Europe, where some duplicitous transporters—or *passeurs*—may exploit smuggling clients in forced labor or sex trafficking. EU support for the government's implementation of its 2015 anti-smuggling law, intended to limit irregular migration through Niger, has forced previously open (albeit undocumented) migration underground and increased migrants' vulnerability to forced labor or sex trafficking by criminal networks. Criminals transport both Nigerien and Nigerian women into neighboring West African countries and exploit them in sex trafficking inside Niger, especially in northern mining cities or in transportation centers. Media noted some law enforcement and border officials reportedly accepted bribes from traffickers to facilitate the transportation of victims through the country. Boko Haram and ISIS-West Africa forcibly recruit Nigerien boys to serve as child soldiers, porters,

cooks, firewood collectors, watch standers, cattle herders, and other support roles.

NIGERIA: TIER 2 WATCH LIST

The Government of Nigeria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included continuing efforts to train government officials and raise public awareness, collaborating with international organizations and NGOs to establish anti-trafficking task forces in Borno and Ekiti states, using new technologies to enhance collection of victim testimony, prosecuting three government officials complicit in human trafficking, and drafting memoranda of understanding (MOUs) to improve coordination between government agencies. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Nigerian security forces recruited and used at least two children in support roles during the reporting period. In addition, there continued to be reports security officials sexually exploited, including through sex trafficking, IDPs in government-run camps in and around Maiduguri. The government did not hold criminally accountable any military officials for exploitation of IDPs in sex trafficking or recruitment and use of child soldiers. In addition, the government did not hold any Civilian Joint Task Force (CJTF) members criminally accountable for sex trafficking of IDPs or past recruitment and use of child soldiers. The Nigerian military did not always provide trafficking victim protections to female and child trafficking victims allegedly associated with insurgencies and the government convicted fewer traffickers. Therefore Nigeria was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Cease Nigerian military recruitment and use of child soldiers, including in support roles, and refer all children to appropriate care. • Hold complicit officials, including security officials and CJTF members, accountable for trafficking offenses, including for the sex trafficking of IDPs and unlawful recruitment and use of child soldiers. • Improve access for humanitarian actors to provide assistance to trafficking victims, including in IDP camps and military facilities holding potential trafficking victims. • Allow independent criminal investigations into alleged trafficking abuses among security officials and CJTF members in northeast Nigeria. • Expand existing efforts to identify trafficking victims among vulnerable groups such as IDPs, returning migrants, children in domestic service, and any North Korean workers in Nigeria; investigate cases; and implement preventative measures. • Finalize and implement the draft protocol to hand children identified in armed conflict over to civilian authorities, screen for trafficking among those detained, and provide appropriate care. • Vigorously investigate, prosecute, and convict traffickers—including labor traffickers and those who force children to beg—and impose sufficiently stringent sentences involving imprisonment. • Work with CJTF and the UN to implement fully the child soldier action plan, confirm all children have been removed from the CJTF's ranks and, if they have not, cut provision of financial and in-kind support to CJTF. • Facilitate training for judges on the 2015 law, specifically the provision prohibiting the issuance of fines in lieu of imprisonment in collaboration with international partners. • Reevaluate the National Agency for the Prohibition of Trafficking in Persons' (NAPTIP) closed shelter policy and ensure authorities take a victim-centered approach to victim care. • Increase the capacity of Nigerian embassies to identify and provide assistance to victims abroad, including by providing replacement travel or identity documents free of charge. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism.

PROSECUTION

The government maintained overall anti-trafficking law enforcement efforts, but there were continued reports of, and insufficient efforts to address, government officials' complicity in human trafficking offenses. However, the government initiated some prosecutions against allegedly complicit officials and improved some law enforcement capacities. The Trafficking in Persons Law Enforcement and Administration Act (TIPLEAA), as amended in 2015, criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of two years' imprisonment and a fine of 250,000 naira ($690) for both sex and labor trafficking; the minimum penalty for sex trafficking increased to seven years' imprisonment and a fine of one million naira ($2,770) if the case involved a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The Edo State anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of five years' imprisonment and a fine of one million naira ($2,770) for both sex and labor trafficking; the minimum penalty for sex trafficking increased to seven years' imprisonment and a fine of one million naira ($2,770) if the case involved a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping.

During the reporting period, NAPTIP received 943 cases for investigation, completed 210 investigations, prosecuted 64 suspects, and convicted 27 traffickers, compared with receiving 938 cases for investigation and completing 192 investigations, 64 prosecutions, and 43 convictions during the previous reporting period. However, conviction data from the reporting period may have included cases outside the international definition of trafficking. The decrease in convictions was likely a result of the seconding of many judges to electoral tribunals during the reporting period. In addition, the Edo State Task Force Against Human Trafficking (ETAHT) investigated 38 cases and initiated prosecutions in 22 cases, compared to investigating 56 cases and prosecuting 20 cases in the previous reporting period; since its establishment in 2018, the ETAHT has not convicted a trafficker. NAPTIP did not report how many investigations remained pending, led to prosecutions for other offenses, or had been dismissed at the end of the reporting period. The government did not report whether judges convicted all traffickers under the 2015 anti-trafficking law or the 2003 anti-trafficking law, which allowed the option of fines in lieu of imprisonment. Prison sentences ranged from two to 10 years' imprisonment, although at least one convicted trafficker was given the option of fines in lieu of imprisonment despite a 2015 amendment that removed fines alone as an option; during the previous reporting period, judges penalized two traffickers with the option of fines alone. The government acknowledged many judges remained unfamiliar with the anti-trafficking law—including the provision requiring judges to prescribe sentences that included imprisonment—which hindered law enforcement efforts. In addition, the judiciary remained slow and corrupt generally, which impeded prosecutions and convictions of most crimes, including trafficking. The government

convicted two labor traffickers, a decrease from nine labor trafficking convictions during the previous reporting period.

While enforcement of the anti-trafficking law remained weak in many parts of the country and insufficient resources hampered efforts, officials made some efforts to address trafficking and improve investigation, prosecution, and law enforcement capabilities in priority areas. The United Kingdom-Nigerian Joint Border Task Force (JBTF) launched a new satellite office in Kano with a team of seven NAPTIP officers who will develop joint operations with law enforcement officers in Niger. NAPTIP in Benin City launched a new custody facility and vulnerable witness suite, which includes two video interviewing rooms where victims could give evidence in privacy. NAPTIP did not have resources to carry out sufficient proactive anti-trafficking operations, and NAPTIP officers were often concentrated in state capitals, which hindered identification and investigation of trafficking in rural areas. Prosecutors and investigators reported poor coordination between NAPTIP and other government agencies impeded prosecution efforts; NAPTIP and other law enforcement agencies often actively refused to coordinate with each other when mandates overlapped. During the reporting period, an international organization drafted MOUs between government agencies to improve coordination; the government did not report approving or implementing the MOUs at the end of the reporting period. The government collaborated with foreign governments on anti-trafficking cases, although international partners reported corruption and capacity issues at times hindered cooperation.

The government participated in joint investigations and provided technical assistance with countries in West Africa and Europe. Through the JBTF, NAPTIP supported law enforcement to make significant arrests and prosecutions in multiple European countries and improved investigative capacity domestically. In 2019, two European countries transmitted case files to NAPTIP to prosecute organized trafficking networks; at the end of the reporting period, those prosecutions were ongoing. The government, at times in partnership with foreign donors and other international partners, trained officials on identifying and investigating human trafficking.

During the reporting period, NAPTIP reported it investigated cases involving suspected officials complicit in trafficking, but it did not report the number or details of the cases compared with four investigations and seven prosecutions during the previous reporting period. The government reported three investigations of allegedly complicit officials initiated in the previous reporting period continued. In an improvement from prior reporting periods, the government prosecuted and convicted three mid-level and senior-level officials for trafficking offenses. The government prosecuted a mid-level official in Sokoto state under TIPLEAA and Violence Against Persons Prohibition Act (VAPP) for procurement for sexual exploitation; the official was convicted under VAPP and was sentenced to life imprisonment. The government also prosecuted and convicted two officials in Delta state for attempted child trafficking; both were sentenced to one year and six months' imprisonment. These prosecutions were a notable improvement over prior inaction; the government had previously only reported convicting one official for complicity in human trafficking despite 17 years of reports of human trafficking offenses and trafficking-related corruption.

Widespread and pervasive corruption affected all levels of government, including the security forces, and undermined accountability for trafficking offenses. Trafficking occurred in government-run detention centers and IDP camps. The government did not take adequate steps to investigate or prosecute military personnel or CJTF members complicit in trafficking—in particular sex trafficking of IDPs and female detainees—in the Northeast. During the reporting period, an NGO alleged 10 male soldiers in Giwa Barracks, including five who worked in the health clinic, coerced at least 15 female detainees into sex in exchange for food, soap, basic necessities, and the promise of freedom. The government did not report investigating or holding officials accountable for sexual exploitation in Giwa Barracks. Since 2016, several international organizations and media have consistently reported sexual exploitation, including sex trafficking, of IDPs in camps—including government-run camps—settlements, and host communities around Maiduguri remained a pervasive problem. In more than 14 IDP camps, a March 2020 international organization report documented soldiers, CJTF, and police forced or coerced IDPs to have sex in exchange for food and freedom of movement in and outside of the camps. As previously reported by media, there were continued reports that camp officials and members of security forces, including some individual Nigerian military personnel, used fraudulent or forced marriages to exploit girls in sex trafficking and reports that the Nigerian military, CJTF, and other camp officials fraudulently recruited female IDPs for jobs outside of IDP camps and transported them to town for exploitation in sex trafficking. During the reporting period, an international organization reported security officials transported IDPs to a hotel in Maiduguri allegedly for sex trafficking. NAPTIP did not initiate any investigations or prosecutions for sex trafficking of IDPs during the reporting period. The government did not publicly report any prosecutions or convictions for sexual exploitation or sex trafficking of IDPs, including children, and did not investigate, prosecute, or convict any government security officials, including military officials and CJTF members, alleged to have exploited IDPs. The Nigerian Army categorically denied that any of its personnel sexually exploited IDPs, which impeded investigation of such reports.

An international organization verified the Nigerian military recruited and used at least two children under 15 years old in support roles during the reporting period. Between April and June 2019, the Nigerian military used six boys between 14 and 17 years old in Mafa, Borno state, in support roles fetching water, firewood, and cleaning. In October 2019, the same international organization verified the government used five boys between 13 and 17 years old to fetch water at a checkpoint in Dikwa, Borno state. In the past, the CJTF also reportedly used some child trafficking victims recovered from Boko Haram to lead CJTF and army personnel to Boko Haram camps, putting the children at serious risk for retaliation and denying them trafficking victim care. There were no such verified cases during the reporting period; however, there were local government areas international organizations were unable to access due to insecurity and government-imposed restrictions. The government did not report any investigations, prosecutions, or convictions for child soldiering offenses, including of government officials who committed such offenses. There were reports 49 Nigerian soldiers deployed as UN peacekeepers to Liberia sexually exploited 58 women and children from 2003-2017, including in sex trafficking; the government did not report investigating any of these allegations.

PROTECTION

The government maintained inadequate efforts to identify and protect trafficking victims; in addition, the Nigerian military continued to unlawfully detain children, including trafficking victims. NAPTIP identified 181 forced labor victims and 636 potential victims, compared with 126 forced labor victims and 1,028 potential trafficking in the previous reporting period. NAPTIP provided initial care for all trafficking victims, which could include referrals to government facilities for medical care, shelter, legal assistance, psychological services, vocational training, or education assistance. NAPTIP referred 71 victims to NGO shelters and directly provided support in some form to 1,009 victims at NAPTIP shelters some of whom were identified during the previous reporting period. During the reporting period, ETAHT

assisted 428 returning migrants, of which 195 were trafficking victims. This is compared with assisting 1,030 returning migrants, some of whom were trafficking victims, during the previous reporting period; overall fewer migrants returned to Edo state during the reporting period. The government had formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of trafficking victims among high-risk populations, and NAPTIP trained police, immigration, and social services personnel to identify trafficking victims and direct them to NAPTIP. Additionally, the government's national referral mechanism provided formal guidelines for law enforcement, immigration officials, and service providers to improve protection and assistance to trafficking victims, both within Nigeria and abroad.

Nigerian law mandated NAPTIP to care for victims of crimes under both the 2015 anti-trafficking law and 2015 VAPP Act; as a result, NAPTIP had limited capacity to provide specialized care for trafficking victims. NAPTIP's 10 zonal commands, including the Abuja headquarters, each operated a victim shelter during the reporting period, for a total of 10 shelters for trafficking victims with a total capacity of 334. NAPTIP shelters offered six weeks of initial care. If there was not space in NAPTIP shelters, NAPTIP referred the victim to NGOs for care. An international organization reported there were significant protection gaps regarding specialized services available to adult male victims. NAPTIP staff did not permit victims to leave shelters without a chaperone, which limited victims' freedom of movement and educational and work opportunities and may have re-traumatized trafficking victims and disempowered them to direct their own recovery. However, victims staying longer term were generally able to leave shelters unaccompanied to access rehabilitative services. Because NAPTIP operated closed shelters, it often referred school-aged victims to foster care, so they could attend school. Through these shelters, NAPTIP provided access to legal, medical, and psychological services, as well as vocational training, financial empowerment, family reunification, and business management skills. These shelters were also available to Nigerian trafficking victims exploited abroad upon repatriation. NAPTIP had agreements with certain hospitals and clinics to provide additional medical and psychological treatment for victims, as needed. Additional government and NGO shelters provided services, including long-term shelter, to vulnerable children and victims of crime, including trafficking; authorities sometimes assigned child trafficking victims to foster homes or orphanages for care. Foreign victims had access to the same services as domestic victims.

In response to continued reports of sexual exploitation of IDPs in the Northeast, NAPTIP continued partnering with an international organization and a foreign donor to implement a screening and sensitization campaign to identify sex trafficking victims in IDP camps in Bama and other areas near Maiduguri. NAPTIP reached an unreported number of camps in the Maiduguri area with screening, sensitization, or both; however, due to the deteriorating security situation, these activities were generally restricted to areas in and around Maiduguri. During the reporting period, NAPTIP partnered with the Borno state government, international organizations, and NGOs to establish the Borno State Task Force. The government continued participating in the forced return of Nigerian refugees from Cameroon, including populations vulnerable to trafficking, during the reporting period; it is unclear whether the government made efforts to screen for trafficking among this population. The influx of irregular migrants returning on international organization-facilitated charter flights from Libya, some of whom were trafficking victims, stretched the capacity of the shelter and service system, including NAPTIP facilities. NAPTIP and an international organization screened all returnees arriving from Libya for trafficking indicators and referred the identified trafficking victims to NAPTIP facilities or NGOs. An international organization, NAPTIP, ETAHT, and other NGOs provided needs-based support. In addition, the ETAHT provided transportation, short-term housing, legal support, counseling and psychological support to victims who returned to Edo state. During the reporting period, the ETAHT began construction of a shelter for trafficking victims designed to have 100 beds for male and female trafficking victims in separate buildings. Several Nigerian embassies, particularly within West Africa, provided funding or in-kind support to repatriate Nigerian trafficking victims exploited abroad.

The anti-trafficking law prohibited the penalization of trafficking victims for unlawful acts committed as a result of being subjected to trafficking, including by armed groups. However, as in past reporting periods, multiple credible international organizations reported the government continued to arrest and, in some cases, detain for prolonged periods—reportedly for a security screening and perceived intelligence value—women and children removed from or allegedly associated with Boko Haram and ISIS-WA, including women and girls who had been forcibly married to or sexually enslaved by the insurgents. Authorities did not consistently screen the women and children for trafficking indicators. The military, in cooperation with an international organization, released approximately 334 children from detention between September 2019 and March 2020; however, reputable international organizations reported it was likely children remained inappropriately detained in military detention centers at the end of the reporting period. An NGO reported 68 boys were first detained by the Nigerian military in Giwa Barracks before they were transferred to Maiduguri prison where they were housed with adult inmates; according to the NGO, inmates raped some of the detained boys and exploited them in sex trafficking rings during the reporting period. For the fifth consecutive year, the government continued working with an international organization to develop a handover protocol to refer children identified in armed conflict to civilian care providers; the government did not finalize or approve handover protocol by the end of the reporting period. After release from detention, the military generally referred women and children classified through a security screening process as "low risk" or "inactive" in the conflict to a government-run rehabilitation center. While the standard procedures developed in partnership with an international organization improved identification of potential trafficking victims among those detained, some trafficking victims—including women and children forced to be combatants or exploited in sexual slavery—remained in detention and subject to criminal prosecution, contrary to Nigerian law, for unlawful acts traffickers compelled them to commit. International organizations provided medical care, psycho-social support, education, and nutritional services through a 12-week rehabilitation program at the center. The government also had a separate 16-week de-radicalization and rehabilitation program for low-level ex-combatants. Some women and child ex-combatants participated in this program, in addition to men. The government adopted a communique and national action plan on disarmament, demobilization, and reintegration for persons formerly associated with Boko Haram or ISIS-WA, including children in 2017.

NAPTIP encouraged victims to assist in the investigation and prosecution of trafficking cases by providing security, organizing private testimony in judge's chambers or video testimony, and providing legal assistance; the government did not report how many victims assisted in investigations and prosecutions during the reporting period. During the reporting period, the JBTF expanded NAPTIP's use of video to collect testimony and allow witnesses in other jurisdictions to give evidence in Nigerian criminal trials. NAPTIP used video interviewing equipment in Lagos, Benin City, and Kano, while video link equipment was

installed in Federal High Court courtrooms in Lagos, Abuja, and Benin City. The government did not have a formal policy to prevent the removal of victims to countries where they would face hardship or retribution; there were no reports of trafficking victims removed to such countries during the reporting period. It could grant temporary residence visas to a trafficking victim that had a pending criminal, civil, or other legal action; the government did not report that any foreign victims requested this relief during the reporting period. The victims' trust fund, financed primarily through confiscated assets of convicted traffickers, was available to all victims but the government did not report whether it allocated any funds from the trust fund to victims during the reporting period. The anti-trafficking law provided for victim restitution; one convicted trafficker was ordered to pay restitution during the reporting period. Victims could also file civil suits against their traffickers. While NAPTIP prosecutors regularly sought restitution in trafficking cases, NAPTIP rarely reported successfully receiving restitution for victims in cases, largely because judges were unfamiliar with that provision of the anti-trafficking law.

PREVENTION

The government maintained efforts to prevent human trafficking. NAPTIP continued to lead national government efforts to combat trafficking. The inter-ministerial committee on trafficking met on an ad hoc basis and helped to develop national policies on trafficking. NAPTIP continued implementing the 2019 anti-trafficking national action plan, and continued drafting a five-year national action plan in collaboration with international donors and NGOs. NAPTIP continued awareness campaigns at churches, and transit centers, among other places to educate the public on the identification and dangers of human trafficking. In addition, NAPTIP began integrating anti-trafficking modules into school core curricula. After establishing state-level anti-trafficking task forces in Edo, Delta, and Ondo states during previous reporting periods, NAPTIP partnered with the Borno state governments and international organizations to establish an anti-trafficking task force in Borno State during the reporting period. The Ekiti state government also launched an anti-trafficking task force during the reporting period. The government did not provide sufficient protections for workers employed in the informal economy—including children working in agriculture, domestic work, and artisanal mining—rendering such workers vulnerable to trafficking. In previous reporting periods, NAPTIP began discussions on how to provide pre-departure information to migrants on available assistance if exploited abroad; NAPTIP did not report on the status of these plans. During the reporting period, NAPTIP implemented some measures at the international airport in Lagos and coordinated with the aviation sector to raise awareness of human trafficking and available resources for trafficking victims. The Ministry of Labor and Employment regulated private employment agencies and instituted a licensing requirement for labor recruiters; the government did not revoke any licenses for exploitative recruitment practices during the reporting period. The government did not report efforts to reduce the demand for commercial sex. Each of the nine NAPTIP zonal commands and NAPTIP headquarters in Abuja operated hotlines for trafficking victims; the hotlines were staffed 24 hours, and hotline staff spoke English and the relevant local languages for the region. There were reports Nigerians traveled to Togo for child sex tourism during the reporting period, but the government did not report efforts to address child sex tourism.

The Borno state government continued to provide financial and in-kind resources to the CJTF, a non-governmental self-defense militia, which used and recruited children in previous reporting periods. The Borno state government provided administrative support to help implement a 2017 action plan between CJTF and an international organization to end CJTF's recruitment and use of children; the international organization did not verify any cases of recruitment and use of child soldiers by CJTF during the reporting period. However, humanitarian organizations were unable to access some areas of Borno state due to insecurity and restrictions imposed by security forces; the international organization had limited visibility in those areas. Since the signing of the action plan in 2017, the international organization verified the CJTF separated 2,188 of an estimated several thousand children previously affiliated with the group. In partnership with a foreign donor the government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; however, the government did not report investigating reports that 49 Nigerian soldiers deployed on a UN peacekeeping mission to Liberia in 2003-2017 exploited 58 women and children, including in sex trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nigeria, and traffickers exploit victims from Nigeria abroad. Internal trafficking is prevalent with Nigerian traffickers recruiting victims from rural areas, especially the country's southern regions, for exploitation in commercial sex and forced labor in domestic work in urban cities such as Lagos, Aboekuta, Ibadan, Kano, Kaduna, Calabar, and Port Harcourt. Women and girls are victims of forced labor in domestic service and sex trafficking, and boys are victims of forced and bonded labor in street vending, domestic service, mining, stone quarrying, agriculture, textile manufacturing, and begging. Rapid population growth drives the informal education sector, including Quranic schools known as *Almajiri*, where some teachers often abuse their students and coerce them to beg; in the latest available estimate from 2010, the government estimated as many as 9.5 million young boys were studying in Quranic schools. Traffickers operate "baby factories"—often disguised as orphanages, maternity homes, or religious centers—where traffickers hold women against their will, rape them, and force them to carry and deliver a child. The traffickers sell the children, sometimes with the intent to exploit them in forced labor and sex trafficking. In southern Nigeria, especially Lagos, some women drug and "rent" their infants out to street beggars to increase the beggars' profits. Nigerian traffickers take women and children to other West and Central African countries—including Mali, Senegal, Cote d'Ivoire, and Cabo Verde—as well as to South Africa, where they are exploited in forced labor and sex trafficking. Gabonese authorities and NGOs reported Nigerian labor traffickers exploited Nigerian victims in mechanic shops in Gabon. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East—including Saudi Arabia, Oman, and United Arab Emirates—and Central Asia, and exploited in sex trafficking or forced labor. West African children are subjected to forced labor in Nigeria, including in granite and gold mines. An NGO reported traffickers coerce Togolese victims to work in palm wine production in rural Nigeria. North Koreans working in Nigeria may have been forced to work by the North Korean government. Women from West African countries transit Nigeria en route to Europe and the Middle East, where traffickers force them into commercial sex. Nigeria's ports and waterways around Calabar are transit points for West African children subjected to forced labor in Cameroon, Equatorial Guinea, and Gabon. An NGO reported allegations that labor traffickers fraudulently recruited IDPs displaced by Middle Belt violence and exploited them in domestic service; there were also unconfirmed reports unknown perpetrators sexually exploited IDPs in the Middle Belt. As in past reporting periods, NGOs reported Nigerians traveled to Togo for child sex tourism. During the reporting period, NGO and media sources reported Nigerian traffickers compelled Cameroonian child refugees displaced by Cameroon's Anglophone crisis staying

in camps in Nigeria to forced labor in domestic service and, in some cases, sex trafficking; there were allegations some parents were involved in selling their children.

Authorities identified Nigerian trafficking victims—often exploited by Nigerian traffickers—in at least 36 countries in Africa, Europe, and the Middle East during the reporting period. Nigerian women and girls are subjected to sex trafficking within Nigeria and throughout Europe, including in France, Italy, Spain, Austria, and Russia; in 2017, an international organization estimated 80 percent of all female Nigerian migrants in Italy are or will become sex trafficking victims. NGOs reported that while Italy was primarily the destination for Nigerian trafficking victims, trafficking networks are shifting to other destinations such as France and Spain; in 2018, 48 percent of trafficking victims identified in France were Nigerian. In 2015, a foreign government reported that with the exception of internal trafficking within the EU, Nigerian nationals are the most common trafficking victims in the EU. Following relaxed visa requirements for the 2018 World Cup in Russia, traffickers fraudulently recruited Nigerian women for jobs in Russia and later exploited them in sex trafficking. Historically, the majority of Nigerian trafficking victims in Europe have come from Edo State, via Libya; however, French authorities reported an increasing number of Nigerian trafficking victims originating from northern states. Media and an international organization reported traffickers recruited women and girls from IDP camps in Northeast Nigeria for ostensibly legitimate jobs in Europe but exploit them in commercial sex in Niger, North Africa, the Persian Gulf, and Europe. Nigerian sex traffickers operate in highly organized criminal webs throughout Europe, and many sex trafficking victims begin to work for their traffickers in exchange for leaving sex trafficking themselves. Before departure for work abroad, many Nigerian women participate in a traditional ceremony with a *juju* priest; some traffickers exploit this tradition and tell the women they must obey their traffickers or a curse will harm them, which prevents victims from seeking assistance or cooperating with law enforcement. In March 2018, the Oba of Benin—the most powerful religious ruler in Benin City—issued a curse on sex traffickers and revoked all *juju* spells that had been administered by priests to bind victims to their traffickers; there were some reports traffickers were now performing the *juju* ceremonies in neighboring states such as Delta state. While some sex trafficking victims arrive in Europe believing they will be in commercial sex, traffickers coerce them to stay in commercial sex by changing the working conditions and increasing victims' travel debts. Some victims' parents encourage them to obey their traffickers and endure exploitation to earn money.

Nigerians are exploited in Libya—by both Libyans and Nigerians—in forced labor in construction, agriculture, and commercial sex in Tripoli, Sabha, Benghazi, and Misrata. Lured by the promise of reaching Europe, traffickers keep victims in "control houses" or "prostitution camps" located on the outskirts of Tripoli and Misrata until they can repay travel debts; sometimes before victims repay the debt, traffickers sell them again. Some trafficking victims in Libya reported Nigerian embassy officials in Tripoli asked for payment before removing victims from Libyan detention camps. Between April and November 2018, an international organization repatriated 3,160 Nigerians from North Africa, 80 percent of whom were repatriated from Libya. In 2017, the international organization repatriated more than 4,316 Nigerians from Libya, some of whom were trafficking victims or vulnerable to trafficking; 4,000 had departed from Edo State. There were reports of re-trafficking among the trafficking victims repatriated from Libya. ISIS has captured Nigerian women and girls in Libya and exploited them in sexual slavery.

As in past years, reports continue to indicate government officials and security forces commit widespread sexual exploitation, including sex trafficking. Such exploitation is a major concern across the Northeast, including in informal IDP camps and all of the 13 formal, state-run IDP camps in and around Maiduguri, the Borno state capital, which hosts IDPs affected by the ongoing conflict with Boko Haram and ISIS-WA. "Gatekeepers" in control of some IDP camps, at times in collusion with Nigerian policemen and soldiers, reportedly force women and girls to provide sex acts in exchange for food and services in the camps. In July 2016, a Nigerian research organization surveyed 400 IDPs in Adamawa, Borno, and Yobe states, and 66 percent said camp officials sexually abused women and girls, some of which constitutes sex trafficking. As media previously reported, there were continued reports that camp officials and members of security forces, including some individual Nigerian military personnel, used fraudulent or forced marriages to exploit girls in sex trafficking. Some Nigerian military personnel and CJTF members promised female IDPs jobs but instead took them to military barracks for sexual exploitation by Nigerian military personnel. Various NGOs and news outlets report that children in IDP camps are victims of labor and sex trafficking, and some alleged that government officials managing the camps are complicit in these activities. Media and an international organization reported Cameroonian soldiers coerced Nigerian female refugees in a Cameroon refugee camp to have sex in exchange for food or protection from deportation. During the reporting period, an NGO reported at least 10 soldiers in Giwa Barracks coerced female detainees to perform sex acts in exchange for basic necessities such as food and soap.

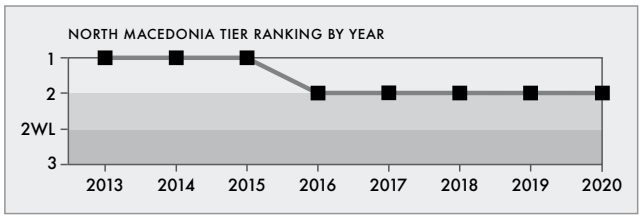
Boko Haram and ISIS-WA continued to forcibly recruit, abduct, and use child soldiers as young as 12 as cooks, spies, messengers, bodyguards, armed combatants, and increasingly as suicide bombers in attacks in Nigeria, Cameroon, and Chad. In 2018, Boko Haram used at least 48 children as human bombers, compared with 158 used in 2017. The groups continue to abduct women and girls in the northern region of Nigeria, some of whom they subject to domestic servitude and forced labor. Boko Haram routinely forces girls to choose between forced marriages to its fighters—for the purpose of sexual slavery—or becoming suicide bombers. In some cases, Boko Haram forced child soldiers to marry one another. International organizations continue to express concerns about the arrest and detention of children by the Nigerian military for alleged association with Boko Haram. An NGO reported that between January 2013 and March 2019, the Nigerian military unlawfully detained more than 3,600 children for alleged association with armed groups. An NGO reported children detained for association with armed groups in Maiduguri Maximum Security Prison in Borno state were detained with adult inmates; inmates in the prison allegedly exploited the children in commercial sex rings in the prison.

During the reporting period, Nigerian security forces recruited and used at least two boys between the ages of 13-17 years old in support roles fetching water, firewood, and cleaning, near Mafa and Dikwa in Borno state. In previous reporting periods, the Nigerian military unlawfully used children as young as 12 years old in support roles such as messengers and porters. In previous reporting periods, international organizations had reported Nigerian military personnel had used four boys between the ages of 14 and 16 years old in Giwa Barracks in support roles between May 2016 and March 2018. The Nigerian military interrogated children in detention for later use as collaborators to identify Boko Haram members among newly arrested persons. As reported by the Secretary-General of the UN, as of May 2016, Nigerian military personnel were using four boys between ages 14 and 16 in support roles. The Nigerian military also conducted on-the-ground coordination with the CJTF, a non-governmental self-defense militia that received state government funding and recruited and used child soldiers in the past. There were no verified reports during the reporting period that the CJTF recruited or used child soldiers. However, in past years, media reported that the CJTF also used some child

trafficking victims recovered from Boko Haram to lead CJTF and army personnel to Boko Haram camps, putting the children at serious risk for retaliation and denying them trafficking victim care. In past reporting, CJTF recruited children as young as 12 to man checkpoints, conduct patrols, search and arrest suspected insurgents, guard IDP camps, and gather intelligence, at times in collaboration with the Nigerian military. As of March 2019, CJTF and an international organization compiled a list of 3,737 children potentially associated with CJTF and were in the process of interviewing the children and separating those associated with the group.

NORTH MACEDONIA: TIER 2

The Government of North Macedonia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore North Macedonia remained on Tier 2. These efforts included increasing resources to victim protection and awarding the first grant to an NGO. Courts, including appellate courts, issued harsher sentences than previous years. The government increased overall prevention efforts, such as establishing and resourcing the independent office of the national anti-trafficking rapporteur and organizing robust awareness campaigns. However, the government did not meet the minimum standards in several key areas. Police did not have adequate funding and equipment to conduct proactive investigations, and the Organized Crime and Corruption Prosecution Office (OCCPO) lacked sufficient resources, including staff, to handle all cases under their jurisdiction. The government deported, detained, or restricted freedom of movement of some potential trafficking victims due to inadequate identification practices and did not have the capacity to accommodate victims if the country's only victims' shelter was full. While mobile identification teams identified the majority of potential victims, funding and sustainability of the mobile teams remained uncertain. Corruption and official complicity in trafficking crimes remained a concern. The government has not prosecuted any officials for complicity specifically pertaining to trafficking in persons in recent years.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose strong sentences. • Allocate sufficient resources to the police and prosecutors to proactively investigate trafficking. • Ensure sustainability of mobile identification teams to proactively identify trafficking victims, and screen for trafficking among individuals in commercial sex, migrants, refugees, and other at -risk populations. • Allocate sufficient resources for the mobile identification teams and NGOs providing victim protection efforts. • Ensure access to alternative housing to accommodate victims when the shelter is full. • Fully implement written guidance to prevent penalization of trafficking victims for unlawful acts traffickers compelled them to commit. • Provide accommodation to foreign potential trafficking victims in safe and appropriately rehabilitative settings, and allow victims to leave shelters at will. • Institutionalize advanced training for judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Train first responders on standard operating procedures for identifying and referring victims, and consistently include social workers in all potential trafficking cases. • Improve compensation mechanisms for victims, and inform them of their right to seek compensation.

PROSECUTION

The government maintained law enforcement efforts. Articles 418(a) and (d) of the criminal code criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of four years' imprisonment, which was sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The OCCPO investigated four cases involving 10 suspects, and the anti-trafficking task force (task force) investigated an additional six suspects (four cases involving 13 suspects in 2018). The government prosecuted nine defendants in three cases (eight defendants in three cases in 2018). Courts convicted five traffickers (seven in 2018); all traffickers were convicted for child trafficking, compared to three for sex trafficking of adults and four for sex and labor trafficking of children in 2018. Judges issued harsher sentences than in previous years; four traffickers received seven to 11 years' imprisonment, but one trafficker received a three-year suspended sentence (four traffickers received four years and six-months' to 13 years' imprisonment, and three traffickers received two years' probation in 2018). Appellate courts upheld four convictions and increased the sentence of one trafficker from 13 years' imprisonment to 17, two sentences from 12 years' imprisonment to 14, and one sentence from four years and six months' to eight years' imprisonment.

The Combating Trafficking in Human Beings and Migrant Smuggling Unit's Anti-Trafficking task force within the Ministry of Interior (MOI) led specialized investigations. OCCPO prosecuted trafficking cases but reported a lack of resources with only 10 prosecutors in the office to handle all cases under its jurisdiction. Additionally, the anti-trafficking unit and its task force did not have adequate funding and equipment to conduct proactive investigations, and prosecutors did not routinely grant specialized investigative measures for investigators on trafficking investigations. As a result, authorities relied almost exclusively on victim testimony with little corroborating evidence. Local police officers possessed little understanding of trafficking and did not consistently notify the anti-trafficking unit or the task force of potential trafficking cases. Observers reported the lack of a digital case management system to transfer trafficking cases between different police and prosecutors' offices resulted in lost cases.

The government, mostly with technical and financial support from international organizations and NGOs, trained judges, prosecutors, and officers in the task force on various anti-trafficking issues. The government signed a cooperation agreement with Bulgaria, Montenegro, and Serbia but did not conduct any international investigations or extraditions. While corruption and official complicity in trafficking crimes remained a concern, in 2018, the government amended Article 418(a) to reduce the prescribed minimum eight years' imprisonment for convicted complicit officials to a minimum of five years' imprisonment. Officials and observers reported low-ranking police officers may be complicit in trafficking, including by hiding evidence, bribery, changing patrol routes to benefit perpetrators, tipping off perpetrators before a raid, or direct involvement in organized crime. The government charged a civil servant with complicity in trafficking in 2017 and a municipal inspector for trafficking in 2016, but the OCCPO could not provide updates on these cases.

PROTECTION

The government maintained victim protection efforts. The government identified six victims (nine victims in 2018); four were victims of sex trafficking, one of forced labor, and one of forced begging (six victims of sex trafficking and three of both sex trafficking and forced labor in 2018). Of these, four were children (three in 2018); all were female in 2019 and 2018; and one foreign victim was from Bosnia and Herzegovina and two were from Kosovo (one foreign victim from Albania in 2018). The government and NGOs identified 124 potential victims (104 in 2018); 39 were adults and 85 were children (25 adults and 79 children in 2018); 91 were females and 33 were males (65 females and 39 males in 2018); and 29 were foreign potential victims (four in 2018).

The Ministry of Labor and Social Policy (MLSP) maintained mobile identification teams (mobile teams) comprising social workers, law enforcement officers, and psychologists in five regions for vulnerable populations, including trafficking victims; mobile teams identified 86 potential victims and assisted 316 individuals (identified 104 potential victims and assisted 390 individuals in 2018). Mobile teams identify the majority of potential victims every year, and experts viewed the teams as a best practice in proactive identification and cooperation between civil society and government; however, funding and sustainability of the mobile teams remained uncertain with their only funding from an international organization ending in 2020. MLSP continued to dispatch social workers to screen vulnerable populations at border crossings and transit centers. The government trained first responders on victim identification, including police officers, labor inspectors, teachers, psychologists, and social workers. MLSP social workers and police continued to identify potential forced labor victims among predominantly Romani children engaged in street begging and street vending. The government placed them in daycare centers and warned, fined, or jailed their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages. The government developed an updated set of indicators with a focus on child forced labor. However, government and civil society actors raised concerns about the low number of identified victims, and experts reported most government agencies lacked proactive identification efforts. Border agents screened for trafficking indicators at border posts but did not properly identify victims, and international organizations reported authorities conducted informal forcible removals to neighboring countries. The government maintained standard operating procedures for the identification and referral of victims, and civil society reported the procedures worked well. The Office of the National Referral Mechanism (NRM) within MLSP remained responsible for coordinating the identification and referral procedures. First responders referred potential victims to the anti-trafficking unit and/or the NRM, which were authorized to officially identify victims. NRM officials and social workers participated in interviews with potential victims, but law enforcement did not consistently include NRM officials and social workers at the outset of identifying potential trafficking cases.

The government allocated a total of 5.1 million denars ($93,250) to combat trafficking in persons, compared to 3.6 million denars ($65,700) in 2018. Of that, 2.2 million denars ($40,390) was dedicated to MOI for the protection and security of victims of trafficking, particularly those staying at the country's only shelter for trafficking victims, compared to 230,020 denars ($4,200) in 2018. The MLSP received 2.7 million denars ($49,310) for social services and other types of victim assistance, compared to 295,840 denars ($5,400) in 2018. This included 1.2 million denars ($21,910) for services at the shelter—the first time the government provided funding to an NGO for direct assistance to victims. NGOs welcomed the funding but acknowledged it only covered 13 percent of the shelter's operating expenses, and the government continued to rely heavily on funding from the international community. The government and NGOs provided potential victims and officially recognized victims with protection and assistance, including food, clothing, medical assistance, psycho-social support, rehabilitation, and reintegration services. MLSP assigned a guardian from a center for social welfare for victims while at the shelter; MLSP-run social service centers maintained one social worker at each of the 30 centers dedicated to handling trafficking cases and provided psycho-social support and reintegration assistance, including education and job placement. The government and NGOs provided assistance to 89 official and potential victims (31 in 2018), including basic necessities to 89 (31 in 2018), counseling and medical assistance to 30 (22 in 2018), legal assistance to seven (six in 2018), and vocational training for three (one in 2018). Specialized assistance was not available for male victims. In 2018, the government amended legislation to accommodate domestic and foreign potential trafficking victims at the shelter; however, the transit center continued to accommodate most foreign potential victims. The shelter accommodated female and minor victims with the capacity to house five victims, but the government did not have additional capacity to accommodate victims when the shelter was full. The shelter allowed victims freedom of movement, but the transit center did not permit foreign potential victims to leave without a temporary residence permit. Observers reported poor living conditions at the transit center, and GRETA similarly reported the transit center, despite renovations, was in "poor material condition" and was "effectively a detention facility and not the appropriate environment for trafficking victims." The shelter accommodated five victims (nine in 2018), and the transit center accommodated one foreign victim. The law permitted foreign victims a two-month reflection period to decide whether to testify against their traffickers, followed by a six-month temporary residence permit, regardless of whether they chose to testify; no foreign victims requested residence permits in 2018 or 2019.

The government deported, detained, or restricted freedom of movement of some trafficking victims due to inadequate identification efforts; specifically, local police often deported foreign potential victims before their two-month reflection period expired. Additionally, local police detained and deported individuals in commercial sex without screening for trafficking indicators or notifying the task force, according to experts and government officials, who noted authorities deported approximately 245 potential trafficking victims in 2019. The government, in cooperation with an international organization, trained 70 representatives of the judiciary, prosecution, police, and social services on non-punishment of trafficking victims. Eight officially identified victims gave statements against their alleged traffickers (four in 2018). The government reported no victims required witness protection services in 2019 or 2018. Victims generally cannot leave the country before testifying in court; however, prosecutors, with the consent of the defense, can make exceptions. They can allow a victim to leave the country prior to testifying in court, upon giving testimony before a prosecutor, and in some cases, before a pre-trial procedure judge. While victims can claim compensation through civil proceedings, no victims have ever successfully completed a claim due to the complexity of the process. The government and civil society continued efforts to develop a victim compensation fund that allowed authorities to allocate compensation to victims from seized criminal assets.

PREVENTION

The government increased prevention efforts. The government implemented the 2017-2020 National Strategy and National Action Plan, and the National Commission (NC), comprising government agencies and civil society organizations and led by the national coordinator, met bi-monthly and published its 11th annual

report of government anti-trafficking efforts. The NC supported a municipality in establishing a new local anti-trafficking commission and drafting its first 2020 local action plan and also assisted the existing six local anti-trafficking commissions in implementing local action plans. The government established an independent office of the national anti-trafficking rapporteur within the Ombudsman's Office, selected a new national rapporteur, and hired staff for the office. The NC produced and distributed anti-trafficking posters and leaflets, organized lectures at schools, and implemented an awareness campaign for the general public. The MOI cooperated with Kumanovo municipality to organize five meetings for residents along North Macedonia's border with Serbia on anti-trafficking issues. The government, in partnership with NGOs and the Romani community, conducted two public debates on the risks of trafficking and forced marriage. The government warned citizens traveling abroad regarding fraudulent offers of employment within the Schengen zone.

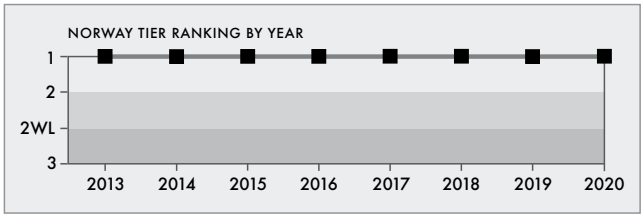
The law prohibited illegal and unreported employment and set out criteria for labor recruitment, defining the terms of employment, employer obligations, and employees' rights. The Labor Inspectorate conducted regular inspections to verify compliance with labor laws, issued warnings and fines, and sanctioned businesses; labor inspectors inspected 11,749 businesses and issued fines ranging from $625 to $7,800 for labor law violations. The government did not operate a hotline, but MOI managed an application to report various offenses, including trafficking; the application received three trafficking-related reports (one in 2018), which resulted in an investigation. Observers reported cases of Romani children not registered at birth, and their parents lacked the registration and identification documents to access health care, social protection, and education. The government did not make efforts to reduce the demand for commercial sex. The NC signed a "Codex of Cooperation" with a private hospitality and hotel company to prevent forced labor in its supply chain.

TRAFFICKING PROFILE

As reported in the last five years, human traffickers exploit domestic and foreign victims in North Macedonia, and traffickers exploit victims from North Macedonia abroad. Traffickers exploit women and girls in North Macedonia through sex trafficking and forced labor in restaurants, bars, and nightclubs. Foreign victims exploited for sex trafficking in North Macedonia typically originate from eastern Europe and the Balkans, including Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine. Citizens of North Macedonia and foreign victims transiting North Macedonia are exploited for sex trafficking and forced labor in construction and agricultural sectors in southern, central, and western Europe. Children, primarily Roma, are exploited by forced begging and sex trafficking through forced marriages. Migrants and refugees traveling or being smuggled through North Macedonia are vulnerable to trafficking, particularly women and unaccompanied minors.

NORWAY: TIER 1

The Government of Norway fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Norway remained on Tier 1. These efforts included prosecuting more trafficking cases, allocating more funding to an NGO for victim assistance, awarding a sex trafficking victim compensation for non-pecuniary damages, and cooperating with foreign governments to target anti-trafficking programs, such as securing supply chains in selected industries. Although the government meets the minimum standards, police reported fewer trafficking cases and courts convicted fewer traffickers. For the third consecutive year, the government did not report an official number of identified and assisted victims. Furthermore, the government continued to lack formal identification procedures and a national referral mechanism (NRM).



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate and prosecute sex trafficking and labor trafficking cases and effectively convict traffickers under the trafficking statute. • Enhance efforts to proactively identify trafficking victims, particularly children, and screen foreigner nationals and asylum-seekers for indicators of trafficking prior to their deportation. • Collect and annually report data on the number of victims identified and assisted by the government. • Complete the development of and implement a comprehensive statistical system, including data on child trafficking, victim identification and assistance, victim compensation, and investigations, prosecutions, and convictions. • Develop and implement a comprehensive NRM and victim identification procedures that receive adequate input from NGOs and define processes and roles of all relevant government agencies and front-line actors. • Improve efforts to understand the forced labor market and identify victims of labor trafficking. • Increase training for investigators and prosecutors on applying trafficking laws and understanding different aspects of trafficking. • Conduct public awareness campaigns on trafficking that target vulnerable populations.

PROSECUTION

The government decreased law enforcement efforts. Sections 257 and 258 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to six years' imprisonment for offenses involving adult victims and up to 10 years' imprisonment for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Police reported investigating 36 trafficking cases (14 sex trafficking, 15 labor trafficking, and seven unknown), compared with 45 trafficking cases (24 sex trafficking, 18 labor trafficking, and three unconfirmed) in 2018. The government reported 19 concluded prosecutions, compared with 13 in 2018. Authorities convicted four traffickers for sex trafficking, compared with 13 traffickers (12 forced labor, which was the result of a high-profile 2016 case, and one sex trafficking) in 2018. All of the convicted traffickers received prison sentences, ranging from 18 months to five years' imprisonment. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

Officials noted they did not have a good overview of the forced labor market and there was a need for increased efforts to detect and prosecute forced labor cases, as most resulted in social dumping cases in court. The government defined social dumping as the act of offering foreign workers unacceptably low wages and unreasonable working conditions, such as working hours and living quarters, compared with what Norwegian workers normally got. Experts reported prosecutors and investigators tended to charge traffickers with non-trafficking crimes, such as

narcotics and pimping, but noted enhanced police awareness and willingness to pursue trafficking cases. During the reporting period, the Coordination Unit for Victims of Trafficking (KOM) hosted a seminar focusing on labor exploitation with 90 participants. KOM also conducted a second seminar on cooperation in criminal cases and challenges balancing the need to protect and offer assistance to victims with the detection, investigation, and prosecution of traffickers, which garnered 150 participants from a wide range of sectors working on trafficking issues. The Norwegian Police Academy developed an online mandatory course with a module on trafficking to increase knowledge and awareness about trafficking-related offenses.

PROTECTION

The government maintained protection efforts. In 2019, the government delayed development of its comprehensive countrywide statistical system on trafficking, including victim identification and assistance data, which commenced in 2017. Subsequently, for the third consecutive year, the government did not report an official number of victims it identified or assisted. However, the government estimated it identified 100 victims in 2019 (the last reported official statistic was 262 victims identified and assisted in 2016). Additionally, government-funded civil society organizations reported identifying 126 victims and assisting 238 presumed victims in 2019. Officials noted double counting likely occurred across organizations. NGOs reported the shift toward online prostitution made identifying sex trafficking victims more difficult. Furthermore, experts noted deficiencies in identifying labor trafficking victims. Although the government had neither formal identification procedures nor a NRM, authorities utilized informal guidelines to identify and refer potential victims. The government began to develop a NRM and assigned the task to the Labor and Welfare Administration Agency. However, experts expressed concern that the labor agency had minimal experience and knowledge in dealing with trafficking victims and trends in general. Experts also expressed concern the proposed NRM would reduce the reflection period for victims from six months to 45 days, which could result in fewer victims assisting authorities in investigations and authorities deporting more victims while they were still recovering from their abuse. Consequently, the government delayed development of the NRM.

The government provided victim assistance through municipal crisis centers and government-funded NGOs, including Re-establishment, Organizing safe places to stay, Security, Assistance (ROSA), the largest project exclusively assisting trafficking victims in Norway. These NGOs provided foreign and domestic victims with shelter, legal aid, stipends for food, psychological care, medical assistance, fitness facilities, and Norwegian language classes. Parliament allocated 30 million kroner ($3.42 million) to NGOs specifically for assistance services, the same amount as in 2018 (20 million kroner—$2.28 million—in 2017). ROSA received 3.1 million kroner ($352,990) in government funding, compared with 2.9 million kroner ($330,220) in 2018. The Directorate for Children, Youth, and Family Affairs established a coordinating unit to provide service and assistance to child trafficking victims. Authorities placed child victims in state-run institutions, such as orphanages, for up to six months. Municipal child welfare services assisted three potential child victims, a decrease from eight in 2018. According to officials, authorities struggled to identify child trafficking victims and maintain statistics. The law provided foreign victims the same access to care as domestic victims and residency to those who testified in a criminal case that was prosecuted as a trafficking case. In 2019, the government began revisions to the law, proposing that victims who testify may be considered eligible for residency without the requirement of the case being prosecuted as a trafficking case. While NGOs welcomed improvements to the law, they criticized the government for suggesting that a victim "may" be eligible for residency, stating that a victim should automatically be eligible when contributing to a criminal case. In 2019, authorities granted four residence permits for victims testifying in trafficking cases. Authorities granted a six-month reflection period to five victims and limited residence permits of up to 12 months to 14 victims, compared with 13 and 11, respectively, in 2018. Authorities granted six possible victims residence permits due to compelling humanitarian considerations (two in 2018). Observers raised concerns over the police's focus on lack of residence permits and immigration relief, resulting in the deportation of victims without screening for trafficking indicators. Additionally, the continued closure of the Storskog border crossing with Russia to anyone seeking protection prevented the screening for victims of trafficking along the northern border. The government awarded a sex trafficking victim 200,000 kroner ($22,770) in compensation for non-pecuniary damages.

PREVENTION

The government maintained prevention efforts. Norway continued to implement measures from its national action plan. KOM published an annual report providing an overview on victim identification, challenges relating to trafficking, and relevant agencies' anti-trafficking activities. For the fourth consecutive year, the government did not fund any information campaigns targeted toward potential trafficking victims. In 2018, the Norwegian Minister of International Development signed a three-year agreement and committed 100 million kroner ($11.39 million) in cooperation with the United States, other governments, and private donors, to target programs, such as securing supply chains in selected industries, in coordination under the Global Fund to End Modern Slavery. The government did not make efforts to reduce the demand for commercial sex acts. ROSA managed a 24-hour hotline for potential trafficking victims and noted an increase in calls from potential labor trafficking victims. Two calls resulted in investigations. Parliament allocated 1.7 million kroner ($193,580) in grants to ROSA for the hotline and other victim assistance activities, compared with 3.68 million kroner ($419,040) in 2018.

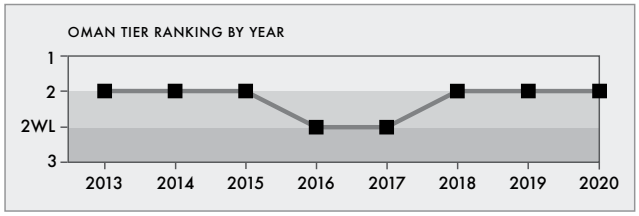
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Norway, and, to a lesser extent, traffickers exploit victims from Norway abroad. Trafficking victims identified in Norway primarily originate from Eastern and Southern Europe, such as Albania, Bulgaria, Romania, and Ukraine, with the vast majority being adult women exploited in sex trafficking. Additionally, reports indicate an increase in victims from South America, especially Brazil and Colombia. Traffickers exploit women and girls in sex trafficking and men and women in labor trafficking, specifically in domestic service and construction. Traffickers subject children to forced criminal activities, such as begging, and other forms of forced labor, including illegal employment in car washes and private housekeeping.

OMAN: TIER 2

The Government of Oman does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Oman remained on Tier 2. These efforts included identifying and referring to care more trafficking victims and overturning policy that historically precluded victims from self-reporting to the government-run shelter for protective services. For the first time, officials convicted Omani nationals for trafficking crimes

and sentenced them to significant prison time. Additionally, the government stated its decision to rescind the employer-controlled "no objection" certificate (NOC), a move that will allow individuals to seek new employment without employer approval and reduce their vulnerability to potential labor trafficking crimes. Authorities also developed and executed an addendum to the national action plan. However, the government did not meet the minimum standards in several key areas. The government generally continued to process potential labor trafficking cases through mediation in labor courts without investigating them as potential trafficking crimes, which undermined criminal accountability and victim care. Although the government initiated prosecution of one labor trafficking case, it did not convict any perpetrators of labor trafficking crimes, though the issue of forced labor remained a significant problem. While Oman stated its decision to reform the sponsorship system, the system continued to exacerbate expatriate workers' vulnerabilities to forced labor and enable employers to penalize victims who fled forced labor circumstances.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers for forced labor offenses, including by investigating indicators of potential trafficking crimes in enforcement of labor law violations. • Finalize, implement, and train officials on formal procedures to proactively identify and refer to care male and female trafficking victims among vulnerable populations, such as migrant workers, people in commercial sex, and North Korean laborers whom the North Korean government may have forced to work. • Undertake serious efforts to prevent penalization of trafficking victims by screening for victimization among vulnerable groups, such as those arrested for immigration violations or prostitution or who flee abusive employers and face deportation. • Expand labor law protections to, and enforce legal protections for, domestic workers. • Widely implement initial changes to the sponsorship-based employment scheme that renders expatriate workers vulnerable to exploitative labor, and build upon the reforms by removing the exit permit requirement for all laborers. • Disseminate to stakeholders the decision that now allows potential victims the option to self-refer to protective services, and amend the provision that stipulates they can only reside in the shelter long-term if they file charges against, or there is a corresponding prosecution of, an alleged offender. • Impose dissuasive penalties on employers who withhold their employees' passports. • Increase utilization of the specialized unit to prosecute trafficking crimes. • Continue to expand trainings for officials involved in criminal investigations and for hotline operators to ensure accurate characterization of trafficking crimes. • Fully implement the national action plan. • Expand the *Ehsan* national public awareness campaign.

PROSECUTION

The government demonstrated uneven law enforcement efforts and continued to focus disproportionately on sex trafficking versus labor trafficking crimes during the reporting period. Oman's 2008 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of three to seven years' imprisonment and a fine between 5,000 and 100,000 Omani rial ($12,990-$259,740) for offenses involving adult victims and seven to 15 years' imprisonment and a minimum fine of 10,000 Omani rial ($25,970) for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Ministry of Manpower (MoM) circular No.2/2006 prohibited employers from withholding migrant workers' passports but did not specify penalties for noncompliance.

The public prosecutor maintained a specialized anti-trafficking unit and reported handling four of the alleged trafficking cases during the reporting year. In 2019, the government reported investigating seven alleged human trafficking cases—one forced labor case and six sex trafficking cases—compared with 11 cases investigated during the previous reporting period. Authorities prosecuted all 26 suspects in the seven cases under the anti-trafficking law, including one criminal forced labor charge. During the prior year, the government did not report how many defendants it prosecuted but only that it initiated criminal proceedings against five of 11 cases. The government achieved seven sex trafficking convictions—down from 15 in 2018—under the anti-trafficking law, three of which stemmed from outstanding cases stymied in the courts in previous years. For the first time, the government convicted two Omani nationals of trafficking. Officials sentenced all defendants to imprisonment ranging from three to five years and fines from between 5,000 to 10,000 Omani rial ($12,990 to $25,970). The government planned to deport and impose reentry bans on the five non-Omani convicted traffickers upon completion of their sentences. According to labor-sending country diplomats, law enforcement personnel continued to treat forced labor cases as labor law violations rather than criminal offenses, without referring victims to trauma-informed care and investigating only tangible evidence to build trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. Anecdotal reports alleged police officers sometimes informed Omani sponsors if their runaway domestic workers filed charges of trafficking or related crimes against them.

The government continued efforts to address passport retention. The MoM reported investigating 95 total passport retention cases in 2019, compared with 120 cases the year prior. However, dissimilar to 2018, officials did not report how many such cases it investigated as potential trafficking crimes or if it referred any to the labor or criminal courts, though the entity did resolve 19 of the 95 cases. Analogous to the previous year, the government did not provide data on its expenditure for trafficking-related trainings in 2019. However, it facilitated and provided in-kind auxiliary and monetary support for eight anti-trafficking trainings for more than 780 officials from the justice, police, and labor regulatory sectors during the reporting year. High-ranking officials also attended Bahrain's inaugural intergovernmental forum on combating trafficking in the Middle East, where they committed to region-specific reforms to include the notorious *kafala* sponsorship system. Finally, the government collaborated with an international organization to develop and conduct topical trainings for government entities and civil society representatives. The Royal Oman Police (ROP) training academy continued to educate all incoming cadets on the legal framework for trafficking and related crimes, victim identification, and mechanisms for transferring potential cases to court, and reached 500 new Omani officials during the year.

PROTECTION

The government increased efforts to protect victims, strengthening institutional capacity to care for vulnerable populations; however, existing policy limited shelter stays to victims with cases under active investigation. The government reported identifying 25

trafficking victims during the reporting period, a marked increase from 10 the previous period. It referred 15 of these 25 victims to its government-operated shelter in Muscat. The government lacked formalized identification and referral procedures, though at the close of the reporting period it began review of a draft standardized mechanism. In practice, officials reactively referred some victims identified as part of ongoing police investigations to the Ministry of Social Development (MoSD) for shelter placement and medical and psychological services. The MoM could theoretically identify potential victims and refer their cases to the ROP. Officials in other government sectors referred self-identified victims first to the police rather than directly to the MoSD for shelter placement. Breaking from historic policy that victims could only obtain government-provided services if they filed cases with the public prosecutor who would then issue a referral for them, in February 2020, the government authorized all potential victims to self-report to the shelter and receive protective services. However, it still stipulated that long-term shelter stays must coincide with active trafficking investigations. Some source-country embassies in Oman reportedly offered victim services for their nationals.

As the labor law did not adequately cover domestic workers, authorities continued to treat some potential domestic servitude cases as labor violations and did not report identifying potential victims of domestic servitude. Due to the government's increasing efforts to provide victim identification training, however, some officials became more proficient at screening for potential sex trafficking victims, particularly among women in commercial sex. Employers could compel foreign workers, whose legal status remained tied to their employers, to work for lower or no wages under the credible threat of deportation. Labor regulations continued to require an employer to provide an NOC to a foreign employee to seek a job with a new employer in Oman. However, in February 2020, officials reported that the government would abolish or amend Article 11 of the Foreigners Residence Law, which would rescind the NOC requirement for employees to seek new employment. Furthermore, senior levels of government concurred and provided relevant ministries with instructions to commence implementation of this new policy shift at the conclusion of the reporting period.

During the reporting period, the government allocated 198,130 Omani rial ($514,620)—on par with the previous year—for accommodations and victim care at its permanent shelter, which could lodge up to 50 women and child victims of forced labor, sex trafficking, or other types of abuse. The shelter provided room and board, psychological counseling, legal support, monetary stipends, recreational opportunities, rehabilitation activities, resiliency training, and medical care to victims. Shelter administrators interfaced with judicial officials to keep victims regularly informed of the status of their legal cases. Shelter policy dictated that victims could depart the premises only with a chaperone. As in previous years, the government did not provide shelter services for any male victims during the reporting period, though the MoSD reported preparation of a dedicated section of the facility to house male victims. The government offered complimentary repatriation services to victims with initiated court proceedings who did not want to remain in-country. Officials permitted and encouraged some victims to stay in Oman for the duration of court proceedings against traffickers. Officials reportedly encouraged other victims to reach extrajudicial settlements for the sake of expediency. The government did not allow participating victims the chance to work or leave the shelter in the interim, and protracted court cases coupled with prolonged unemployment disincentivized victims from participating in trials. The national anti-trafficking committee upheld the tenets of its memorandum of understanding (MOU) with a local association to provide pro bono assistance to trafficking victims involved in court proceedings, to include seeking damages on behalf of trafficking victims and pursuing labor claims via MoM mediation. Although the government could facilitate new sponsorship for expatriate laborers, most cases during the year ended with aggrieved workers unable to switch employers, reaching administrative settlements with their former employers, and subsequently returning to their home countries. The government provided foreign victims with legal alternatives to removal to countries in which they may face retribution or hardship, to include alternate employment under another sponsor; however, it did not report if any victims benefited from this policy during the year.

PREVENTION

The government demonstrated increased efforts to prevent trafficking, including by beginning rescission of the employer-controlled NOC to allow individuals to seek new employment and reduce their vulnerability to forced labor—a notable first step to reform its problematic sponsorship system. During the reporting period, the Council of Ministers approved a supplement to Oman's 2018-2020 national action plan that added significant action items for each governmental stakeholder, such as the operationalization of the referral mechanism, establishment of new shelters outside Muscat, and enactment of a new domestic worker law, among other critical tenets. The National Committee to Combat Human Trafficking (NCCHT) met regularly during the year to recommend modifications to and fortify the efficacy of this plan. In partnership with an international organization, the NCCHT funded, organized, and conducted a three-day symposium for government officials, civil society stakeholders, and members of the diplomatic community on various trafficking topics highlighted in Oman's expanded national action plan, reaching more than 100 participants on the frontlines of anti-trafficking work. The NCCHT reported that, in the past year, the MoM held 23 seminars to raise awareness of labor law considerations such as passport retention, contractual integrity, direct deposit of wages, and overtime compensation. More than 3,000 human resources managers attended these seminars. Officials published 18 articles in the local press to raise public awareness about trafficking, and produced a periodical that included a section dedicated to trafficking during the year. Subject-matter experts from key government entities were generally active in the press, on the radio and television, and during Friday prayers at mosques to generate awareness of the crime to diverse target audiences. The NCCHT was reportedly in the process of expanding its national awareness campaign, entitled *Ehsan*, to include a social media presence, and collaborated with the Ministry of Information to promulgate it across the Sultanate.

The Ministry of Foreign Affairs (MFA) continued to fund an international trafficking expert to advise and assist interagency entities in carrying out victim-centered investigations, devising legislative improvements, and enhancing information-gathering techniques. The police maintained the government's central trafficking hotline and displayed its phone number on social media posts and news articles pertaining to trafficking. Officials did not report how many calls the police hotline received or if any resulted in trafficking investigations. The MoM had a labor violation hotline, which it promoted in its video on workers' rights and responsibilities, and the MoSD operated one that served as an all-purpose helpline. All hotlines reportedly remained active year-round, 24 hours per day and were staffed with Arabic and English interpreters; Urdu, Hindi, and Bangla-speaking contractors were on call. The government reported having MOUs regarding migrant workers with Iran, India, Bangladesh, Sri Lanka, Vietnam, Syria, the Palestinian Authority, Egypt, and Morocco; some included articles prohibiting unlawful labor recruitment and trafficking. Oman was signatory to a Gulf Cooperation Council-wide labor agreement with the Philippines. The government also began introductory discussions with India to implement an MOU to

combat trafficking and share trafficking-related information.

In February 2020, the government declared its intent to migrate fully from a sponsorship (*kafala*) system to a contract-based employment system and eliminate the NOC permission that historically employees required to seek new employment. During the reporting period, the Council of Ministers instructed relevant ministries to implement these reforms. Additionally, the MFA instituted a specialized human trafficking unit to coordinate entities with trafficking responsibilities or a related nexus, and serve as a focal point and liaison for all communiques and advisories. During the previous reporting period, the MoM issued a ministerial decision stating a company must prove it has paid the past three months of an employee's salary before filing a complaint to charge an expatriate employee with "absconding." The ministerial decision stipulated that, if a company files more than five complaints in a month or more than 10 in a year, it will be subject to increased inspections to ensure it is complying with local labor laws. If the company is noncompliant with local labor laws, the MoM will suspend it. The ministerial decision also created protections to prevent employers from firing employees while on leave or otherwise absent from work. During the reporting period, authorities increased inspections from 3,593 to 5,629 establishments to ensure compliance with labor law provisions, screen for trafficking indicators, and build awareness against forced labor and exploitative practices among the migrant workforce; from these efforts, it did not report referring any cases to the courts for administrative or criminal proceedings or referring any victims to care. The MoM also investigated 3,855 labor disputes and resolved 13,047 (including disputes initiated in previous years). The government did not report any efforts to reduce the demand for commercial sex acts.

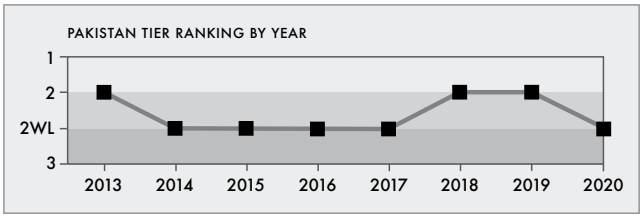
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Oman. Oman's migrant worker community hails primarily from Bangladesh, India, Pakistan, the Philippines, Sri Lanka, Nepal, and some African countries. Largely as a result of "Omanization," a series of labor-related policies designed to prioritize Omanis for employment over expatriates, the number of migrant workers in Oman declined in 2019, continuing a trend and effectively reducing the pool of vulnerable third-country residents in Oman. Attesting to this effect, Oman's National Center for Statistics and Information reported the number of expatriates working in the "family" sector declined by 2.8 percent during the year. Trafficking victims typically migrate to Oman willingly and legally. Men generally seek employment in construction, agricultural, and service sectors, while women often seek domestic worker jobs. Male victims are typically from South Asia and more vulnerable to forced labor. Traffickers exploit female victims, predominantly from South, Southeast, and East Asia and East Africa, in forced labor and sex trafficking. Domestic workers who flee their employers are also vulnerable to sex trafficking. North Koreans working in Oman may have been forced to work by the North Korean government.

Expatriate workers seeking low-wage jobs continue to be at risk for trafficking under the *kafala* or visa-sponsorship employment system in Oman, which grants individuals' recruitment agencies and/or Omani visa sponsors significant unilateral control over their ability to change employers or leave the country. Although nascent reform of the sponsorship system began during the reporting period, this system continues to give employers the power to dictate the status of residency permits. Some unscrupulous recruitment agencies in Oman and their sub-agents in labor-sending countries mislead migrant workers in their respective countries of origin by providing fraudulent contracts with fictitious wages and charging exorbitant recruitment fees. Some victims face working conditions significantly worse than recruiting agencies had promised. Traffickers subject some of these workers to employment practices that constitute forced labor, to include excessive work hours, passport confiscation, non-payment of wages, food deprivation, and psychological and sexual abuse. Conversely, other workers enter Oman with full knowledge of their work obligations, but sponsors ultimately coerce them to work for little or no pay or in dire conditions under the credible threat of deportation. Anecdotally, during the reporting period more workers arrived in Oman on tourist visas or by first traveling to the United Arab Emirates (UAE) while willing employers secured their Omani work visas, thereby circumventing the protective oversight of workers' home governments. Additionally, some victims originally intend to travel to the UAE but are subsequently compelled to accept work in Oman, or vice-versa. Traffickers often begin recruitment in labor-sending countries with some promising retail jobs in well-known areas, such as Dubai. After arriving in the UAE, traffickers transport the migrant laborers into Oman and force them to work for lower wages and in austere conditions in the absence of legal contracts. Informal labor intermediaries operate legally but without regulation in Oman, communicating anonymously via social media platforms to promise Omani sponsors inexpensive domestic labor at a fraction of the cost stipulated by the formal, well-established recruitment agencies.

PAKISTAN: TIER 2 WATCH LIST

The Government of Pakistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting traffickers for the first time under the government's comprehensive human trafficking law, convicting more traffickers for bonded labor than the previous year, and increasing registration of brick kilns nationwide to improve oversight of workers whom labor traffickers target. The government also identified more trafficking victims than the previous reporting period, and initiated eight investigations against suspected traffickers for Pakistani trafficking victims identified overseas. In addition, federal and provincial authorities continued to collaborate with international partners and foreign governments on anti-trafficking efforts. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government significantly decreased investigations and prosecutions of sex traffickers, and Punjab province, where over half of the population resides, continued to disproportionately report nearly all anti-trafficking law enforcement efforts, including 98 percent of convictions. As in previous years, only two of Pakistan's six provinces convicted any traffickers. Law enforcement efforts against labor trafficking remained inadequate compared to the scale of the problem. Punjab continued to be the only province to report efforts against bonded labor traffickers. It reported more overall convictions than the previous reporting period, although overall bonded labor convictions decreased from other prior years. In Sindh, local officials continued to perpetrate bonded labor in brick kilns and on farms with impunity. Unlike the previous reporting period, the government did not take action against credible reports of official complicity in trafficking, and organizations reported official complicity and corruption led to several high-profile trafficking cases being dropped during the year. The government continued to lack overall adequate resources for victim care, and only referred four percent of all victims identified to care. Therefore Pakistan was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

At both the federal and provincial levels, increase prosecutions and convictions of both sex trafficking and forced labor, including cases allegedly involving complicit officials, and stringently punish perpetrators. • Instruct labor departments to refer all suspected bonded labor cases to police for criminal investigation. • Train officials—including provincial police, labor inspectors, and social services—on standard operating procedures (SOPs) for victim identification and referral to rehabilitation services. • Ensure victims are not penalized for unlawful acts traffickers compelled them to commit. • Make efforts to finalize, disseminate, and train officials on the implementing rules for the 2018 Prevention of Trafficking in Persons Act (PTPA). • Significantly increase referrals of trafficking victims to services, and increase the quality and availability of trafficking-specific services, including for males. • Designate specialized prosecutors and judges to hear trafficking cases. • Expand services for bonded laborers, including shelter, identity documents, and legal assistance. • Register and inspect brick kilns in accordance with relevant laws regulating factories, and refer suspected bonded labor to law enforcement. • Take steps to eliminate all recruitment fees charged to workers. • Continue to train government officials to clearly distinguish between human trafficking and migrant smuggling. • Amend the 2018 PTPA to remove penalty provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Lift restrictions on female migration while negotiating female worker protections with destination country governments. • Improve efforts to collect and accurately report anti-trafficking data. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government significantly decreased sex trafficking investigations and prosecutions, although labor trafficking prosecutions and convictions increased. Pakistani laws criminalized sex trafficking and labor trafficking. The 2018 PTPA criminalized sex trafficking and labor trafficking and prescribed penalties of up to seven years' imprisonment, a fine of up to one million Pakistani rupees (PKR) ($6,460), or both, for trafficking offenses involving an adult male victim, and penalties of between two and 10 years' imprisonment, a fine of up to one million PKR ($6,460), or both, for those involving adult female or child victims. These penalties were sufficiently stringent. However, with regard to sex trafficking, by allowing for a fine in lieu of imprisonment, these penalties were not commensurate with those for other serious crimes, such as rape. The government continued to use other sections of the Pakistan Penal Code (PPC) that criminalized some forms of human trafficking. For example, Section 371A and 371B criminalized the buying and selling of a person for prostitution and prescribed penalties of up to 25 years' imprisonment and fines. Section 374 criminalized unlawful compulsory labor and prescribed penalties of up to five years' imprisonment, a fine, or both. Section 366A criminalized procuration of a "minor girl under 18" and prescribed penalties of up to 10 years' imprisonment and a fine. Section 370 criminalized buying or disposing of any person as a slave and prescribed penalties of up to seven years' imprisonment and a fine, and Section 371 criminalized habitual dealing in slaves and prescribed penalties of up to life imprisonment and a fine if the imprisonment was less than 10 years. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. The federal Bonded Labor System (Abolition) Act (BLSA) criminalized bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both; these penalties were sufficiently stringent. Most of the provincial governments have adopted their own labor laws, including anti-bonded labor laws, under a devolution process that began in 2010, and federal laws apply until provinces enact corresponding laws.

The 2018 PTPA was in force as the government worked with an international organization to draft implementing rules. Punjab investigated five cases under the 2018 PTPA involving 85 suspects, prosecuted an unknown number of cases and suspects, and convicted 14 traffickers. While it reported imposing fines upon some of the convicted traffickers, it did not report if it sentenced any to imprisonment. Khyber Pakhtunkhwa province (KP) authorities initiated one investigation into four suspects under the 2018 PTPA, which was ongoing at the close of the reporting period. The government reported data on trafficking investigations, prosecutions, and convictions under the PPC by province and special administrative area. Overall, law enforcements and judiciaries investigated 916 sex trafficking cases and initiated prosecutions in 567 cases, and convicted 131 sex traffickers—significant decreases from 2,367 sex trafficking investigations, 2,212 prosecutions, and an unreported number of convictions in the previous reporting period. The vast majority of sex trafficking investigations and all but one conviction took place in Punjab under Section 371A of the PPC for "Selling person for purposes of prostitution etc." The government did not report sentences for the convictions. Sindh achieved two sex trafficking convictions. Azad Jammu and Kashmir was the only province that did not conduct at least one sex trafficking investigation. Punjab continued to make the vast majority of law enforcement efforts against sex trafficking; of the national statistics on sex trafficking, Punjab reported 85 percent of the investigations, 81 percent of prosecutions, and 98 percent of convictions.

The government's law enforcement action on labor trafficking, especially bonded labor, remained inadequate. Despite the adoption of the BLSA, bonded labor persisted, largely due to ineffective enforcement of the law and powerful local officials as perpetrators. Punjab was the only province to investigate, prosecute, or convict traffickers under the BLSA. Punjab authorities investigated 77 cases of bonded labor, prosecuted 20 cases, and convicted 16 traffickers, an increase from 23 investigations, 22 prosecutions, and three convictions in the previous reporting period but still a significant decrease from 197 investigations, 182 prosecutions, and 37 convictions in 2017. The Punjab Child Protection and Welfare Board (CPWB) additionally filed 616 First Information Reports (FIRs) under the Punjab Prohibition of Child Labour from Brick Kilns Act. An international organization stated authorities did not adequately enforce the BLSA primarily due to police inaction on complaints and lower court judges' lack of understanding of the law. Moreover, in many provinces, including Sindh, the Department of Labor (DOL) handled bonded labor cases and could at most administer financial penalties. Punjab initiated one investigation and prosecution for forced labor under PPC Section 374, unlawful compulsory labor. Although the 2018 PHTA encompassed PPC Section 369A for trafficking in human beings, Sindh authorities also reported one investigation under 369A. Additionally, Sindh authorities initiated four investigations and three prosecutions under PPC Section 371 for habitual dealing in slaves, similar to previous reporting periods. While Sindh police removed at least 677 bonded laborers from the location of their exploitation during the reporting period, it did not initiate criminal investigations. Despite police and prosecutors' responsibility to pursue cases, authorities reported they did not do so because victims could not afford to pay for investigations and prosecutions.

The government also reported data on several penal code sections that criminalized labor trafficking and other non-trafficking crimes but did not disaggregate the data to specify which cases under these sections were for labor trafficking versus non-trafficking offenses.

Sindh courts only intervened sporadically on trafficking cases to remove victims from perpetrators but did not criminally prosecute alleged traffickers for bonded labor offenses. While Sindh passed legislation criminalizing bonded labor in 2015, it did not draft civil or criminal procedures to facilitate its implementation. While the BLSA mandated the creation of District Vigilance Committees (DVCs) in each province to ensure implementation of the BLSA, including reporting and filing cases, the government relied on bonded labor victims to have knowledge of the BLSA, proactively leave their landowners, and file their own cases in the court. Even when bonded laborers did so, the courts either did not act on such claims or handled them administratively. As a result, trafficking victims who came forward often faced retaliation from their exploitative employers.

The Federal Investigative Agency (FIA) remained the government's lead reporting and coordinating entity on human trafficking. The agency focused on transnational offenses, while provincial police generally investigated internal human trafficking cases. While FIA and provincial police coordinated on an ad hoc basis, overall collaboration remained weak and complicated law enforcement efforts and data collection. FIA investigated human trafficking and migrant smuggling cases through its 24 anti-trafficking law enforcement joint task forces at the federal, provincial, and local levels. FIA officials, including all newly inducted officers, received regular training on countering trafficking in persons, including differentiating between human trafficking and migrant smuggling; however, some officials continued to conflate the crimes. Foreign governments and international organizations funded trafficking-specific trainings for police, investigators, prosecutors, and FIA officials, and government agencies contributed in-kind support to some of the trainings. FIA had satellite offices at three embassies abroad; its Oman office referred eight human trafficking cases for investigation. NGOs noted provincial police were reluctant to file FIRs—required to launch criminal investigations—into many crimes, including trafficking. Furthermore, overburdened prosecutors and judges, who frequently lacked adequate training, contributed to lengthy trafficking trials and low conviction rates. The government maintained bilateral law enforcement cooperation mechanisms with multiple countries, participated in eight international human trafficking or migrant smuggling investigations, and extradited one sex trafficker to the United Kingdom.

Official complicity in trafficking remained a significant concern, impeding anti-trafficking efforts during the reporting period. Despite sustained reports, the government did not report any investigations, prosecutions, or convictions into officials allegedly complicit in human trafficking offenses, a decrease from the previous year. During the reporting period, officials and media reported a Pakistani-Chinese organized crime ring sent more than 620 Pakistani women to China from 2018-2019 for ostensibly legitimate marriages, but the "husbands" physically and sexually abused many of the women, including forcing some into commercial sex. While officials initially began an investigation into multiple Chinese suspects, it later acquitted all 31 suspects. NGOs and media reported powerful government officials ordered the acquittals and transferred some officials who had attempted to continue pursuing human trafficking charges. Moreover, while victims and media consistently reported Chinese and Pakistani traffickers operated the scheme together, the government did not report investigating any Pakistani suspects. In July 2019, a 14-year-old domestic worker reported substantial indicators of trafficking by her employer, a parliamentarian in Punjab, including sexual abuse and torture. While police registered the charges, they did not arrest the parliamentarian, allegedly because the provincial government did not allow them to do so. The parliamentarian continued to pressure the victim to drop the charges. In January 2020, the Supreme Court set aside the extended three-year sentence imposed on a judge and his wife for cruelty to a child for subjecting a 10-year-old girl to torture and domestic servitude—the government's first reported conviction of an official complicit in trafficking-related offenses in 10 years—and reinstated the initial sentence of one year's imprisonment. In October 2018, police removed a 10-year-old domestic worker from the house of a Pakistani army major after allegations of torture and domestic servitude and arrested the army major's husband. The government did not report whether the case against the employers continued or whether it began investigating an assistant sub-inspector of police, whom it had initially suspended for failing to file a police report in the case.

The government did not report any efforts to address local government officials' reportedly endemic perpetuation of bonded labor, which created a culture of impunity for offenders. Feudal landlords and brick kiln owners used their political connections to facilitate their use of forced labor. In some cases, when bonded laborers attempted to escape or seek legal redress, police refused to file a case and returned bonded laborers to their traffickers. NGOs continued to report perpetrators of bonded labor successfully filed fraudulent charges against victims leading to their arrest and imprisonment, at times in collusion with police. Some police reportedly assisted employers in kidnapping bonded laborers that authorities or NGOs had previously removed from exploitation. Police were reluctant to investigate cases of potential bonded labor when wealthy and influential individuals, such as local politicians, were the alleged perpetrators. Some police reportedly acted against trafficking only when pressured by media and activists. Observers alleged police accepted bribes to ignore prostitution crimes, some of which may have included sex trafficking, and border officials might have facilitated human trafficking. Contacts also reported police refused to register cases of child sexual exploitation, including sex trafficking, unless victims paid a bribe. Some garment factories paid monthly bribes to labor department officials to avoid inspections, some factories in Sindh prevented government officials from conducting inspections, and Punjab province—which had 70 percent of the country's textile factories and many cases of forced and bonded labor—banned labor inspectors from visiting any factory in September 2019.

PROTECTION

The government identified more victims but decreased victim protection efforts and such efforts remained inadequate, especially for bonded labor victims. Provincial police reported identifying 19,954 trafficking victims in 2019, compared with 19,723 in 2018. This included 15,802 female victims and at least 760 bonded labor victims identified in Sindh and Punjab. Due to the lack of legal, financial, and social assistance of bonded labor victims, officials estimated other traffickers trapped most of the 760 in forced labor again shortly afterwards. FIA identified 66 victims, an increase from not identifying any victims in the previous reporting period; most of the victims were females identified in sex trafficking in Oman. The government reported some law enforcement, immigration, and social service personnel had SOPs to identify trafficking victims, but it was unclear how widely officials disseminated and employed these SOPs. Several provincial government officials and law enforcement noted they had never received and did not employ, SOPs, and other law enforcement reportedly used SOPs on an ad hoc basis.

Provincial police referred 799 trafficking victims to the government or NGOs for care, including only one adult male—a significant decrease from 2,697 trafficking victims referred to care in the

previous reporting period and still inadequate compared to the total number of victims identified. Police reported some victims declined to avail themselves of government services. Victim services were not available for many trafficking victims, with a lack of available shelter and services in many regions, particularly for male victims. Government-run shelters for women experiencing a range of difficult circumstances, including trafficking, were the most predominately available service. Punjab operated women's shelters in each of its 36 districts; Sindh operated five women's shelters in its 29 districts and four centers that offered women in distress medical and legal aid and shelter for up to 72 hours; Khyber Pakhtunkhwa operated women's shelters in six of its 26 districts and 10 welfare homes for exploited children; Balochistan operated one women's shelter and one shelter for destitute male citizens among its 32 districts; and the Islamabad Capital Territory had one family and rehabilitation center that served women and children. NGOs and local politicians continued to note the low quality of victim care at many of these shelters, including their lack of basic resources such as showers. Moreover, some of the government shelters severely restricted women's movement and pressured them to return to their abusers, including traffickers. Some victims reported shelters subjected them to sex trafficking. Punjab continued to operate its wholly integrated center that provided shelter, medical, and psychological support, and legal assistance for female victims of violence. While all female victims of violence, including trafficking victims, could access the center, the government did not report whether it assisted any trafficking victims. Child trafficking cases in which parents might have been complicit were of particular concern, since authorities often returned potential child trafficking victims to their families immediately following identification without effective methods to ensure families would not subject their children to trafficking again. Boys could access government shelters in many provinces, but the government only identified one shelter in the country that could house adult males. Several government officials denied that male trafficking victims, if identified, would require care. Both government and NGO contacts noted that, due to cultural norms, male victims were less likely to seek or accept assistance. Civil society continued to provide some victim services, largely without government support. In part due to lack of dissemination and training on SOPs, authorities may have charged sex trafficking victims with moral crimes.

Provincial child protection units (CPUs) were active in Punjab, Sindh, Balochistan, and KP, and identified and referred children in exploitative or vulnerable labor situations to NGO and government care. KP established two new CPUs during the reporting period, for a total of 14. With an international organization, Balochistan established its first CPU during the reporting period. The Punjab CPWB operated open reception centers to identify and register children living on the street and identified and assisted 8,114 children, a decrease from 10,203 in the previous reporting period. Authorities did not report how many of these children were trafficking victims.

The BLSA required districts to establish DVCs to ensure implementation of the BLSA and provide assistance to bonded labor victims. Punjab had DVCs in all 36 districts, and they conducted 259 meetings during the reporting period—an increase from 188 meetings the previous year. While Sindh reported it had 29 DVCs, only nine had ever convened and none met regularly. Neither Balochistan nor KP had any DVCs. Some officials believed DVCs frequently lacked the motivation, information, and resources necessary to combat bonded labor. Some officials also contended district deputy commissioners, charged with leading the DVCs, failed to prioritize bonded labor among their portfolios and did not convene meetings as mandated. Instead, provincial governments relied on bonded labor victims to seek social services. In addition, one Sindh official claimed bonded labor no longer existed in the province, and another downplayed the prevalence of the practice, indicating there was no need for the provincial government to dedicate additional personnel or resources to combat the problem. Punjab and KP could provide free legal aid to bonded laborers who requested assistance. NGOs reported that because provincial DOLs, including in Sindh, have not registered hundreds of brick kilns, the corresponding thousands of brick kiln workers could not receive the social welfare benefits guaranteed under provincial laws.

NGOs noted most cases of bonded labor ended with financial settlement in lieu of criminal prosecution, in part because police and the judiciary often ceased support for victims after authorities had removed the victim from exploitation and did not guide them through how to pursue a formal civil or criminal case. Bonded laborers whom authorities had released from exploitation frequently had no alternative employment or housing and sometimes returned to brick kilns or farms and assumed more debt. Those who lacked identity documents were even more vulnerable, since they could not access government services such as health care and food stipends. Some NGO-run shelters could accommodate bonded laborers, including entire families, but often had insufficient resources to provide long-term housing. Government policy included protections for those cooperating in trafficking-related investigations; however, the government did not report how often it granted these protections. Victims expressed reluctance to testify against their traffickers due to threats of violence against them and their families. The 2018 PTPA and sections of the PPC allow courts to provide trafficking victims with restitution, but courts did not do so in any cases. During the reporting period, the government began constructing a migrant reception center at its border with Iran to assist returned migrants, including trafficking victims. The Bureau of Emigration and Overseas Employment (BEOE) within the Ministry of Overseas Pakistanis and Human Resources Development (OPHRD) employed 19 community welfare attachés in 14 destination countries to provide support and information to Pakistani migrant workers; BEOE did not report if the attachés identified or assisted any trafficking victims. The Ministry of Interior had the authority to grant extensions for foreign victims to stay in the country until the Federal Review Board of the Supreme Court reached a decision on repatriation; authorities did not identify any foreign trafficking victims within Pakistan during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. The government continued to implement its 2015-2020 national strategic framework against trafficking in persons and migrant smuggling. FIA's research and analysis center collaborated with an international organization to create quarterly newsletters on human trafficking and migrant smuggling, although it did not make these reports publicly available. While experts agreed bonded labor remained a significant problem in Pakistan, outside of Punjab, provincial governments lacked accurate data of the problem, which hampered targeted efforts to address key exploitative districts and industries. Labor inspectors remained the front-line officials to inspect and identify forced and bonded labor in several sectors, including brick kilns, farms, and factories. However, inspectors had inadequate training to identify indicators of trafficking, insufficient funding to conduct inspections, and a lack of standard procedures to refer potential forced and bonded labor cases to police. Moreover, inspectors did not have the authority to remove children or bonded laborers from exploitative situations. Despite high incidences of child and forced labor in agriculture and domestic work, the majority of provincial labor laws did not allow labor inspectors to inspect these worksites for infractions. Despite estimates of more than 264,000 child domestic workers in Pakistan and commonplace reports of

physical abuse, sexual abuse, and forced labor by employers, provincial labor laws and protections did not extend to adult or child domestic workers. Brick kilns fall under the Factories Act of 1934 and are subject to the same regulations as other factories, including workers' rights provisions. The Lahore High Court ordered the Punjab labor department to register all brick kilns in the province under the act by August 2020. Specifically, the court instructed the labor department to ensure no kilns had child workers younger than 14, every worker had a written contract, and employers kept detailed registers of advances and regularly paid into workers' social security funds as federally mandated. Punjab labor inspectors monitored brick kilns for labor violations, including filing FIRs against 23 employers for child labor and minimum wage violations—indicators of bonded labor. In addition, the Islamabad Capital Territory's labor department suspended 36 brick kilns from operating in 2019, including for child and bonded labor, although it did not report filing criminal charges against any of the owners. The majority of the estimated 18,000 kilns continued to operate without registration and the required benefits for workers.

Provinces continued to use labor laws to investigate, prosecute, and convict offenders for child and exploitative labor offenses at brick kilns. However, because such laws only prescribed fines and authorities did not refer these cases to police for criminal investigation, suspected traffickers did not receive sufficiently stringent sentences. Punjab prosecuted 7,179 brick kilns for lack of compliance with labor laws, including non-payment of wages, and imposed fines totaling 5.17 million PKR ($33,390). This is a significant increase from prosecution of 3,953 in the previous year, although a significant decrease in the amount of the penalties assessed, from 288 million PKR ($1.86 million). KP's labor department had a specialized inspection team within the office on child and bonded labor that conducted 8,512 inspections and filed 318 prosecutions, and courts imposed fines in 224 cases. Punjab continued to provide identity cards to brick kiln workers and birth registration for their children. KP, Punjab, and Sindh continued to fund and implement some multi-year programs focused on combating the worst forms of child labor and other labor abuses. The federal and provincial governments continued their nationwide child labor survey—the first since 1996—that will reach approximately 250,000 households. The governments allocated funds for the survey and international organizations assisted with implementation.

BEOE issued licenses to private employment promoters and monitored workers who migrated through licensed agencies. The Emigration Ordinance of 1979 prohibited the role of unregulated and unregistered sub-agents; however, sub-agents continued to operate widely with impunity. The government allowed licensed employment promoters to charge migrant workers a service fee of 6,000 PKR ($39) for a welfare fund to compensate workers' families in case of the workers' death abroad, and workers to pay all the costs associated with overseas employment. While the government stipulated employers should provide workers with a receipt for these costs, the government did not specify any cost limit and did not consistently review migrant workers' receipts. BEOE cancelled licenses of 28 registered employment promoters and suspended 44, compared with 54 licenses cancelled during the previous reporting period; BEOE did not provide details of the agencies' violations. In addition, BEOE reported registering 34 cases against illegal recruiters; courts rendered verdicts in nine cases during the reporting period and imposed an unknown number of sentences of fines and imprisonment. It was unclear on what charges BEOE registered these cases. The government continued to ban female migrant workers younger than 30 from migrating for domestic work and required females age 30-35 to obtain special approval from OPHRD. The UN and members of civil society argued any ban on female migration increased the likelihood such women would migrate illegally and therefore heighten their vulnerability to human trafficking. BEOE required migrant workers to attend a pre-departure briefing at one of its seven offices that included information on what to do if the migrant worker encountered problems; however, observers asserted these centers did not provide sufficient information on the risks of, and assistance to combat, trafficking.

In April 2019, the military announced it would bring more than 30,000 religious schools, including *madrassa*s, under the government's control, some of which non-state armed groups used to forcibly recruit child soldiers. The government continued to host 878,000 Afghans with Afghan Citizen Cards (ACCs), which provided temporary legal protection from deportation under Pakistan's Foreigners' Act, and continued to grant 1.4 million previously registered Afghan refugees an extension of proof of registration (POR) cards. The government continued to extend the validity of both ACCs and PORs in short increments, most recently extending ACCs through May 31, 2020, and PORs through June 30, 2020. The short extensions created an environment of uncertainty for both groups of Afghans. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic and peacekeeping personnel. Pakistan is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Pakistan, and traffickers exploit victims from Pakistan abroad. The country's largest human trafficking problem is bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the terms of employment and ultimately entraps other family members, sometimes for generations. The practice remains widespread. Traffickers, including local government officials, primarily force men, women, and children to work in bonded labor in Sindh in agriculture and in both Sindh and Punjab in brick kilns. Traffickers also force men, women, and children to work to pay off exaggerated debts in other sectors in Sindh and Punjab and in Balochistan and KP in agriculture and brick kilns and, to a lesser extent, in fisheries, mining, and textile-, bangle-, and carpet-making. In agriculture, traffickers force workers to labor in wheat, cotton, and sugarcane, among other goods. Traffickers often did not provide workers with access to their expenditure and earnings receipts, so traffickers control how much money they earn, the accrual of interest on their debt and when they have repaid the debt. Landlords exploit widespread illiteracy among workers and manipulate accounting records to continue to the cycle of bonded labor. Many feudal landlords and brick kiln owners, who are traffickers that employ bonded laborers, are local government officials or use their affiliation with political parties to protect their involvement in bonded labor. Some landlords use armed guards to restrict bonded laborer's movements and others buy and sell workers among one another. In some kilns that employ entire families, kiln owners have sold bonded laborers to repay a family member's outstanding debt. Observers reported employers in Sindh are moving carpet- and bangle-making productions into private homes to further increase the difficulty in monitoring labor conditions. Reports estimate more than 70 percent of bonded laborers in Pakistan are children. Traffickers also target lower-caste Hindus, Christians, and Muslims specifically for forced and bonded labor.

Traffickers buy, sell, rent, and kidnap children for forced labor in begging, domestic work, small shops, and sex trafficking. One report estimated more than 264,000 child domestic workers currently work in Pakistan. Media increasingly reports cases of employers forcing children as young as 7 years old into domestic work, where they are often subjected to severe physical abuse,

including torture, and sexual abuse; several government officials were among the suspected perpetrators. According to a prominent child rights NGO, the majority of children working in the streets in Pakistan are subjected to forced begging and are vulnerable to sexual exploitation, including sex trafficking. Begging ringmasters sometimes maim children to earn more money and sometimes force children to steal. Organized criminal groups force children into drug trafficking in Sindh and Balochistan. Due to the consistent lack of law enforcement efforts against those who exploited street children, including in forced labor and sex trafficking, traffickers operated openly and with impunity. Traffickers subject boys to sex trafficking around hotels, truck stops, bus stations, and shrines. Traffickers have forced Afghan, Iranian, and Pakistani children into drug trafficking in border areas and Karachi. There are reports of widespread sexual exploitation of boys in one coal mining community in Balochistan. Boys as young as 6 years old from Balochistan, KP, and Afghanistan, are purportedly lured to work in the mines but subjected to sex trafficking; in some cases, parents are complicit in sending their children to the mines for sex trafficking. Within Pakistan, NGOs and police report some employers, including in restaurants and factories, require boy child laborers to provide sexual favors in order to obtain a job with the employer, to keep the job, and/or for accommodation. An NGO reported multiple cases of forced labor by students in government-run schools.

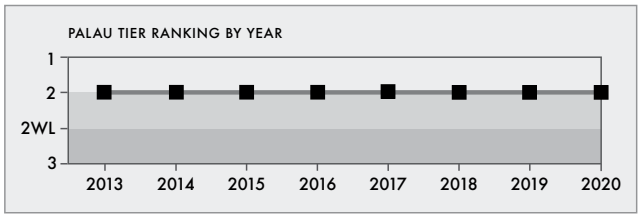
Some factories pay monthly bribes to labor department officials to avoid inspections. Illegal labor agents charge high recruitment fees to parents in return for employing their children, some of whom are subjected to forced labor and sex trafficking. Some police accept bribes to ignore prostitution, some of which may include sex trafficking, and police refused to register cases of child sexual exploitation, including sex trafficking, without a bribe. Some Pakistani traffickers lure women and girls away from their families with promises of marriage, create fraudulent marriage certificates, and exploit the women and girls in sex trafficking, including in Iran and Afghanistan. During the reporting period, traffickers increasingly targeted impoverished Christian communities to send females to China for arranged marriages. Upon arrival in China, hundreds of Pakistani women reported their "husbands" forced them into commercial sex. In other cases, traffickers, including some extra-judicial courts, use girls as chattel to settle debts or disputes. Some traffickers force victims to take drugs and exploit the drug addiction to keep them in sex trafficking.

Some organizations reported that non-state armed groups that had a presence in Pakistan recruited and used child soldiers in Afghanistan, although there is no credible evidence that the Government of Pakistan was complicit in the recruitment and use of child soldiers. Non-state militant groups kidnap children as young as 12, buy them from destitute parents, coerce parents with threats or fraudulent promises into giving their children away, or recruit children from *madrassa*s; these armed groups force children to spy, fight, and conduct suicide attacks in Pakistan and Afghanistan. Traffickers have promised Pakistani boys admittance to Afghan religious schools but sold them to members of the Afghan security forces for *bacha bazı*.

Pakistani men and women migrate overseas voluntarily, particularly to the Gulf states and Europe, for low-skilled employment such as agriculture, domestic service, driving, and construction work; traffickers exploit some of them in labor trafficking. False job offers, including fake modeling advertisements, sham recruitment agencies, and high recruitment fees charged by illegal labor agents or sub-agents of licensed Pakistani overseas employment promoters entrap Pakistanis in sex trafficking and bonded labor, including in Gulf countries. In 2019, foreign countries had nearly 11,000 Pakistanis detained abroad, including more than 3,000 in Saudi Arabia. In many cases, observers alleged foreign law enforcement had arrested workers for fraudulent documents procured by recruitment agents or for lack of documents because their employers had withheld their documents—indicators of forced labor. Traffickers have exploited Pakistani girls in sex trafficking in Kenya and Pakistani adults, including with disabilities, to forced begging in the United Arab Emirates. Pakistani boys are vulnerable to sex traffickers in Greece. Some traffickers, including organized criminal groups, subject Pakistani adults and children to forced labor in domestic work, construction, and begging in Iran; some traffickers have targeted Pakistanis with disabilities for forced begging. Pakistan is a destination country for men, women, and children subjected to forced labor—particularly from Afghanistan, Bangladesh, and Sri Lanka. Chinese men working in construction may be vulnerable to forced labor in Pakistan. Traffickers exploit women and girls—and, to a lesser extent, boys—from Afghanistan, Iran, and other Asian countries in sex trafficking in Pakistan. Refugees and stateless persons from Afghanistan, Bangladesh, and Burma, as well as religious and ethnic minorities such as Christians and Hazaras, are particularly vulnerable to traffickers in Pakistan. Traffickers exploit Rohingya refugees in forced labor in Pakistan.

PALAU: TIER 2

The Government of Palau does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Palau remained on Tier 2. These efforts included acceding to the 2000 UN TIP Protocol, conducting more campaigns to raise awareness of human trafficking, and providing victims with temporary employment placements. The government approved rules and regulations to increase protections for foreign migrant workers, which allowed nonresident workers in Palau without legal status to be placed under legal employment. However, the government did not meet the minimum standards in several key areas. The government remained without standard operating procedures (SOPs) for victim identification and referral to services, leading to insufficient identification and protection services. The government did not convict any traffickers and, upon appeal, acquitted one previously convicted trafficker. The government also did not investigate indicators of trafficking in labor recruitment and contract violations experienced by many foreign workers. Official complicity reportedly continued to play a role in facilitating trafficking and hindered law enforcement efforts.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials, under trafficking laws and sentence traffickers to adequate penalties, which should involve significant prison terms. • Develop, disseminate, and train officials on SOPs for the proactive identification of trafficking victims and their referral to protection services. • Enforce the anti-trafficking laws punishing recruiters, employment agents, and labor officials for illegal practices that facilitate trafficking. • Increase resources for and

develop victim protection and rehabilitation services, including long-term shelter options, interpretation services, and medical and psychological care. • Amend anti-trafficking laws to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses and do not prosecute or penalize victims for unlawful acts traffickers compelled the victim to commit. • Create and implement a system to proactively offer foreign trafficking victims job placements and work visa extensions. • Establish and implement witness confidentiality procedures. • Increase anti-trafficking awareness among vulnerable populations, including foreign migrant worker communities. • Establish a mechanism for the systematic monitoring of government anti-trafficking efforts.

PROSECUTION

The government maintained law enforcement efforts. Sections 2106-2108 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 25 years' imprisonment, a fine of up to $250,000, or both if the victim was an adult and up to 50 years' imprisonment, a fine of up to $500,000, or both if the victim was under age 18. These penalties were sufficiently stringent, but by allowing for a fine in lieu of imprisonment for sex trafficking crimes these penalties were not commensurate with penalties prescribed for other serious crimes, such as rape. The Ministry of Justice's anti-human trafficking office (AHTO) investigated five trafficking cases, which included three potential cases of labor trafficking and exploiting a trafficked person and two potential cases of sex trafficking, compared with 11 potential trafficking case investigations in 2018 and 14 in 2017. These investigations resulted in the arrests of two alleged traffickers; all other investigations remained ongoing at the end of the reporting period. The government also reported that four forced labor investigations and one sex trafficking investigation remained ongoing from the previous reporting period. The attorney general's office (AGO) initiated the prosecution of two alleged traffickers during the reporting period, compared with one prosecution in 2018 and three in 2017. The government did not convict any traffickers in 2019, compared with one conviction in 2018 and three convictions in 2017. In one case, the court dismissed all trafficking charges as part of a plea agreement; in the other case, the court found the alleged offender not guilty of labor trafficking, "people trafficking," or exploiting a trafficked person. In 2018, the courts convicted one Bangladeshi national of labor trafficking and sentenced him to 25 years' imprisonment; however, upon appeal, courts acquitted the alleged trafficker of all charges in June 2019.

Observers noted official complicity continued to play a significant role in facilitating trafficking, hindering law enforcement efforts to combat trafficking. As reported last year, the AGO continued to investigate allegations of official complicity but did not report the details of the allegations or the number of officials involved. The AGO did not initiate prosecutions or secure convictions of complicit officials during the year. The government provided in-kind support for 10 law enforcement trainings hosted by a foreign government to approximately 200 officials during the reporting period; while these trainings were not specific to trafficking, they included anti-trafficking components related to investigation and victim identification. Despite these trainings, observers stated officials generally continued to lack an understanding of trafficking.

PROTECTION

The government maintained weak efforts to protect victims. The AHTO continued developing a victim identification tool but had not completed or approved the tool; consequently, the government remained without SOPs for victim identification and referral to services. The government reported identifying four adult, foreign national victims of labor trafficking, compared with seven victims identified in 2018 (five potential victims of labor trafficking and two potential sex trafficking). In past years, an international organization explained the small number of identified victims by stating only the most egregious cases of trafficking were likely to come to the attention of authorities because of the lack of proactive identification procedures and foreign migrant workers' reluctance to complain to authorities out of fear that such complaints would result in job termination and deportation. The AHTO provided protective services to six victims involved in investigations and prosecutions. Similar to last year, the AHTO offered temporary shelter for trafficking victims; however, all identified victims requested to stay with friends or relatives. Investigators continued to employ local interpreters as needed in Bengali, Mandarin, and Tagalog. The government did not fund or provide any other emergency protective services to adult trafficking victims, such as medical or psychological care. As in previous years, the lack of support services reportedly led some victims to leave the country rather than pursue legal recourse.

The government did not report funding an NGO to assist trafficking victims with legal counseling and representation before labor and immigration hearings in 2019, compared with contributing approximately $15,000 to an NGO for these purposes in both 2017 and 2018. Similar to previous years, the AGO did not request restitution for trafficking victims, reportedly due to an inability to submit admissible evidence. The government offered ad hoc short-term legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution; the attorney general could designate victims as "vulnerable," making them eligible for alternate employment and accommodation assistance. The Division of Labor reported providing victims with temporary employment placements. The judicial system did not keep victim identities confidential and in the recent past, defendants in trafficking cases threatened witnesses. While the 2005 Anti-Smuggling and Trafficking Act granted victims immunity from prosecution for the "act of people trafficking," the vague language permitted prosecution for unlawful acts the trafficker compelled the victim to commit, such as commercial sex or petty crime. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to a lack of formal identification procedures, authorities may have detained some unidentified victims.

PREVENTION

The government increased efforts to prevent trafficking. In May 2019, Palau acceded to the 2000 UN TIP Protocol. The AHTO continued to lead the coordination of all national efforts to combat human trafficking. The AHTO was exclusively responsible for the implementation of the NAP and received funding from the National Congress. The AHTO also continued to oversee the Human Trafficking Task Force, which included members from civil society organizations, who assist victims of trafficking and recommend anti-trafficking programs and policies. The NAP expired in December 2019; at the end of the reporting period, the government reported it was updating the NAP to include a five-year plan to address all forms of trafficking. The Division of Labor conducted general public awareness on government policies regarding the employment of foreign workers, and the Office of the Special Prosecutor continued public awareness campaigns on government corruption and human trafficking. The AHTO, in partnership with an international organization, distributed pamphlets, posters, and information sheets to all states to raise public awareness. It did not conduct educational or public awareness campaigns for employers or labor recruiters. The AHTO continued to staff a mobile phone number for trafficking tips with on-call AHTO investigators who spoke Palauan and English and received an average of three calls per week, resulting in four investigations during the reporting period.

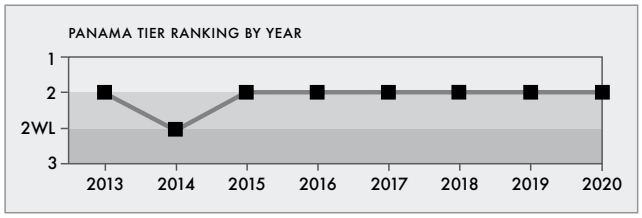
In 2019, the government approved the rules and regulations of the labor division to increase protections for foreign migrant workers. The updated regulations included an amnesty period from November to December 2019 for nonresident workers in Palau without legal status to be placed under legal employment and new mechanisms to ensure employers had sufficient funds to cover wages and return tickets of migrant workers to prevent unauthorized deduction of wages. The government did not report cases of the law's implementation during the reporting period. The regulations also mandated that employers engaged in illegal recruitment of migrant workers could not hire new workers. At the end of the reporting period, the government reported the data collected from the foreign migrant workers who had applied for amnesty would be used to improve investigation of fraudulent recruiters and increase screening for trafficking among migrant workers. The government provided anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human trafficking of foreign victims occurs in Palau. Palau's foreign population, about one-third of the country's population of 21,400, is especially at risk for trafficking. Filipino, Bangladeshi, Nepali, Chinese, Thai, and Korean men and women pay thousands of dollars in recruitment fees and willingly migrate to Palau for jobs in domestic service, agriculture, restaurants, or construction; upon arrival, traffickers exploit some in conditions substantially different from what had been presented in contracts or recruitment offers, and some become trafficking victims. Women from the Philippines and China are recruited to work in Palau as waitresses or clerks, but traffickers exploit some in sex trafficking in karaoke bars or massage parlors. Foreign workers on fishing boats in Palauan waters also experience conditions indicative of human trafficking. Official complicity plays a role in facilitating trafficking. Authorities have investigated government officials—including labor, immigration, law enforcement, and elected officials—for complicity in trafficking crimes.

PANAMA: TIER 2

The Government of Panama does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Panama remained on Tier 2. These efforts included convicting more traffickers, granting work permits for foreign trafficking victims, and identifying more potential trafficking victims. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer traffickers, did not fund the establishment of a planned trafficking-specific shelter, and did not amend the anti-trafficking law to make it consistent with international law.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute alleged traffickers, including those involved in child sex tourism. • Amend the anti-trafficking law to include force, fraud, or coercion as essential elements of the crime rather than aggravating factors. • Remove the requirement of movement from the statutory definition of trafficking in persons under the criminal code. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Allocate dedicated funding for specialized victim services, including through the special fund for trafficking victims and funding for civil society organizations. • Establish and fund the specialized trafficking shelter. • Inform foreign victims of their rights as trafficking victims, including access to the temporary residency permit and services, and process corresponding requests in a timely manner. • Develop and disseminate a procedural manual to guide prosecutors and judges in trafficking cases. • Train law enforcement and prosecutors to investigate and prosecute traffickers using the trafficking offense rather than a lesser offense. • Increase training for government officials in victim identification and referral, including proactive screening of vulnerable populations such as migrants and individuals in commercial sex. • Consistently inform victims of their right to apply for restitution from the courts and access to a lawyer to assist them. • Use existing laws and regulations to revoke the licenses of fraudulent recruiters.

PROSECUTION

The government maintained prosecution efforts. Article 456 of the penal code did not criminalize all forms of sex trafficking and labor trafficking because it required movement to constitute a trafficking offense. It prescribed penalties of 15 to 20 years' imprisonment for trafficking offenses involving an adult victim and 20 to 30 years' imprisonment for those involving a child victim or other aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The government charged some child sex traffickers with non-trafficking offenses, which carried lighter sentences. Article 180 criminalized "the prostitution of minors" with penalties of four to six years' imprisonment and a fine of 5,200 balboas ($5,200). Article 186 criminalized purchasing commercial sex acts from a child and prescribed penalties of five to eight years' imprisonment.

Authorities initiated five trafficking investigations (four for sex trafficking and one for labor trafficking) involving 12 suspects, compared with 32 trafficking investigations (25 for sex trafficking and seven for forced labor) involving 19 suspects in 2018, 18 trafficking investigations involving 17 suspects in 2017, and seven sex trafficking investigations involving 13 suspects in 2016. Officials reported six ongoing investigations from previous reporting periods. The government prosecuted 10 suspects for trafficking (six for sex trafficking and four for labor trafficking), compared with 12 in 2018 and 24 in 2017. Panama transitioned from the inquisitorial to adversarial system in 2016, which prosecutors report resulted in a higher than average number of cases brought to prosecution in 2017 due to backlogs. Seven accused traffickers awaited trial in prosecutions initiated prior to 2019. Authorities convicted 13 traffickers, all for sex trafficking, during the reporting period, compared with eight traffickers—seven sex traffickers and one labor trafficker—in 2018 and seven traffickers in 2017. These convictions stemmed from crimes committed in 2015, 2016, and 2017. The government sentenced traffickers to four to 25 years' imprisonment, compared with four to 17 years' imprisonment in 2018 and 10 to 15 years' imprisonment in 2017. In one case, the courts absolved one of two accused traffickers but subsequently convicted on appeal, sentencing him to 15 years' imprisonment. Observers reported that a lack of procedural guidelines for judges and prosecutors occasionally hindered successful convictions. The government

did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Government officials received training to discourage and prevent complicity in trafficking.

The government reported cooperating with multiple countries' law enforcement on trafficking issues, including investigation and prosecution. Panamanian law enforcement collaborated with U.S. officials to arrest, prosecute, and convict a U.S. citizen sex trafficker who moved an underage Cambodian victim through Panama en route to the United States; officials in Panama identified the victim after a sailor reported trafficking indicators during the trafficker's attempts to book passage for the victim on a Panamanian vessel. Panama and Colombia implemented collaborative measures under a memorandum of understanding, which included police cooperation and judicial information sharing. The government expanded training for law enforcement, including providing specialized training in trafficking investigations to National Police officers, and worked with the attorney general's organized crime office to investigate cases. However, it did not reopen a dedicated anti-trafficking unit closed in a previous reporting period. The government funded and provided anti-trafficking training on victim care and case referral to the national police, and it used mock trials to familiarize prosecutors, police officers, judges, and magistrates with trafficking procedures. Other trainings targeted the national border service at the northern and southern borders. International partners provided access to online training modules and a trafficking expert for specialized trainings.

PROTECTION

The government slightly increased protection efforts. The government identified 61 potential trafficking victims—33 sex trafficking, 26 labor trafficking, and two exploited in other forms of trafficking—compared with 46 potential trafficking victims in 2018 and 59 trafficking victims in 2017. Officials referred all victims to the Technical Unit for Attention and Protection of Victims and Witnesses (UPAVIT), which provided legal and other assistance to victims and physical protection to victims, witnesses, and experts. The government had guidelines for victim identification and protection, which outlined the formal procedures, internal guidelines, and training materials used by referring officials and UPAVIT. The National Anti-trafficking Commission produced an identification form to assist officials who encountered potential victims; observers noted the form's distribution was incomplete, leaving some potential victims vulnerable to misidentification. UPAVIT provided 52 of the 61 identified victims services, and a number of victims identified in previous reporting periods continued to receive services. The government trained representatives from the women's institute, the public ministry, clinics, the victim identification unit, and the private sector in early victim identification and referral. Government officials reported police officers identified several trafficking victims in the course of routine duty, including a transgender woman who approached officers after escaping her traffickers. In another instance, a National Police officer inquired about bruising on a woman's arm and noted trafficking indicators in her response.

The government maintained the Special Fund for Victims of Trafficking in Persons mandated by the anti-trafficking law and established an office to manage trafficking funds, but there was no budget allocation specific to the anti-trafficking commission or victim services. As a result, agencies drew from their general budgets to fund the anti-trafficking commission and the provision of food, shelter in hotels, transportation, and psychological and legal services for potential victims. In 2019, UPAVIT reported $54,540 in expenditures for services to trafficking victims. The government reported drafting an operating budget for a shelter to serve trafficking victims; the government discussed establishing a shelter in 2017 but did not secure funding or begin construction. As a result, authorities continued to place victims in hotels, from which they were free to leave, and covered the cost of the hotel rooms or allowed victims to return to their country of origin. Many victims chose to return to their home countries or reside with family and friends rather than stay in hotels, potentially inhibiting victim-witness support in pending trafficking cases.

Foreign national victims were eligible for short-term humanitarian visas and temporary residency permits extendable up to six years. In May 2019, the government issued an executive decree allowing trafficking victims to apply for work permits. The anti-trafficking commission provided legal assistance to victims seeking no-cost residency or work permits. During the reporting period, 20 victims received humanitarian visas, 13 received residency permits, and nine received work permits. The government helped to repatriate victims from Colombia and Costa Rica, as well as one Panamanian exploited in trafficking abroad. The government made available specialized interview rooms to allow victims to provide testimony privately in order to minimize the risk of re-traumatization during the judicial process, but it did not report using the rooms. The government seized assets derived from human trafficking activities and allocated the proceeds to services for trafficking victims. The law allowed victims to request restitution through a complaint or civil suit; lawyers from the anti-trafficking commission were available to assist victims seeking restitution. Two victims filed for restitution in 2019.

PREVENTION

The government maintained prevention efforts. The anti-trafficking commission continued implementing its 2017-2022 national anti-trafficking action plan through a yearly operation plan. The government carried out awareness campaigns outlined in the action plan with the assistance of international organizations. The anti-trafficking commission chronicled the government's anti-trafficking efforts during the reporting period and worked with an international organization to prepare a report for publication. During the reporting period, the Ministry of Security established an anti-trafficking office to support prevention measures and coordinate anti-trafficking efforts. Panama chaired a regional coalition against human trafficking and migrant smuggling, which worked to establish regional prevention and communication strategies, among other initiatives. The government distributed flyers in two rural towns and high-traffic areas of the capital city. The government operated several hotlines, including a national police hotline to receive tips and a 311 number for the public to report possible cases or request inspections of businesses, but it did not report the number of calls received related to trafficking. National laws and regulations provided the authority to revoke the licenses of fraudulent recruiters and recruitment fees, but the government did not report enforcing them. Labor inspectors received training to identify trafficking indicators during routine inspections, and the Ministry of Labor distributed flyers to inform workers of their rights. The government did not make efforts to reduce the demand for commercial sex acts. The Panamanian Commission against Sexual Exploitation Crimes (CONAPREDES) continued its campaign against the sexual exploitation of minors—including child sex trafficking—through 49 awareness workshops on identifying and referring potential victims for students, parents, teachers, and other professionals. The Ministry of Education funneled prevention resources to at-risk areas outside the capital based on the recommendations of trained "liaisons." CONAPREDES provided training for hotel and tourism staff and shared best practices for the tourism industry both in Panama City, as well as in more remote locations.

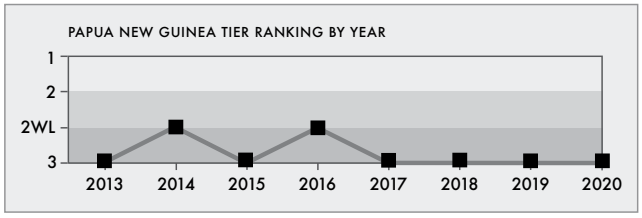
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Panama, and to a lesser extent, traffickers exploit victims from Panama abroad. Traffickers exploit

children in forced labor, particularly domestic servitude and sex trafficking in Panama. Most identified trafficking victims are foreign adults exploited in sex trafficking, especially women from South and Central America. However, traffickers also exploit Panamanians in sex trafficking in Panama, the Caribbean, and Central and South America. Traffickers exploit transgender individuals in sex trafficking due in part to increased vulnerability because of discrimination and high demand for commercial sex acts from this population. Venezuelan and Nicaraguan migrants were increasingly at risk for both sex and labor trafficking. Traffickers exploit some men and women from Central America who transit Panama en route to the Caribbean or Europe in sex trafficking or forced labor in their destination countries. Traffickers exploit indigenous females in forced labor in rural, impoverished border areas of the country. Traffickers exploit Central and South American, Chinese, and Vietnamese men in forced labor in construction, agriculture, mining, restaurants, door-to-door peddling, and other sectors using debt bondage, false promises, exploitation of migratory status, restrictions on movement, and other means. Traffickers have forced victims to consume illegal drugs as a coercive measure. Men from the United States have been investigated as child sex tourists in Panama. Government officials have been investigated and arrested for alleged involvement in trafficking.

PAPUA NEW GUINEA: TIER 3

The Government of Papua New Guinea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Papua New Guinea remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including continuing to identify some trafficking victims and the continued advancement of a prominent trafficking prosecution initiated in a previous reporting period. However, the government again did not provide or fund protective services for victims, nor did it systematically implement its victim identification procedures. Endemic corruption among officials, particularly in the logging sector, continued to facilitate vulnerability to sex trafficking and forced labor among foreign and local populations. Since the enactment of the 2013 law, the government has not achieved a single trafficking conviction. An acute lack of financial and human resources dedicated to anti-trafficking efforts, as well as very low awareness among government officials and the public, hindered progress.



PRIORITIZED RECOMMENDATIONS:

Disseminate and systematically implement existing standard operating procedures (SOPs) for victim identification, referral, and protection and widely train police, immigration, and customs enforcement officers on the SOPs. • Investigate and prosecute trafficking offenses and sentence convicted traffickers to significant prison terms, including victims' family members and officials who facilitate or directly benefit from trafficking. • Amend the criminal code to criminalize child sex trafficking without elements of force, fraud, or coercion in accordance with the 2000 UN TIP Protocol. • In collaboration with civil society, screen for trafficking indicators among vulnerable groups, including internally displaced persons, communities located near commercial forestry operations, children in communities marked by inter-tribal conflict, and individuals—including children—apprehended for illegal fishing, desertion from foreign-registered fishing vessels, illegal logging, illegal gold panning, or immigration crimes. • Increase protective services for victims of trafficking in coordination with NGOs and international organizations. • Protect victims from arrest, deportation, or other punishment for unlawful acts traffickers compelled them to commit, and clarify who has the authority to designate an individual as a trafficking victim and simplify the process for doing so. • Allocate resources, including dedicated staff, to government agencies to implement the national action plan and SOPs. • Increase collaboration with civil society groups, the private sector, and religious and community leaders to raise awareness of and reduce demand for commercial sex acts and forced labor, especially of children. • Take steps to eliminate recruitment or placement fees charged to workers by labor recruiters and ensure any recruitment fees are paid by employers. • Strengthen the national anti-trafficking committee by regularizing its meetings and functions, designating senior officials to represent their agencies, increasing awareness of and participation in the committee by civil society and protection stakeholders, and allocating resources for its activities. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained insufficient law enforcement efforts. The Criminal Code Amendment of 2013 criminalized most forms of sex trafficking and all forms of labor trafficking and prescribed penalties of up to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. The government did not report any new trafficking investigations and, for the third consecutive year, the government did not report any new prosecutions. Since the enactment of the 2013 law, the government has never achieved a single trafficking conviction. The government did not report any updates to court proceedings, which had commenced last reporting period, of a sex trafficking case from 2016. The defendant, initially charged with seven counts of trafficking for allegedly subjecting six Papua New Guinean women and one girl to sex trafficking, filed for dismissal of the case. In October 2018, the National Court dismissed his no-case submission but acquitted him on one count of trafficking due to the relevant victim's inability to provide evidence. The government did not report updates to the remaining six trafficking counts at the end of the reporting period. In connection with the above case, an investigation opened in 2017 against a police commander for allegedly subjecting eight women to sex trafficking and forced labor was still in process at the end of the reporting period. In January 2020, law enforcement and immigration officials conducted a raid on a night club in Port Moresby and detained eight potential trafficking victims, but it was unclear whether a full trafficking victim assessment was conducted before the women were reportedly deported for immigration violations.

An international organization provided anti-trafficking training to 74 judicial officials, and the government provided some logistical support for the event. National and provincial officials' limited understanding of trafficking hindered effective law enforcement activity. Enforcement agencies and most government offices remained weak as a result of underfunding, political instability, corruption, cronyism, a lack of accountability, and a promotion system based on patronage. Observers also ascribed poor

prosecutorial efforts to widespread observance of customary justice practices, fear of retribution and distrust of law enforcement among victims, and insufficient resources and political will among urban law enforcement to conduct investigations in rural areas.

PROTECTION

The government maintained inadequate efforts to protect victims. The government maintained SOPs for victim identification, but authorities continued to lack a written guide as recommended in the national action plan, and general awareness of the SOPs among front-line officers was limited. In addition, the government noted the SOPs contained no measures to screen for trafficking indicators among adults arrested for commercial sex. The government did not have a structured plan to monitor, secure, identify, or refer victims among vulnerable communities in IDP camps as a result of conflict or natural disasters. Logging and mining sites primarily operated in remote regions with negligible government oversight, and authorities did not make efforts to identify sex or labor trafficking victims at these sites. Officials did not seize any foreign vessels for trafficking or illegal fishing for the third consecutive year, despite reported prevalence of the crime. The government provided law enforcement agencies rapid screening forms and related victim identification training; however, police continued to rely upon foreign expert assistance to identify victims. Authorities reportedly identified three trafficking victims during the reporting period, compared with the government and an international organization jointly screening for trafficking indicators among 17 individuals in 2018, which culminated in the positive identification of six trafficking victims.

The government did not allocate any resources for victim protection services and referred the three victims to an international organization for services. Civil society organizations provided medical and short-term shelter services to victims without financial or in-kind support from the government. Male victims could receive ad hoc services, and female and child victims could receive services through NGO-run gender-based violence programs; there were no services specifically tailored to the needs of trafficking victims. The victim identification procedures included guidance for protecting foreign victims from punishment for immigration crimes committed as a result of trafficking; however, authorities punished some victims for such crimes due to ineffective victim identification, poor interagency coordination, and a lack of clarity over who had the authority to verify an individual as a victim of trafficking. In January 2020, police and immigration officials detained eight Chinese women allegedly engaged in commercial sex at a club catering to Asian businessmen in Port Moresby. While they reportedly consulted an international organization for guidance on victim identification, it was unclear if the government implemented systematic screening for trafficking indicators. Despite being unable to locate the alleged business owner at the time, the eight women were reportedly deported for immigration violations. Law enforcement arrested migrant workers at illegal logging operations, despite their having been ordered to work at those sites by companies operating with the permission of a separate government agency; some of these workers may have been unidentified trafficking victims. Observers reported a law allowing officials to apprehend foreign fishermen for desertion in port may have dissuaded some victims of forced labor from escaping and reporting their abuses. In prior years, authorities arrested and prosecuted children who were forced to pan for gold in areas where this activity was illegal; the National Anti-Human Trafficking Committee last reported efforts to screen these children for trafficking indicators in 2017. The law provided legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, but the government did not report offering this protection to any victims in 2019. The government allowed "ongoing stay" for trafficking victims but did not extend the service to any individuals during the reporting period, and it lacked provisions for victims to seek compensation through civil suits.

PREVENTION

The government decreased efforts to prevent trafficking. The National Anti-Human Trafficking Committee continued to operate with insufficient resources; the government did not appoint specific committee members to represent relevant agencies, and some key interagency stakeholders were unaware of its existence. The Committee met infrequently, met without participation from non-governmental protection stakeholders, and, like last year, did not report participating in informational sessions to gauge stakeholder awareness of the crime. In partnership with an international organization, the Ministry for Police hosted an intergovernmental forum in October 2019 to raise awareness of trafficking, but key stakeholders from the government's anti-trafficking interagency were not present. The government did not demonstrate measurable progress in, or allocate any resources to, the implementation of its national plan of action, and key government officials were unaware of the plan. Authorities did not conduct any awareness-raising campaigns or community outreach to educate the public about trafficking indicators. The government did not conduct research to address its trafficking problem, nor did it operate an anti-trafficking hotline. The government did not have effective policies to regulate foreign labor recruiters or hold them liable for fraudulent recruitment practices. With only two labor inspectors per province, inadequate resources, and endemic corruption, the government did not take adequate steps to prevent forced labor in the highly vulnerable logging industry. To the contrary, authorities in some cases issued forestry permits in violation of preexisting land ownership rights and without further oversight, leading to the displacement and heightened vulnerability of the land's previous occupants and to increased risk of labor exploitation among forestry workers. Furthermore, the government reported no regulation of recruitment fees, which continued to constitute a significant driver of debt-based coercion among foreign workers. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to decrease the demand for commercial sex acts. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Papua New Guinea, and they exploit victims from Papua New Guinea to trafficking abroad. Traffickers use Papua New Guinea as a transit point to exploit foreign individuals in other countries. Traffickers exploit foreign and local women and children in sex trafficking, domestic servitude, forced labor in the tourism sector, manual labor, forced begging, and street vending. According to international NGO research conducted in previous years, approximately 30 percent of Papua New Guinean sex trafficking victims are children under the age of 18, with some as young as 10 years old. Immediate family or tribe members reportedly subject children to sex trafficking or forced labor. Some parents force children to beg or sell goods on the street, and some sell or force their daughters into marriages or child sex trafficking to settle debts, resolve disputes between communities, or support their families.

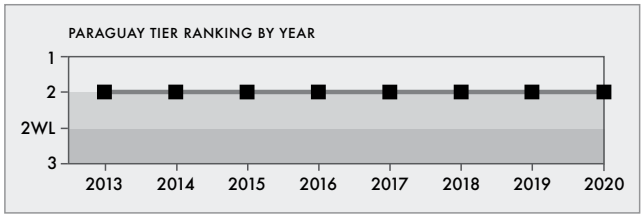
Marriages in Papua New Guinea commonly involve a "bride price" of money or chattel paid to the wives' families by the husbands' families, who use the bride price as debt to compel women to remain in abusive or servile marriages. Some parents reportedly transfer their children—some as young as 12—to other families via informal paid adoption arrangements that, absent monitoring or registration practices, increase their risk of exploitation; this is particularly prevalent among girls, whom adoptive families often

seek out as potential sources of future bride-price income. Young girls sold into polygamous marriages may be forced into domestic service for their husbands' extended families or exploited in sex trafficking. Within the country, traffickers lure children and women with promises of legitimate work or education to travel to different provinces, where they are exploited in sex trafficking or domestic servitude. Men reportedly engage in transactional sex with girls as young as 15 in exchange for money, gifts, or mobile phone credits. Tribal leaders reportedly trade the exploitative labor and service of girls and women for guns, to forge political alliances, and to settle disputes with one other. Traffickers subject Papua New Guinean children to forced criminality in illegal gold panning. Boys as young as 12 reportedly experience conditions indicative of forced labor as porters in urban areas. Adolescent boys are also increasingly involved in inter-tribal and intercommunal armed conflict, possibly via forcible recruitment by local leadership. Hundreds of thousands of individuals—particularly women and girls—displaced following earthquakes in 2018 and heightened intertribal conflict are at higher risk of exploitation due to poor or nonexistent IDP camp security and loss of arable land for farming. International observers report increasing intercommunal tensions resulting from this displacement have led to more Papua New Guinean women and girls facing "sorcery" accusations from men in an attempt to psychologically coerce them into forced labor or sex trafficking.

Malaysian and Chinese logging companies arrange for some foreign women to enter the country voluntarily with fraudulently issued tourist or business visas; this practice may also be present at other internationally owned logging sites. After their arrival, many of these women—from countries including Indonesia, Malaysia, Thailand, China, and the Philippines—are turned over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites and exploit them in sex trafficking and domestic servitude. Sex traffickers also reportedly exploit foreign children in Papua New Guinea. Chinese, Malaysian, and local men are subjected to forced labor at commercial mines and logging camps. Burmese, Cambodian, Chinese, Malaysian, Vietnamese, and local men and boys seeking work on fishing vessels go into debt to pay recruitment fees, which vessel owners and senior crew leverage to compel them to continue working indefinitely through debt bondage in Papua New Guinea's exclusive economic zone and in other maritime territories, particularly in tuna fishing. These fishermen may face little to no pay, contract switching, wage garnishing or withholding, harsh working and living conditions, restricted communication, and threats of physical violence as coercive tactics to retain their labor. Often with direct government support, companies reportedly compel these workers to carry out illegal logging and fishing activities, making them vulnerable to arrest. Government officials reportedly facilitate trafficking by accepting bribes to allow undocumented migrants to enter the country or ignore trafficking situations, and some may exploit sex trafficking victims or procure victims for other individuals in return for political favors or votes. Corruption among forestry officials in particular may be permissive of forced labor among loggers and sex trafficking in communities situated near logging sites; some of these officials reportedly accept bribes to issue logging permits in violation of environmental standards and land ownership rights, leading to displacement and concomitant loss of livelihood that make some communities more vulnerable to exploitation.

PARAGUAY: TIER 2

The Government of Paraguay does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Paraguay remained on Tier 2. These efforts included prosecuting and convicting more traffickers; improved international cooperation on trafficking issues, resulting in trafficker arrests and identification of victims; opening a new shelter for child and adolescent victims of trafficking; and identifying more trafficking victims. However, the government did not meet the minimum standards in several key areas. Services for all victims remained insufficient, cooperation with civil society remained inadequate, use of the identification protocol and referral mechanism was ad hoc, and the government did not open any investigations into official complicity. The government did not align its anti-trafficking law with international law and it did not update the national action plan.



PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute alleged traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Increase funding and training to implement victim identification protocols and referral mechanisms to increase proactive identification of trafficking victims. • Increase access to adequate specialized victim services, including for male victims. • Revise the definition of human trafficking under law 4788/12 to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP Protocol. • Increase engagement with civil society actors to assist the government's efforts to prevent trafficking and protect victims, and actively invite and incorporate them as regular participants in the interagency roundtable. • Establish the national anti-trafficking secretariat, as required by law. • Draft an updated national plan to combat trafficking and approve funding for its implementation. • Train law enforcement officials to bolster understanding that child sex tourism is human trafficking. • Adopt reforms to eliminate situations of *criadazgo* (child servitude) and the related abusive practices and working conditions that may amount to trafficking. • Increase funding for the Paraguayan National Police Anti-Trafficking Unit (PNPTU). • Improve interagency coordination and develop a case management database for trafficking cases. • Establish adequate penalties to discourage child labor violations.

PROSECUTION

The government increased prosecution efforts. The Comprehensive Anti-Trafficking Law 4788 of 2012 criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for cases involving adult victims and two to 20 years' imprisonment for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Law 4788/12 established the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime; penalties were increased to two to 15 years' imprisonment under such circumstances. Article 139 of the penal code, which relates to pimping crimes, could be used to prosecute child sex trafficking offenses; it prescribed penalties of eight years' imprisonment for offenses involving children, which are significantly lower than the penalties described under the anti-trafficking law. The PNPTU was responsible for investigating trafficking crimes,

while the Anti-Trafficking Unit (ATU) was the lead prosecuting agency. In 2019, authorities initiated 141 trafficking investigations, 74 for sex trafficking and 67 for forced labor, compared with 110 investigations in 2018. The ATU reported 66 trafficking investigations involving child victims. Authorities filed preliminary charges against 53 traffickers, compared with 25 in 2018 and 53 in 2017. There were 127 additional trafficking cases from previous reporting periods that remained ongoing. The courts convicted 22 traffickers under Law 4788/12, compared with 15 in 2018. The government did not report the number of traffickers convicted of sex trafficking as opposed to labor trafficking, nor did it disclose sentencing data for those convicted. At least six, but perhaps more, convicted traffickers had their sentences commuted to two years' probation without imprisonment.

Anti-trafficking law enforcement operated with low budgetary allocations for a second consecutive reporting period; similar budgeting shortfalls impacted much of the government in 2019. The PNPTU's staff of specialized trafficking officers decreased to 36, compared with 38 in 2018 and 50 in 2017. In 2019, the ATU cooperated with Argentina, Brazil, and Spain on trafficking cases. In one instance, Paraguayan officials conducted a joint investigation with Spanish counterparts, leading to the arrest of nine traffickers and the identification of 12 victims, 11 of whom were Paraguayan. The government announced a bilateral agreement with Brazil to facilitate cross-border collaboration on trafficking issues during the reporting period. With assistance from a foreign government, the ATU participated in five training sessions on labor trafficking for 200 government officials, including judges, prosecutors, investigators, labor inspectors, and immigration officials.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not report investigating any instances of official complicity, though civil society organizations continued to allege police involvement in trafficking activities. Such reports included officials taking bribes from massage parlors and brothels where trafficking crimes allegedly occured, or to issue passports for Paraguayan trafficking victims exploited abroad. The government did not open a formal investigation into allegations that police facilitated sex trafficking of women and girls on barges operating along the Paraguay River

PROTECTION

The government increased protection efforts. The government lacked a centralized database to aggregate efforts taken by various ministries and did not provide comprehensive data on victim identification. The ATU reported identifying 86 victims of trafficking in 2019. The Ministry of Women's Affairs (MWA) and the Ministry of Children and Adolescents (MINNA) further reported identifying nine and 75 victims, respectively. Based on the data available, the potential for overlap between these tallies could not be ruled out. The government reported identifying 70 victims in 2018, all of whom were identified by MINNA, and 90 victims in 2017. The government had a formal victim identification protocol and national referral guide for prosecutors, police, labor inspectors, and border officials; however, use of these tools was inconsistent and ad hoc. In practice, only some government entities had protocols for the proactive identification of victims; the government did not aggregate valuable statistical information on trafficking cases, as it did not have a centralized database to facilitate data collection.

There were two shelters dedicated for female trafficking victims, one managed by the MWA for adults and the other co-managed by MINNA and an NGO for child and adolescent victims. MINNA opened a new government-operated shelter for trafficking victims in 2019. The MWA could also serve female trafficking victims at its two domestic violence shelters. MINNA referred 44 minor victims to its shelters, compared with 48 in 2018. Meanwhile, the MWA assisted 16 victims, seven of whom were receiving continued support after being identified in previous reporting periods. It was unknown whether children identified as victims of forced or child labor during labor inspections were referred to social services. In addition to shelter and food, the government provided psychological support, social assistance, legal advice, and reintegration programs for victims. The government did not have a shelter to assist male trafficking victims; however, the ATU could provide psychological assistance, food, and immediate shelter at hotels on an ad-hoc basis before facilitating the return of male victims to their community of origin. The government did not have significant engagement with civil society. Aside from some funding provided to the NGO operating the MINNA shelter, the government did not provide assistance to NGOs contributing to the protection of victims. Lack of substantive cooperation with civil society limited the government's ability to provide comprehensive care. The overall quality of care for victims was insufficient due to limited resources and the lack of qualified personnel. The ATU continued to provide basic assistance to victims of trafficking due to inadequate victim services provision in other parts of government. However, the ATU did not receive government funding for victim assistance and relied on approximately $16,000 provided by an international organization to assist victims. The government continued to receive support from international partners to provide assistance for victims, including in reintegration. Government officials reported funding was insufficient to assist victims adequately. In 2019, the MWA operated with a budget of 1.55 billion guaranies ($240,970), compared with 1.73 billion guaranies ($269,000) in 2018. In addition, MINNA provided approximately $50,000 to the NGO that operated the specialized shelter for underage victims. The government helped repatriate five victims and referred them to care facilities, compared with five in 2018. Authorities did not provide government officials any training on victim protection for the third consecutive year.

PREVENTION

The government maintained prevention efforts. The Office of the Director General for Consular Affairs (DGCA) was the government entity responsible for coordinating anti-trafficking programs and an interagency roundtable that included representatives from 16 government agencies. In 2019, the roundtable held two committee sessions and four plenary sessions. Law 4788/12 did not require participation of civil society in the roundtable, and authorities provided them a limited role. The roundtable's plenary sessions were officially open to civil society, but a number of NGOs reported they did not receive consistent notification of meetings. Poor and informal interagency coordination limited the government's ability to monitor, collect, and report statistics. The government lacked a national anti-trafficking secretariat, despite the 2012 law mandating its creation. Several observers reported the absence of a dedicated agency limited the effectiveness of anti-trafficking efforts. Two NGOs served as liaisons between the roundtable and civil society; however, observers indicated engagement was cursory and insufficient. The roundtable discussed but took no action to establish a 2019-2022 national plan to combat trafficking; meanwhile, the expired 2014-2018 national plan was still pending presidential approval during the reporting period.

The government continued to post brochures and posters in bus terminals, airports, and border crossings to promote awareness of trafficking. The government maintained hotlines to report crimes against women and children, which included trafficking, as well as a trafficking and exploitation complaint web hotline. While authorities did not provide the number of reports of trafficking received via these sources, they did report that 90 percent of investigations originated with hotlines. Authorities continued

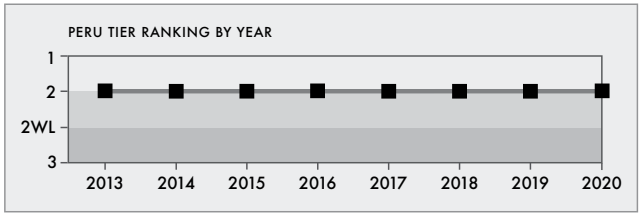
to operate a cell phone app version of the hotline to promote its use among younger audiences; the government received eight trafficking complaints through the app. The ATU created a new email inbox to receive trafficking complaints, which yielded viable investigations during the reporting period. The government did not allocate funds for public awareness campaigns; instead, it relied on partnerships with civil society, businesses, and trade unions to run campaigns in high-risk areas. In one such collaboration, the public ministry orchestrated a multi-city trafficking awareness theatrical production funded by the Spanish government. In the Chaco region, an area with high prevalence of labor trafficking, the Ministry of Labor supported a project, initiated by outside sources, to raise trafficking awareness among employers. The Ministry of Labor-contracted inspectors received training on child labor; the 25 labor inspectors conducted 341 worksite inspections, through which they identified three child labor violations. Observers noted monetary fines levied against employers for child labor violations were not sufficient to discourage the practice. The government did not make efforts to reduce the demand for commercial sex acts. Additionally, the government did not identify or investigate crimes of child sex tourism in Ciudad del Este and the Tri-Border area as trafficking crimes. The Ministry of Foreign Affairs and the DGCA trained diplomatic and consular staff on anti-trafficking laws, protocol, and interagency coordination. However, the government did not provide anti-trafficking training for all diplomatic personnel deployed abroad.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Paraguay, and traffickers exploit victims from Paraguay abroad. The practice of compelling children to labor as domestic workers, *criadazgo*, is perhaps the most common form of trafficking in the country. Middle- and upper-income families in both urban and rural areas take on children, almost exclusively from impoverished families, as domestic workers and provide varying compensation that includes room, board, money, a small stipend, or access to educational opportunities. An estimated 46,000 Paraguayan children work in situations of *criadazgo*; many of these children are highly vulnerable to sex and labor trafficking. Although *criadazgo* mainly affects young girls, boys are increasingly at risk. Indigenous persons are particularly vulnerable to trafficking. Boys are often victims of forced labor in the agriculture industry, domestic service, criminality, and in some cases as horse jockeys. Traffickers exploit Paraguayan women and girls in sex trafficking within the country, and transgender Paraguayans are vulnerable to sex trafficking. In the Chaco region, traffickers exploit adults and children in debt bondage. Children engaged in street vending and begging and working in agriculture, mining, brick making, and ranching are vulnerable to trafficking. Paraguayan victims of sex trafficking and forced labor have been identified in Argentina, Brazil, Chile, China, Colombia, Mexico, Spain, and other countries. Traffickers recruit Paraguayan women as couriers of illicit narcotics to Europe and Africa, where they subject them to sex trafficking. Traffickers move female trafficking victims regionally and to Europe via transit countries including Argentina, Bolivia, Brazil, and Spain. Paraguayan women and girls are vulnerable to trafficking on ships and barges navigating the country's major waterways. Traffickers exploit Paraguayan children in forced labor in the cultivation and sale of illicit drugs in Brazil. Foreign victims of sex and labor trafficking in Paraguay are mostly from other South American countries. The tri-border area between Argentina, Brazil, and Paraguay is vulnerable to trafficking given the lack of regulatory measures, insufficient transnational cooperation, and the fluidity of illicit goods and services. Civil society and victims reported instances of officials—including police, border guards, judges, and public registry employees—facilitating sex trafficking, including taking bribes from brothel owners in exchange for protection, extorting suspected traffickers to prevent arrest, and producing fraudulent identity documents.

PERU: TIER 2

The Government of Peru does not fully meet the minimum standards for the elimination of trafficking but it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Peru remained on Tier 2. These efforts included more than doubling government capacity to provide specialized services to child trafficking victims by opening four new shelters for child victims, finalizing a guide for providing individualized reintegration plans for victims, and increasing penalties for individuals who purchase sex acts from child trafficking victims. However, the government did not meet the minimum standards in several key areas. For the second consecutive year, the Peruvian government cut its budget to address trafficking and did not complete a mandated report to congress on the implementation of its anti-trafficking efforts. The government did not prosecute or convict any suspected traffickers arrested during operations on illegal mining camps in previous years, and services for adult and male victims remained inadequate.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute both sex and labor trafficking offenses, convict and punish traffickers, and apply adequate sentences to convicted traffickers. • Improve cooperation among criminal justice officials and between service providers and increase efforts to employ victim-centered, trauma-informed procedures in law enforcement operations, investigations, and criminal justice proceedings. • Dedicate increased resources to planning multi-sectoral, intelligence-driven law enforcement operations that include arrangements for prompt removal of victims to secure locations segregated from traffickers, victim-centered interviews, and quick transition to care and shelter for identified victims. • Increase efforts to investigate and prosecute trafficking-related corruption and official complicity, and convict and punish complicit officials for these crimes. • Continue to increase funding for and access to specialized, comprehensive services—to include legal, medical, psycho-social, shelter, case management, educational or vocational, and reintegration assistance—for all Peruvian and foreign victims, including men, LGBTI children, and labor trafficking victims. • Dedicate adequate funding in ministry and regional government budgets to carry out anti-trafficking responsibilities and increase overall resources for fighting trafficking. • Develop, fully implement, and train officials on government-wide protocols to guide proactive identification and referral of suspected sex and labor trafficking victims, including screening for indicators of trafficking among vulnerable groups and with a focus on distinguishing trafficking from related crimes. • Ensure officials across sectors apply a definition of trafficking consistent with international standards, so that all victims exploited in sex or labor trafficking receive access to proper care. • Strengthen and institutionalize training on enforcing anti-trafficking laws, employing victim-centered procedures for police, prosecutors, and judges, and enforce policies to slow turnover among specialized

police. • Cease holding victims in police stations due to insufficient coordination among agencies. • Update existing systems to collect, maintain, and report comprehensive, harmonized, disaggregated data on anti-trafficking efforts. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with the penalties prescribed for other grave crimes, such as rape. • Enforce laws against crimes that facilitate trafficking, such as fraudulent job recruitment, illegal mining and logging, and counterfeit operations.

PROSECUTION

The government maintained prosecution efforts. Article 153 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for offenses involving adult victims, 12 to 20 years' imprisonment for offenses involving victims between the ages of 14 and 18, and a minimum of 25 years' imprisonment for offenses involving victims younger than the age of 14. These penalties were sufficiently stringent; however, with respect to sex trafficking, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include all forms of labor exploitation and illegal adoption or child selling without the purpose of exploitation. The penal code also included separate offenses for "forced labor," "sexual exploitation," and "slavery and other forms of exploitation" that carried penalties of six to 12 years' imprisonment, 10 to 15 years' imprisonment, and 10 to 15 years' imprisonment, respectively. These articles criminalized certain forms of sex and labor trafficking and overlapped significantly with trafficking crimes prohibited in Article 153. The government implemented the new Criminal Procedure Code in 32 of 34 judicial districts. The criminal code has made a positive impact on prosecution procedures, as victims are no longer required to submit a complaint in order for the government to prosecute a suspected trafficker. In June 2019, the government adopted Law 30963, which created additional crimes related to sexual exploitation that could further overlap with trafficking crimes.

The Directorate for the Investigation of Trafficking in Persons and Smuggling of Migrants (DIRCTPTIM), the specialized unit that operates in Lima and focuses on human trafficking and related crimes, reported 186 anti-trafficking operations resulting in 364 trafficking arrests in 2019, compared to 158 operations and 423 arrests in 2018. Prosecutors from the public ministry's anti-trafficking unit participated in 252 anti-trafficking operations and detained 209 suspects, compared with 201 operations and 151 suspect detentions in in 2018 and 122 operations in 2017. In 2019, the government reported 67 prosecutions, 55 convictions, and 23 acquittals. The government provided updated data for 2018 and reported 142 prosecutions, 74 convictions, and 19 acquittals. The government did not report complete sentencing data for convicted traffickers.

In partnership with a foreign government, Peru developed an operational guide for police and prosecutors on best practices for human trafficking cases that was approved in March 2020. Police conducted large anti-trafficking operations in remote locations in coordination with several ministries. In August 2019, the government conducted a large-scale joint operation across Callao, Huánuco, Lima, Moyobamba, Pichari, Puerto Maldonado, and Trujillo, against an organized crime ring called "The Brothers." Officials arrested and detained 12 people for human trafficking offenses, including the Police Chief of the Criminal Investigations Division of Puerto Maldonado. No prosecutions or convictions have taken place; however, the government had active investigations open against all of these individuals. The former police chief was released from preventative detention in late 2019. The government did not report updates on prosecutions or convictions for traffickers arrested during an operation to expel illegal miners in La Pampa during the previous reporting period, or updates on prosecutions or convictions of traffickers arrested in La Pampa in May 2018. In June 2019, the government convicted a couple for human trafficking and slavery for subjecting workers to forced labor inside a workshop, where two workers died in an industrial fire. Authorities sentenced the husband and wife to 35 and 32 years in prison, respectively. Upon appeal, judges reduced their sentences to 30 years for the husband, and 15 years for the wife.

The government and NGOs reported that official complicity in trafficking crimes and widespread corruption in the Peruvian law enforcement and judicial systems severely hampered anti-trafficking law enforcement efforts. Police officers, including members of specialized anti-trafficking units, allegedly accepted bribes from traffickers to avoid conducting investigations. Some judges and prosecutors may have accepted bribes to downgrade trafficking charges to lesser crimes. Officials did not provide any updates on the 2018 arrest of a former police general for suspected trafficking crimes related to an illegal adoption ring. The government did not report any prosecutions or convictions of government employees for complicity in trafficking offenses.

The government had 190 police officers in Lima who were part of DIRCTPTIM. There were 204 other police officers assigned to work on human trafficking throughout the rest of the country, for a total of 394 police officers, compared to 398 specialized police officers reported in 2018. There were insufficient resources to maintain specialized units throughout the whole country. The government did not implement a ministerial resolution requiring anti-trafficking police to remain in their units for at least two years, and frequent turnover among police continued to undermine the police's ability to effectively combat trafficking. Peru had 35 prosecutors specializing in human trafficking in eight regions, with 11 of these prosecutors located in Lima. In November 2019, the mandate for the specialized prosecution unit expanded to include crimes of sexual exploitation, forced labor, and slavery. Previously, only cases charged under Article 153 of the penal code could be assigned to specialized prosecutors; trafficking cases charged under other statutes such as forced labor or sexual exploitation were referred to a general prosecutor. Government and civil society reported that these changes would necessitate additional training for judges and prosecutors. Peruvian officials often applied a narrower definition of trafficking than what was defined in Peruvian law, such as considering recruitment an essential element of a trafficking crime, and applying trafficking statutes only to acts that occurred prior to exploitation. Judges did not receive adequate training on trafficking. Officials reported judges often reduced sex trafficking charges to lesser crimes; required proof of force, fraud, or coercion for child sex trafficking offenses; or disregarded victims' ages and failed to apply relevant penalty provisions applicable in child trafficking cases. NGOs and government officials reported that poor communication and mistrust between police and prosecutors at both the national and regional levels severely hampered anti-trafficking law enforcement efforts. Peru maintained agreements for combatting trafficking with Argentina, Bolivia, Chile, Colombia, and Ecuador.

Although several ministries collected data to track their anti-trafficking law enforcement and victim protection efforts, the government lacked a coordinated data collection system, and data consistency and availability continue to be a weakness in the government's ability to combat trafficking. Peru's overlapping legal framework further complicated data collection efforts, as authorities often charged trafficking cases as similar offenses such as sexual exploitation.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. The national police database (RETA) recorded identifying 765 victims—including 148 girls, 38 boys, and 579 adults—compared with 1,600 suspected victims identified in 2018. Additionally, DIRCTPTIM, which maintained its own database, reported identifying 1,054 victims, including 222 children and 832 adults. The specialized prosecution unit reported identifying 476 victims, compared to 882 victims identified in 2018. It was unclear to what extent victim statistics from the national police, DIRCTPTIM, and the prosecutors overlapped. The government conducted trainings to help local officials improve their ability to correctly identify and refer trafficking victims, but reports still indicated that police and prosecutors' efforts remained inadequate. The government lacked standardized procedures for officials to screen for indicators of trafficking among the vulnerable populations they assisted and refer potential victims to services. Police and prosecutors did not effectively identify indicators of trafficking among women in prostitution, and officials did not effectively distinguish between trafficking and similar crimes, including sexual exploitation and forced labor.

The government had several protocols for providing protection to trafficking victims, and recently developed a new, victim-centered protocol for reintegration of trafficking victims. The government did not specify any new outcomes as a result of the additional protocol. The Ministry of Women and Vulnerable Populations (MIMP) was responsible for coordinating and providing services to victims in partnership with regional governments. The anti-trafficking law (Law 28950) required the government to protect victims by providing temporary lodging, transportation, medical and psychological care, legal assistance, and reintegration assistance; but the government did not wholly fulfill this mandate. Officials cited the lack of adequate protective services as a key impediment to their ability to effectively combat trafficking in Peru, and victim services were often unevenly implemented due to lack of coordination at the national and local level. Criminal justice officials often did not employ a victim-centered approach, and at times they conducted anti-trafficking operations without adequate resources, such as safe places to screen potential victims and provide immediate care. No specific procedures or services existed for LGBTI victims, but the government developed a training guide to help improve service provider capacity; transgender victims, in particular, did not receive adequate care. Services provided to some victims of trafficking were largely the same as services offered to victims of violence or sexual exploitation.

In the previous reporting period, Peru passed a law to strengthen shelter services for victims of trafficking, but reports continued to show that many shelters for victims did not provide adequate levels of care. There were 395 emergency centers (CEMs) run by MIMP available for women and their accompanying children who are victims of domestic violence and sexual abuse. These centers provided short-term shelter, as well as legal, psychological, and social services to an unknown number of female sex trafficking victims, but were not exclusively for victims of trafficking. One hundred and fifty of the CEMs are located in police stations. The public ministry reported 62 emergency spaces that women and children could access when referral to a CEM was not possible. Victims could access the spaces for short-term accommodation, but no specialized services were available to victims of trafficking. Many NGOs operated shelters or provided other services for victims without government support. There were no facilities exclusively for adult male victims, and reports indicated that men were often denied other services.

The government continued to implement a 2017 decree that established MIMP units responsible for providing protection to child trafficking victims. DIRCTPTIM referred identified children to MIMP in order to coordinate services; of the children identified, 130 victims received services, and 114 received care at a specialized shelter. The majority of victims who received services were girls. During the reporting period, the government significantly increased its capacity to provide specialized services to child trafficking victims. It acquired four new properties, refurbished them with support from a foreign donor, and opened new specialized shelters for child trafficking victims in the Cusco, Lima, Loreto, and Puno regions. The government continued to operate three additional shelters exclusively for trafficking victims in the Lima region, including a specialized shelter for girl victims opened in the previous reporting period, bringing the total capacity of these seven shelters to 130 children. Reports indicated that services and staffing at the specialized shelters were robust, with the inclusion of a full-time attorney, medical personnel, and psychologist on staff. However, all of the specialized shelters exclusively served girls. MIMP continued to operate 48 additional residential centers that child victims of trafficking could access, but these shelters were not exclusively for human trafficking victims and services in these facilities were lacking.

Of the victims identified in 2019, 454 were foreign victims, an increase from 235 foreign victims identified in 2018. The majority of foreign victims identified were Venezuelan, with 270 Venezuelan adults and 31 Venezuelan children identified. Other foreign victims included 55 victims from Colombia, 96 victims from Ecuador, one victim from Panama, and one victim from Bolivia. Foreign victims were eligible for temporary and permanent residency status, as well as monetary assistance, but the government did not report services provided to foreign victims. The government coordinated with NGOs to repatriate some foreign victims exploited in Peru; however, many of the foreign trafficking victims chose to remain in Peru. As a result of a bi-lateral partnership, Peru participated in a joint operation with Ecuador, resulting in 37 Ecuadorian victims identified.

The law required the government to provide legal representation to victims, to safeguard their legal rights, and guide them through the legal system. The government had several agencies responsible for providing psychological and social assistance, as well as legal advice to victims. A victim assistance program run by the public ministry reported assisting 920 victims with access to legal and psychological services. However, according to NGO reports, services were often contingent on victims providing statements to investigators. The government did not report whether any victims received restitution in 2019. Inadequate victim identification procedures may have led authorities to arrest, detain, or otherwise penalize trafficking victims for unlawful acts traffickers compelled them to commit. At times, authorities placed child victims in police stations among children apprehended for crimes, where victims faced conditions similar to detention while waiting for referral to shelter.

PREVENTION

The government maintained prevention efforts. The Ministry of Interior (MOI) remained the only ministry with a dedicated budget for anti-trafficking efforts. The MOI allocated approximately four million soles ($1.21 million) to anti-trafficking activities in 2019, a decrease from the approximate eight million soles ($2.41 million) dedicated to anti-trafficking in 2018. Many victims received general assistance not accounted for in these figures, and several ministries conducted anti-trafficking activities but did not have a specific trafficking budget. The government reported that a new framework was developed to monitor the implementation of the National Plan of Action Against Trafficking in Persons (national anti-trafficking plan), in effect until 2021. The interagency commission that coordinated Peru's anti-trafficking efforts was responsible

for coordinating implementation of the national anti-trafficking plan and preparing the corresponding budget. The government was required to produce a report on its anti-trafficking efforts and present it to congress, but it failed to produce this report within mandated parameters this year. Political instability impacted ministerial coordination to implement Peru's anti-trafficking plan during the reporting period. Officials at every level noted that inadequate funding hindered their ability to effectively combat human trafficking, especially victim protection efforts.

Twenty-three of the 24 regional governments had operational plans to address human trafficking at the local level. The government continued implementation of the plan to increase protection for domestic workers, which included strengthening oversight of employment agencies and improving responses to suspected forced labor or child labor. The government signed on to a global initiative called Alliance 8.7 dedicated to eliminating human trafficking and related issues.

The National Superintendent of Labor Inspection (SUNAFIL) opened five new regional labor inspection offices, for a total of 21 labor inspection offices throughout the country. However, the government reported a decrease in the number of SUNAFIL inspectors across the country from 636 to 607 and noted that staffing was not sufficient. A team within SUNAFIL specialized in child and forced labor inspections, and labor inspectors participated in joint raids with police that led to victim identification. Additionally, SUNAFIL approved a new protocol for specialized child and forced labor inspections, as well as a new protocol to protect foreign laborers. SUNAFIL conducted 102 in-person awareness activities on forced and child labor. The labor ministry implemented a new accreditation process for companies producing agricultural products free from child labor.

The government provided in-person training and awareness workshops in 10 regions of the country and four virtual workshops on human trafficking identification and victim referral, reaching more than 800 government employees and members of civil society. Officials also hosted a workshop for 120 police officers to help improve their ability to identify victims. The government reported efforts to raise awareness among the tourism sector by providing technical assistance to 22 regions on human trafficking and tourism. Other awareness efforts included producing and disseminating written awareness materials through social media, various fairs, parades, workshops, and television programs. The government also supported several initiatives specifically aimed at educating children and students, including student workshops, informational campaigns at transit stations, and distribution of written materials. MIMP continued to operate its street educators program targeting outreach to children involved in begging and other potential cases of exploitation. Various ministries conducted additional awareness-raising efforts, often in partnership with international organizations and NGOs and with foreign donor funding.

NGOs reported that the government often provided in-kind contributions to training activities led by civil society. Other training and awareness activities coordinated by NGOs and often supported by the government included training to 253 judges, lawyers, and prosecutors on human trafficking, virtual training to 821 public defenders, training for 289 shelter service providers, 11 workshops to police officers on victim-centered approaches, training and workshops for justice sector officials, human trafficking overview courses, trainings on human trafficking investigations and prosecutions, and technical assistance and training to specialized shelters.

Officials mitigated the vulnerability of displaced Venezuelans to trafficking by conducting awareness campaigns for foreign nationals. The government estimated that 404,000 Venezuelans hold temporary work permits and that 160,000 additional permits have been issued. The government did not report efforts to prevent child sex tourism. The government improved efforts to reduce demand for commercial sex acts by increasing penalties for consumers of child sex trafficking from four to six years' imprisonment to 15 to 20 years' imprisonment when the victim is between the ages of 14 and 18.

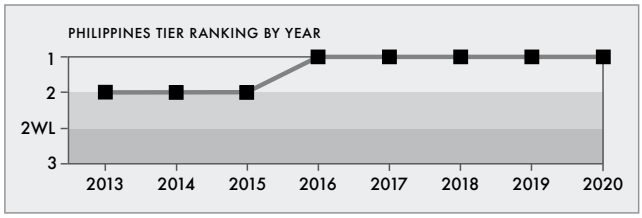
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Peru, and traffickers exploit victims from Peru abroad. NGOs and government officials report that official complicity in trafficking crimes and widespread corruption in Peruvian law enforcement and judicial systems continue to hamper anti-trafficking efforts. Communities located near illegal mining operations are often isolated and lack a permanent government presence, increasing the likelihood of illicit activity, including sex and labor trafficking. Venezuelan refugees entering the country are at high risk for trafficking. Since 2016, more than 863,000 Venezuelans fleeing the humanitarian crisis in their country have entered Peru, with some estimates showing that as many as one million Venezuelans have entered the country; traffickers subject Venezuelan adults and children to sex and labor trafficking en route to or after arrival in Peru. Traffickers exploit women and girls in sex trafficking near mining communities; these victims are often indebted due to the cost of transportation and unable to leave due to the remoteness of camps and complicity of miners in their exploitation. The high demand for commercial sex in these towns increases incentives for traffickers to bring in women and girls from various regions in Peru, including Venezuelan refugees, or from Bolivia. Tourists from the United States and Europe purchase sex from child trafficking victims in areas such as Cusco, Lima, and the Peruvian Amazon. In the Loreto region, criminal groups facilitate transportation of foreign tourists by boat to remote locations where traffickers exploit women and children in sex trafficking in venues on the Amazon River. Traffickers exploit Peruvian and foreign women and girls, and to a lesser extent boys, in sex trafficking within the country; traffickers often recruit victims through false employment offers and, increasingly, on social media platforms. Traffickers exploit Peruvian women and children in sex trafficking in other countries, particularly within South America, and they exploit women and girls from neighboring countries in Peru. LGBTI Peruvians are at risk for trafficking. Traffickers exploit Peruvian and foreign men, women, and children in forced labor in the country, principally in illegal and legal gold mining and related services, logging, agriculture, brickmaking, unregistered factories, counterfeit operations, organized street begging, and domestic service. Traffickers subject Peruvians to forced labor in artisanal gold mines and nearby makeshift camps that provide services to miners; traffickers compel victims through deceptive recruitment, debt-based coercion, restricted freedom of movement, withholding of or non-payment of wages, and threats and use of physical violence. Traffickers subject children to forced labor in begging, street vending, domestic service, cocaine production and transportation, and other criminal activities. The narco-terrorist organization Shining Path recruits children using force and coercion to serve as combatants or guards, and it uses force and coercion to subject children and adults to forced labor in agriculture, cultivating or transporting illicit narcotics, and domestic servitude, as well as to carry out its terrorist activities. Traffickers subject Peruvian men, women, and children to forced labor in other South American countries, the United States, and other countries.

PHILIPPINES: TIER 1

The Government of the Philippines fully meets the minimum

standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore the Philippines remained on Tier 1. These efforts included improving the coordination of services for returning Filipino migrant workers who were victims of trafficking overseas; convicting and punishing traffickers, including an official complicit in sex trafficking and labor traffickers; increasing assistance to survivors who provide testimony; and increasing the use of prosecution procedures that reduce the potential for further harm to trafficking victims. Although the government meets the minimum standards, it did not vigorously investigate and prosecute officials allegedly involved in trafficking crimes, consistently criminally prosecute fraudulent recruiters and other labor traffickers, or increase support for specialized protection and assistance services for child victims of cyber-facilitated sex trafficking. Community reintegration services, including trauma-informed care, employment training, and job placement for survivors also remained inadequate.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict complicit officials and labor traffickers. • Strengthen the capacity of local government units to provide reintegration services for trafficking survivors, including trauma-informed care, job training, and in-country employment. • Establish and implement a process to ensure systematic and ongoing input from a diverse community of survivors on the design, implementation, monitoring, and evaluation of anti-trafficking policies and programs. • Provide increased support to government and NGO programs that provide specialized care for child victims of online sexual exploitation. • Increase resources for anti-trafficking task forces to conduct timely investigations, coordinated operations, and prosecutions while providing robust victim and witness assistance services. • Increase efforts to identify and assist child labor trafficking victims. • Provide increased resources for law enforcement units designated to investigate online child sexual exploitation and other cyber-facilitated trafficking crimes. • Consistently implement the coordinated interagency response to providing services to returning Filipinos who experienced sex and labor trafficking overseas. • Create a central database for information on illegal recruiters and human trafficking cases to facilitate interagency coordination in detecting, investigating, and prosecuting traffickers.

PROSECUTION

The government increased its law enforcement efforts. The 2003 and 2012 anti-trafficking acts criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment and fines of between one and two million pesos ($19,750 to $39,490). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement authorities conducted 245 anti-trafficking coordinated operations and investigated 237 cases of alleged illegal recruitment, compared with 462 investigations reported in 2018. This included the investigation of a foreign diplomat for alleged labor trafficking. These actions led to the identification of 546 suspects and arrests of 507 (compared with 689 arrests in 2018); 39 suspects remained at large. The government initiated prosecution of 266 alleged traffickers (227 in 2018); these included 24 labor trafficking defendants (18 in 2018), 239 sex trafficking defendants (195 in 2018), and three defendants charged with using a child for soldiering (one in 2018). The government convicted 89 traffickers under the anti-trafficking act and related laws (77 traffickers in 2018). Most of the convicted traffickers subjected minors to sex trafficking, including 32 who sexually exploited children online (compared with 27 in 2018); five committed labor trafficking (three in 2018). The courts sentenced nearly all of the sex traffickers convicted under the anti-trafficking act to 15 years' imprisonment or more and fines ranging from 500,000 to five million pesos ($9,870 to $98,740); 30 received a life sentence and fines of two million to five million pesos ($39,490 to $98,740). The court sentenced three sex traffickers convicted under related cybercrime laws to varying terms of imprisonment: two months, two to four years, and 12 to 17 years with fines ranging from 50,000 to one million pesos ($990 to $19,750). Of the four labor traffickers convicted under the illegal recruitment statute, the court sentenced one trafficker to a prison term of 10 to 12 years and one year to life imprisonment with a fine of two million pesos ($39,490); two traffickers awaited sentencing. The appellate courts affirmed 14 of 15 prior-year convictions.

The Department of Justice (DOJ) continued to oversee and support operations and training for 24 interagency anti-trafficking task forces (a DOJ-led task force, a national interagency task force, 16 regional task forces, and six air and seaport task forces, including the reactivated task force at Manila's international airport). Designated prosecutors led the task forces with the assistance of prosecutors who worked on trafficking cases in addition to their regular workloads; they were responsible for enhancing law enforcement efforts and ensuring the reporting, referring, and filing of trafficking cases. Acknowledging the need for additional anti-trafficking prosecutors, the Interagency Council Against Trafficking (IACAT) Secretariat recommended a 50 percent increase in number of prosecutors assigned to the task forces; the DOJ did not approve an increase during the reporting period. Additionally, with donor support and in cooperation with an NGO, the IACAT established the Task Force Against the Trafficking of Overseas Filipino Workers to coordinate investigative and protective follow up on trafficking cases referred by the Department of Foreign Affairs (DFA) overseas missions. In a sex trafficking case, the task force coordinated information with Bahraini authorities who arrested and prosecuted eight alleged traffickers, including a Bahraini police officer and seven Filipinos, while the DFA assisted the Filipina trafficking victims.

Through continued operation of the Philippine Internet Crimes Against Children Center, known as the PICACC, opened in 2019, the Philippine National Police Women and Children's Protection Center (PNP-WCPC) and the National Bureau of Investigation (NBI) Anti Human Trafficking Division partnered with foreign law enforcement agencies and an NGO to improve the effectiveness of investigations of online sexual exploitation of children (OSEC). Following publication of the Anti-Money Laundering Council's report documenting the link between small amounts of illicit wire-transferred funds and cyber-facilitated sex trafficking, law enforcement identified 147 suspects in the Philippines for joint investigations of child sex trafficking and money laundering based on an analysis of suspicious money transfers. The PNP led the investigation of most OSEC cases and operated regional WCPC cyber protection units focused specifically on OSEC crimes. Police and prosecutors continued the use of recorded child victim interviews at the inquest stage and in some trials, which reduced the number of times officials interviewed victims and the potential for re-traumatizing children who served as witnesses. The DOJ issued its first advisory on plea bargaining in human trafficking cases and the courts' increased use of such pleas,

particularly in OSEC cases, significantly decreased the time to case resolution and further reduced the potential for re-traumatizing child witnesses in trials, many of which involved traffickers who were family members. The IACAT also implemented the new prosecutor's trafficking case management system to monitor case progress and outcomes. Despite these advances, government agencies continued to report the need for more anti-trafficking law enforcement personnel, funds for operations, and equipment for forensic analysis of digital evidence and the extremely high volume of cybercrime tips related to child sexual exploitation the DOJ Office of Cybercrime received each month. Slow moving courts, the need for additional training on handling digital evidence in hearings and trials, and too few prosecutors also hindered the effective and timely prosecution of trafficking crimes.

The government sustained its efforts to provide anti-trafficking training to its officials by supporting 122 capacity-building activities, including 33 training programs organized by the IACAT Task Force and 89 training events the IACAT assisted. Specialized training topics for national and local government officials included the investigation and prosecution of cases involving forced labor and online sexual exploitation of children, as well as trauma-informed care for survivors and multidisciplinary case management. Philippine officials continued to cooperate with 10 other governments on the investigation and prosecution of trafficking cases. Reports of immigration, police, and other officials complicit in trafficking continued. In a case reported in prior years, the government convicted a police inspector of child sex trafficking in a bar he partly owned. The government initiated prosecution of a police officer who was a member of a regional anti-trafficking task force for cyber-facilitated sex trafficking, investigated and referred for criminal charges nine Bureau of Immigration (BI) officers for facilitating the illegal airport departure of potential trafficking victims, and investigated an IACAT intelligence officer for similar actions. The government also investigated and suspended six overseas employment officials suspected of facilitating the departure of minors and investigated the issuance of fraudulent passports at an overseas consulate.

PROTECTION

The government increased protection efforts. The government continued to implement formal procedures to identify potential trafficking victims in the Philippines and overseas, and refer them to official agencies or NGOs for care. The government did not report comprehensive unduplicated protection data. Philippine law enforcement reported identifying 1,443 victims of trafficking, the vast majority of whom were sex trafficking victims, compared with 2,953 victims in 2018. The IACAT Sea/Air Task Forces identified 2,500 potential trafficking victims through operations or deferred departures (820 in 2018). The BI Travel Control and Enforcement Unit (TCEU) identified and referred 337 potential victims of trafficking and 92 potential victims of illegal recruitment to IACAT task forces (286 in 2018). The DFA foreign missions, primarily in the Middle East and Asia, identified 6,772 potential Filipino trafficking victims (2,591 in the preceding period). The vast majority of these victims reported experiencing forced labor and/or illegal recruitment; fewer than 25 were victims of sex trafficking. The Commission on Filipinos Overseas (CFO) Actionline against Human Trafficking received 3,377 calls, and it identified and assisted nine labor trafficking victims, including one minor.

The government allocated 24.4 million pesos ($481,830) to implement the Department of Social Welfare and Development (DSWD) recovery and reintegration program for trafficked persons, a decrease from 25.13 million pesos ($496,250) in 2018. DSWD implemented the national referral system, maintained the national recovery and reintegration database, and continued to operate 44 residential care facilities that provided services to victims of trafficking and other forms of exploitation. Of these facilities, 24 served children, 13 served women, four served older persons, one served men, and two operated as temporary processing centers. The government committed resources for and began construction of three new facilities to address the shortage of short-term shelter facilities to provide comprehensive care for trafficking victims: an IACAT Trafficking in Persons Center in metro Manila, a temporary shelter and one-stop center near a regional international airport, and a shelter for men in region nine where armed conflict continued. DSWD reported serving 2,194 trafficking victims, of whom 1,711 were female and 80 percent were adults, compared with 2,318 victims served in 2018. Of these, the government reported 976 victims of labor trafficking; 669 victims of sex trafficking, including 259 child victims of online sexual exploitation; 181 victims of illegal recruitment; and 311 individuals intercepted before their departure overseas. DSWD provided psycho-social support and trauma-informed assistance to all survivors. Services also included: case management; temporary shelter (599 survivors); livelihood assistance (308 survivors); education/skills training (200 survivors); hygiene kits (602 survivors); referral (134 survivors); victim/witness assistance (104 survivors); airport assistance (57 survivors); transportation assistance (21); home visit (56 survivors); medical assistance (45 survivors); and financial assistance (78 survivors). DSWD referred trafficking survivors to the local social welfare and development office in their community for follow up services, which observers noted often lacked the personnel and resources to provide individualized case follow up. Staff permitted adult victims residing in shelters to leave unchaperoned, provided there were no threats to their personal security or psychological care issues. The government reported a sharp increase in foreign national victims of sex trafficking (185 in 2019; zero in 2018) identified during law enforcement operations, primarily in spas and hotels near offshore gaming operations. DSWD assisted foreign national victims, most of whom were Chinese, including temporary shelter and psycho-social intervention, and coordinated repatriation with the relevant foreign embassies in Manila. The government continued to partner with NGOs for specialized residential care and reintegration services for child victims of online sexual exploitation as well as training for local social workers who provide reintegration and trauma-focused counseling. Such specialized assistance services as well as reintegration follow up services and job training and placement remained inadequate to address the needs of adult trafficking victims.

The government increased its support for victims who served as witnesses during trials by hiring four additional victim-witness coordinators and increasing the number of trafficking victims who received benefits from the witness protection program, which included housing, livelihood and travel expenses, medical benefits, education, and vocational placement. Six regional task force victim-witness coordinators (two in 2018) provided trauma-informed support and assistance to 291 victims (225 in 2018); 264 of these victims elected to testify as witnesses in criminal proceedings. Forty trafficking victims entered the witness protection program in 2019 (12 in 2018). In addition, the DOJ operations center personnel provided transportation and security that enabled 185 victims to participate in case conferences and hearings and the Philippines Overseas Employment Agency (POEA) provided legal assistance for at least 20 victims of illegal recruitment. The government's crime victims' compensation program reportedly awarded an unknown amount of compensation to 27 victims of trafficking. The government did not report any orders of restitution paid by traffickers to victims of trafficking. In response to continued reports of recruitment and use of child soldiers by non-state armed groups in the Bangsamoro Autonomous Region in Muslim Mindanao, the government passed legislation and issued regulations to ensure special protection for children in situations of armed conflict, mandate rehabilitation and services, and prescribe punishments.

The government increased its robust services for Filipino victims abroad. The DFA, in collaboration with the IACAT and its member agencies, implemented new whole-of-government procedures to ensure interagency coordination of services for repatriated Filipino trafficking victims. IACAT member agency representatives met arriving repatriation flights from the Middle East and Asia and coordinated individualized assistance for 1,143 trafficking victims. The government continued to deploy DSWD social workers in Philippine diplomatic missions in Saudi Arabia, the United Arab Emirates (UAE), Kuwait, South Korea, Qatar, Malaysia, and Hong Kong. New legislation established social welfare attaché positions within the DFA. The Department of Labor and Employment (DOLE) overseas labor officers continued to review overseas Filipino workers' (OFW) labor contracts and assist them with labor contract violations and allegations of abuse. DFA allocated one billion pesos ($19.75 million) for the Assistance to Nationals Fund (ATN), which covered assistance such as airfare, meal allowance, shelter, medical care, and other needs of OFWs. The DFA provided nine Philippine overseas missions with funds to support shelters or temporary accommodations for Filipino trafficking victims awaiting the resolution of their cases or their repatriation. The DFA reported only partial expenditures from the ATN totaling $4.86 million for the reporting period; these funds primarily supported services for Filipino trafficking victims in the UAE. The DFA did not report expenditures under its Legal Assistance Fund for OFWs, to which it allocated 200 million pesos ($3.95 million) for legal assistance. The DFA reported assisting all of the 6,772 potential trafficking victims identified by overseas missions (2,591 in the previous reporting period). The DSWD social workers, responsible for assisting distressed overseas Filipinos and their families, assisted 2,788 victims of trafficking or illegal recruitment, a reported 68 percent increase from the previous year, and nine percent the total number of Filipinos assisted (32,557). Social workers assisted many of these trafficking victims in Malaysia prior to their deportation as undocumented migrants and at the DSWD processing center in Zamboanga for returning Filipinos. Social services provided to OFW trafficking victims included coordination with the host government, contract buy-out, shelter, provision of personal necessities, medical aid, financial assistance, payment of legal fees, repatriation, and referral to appropriate agencies.

PREVENTION

The government increased its efforts to prevent trafficking. The IACAT, the lead coordinating body responsible for overseeing and monitoring implementation of the government's anti-trafficking efforts and which the secretaries of DOJ and DSWD chaired and co-chaired respectively, convened four regular and two special-topic meetings during the reporting period to share information and coordinate policies. Three NGOs participated as members of the IACAT, which also involved additional NGOs, private sector representatives, and survivors in technical working groups and other fora. The government increased the IACAT Secretariat's budget to 92.9 million pesos ($1.83 million) from 80.39 million pesos ($1.59 million) in 2018. The IACAT also convened its member agencies, local government officials, NGOs, and other stakeholders at symposia focused on discussion of progress in addressing trafficking issues including OSEC. The IACAT, its member agencies, and anti-trafficking regional task forces continued to lead national, regional, and local-level trafficking awareness raising events. In cooperation with NGOs, the Department of Information and Communications Technology developed and implemented the CyberSafePH awareness campaign and capacity building program with a three-year roadmap geared toward combating OSEC and cyberbullying. To deploy its new children's online safety campaign, the Department of Education trained 600 teachers and school personnel in 11 regions to conduct cyber safety lessons. The Department of Interior and Local Government reported that 57 provinces, 127 cities, and 1,237 municipalities with anti-trafficking/violence against women committees enacted over 500 anti-trafficking ordinances and more than 700 reported conducting anti-trafficking education and information campaigns. National and local government leaders, private sector partners, and an NGO conducted job fairs for nearly 650 Filipinos, some of whom were survivors of trafficking overseas. The POEA held 31 seminars on illegal recruitment and trafficking in provinces, cities, and municipalities nationwide benefitting 3,556 participants (3,239 in 2018) and forged 64 memoranda of understanding (MOU) related to recruitment with local government authorities. The CFO operated a hotline and the DFA Office of Migrant Workers Affairs maintained a HELP Facebook page for OFWs in distress and their families to request assistance. The PNP-WCPC also launched a hotline and text line for reporting and routing of OSEC cases to proper authorities. The government's interagency child labor quick action teams removed 36 children from hazardous and exploitative work situations in 2019, but the government did not identify any child victims of internal labor trafficking. The DOLE closed three establishments where investigations led to the identification of child sex trafficking victims.

The lack of a centralized database tracking illegal recruitment and human trafficking continued to hamper the government's efforts to prevent trafficking and hold traffickers accountable. After investigation, NBI and POEA officials recommended 129 cases of alleged illegal recruitment for filing in the courts (123 in 2019). The POEA also filed 1,107 administrative charges against licensed recruitment agencies for disallowed practices (1,432 in 2019), resulting in the cancellation of 16 agencies' licenses (40 in 2019). The BI-TCEU continued to screen departing passengers and deferred the departure of 31,211 passengers (24,753 in 2018) due to incomplete or suspicious travel documents or misrepresentation. The BI stopped 136 foreign registered sex offenders from entering the country. The government did not make efforts to reduce the demand for commercial sex acts. POEA reviewed 21 bilateral and multilateral labor agreements with other countries and signed three new bilateral agreements, including an MOU with Bahrain, aimed at protecting OFWs' rights and reducing their vulnerability to trafficking.

TRAFFICKING PROFILE

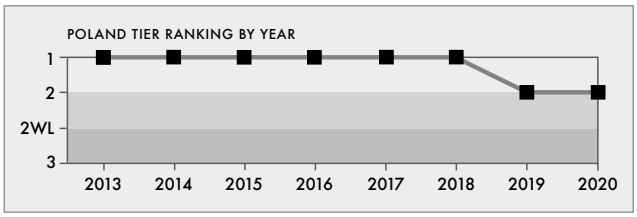
As reported over the past five years, human traffickers exploit domestic and foreign victims in the Philippines, and traffickers exploit victims from the Philippines abroad. An estimated 10 million Filipinos work outside the Philippines in nearly 170 countries, approximately three percent of whom work without a contract. The government processes approximately 2.3 million new or renewed contracts for Filipinos to work overseas each year. A significant number of Filipino migrant workers become victims of sex trafficking or labor trafficking in numerous industries, including industrial fishing, shipping, construction, manufacturing, education, home health care, and agriculture, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly in the Middle East and Asia, but also in all other regions. Traffickers, typically in partnership with local networks and facilitators and increasingly using social networking sites and other digital platforms, recruit unsuspecting Filipinos through illegal recruitment practices such as deception, hidden fees, and production of fraudulent passports, overseas employment certificates, and contracts to exploit migrant workers in sex and labor trafficking. Using tourist visas available in Middle East countries where many Filipinos work in household service jobs, traffickers lure minors from remote areas of Mindanao and other regions then sell them to employment sponsors who exploit them. Traffickers also use student and intern exchange programs, and fake childcare positions as well as porous maritime borders to circumvent the Philippine government and destination countries' regulatory frameworks for foreign workers and evade detection. Traffickers exploit Filipinos already working overseas through fraudulent employment offers to work in another country.

Forced labor and sex trafficking of men, women, and children within the country remains a significant problem. Traffickers exploit women and children from rural communities, conflict- and disaster-affected areas, and impoverished urban centers in sex trafficking, forced domestic work, and other forms of forced labor in tourist destinations and urban areas around the country, and exploit men in forced labor in the agricultural, construction, fishing, and maritime industries.

Law enforcement information indicates that the Philippines is one of the largest known sources of online sexual exploitation of children, in which traffickers sexually exploit children, individually and in groups, in live internet broadcasts in exchange for compensation wired through a money transfer agency by individuals most often in another country, including the United States, Australia, Canada, and the United Kingdom. The traffickers are often parents or close relatives who operate in private residences or small cyber cafes and many child victims, girls and boys, are younger than 12 years. Identified hotspots for this form of sex trafficking in Luzon and Visayas include Iligan, Lapu-Lapu, Pampanga, Quezon City, Malabon, Pasig, Taguig, and Caloocan. Traffickers increasingly exploit Chinese and other Asian women in commercial sex in locations near offshore gaming operations that cater to Chinese nationals. Sex trafficking also occurs in tourist destinations, such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao, where there is a high demand for commercial sex acts. Although the availability of child sex trafficking victims in commercial establishments declined in some urban areas, child sex trafficking remains a pervasive problem, typically abetted by taxi drivers who have knowledge of clandestine locations. Many sex tourists in the Philippines are convicted or charged sex offenders or pedophiles in their home countries and are most commonly citizens of Australia, New Zealand, the United Kingdom, and the United States, with an increasing number of reports from Japan, Morocco, Iraq, and Denmark. Filipino men also purchase commercial sex acts from child trafficking victims. Non-state armed groups operating in the Philippines, including the New People's Army, Maute Group, the Moro National Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters, recruit and use children, at times through force, for combat and noncombat roles. The Islamic State reportedly subjects women and girls to sexual slavery. Traffickers subject indigenous and displaced persons in Mindanao to trafficking through the promise of employment. Officials, including those in diplomatic missions, law enforcement and immigration agencies, and other government entities, allegedly have been complicit in trafficking or allowed traffickers to operate with impunity. Some corrupt officials allegedly accept bribes to facilitate illegal departures for overseas workers, operate sex trafficking establishments, facilitate production of fraudulent identity documents, or overlook illegal labor recruiters. Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims. Some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services.

POLAND: TIER 2

The Government of Poland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Poland remained on Tier 2. These efforts included identifying more victims, convicting more traffickers at the first-instance court level, and sentencing more convicted traffickers to prison without suspending their sentences. The government also provided robust training for relevant authorities and continued awareness campaigns at both the national and provincial levels. However, the government did not meet the minimum standards in several key areas. Prosecutors continued to qualify trafficking crimes as lesser offences, and courts convicted fewer traffickers post-appeal. Funding for victim services remained stagnant for the fifth year, which constrained service provision. Government efforts to identify and protect child victims remained inadequate and authorities lacked a central mechanism to cross-reference and consolidate law enforcement statistics.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking crimes, particularly forced labor cases, and sentence convicted traffickers to significant prison terms. • Increase training for prosecutors and judges on the importance of prosecuting under the anti-trafficking statute, the severity of trafficking crimes, and a trauma-informed, victim-centered approach to conducting trials. • Increase funding for comprehensive victim services, including specialized accommodation for child and male victims. • Improve central operational coordination and data collection for anti-trafficking activities. • Establish procedures or specialized units to ensure trafficking cases are handled by trained prosecutors. • Appoint trauma-informed officials to conduct child victim witness interviews in a child-friendly manner. • Increase proactive identification efforts, particularly among unaccompanied children, migrants, and child sex trafficking victims. • Create and widely distribute resources notifying foreign workers of their rights, responsibilities, and victim service providers. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor.

PROSECUTION

The government maintained law enforcement efforts. Article 189a of Poland's penal code criminalized sex trafficking and labor trafficking and prescribed punishments of three to 15 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 189a replaced Article 253 of the former criminal code, which prosecutors continued to use in cases that started when Article 253 was in effect. Article 253 of the former criminal code also prescribed punishments of three to 15 years' imprisonment. In addition, Article 203 criminalized inducing an adult into prostitution through force, fraud, or coercion, and Article 204.3 criminalized inducing a child into prostitution; both articles prescribed punishments of one to 10 years' imprisonment. The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics and did not consistently disaggregate sex and labor trafficking data. Law enforcement authorities initiated 22 investigations under Article 189a (33 in 2018); nine were sex trafficking cases, five forced labor cases, and eight cases of multiple forms of exploitation. Prosecutors initiated 67 investigations from cases referred by police and border guards (79 in 2018) and prosecuted 46 defendants under Article 189a (47 in 2018); 26 were for sex trafficking, eight for forced labor, and 12 for multiple types of exploitation. The government also investigated 25 cases and prosecuted 27 defendants under Article 203 or Article 204.3. First-level courts issued 31 convictions under

Article 189a (17 in 2018) and 20 convictions under Article 203 (16 in 2018). The government did not track first instance convictions under Article 204.3. In 2018, the most recent year for which post-appeal judgments were available, judges issued 10 convictions under Article 189a and Article 253 (24 in 2017), seven convictions under Article 204.3 (7 in 2017), and 18 convictions under Article 203 (11 in 2017). Of these, four were for forced labor (none in 2017). Judges issued 32 traffickers sentences ranging from one year's imprisonment to five to eight years' imprisonment and three traffickers received community service; however, authorities suspended 11 of these sentences (15 in 2017).

The National Police maintained an anti-trafficking department with 11 officers and 17 regional offices, each with three to eight officers investigating trafficking, child pornography, and child sexual abuse. The Central Bureau of Investigations maintained an anti-trafficking coordinator at its headquarters and in each of its 17 regional branches and the Border Guard operated a specialized central team and 10 regional anti-trafficking coordinators. Government and civil society representatives reported good cooperation with the national police and border guard. In 2018, the National Prosecutor's Office (NPO) introduced a formal mechanism to improve the qualification of offenses as trafficking; law enforcement could refer discontinued or dismissed trafficking investigations and prosecutions for review to the prosecutor responsible for coordinating trafficking investigations. The police referred seven cases to NPO (eight in 2018); NPO agreed with the police that six cases potentially involved trafficking (eight in 2018). Authorities did not report the number of reopened investigations (three in 2018) and the number of expanded charges to trafficking (five in 2018). However, experts reported district prosecutors continued to qualify trafficking as lesser offenses, such as pimping and forced prostitution, and NPO could not review every case due to the large case load. Despite NGOs assisting approximately 576 victims of forced labor in the last five years, authorities reported there were very few prosecutions for forced labor for several reasons: law enforcement had difficulty identifying forced labor; many offenses occurred abroad; there was no clear definition of what constitutes forced labor in the criminal code; and prosecutors and judges often lacked expertise in labor trafficking cases. Additionally, observers reported prosecutors and judges lacked familiarity with victim-centered approaches, the impact of trauma on victims, and the severity and complexity of the crime. The government maintained institutionalized training programs and trained police, border guards, prosecutors, judges, consular officers, and labor inspectors on various anti-trafficking issues, including standard operating procedures (SOPs), victim interviews, joint investigations, and other basic and specialized training. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Authorities collaborated on investigations with counterparts in the United Kingdom (UK) and extradited two suspected traffickers from Sweden and two from Germany.

PROTECTION

The government increased protection measures. Authorities identified 221 potential victims (162 in 2018) and referred 104 to care facilities (47 in 2018); the government reported all victims were offered services but some chose not to accept them. The National Intervention-Consultation Center for Victims of Trafficking (KCIK) provided assistance to 226 potential victims (168 in 2018); 154 were victims of forced labor, 39 of sex trafficking, three of domestic slavery, two of degrading treatment, two of forced criminality, and 26 of other types of exploitation; 136 were male and 90 were female; 168 were foreign victims; and seven were children (three in 2018). The government maintained SOPs for the identification, referral, and support of trafficking victims, including standardized indicators and specific indicators to identify child victims. However, police and prosecutors acknowledged authorities lacked the expertise to identify forced labor victims and child victims, particularly among unaccompanied children. Labor inspectors did not identify any victims in 2019 and 2018, and noted challenges in determining whether an offense constituted as a violation of workers' rights or forced labor. Law enforcement used indicators with sample questions focused on freedom of movement but did not take psychological coercion or subtle forms of force into consideration.

KCIK provided adult and minor victims with medical and psychological care, shelter, legal counseling, welfare support, reintegration services, and referrals to orphanages and foster care for child victims. KCIK operated two shelters for adult female victims, a small shelter for men with capacity to accommodate three adult male victims, and rented apartments for victims who did not prefer shelters; the shelters and apartments housed a combined total of 58 victims (38 in 2018). Victims also could receive general assistance (social, medical, psychological, legal) in 170 crisis intervention centers operated and funded by local governments, 20 of which maintained staff trained on assisting trafficking victims; KCIK arranged accommodations for 54 victims using crisis centers and other locations (48 in 2018). In both 2019 and 2018, the government allocated 1.1 million zloty ($290,310) to two NGOs that run KCIK, of which 105,000 zloty ($27,710) went each year to operate a hotline. The government also allocated 80,000 zloty ($21,110) to train welfare assistance personnel on assisting trafficking victims and witnesses, compared with 84,000 zloty ($22,170) in 2018. Funding for victim services remained stagnant for the fifth year following a 10 percent increase in 2015. Experts said limited government funding for victim assistance constrained service provision, particularly outside of Warsaw and Katowice. For example, shelter capacity for male victims was insufficient with the increasing number of male victims of labor trafficking. The government also allocated inadequate resources to specialized care for child victims according to experts, who noted authorities placed child victims in foster families or orphanages unprepared to assist child victims. NGOs and academics reported there was no clear system of assistance to meet the needs of unaccompanied children. All foreign victims from outside the European Economic Area (EEA) formally identified by law enforcement were entitled to social welfare benefits, including crisis intervention assistance, shelter, meals, necessary clothing, and financial assistance; 20 non-EEA national victims received assistance (24 in 2018). Victims from the EEA had access to the full scope of welfare benefits offered to Polish citizens if they could prove habitual residency, but NGOs reported victims from Romania and Bulgaria had problems proving this; the government did not track whether EEA nationals received social welfare assistance.

Government and civil society representatives reported no cases of victims penalized for unlawful acts traffickers compelled them to commit and authorities screened individuals in vulnerable populations when detained and arrested, including individuals in commercial sex and migrants. Foreign victims were entitled to a three-month reflection period, during which they could stay legally in Poland to decide whether to assist in the criminal process; authorities granted 120 victims a three-month reflection period (five in 2018). Foreign victims were eligible for a residency permit valid for up to three years, which entitled them to work, and could apply for permanent residency; the government did not report how many victims received temporary or permanent residency. The government, in cooperation with an international organization, assisted three foreign victims to return to their home countries (two in 2018). Polish law permitted victims to provide testimony via video or written statements; audio-video recording of testimony was obligatory for victims under 15 years of age and for victims of sexual crimes, including sex trafficking. The government reported 208 victims agreed to cooperate in

investigations of their traffickers. Experts noted law enforcement and prosecutorial interview techniques lacked a trauma-informed approach, hindering opportunities to build rapport with traumatized victims, who then were unlikely to provide reliable testimony. NGOs reported judges interviewed children and did not receive training on child-friendly, victim-centered, or trauma-informed interviewing techniques, which re-traumatized victims. Prosecutors rarely requested restitution in criminal proceedings but judges ordered traffickers to pay restitution to eight victims. Victims could also receive compensation in civil suits.

PREVENTION

The government maintained prevention efforts. In 2018, the government dissolved the inter-ministerial anti-trafficking team that met at the deputy minister level twice a year and reported to the prime minister, curtailing high-level inter-ministerial coordination and prioritization of efforts to combat trafficking. The MOI maintained an advisory body, including interagency and civil society representatives, tasked with evaluating the implementation of anti-trafficking projects, monitoring national action plan implementation, and preparing annual reports. Civil society praised the decision to expand the number of civil society member representatives and granted them voting rights but expressed concern that the new body operated at a lower level and presumably would not be able to compel other ministries to devote resources to specific tasks. The government allocated 135,000 zloty ($35,630) for the implementation of the 2019-2021 national action plan in both 2019 and 2018; however, 38,000 zloty ($10,030) came from sources outside the government. The Ministry of Interior (MOI) published an annual report and maintained a web portal with relevant statistics, publications, and information on victim assistance. The government lacked a central mechanism to cross-reference and consolidate trafficking-related statistics, hindering officials' ability to assess the scope of trafficking and the efficacy of law enforcement efforts. Provincial-level interagency anti-trafficking teams in all 16 regions continued prevention and public awareness campaigns and organized trafficking-related trainings and conferences for NGOs and professional associations. Observers noted these provincial-level anti-trafficking teams were uncoordinated and uneven in their effectiveness. The government organized public meetings, in cooperation with NGOs, to raise awareness on trafficking and separately printed 15,000 leaflets and 10,000 posters targeting vulnerable youth.

A government-funded NGO operated a 24-hour hotline for trafficking victims and witnesses, which received 6,899 calls (9,000 in 2018); the hotline did not maintain statistics on how many calls were trafficking-related or how many victims were identified. Local authorities could ban employers previously convicted of trafficking from hiring foreigners; the government did not report whether any entities were banned. The National Labor Inspectorate (NLI) identified 39 job recruitment agencies operating illegally and removed them from the official registry of legally operating recruitment agencies (33 in 2018). The NLI conducted 651 inspections of job recruitment agencies (655 in 2018), but did not identify any cases of trafficking or any agencies presenting fraudulent job offers. Additionally, the NLI continued an awareness campaign targeting employers and workers to encourage legal employment among migrant workers, in particular from Ukraine, and to provide practical information to employers on legally hiring foreign workers. However, observers reported local authorities took 10 to 12 months to issue work permits to migrants, who often worked illegally during this time and were vulnerable to exploitation. The government made efforts to reduce the demand for commercial sex acts and child sex tourism, including by cooperating with an NGO to create a "code of conduct" for businesses in tourism to prevent sexual exploitation of children.

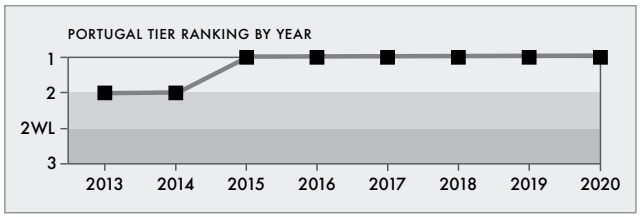
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Poland, and traffickers exploit Polish victims abroad. Traffickers exploit Polish women and children in sex trafficking within Poland and other European countries, notably France and Germany. Traffickers force men and women from Poland into forced labor in Europe, primarily Western and Northern Europe and in particular Germany, Norway, Sweden and the UK. Traffickers exploit women and children from South America and Eastern Europe—particularly Bulgaria, Romania, and Ukraine—in sex trafficking in Poland. Labor trafficking is increasing in Poland; victims originate from Europe, Asia, and Africa. Traffickers increasingly exploit migrants in forced labor among Poland's growing Ukrainian, Belarusian, Filipino, and Vietnamese populations, particularly in restaurants and construction. Traffickers recruit children, particularly Roma, for forced begging in Poland.

Pursuant to a 2017 UN Security Council resolution requiring, with limited exceptions, the repatriation of all North Korean nationals earning income overseas by the end of 2019, the government reportedly repatriated all North Korean labor migrants covered under the relevant provision.

PORTUGAL: TIER 1

The Government of Portugal fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Portugal remained on Tier 1. These efforts included opening a new government-funded trafficking shelter for male victims and investigating and arresting an allegedly complicit official. The government also increased cooperation and information sharing with an international organization. Although the government meets the minimum standards, it significantly decreased investigations, convictions, and overall victim identification. The government did not identify any confirmed sex trafficking or Portuguese victims, and it did not report awarding any restitution to victims.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify and protect all victims, especially of victims of sex trafficking. • Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Enact a legal provision to protect victims from prosecution for acts that traffickers coerced them to commit. • Increase victims' access to restitution and train police, prosecutors, and magistrates on victims' right to restitution. • Allow formal victim identification and referral from entities other than the police, including civil society, social workers, and healthcare professionals. • Continue to increase and document the use of victim services, such as shelters and residence permits. • Implement strong regulations and oversight of labor recruitment companies that are consistently enforced by investigating and prosecuting labor trafficking, including fraudulent labor recruitment. • Allocate sufficient resources and capacity for

labor inspectors to detect labor trafficking. • Increase victim identification training within the health care sector. • Develop an expedited process for granting residency permits to victims.

PROSECUTION

The government decreased law enforcement efforts. Article 160 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Some child sex trafficking offenses could also be prosecuted under Article 175, which addressed pimping crimes; it prescribed penalties of one to 10 years' imprisonment. Article 159 prohibited slavery and prescribed penalties of five to 15 years' imprisonment.

In 2019, the government initiated 63 trafficking investigations, a significant decrease compared with 114 in 2018 and 103 in 2017. Seventeen investigations were for sex trafficking and 46 were for labor trafficking, while 43 cases remained ongoing from prior years (eight for sex trafficking and 35 for labor trafficking). In one notable sex trafficking case, seven Romanian men were arrested for allegedly exploiting 10 Romanian women in sex trafficking. The majority of suspected labor traffickers were Romanian nationals who targeted workers from Moldova for forced labor in the agricultural sector. Authorities prosecuted 58 defendants in 2019 compared with 55 in 2018. In one case, four alleged traffickers used a religious organization to recruit young female victims and later exploit them in forced labor. In 2019, the government reported convicting three traffickers — a significant decrease in convictions compared with 25 in 2018 (17 sex trafficking and eight forced labor). In 2019, authorities convicted a Portuguese couple for the sex trafficking of Brazilian women and sentenced them to 14 and 15 years' imprisonment, as well as a Nigerian trafficker whom courts sentenced to six years' imprisonment. In 2018, sentences exceeded five years' imprisonment in 20 of the 25 convictions, as well as five suspended sentences. In December 2019, Portuguese authorities arrested and indicted a Portuguese consular officer on several charges, including human trafficking; the diplomat allegedly committed the trafficking offense, which involved a Guinean housekeeper, while in Guinea Bissau. In 2019, the judiciary police provided a variety of anti-trafficking training to an unknown number of law enforcement officers (80 senior officials and 120 new inspectors in 2018) and 125 public prosecutors attended anti-trafficking training. The immigration and border service continued to provide institutionalized victim identification training to border officers, and all labor inspectors received human trafficking training, including 45 new inspectors. The government did not report providing training on human trafficking to any magistrates, compared to more than 100 magistrates trained in 2018. Authorities cooperated with Taiwan on one extradition request for a suspected trafficker.

PROTECTION

The government made uneven protection efforts; while overall victim identification decreased and the identification of sex trafficking victims was inadequate, the government opened a new government-funded trafficking shelter for male victims. In 2019, authorities identified 33 presumed victims and 45 confirmed victims, a significant decrease compared with 203 presumed and 49 confirmed victims in 2018. Of the confirmed victims, all were for forced labor; 36 were from Moldova and four were from Pakistan; 15 were female and 30 were male; and one was a child. Unlike in 2018, the government did not identify any confirmed sex trafficking victims, although at least 10 of the presumed victims were sex trafficking victims. No confirmed victims were Portuguese. Presumed victims included eight children, eight Portuguese, and four victims of forced begging. The government referred 57 total victims to shelter services in 2019. The government continued to utilize its national victim identification and referral mechanism, which was widely used and distributed to all front-line officials who had a role in victim identification and referral, including NGOs, social service workers, and healthcare workers. The government's Observatory on Trafficking in Human Beings (OTSH) continued to distribute checklists to law enforcement, NGOs, health care professionals, labor inspectors, and social workers on identifying victims of forced prostitution, forced labor, and forced begging and criminality. The government continued to provide a victim identification handbook to labor inspectors. Civil society continued to report the health care sector lacked sufficient training on identification for victims of sex trafficking. Upon encountering a potential victim, law enforcement personnel conducted an initial standardized risk assessment and referred individuals deemed vulnerable or at risk to one of five regional multidisciplinary NGO teams to receive specialized shelter and assistance. The multidisciplinary teams included psychologists and social workers. Front-line responders, including police and NGOs, could identify and refer presumed victims to services, but only law enforcement officials could officially "confirm" an individual a victim of trafficking. Police, judges, and prosecutors determine whether to confirm a victim by analyzing evidence and the presence of trafficking indicators. GRETA reported there was no timeline for authorities to confirm official victim status; the process depended on the duration of the related prosecution. Presumed victims received the same access to services as confirmed victims.

The government reported providing €2.3 million ($2.58 million) to shelters and the multidisciplinary regional teams in 2019, with 1.5 million ($1.7 million) earmarked to continue financing these structures through 2022, resulting in €800,000 ($898,880) available for 2019. This compared to €1.5 million ($1.7 million) provided in 2018. Victims and their minor children had the right to shelter, health care, psycho-social, legal, and translation and interpretation services, as well as education and employment training. The government did not report how many victims utilized these services during the reporting period. In 2019, the government opened a new trafficking shelter for male victims, making a total of five government-funded NGO-operated shelters exclusively for trafficking victims—two for adult female victims and their minor children, two for adult male victims, and one for children. Adult victims could leave the shelters at will unless authorities determined victims' safety was at risk. Child victims received care under Portugal's child protection system or through its shelter for child trafficking victims, which could accommodate up to six children. A government-funded NGO conducted 140 training sessions on human trafficking to 4,318 professionals in the fields of law enforcement, social work, and healthcare.

During the reporting period, courts permitted some victims to testify by deposition or video conference, but the government did not report whether this protection was extended to any victims during the reporting period. The government offered victims a reflection period of 30 to 60 days, during which they could recover before deciding whether to cooperate with law enforcement. The law also provided for a one-year residence permit for victims based on cooperation with law enforcement or a personal situation regarding their security, health, family situation, or vulnerability; authorities could renew this permit indefinitely. In 2019, the government provided 16 residence permits to labor trafficking victims from five countries. However, civil society reported there were sometimes delays in the issuance of residency permits for victims. In coordination with an international organization, the government repatriated two Romanian labor trafficking victims in 2019. The government did not report if prosecutors requested restitution for any victims in criminal trials during the reporting period. Portuguese law allowed victims to file civil suits against their traffickers, but the government did not report awarding damages to any victims during the reporting period. Victims could

seek compensation from the government if the convicted trafficker was unable to pay the awarded damages, but the government did not report providing any compensation to trafficking victims during the reporting period, and GRETA noted this rarely occurred. NGOs reported many victims were unwilling to come forward and cooperate with authorities for fear of prosecution. GRETA reported the lack of a specific provision in Portuguese law protecting victims from prosecution for crimes committed as a direct result of being subjected to trafficking could leave victims vulnerable to individual prosecutors' decisions to bring charges.

PREVENTION

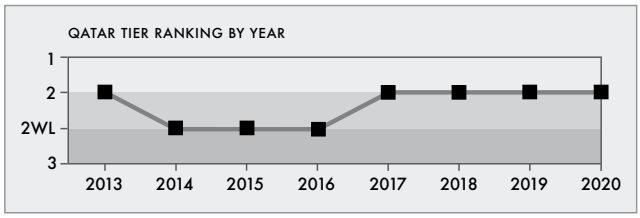
The government maintained prevention efforts. The government maintained a multi-stakeholder anti-trafficking network, led by the national rapporteur on trafficking, which included representatives from various central and local government agencies and three NGOs. The government had a national anti-trafficking action plan for 2018-2021, which the Commission for Citizenship and Gender Equality monitored and coordinated. OTSH, responsible for the collection and dissemination of trafficking data, published an annual security report detailing the trafficking situation in the country, and in 2019 increased cooperation with an international organization by formally agreeing to share trafficking information. The government made some efforts to raise awareness of human trafficking by holding an unknown number of labor trafficking information sessions and organizing an awareness day for children. The government continued to conduct a corporate social responsibility campaign to address labor exploitation, which targeted Portuguese companies operating inside and outside of Portugal. Temporary employment agencies required a license to operate. However, fraudulent labor recruitment remained a concern during the reporting period. GRETA noted a need to strengthen monitoring and regulation of temporary employment and recruitment agencies, especially those employing and recruiting domestic workers. The government did not report investigating or prosecuting any labor recruitment agencies for fraudulent recruitment or trafficking. While labor inspectors could refer suspected labor trafficking cases to the police, the government did not have a dedicated budget or staff to detect labor trafficking cases. Given significant concerns about forced labor in the Cuban medical missions program, Portugal ended the use of Cuban medical professionals in December 2019. The government did not make efforts to reduce the demand for commercial sex acts. Each of the five multidisciplinary NGO teams operated a hotline available in several languages; the hotlines received over 172 calls relating to victim assistance, but the government did not report how many trafficking victims were identified as a result of the calls. As many identified labor trafficking victims identified in Portugal are from Moldova, the government cooperated with authorities in Moldova in 2019 to organize an anti-trafficking workshop in Moldova for the justice sector, law enforcement, prosecution, health, and parliamentary representatives.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Portugal, and traffickers exploit victims from Portugal abroad. The majority of trafficking victims are from Moldova, but victims also originate from Pakistan, West Africa, Eastern Europe, Asia, and, to a lesser extent, Latin America. Labor traffickers exploit foreign victims in agriculture, construction, and domestic service; seasonal migrant workers are especially vulnerable. Cubans working in Portugal may have been forced to work by the Cuban government before the Government of Portugal ended the use of Cuban medical professionals. Traffickers often use fraudulent recruitment methods to exploit Portuguese victims in restaurants, agriculture, and domestic service, primarily in Portugal and Spain. Sex traffickers exploit foreign women and children, mostly from Africa and Eastern Europe, and Portuguese women and children within the country. Sex traffickers have exploited Portuguese citizens in other countries, mostly in Europe. Traffickers exploit children from Eastern Europe, including those of Romani descent, for forced begging and forced criminal activity in Portugal. Authorities report traffickers facilitate the transfer of asylum-seeking women and children, many from West Africa, to Portugal; traffickers obtain false documents before moving them to other European countries for sex trafficking. Sub-Saharan trafficking networks increasingly use Portugal as a route into the Schengen area to exploit children for both sex trafficking and forced labor. Traffickers sometimes exploit soccer players in labor trafficking; these victims, including some minors, are often from Brazil.

QATAR: TIER 2

The Government of Qatar does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Qatar remained on Tier 2. These efforts included opening its first trafficking-specific shelter and identifying and referring trafficking victims to protective services for the first time in several years. Officials also expanded the labor law to include vulnerable domestic workers and expatriate government employees in its rescission of the problematic exit permit requirement for migrant laborers. The government investigated one case of forced labor, which it subsequently sent to the prosecutor's office to be tried under the anti-trafficking law. It established new e-visa centers in eight critical labor-sending countries to reduce instances of contract substitution, and it increased prosecutions of trafficking-related crimes. However, the government did not meet the minimum standards in several key areas. It did not report convicting any Qatari employers or recruitment agencies for forced labor, and sex trafficking convictions declined. The government did not routinely investigate for trafficking indicators among other related crimes, such as passport retention, withholding of wages, labor violations, and complaints of abuse. Authorities reportedly arrested, detained, and deported potential trafficking victims for immigration violations, prostitution, or fleeing their employers or sponsors.



PRIORITIZED RECOMMENDATIONS:

Increase the number of trafficking investigations, especially by investigating potential crime indicators such as passport retention, withholding of wages, labor violations, and complaints of abuse. • Increase efforts to prosecute trafficking offenses, particularly forced labor crimes, and to convict and punish traffickers under the anti-trafficking law. • Undertake serious efforts to prevent penalization of trafficking victims by screening for trafficking among those arrested for immigration violations, prostitution, or those who flee abusive employers and face counter-charges and deportation. • Routinely apply formal procedures to proactively identify and refer to care victims of all forms of trafficking, including any North Korean workers whom the North Korean government may have forced to work, and institute regular

trainings for all officials on how to employ these procedures. • Continue to implement reforms to the sponsorship system so it does not provide excessive power to sponsors or employers, such as by eliminating the No Objection Certificate (NOC). • Develop standard operating procedures (SOPs) and institute trainings for officials to fully implement the 2018 domestic worker law. • Continue to financially and logistically support the operationalization of the new trafficking shelter. • Increase regular trainings for government officials on the identification of forced labor crimes, targeting the judicial sector and labor inspectorate. • Broaden implementation of the Labor Dispute Resolution Committees (LDRCs) to expedite cases pertaining to contract or employment disputes and refer suspected trafficking cases for criminal investigative proceedings. • Provide adequate staff and resources to manage the 14 existing Qatar Visa Centers (QVCs) to reduce instances of contract substitution. • Ensure the Wage Protection System (WPS) covers all companies and individuals.

PROSECUTION

The government maintained overall anti-trafficking law enforcement efforts. The 2011 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to seven years' imprisonment and a fine of up to 250,000 Qatari riyal ($68,680) for offenses involving adult male victims, and up to 15 years' imprisonment and a fine of up to 300,000 Qatari riyal ($82,420) for offenses involving an adult female or child victim. Heads of recruiting agencies found guilty of trafficking faced up to five years' imprisonment and a fine of up to 200,000 Qatari riyal ($54,950). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Under Law number 4 of 2009, the government criminalized the confiscation of workers' passports by a sponsor, punishable by a maximum fine of 25,000 Qatari riyal ($6,870).

The Ministry of Administrative Development, Labor, and Social Affairs (MADLSA) reported the investigation of two potential trafficking cases—one notable forced labor case and the other for sex trafficking—and subsequent referral to the Public Prosecution Office (PPO) for criminal proceedings under the anti-trafficking law; both cases remained ongoing at the close of the reporting period. The government did not prosecute any Qatari or foreign employers or recruitment agencies for trafficking crimes under the anti-trafficking law, despite case referrals. The government did not report any trafficking convictions during the year; in the previous reporting period, it convicted six sex traffickers and sentenced them to prison time and ordered deportation. The PPO prosecuted, under Qatari labor laws, an unspecified number of trafficking-related cases exhibiting various trafficking indicators. The government administered the maximum sentence of three years in prison plus fines to the vast majority of these perpetrators during the year. One prosecutor within the PPO specialized in trafficking crimes, and the government continued to build up its newly established, dedicated police and prosecution units, which investigated one trafficking case during the year. The LDRC received 11,703 labor-related complaints, from which ensued 7,561 judiciary verdicts, an increase from 1,339 out of 6,161 the previous period. The remainder resulted in amicable out-of-court settlements or archived grievances due to incomplete evidence. In more than 84 percent of total workplace grievances, the government reported it issued verdicts in favor of the employees rather than their employers. For the first time, the government reported referring more than 2,500 workplace violations to the PPO for criminal proceedings, but analogous to previous years, it did not disaggregate or classify any potential trafficking indicators among these cases. The law mandated the LDRCs must reach resolution within three weeks for any contract or labor dispute. While the law aimed to help reduce the heavy financial burdens placed on laborers often left without income or housing while waiting on case closure, the report suggested in practice cases took significantly longer to resolve. The government did not provide data on cases pertaining to non-payment of wages and passport retention, or on whether it investigated any instances as potential trafficking offenses. In contrast, during the previous reporting period the government reported settlements in 197 cases of salary withholding and prosecutions of 43 cases of passport confiscation. The government did not report investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses.

Several government entities did not routinely categorize forced labor as human trafficking, but rather as criminal assaults and immigration or labor law violations. Prosecutors almost universally used the Qatari penal code to address trafficking crimes rather than the anti-trafficking law. They did so due to perceived swiftness and higher likelihood of successful prosecutions under charges that were easier to prove and more straightforward, which weakened deterrence of the crime. Consequently, authorities rarely punished trafficking offenders with dissuasive penalties. Instead, authorities prosecuted victims regularly for immigration and prostitution rather than identifying them as trafficking victims and referring them to care. The government lacked a clear and efficient judicial process to prosecute trafficking offenses or enforce labor law violations. Its primary solution for resolving labor violations continued to be a transfer of employer sponsorship, mandated back payment of wages, fines, and blacklisting of companies. The specialized units tasked with addressing trafficking crimes remained overburdened with thousands of cases related to violations of residency and labor laws; MADLSA's enforcement efforts were dependent on the PPO, as it lacked the formal authority to issue fines or other stringent penalties.

As in previous years, the National Human Rights Committee alongside other government entities financed and conducted specialized, extensive trainings on trafficking issues. The Police Training Institute of the Ministry of Interior (MOI) held an unknown number of courses and workshops for officers and staff, including departments of passports, border crossings, search and follow-up, human rights, and criminal investigations, which investigate and deal with trafficking cases. The government coordinated with several international organizations and NGOs to improve training programs for government workers in disciplines with a trafficking nexus, such as labor inspection. Qatar University's Law Clinic conducted training related to human trafficking at the local police-training center. In February 2020, a group of Qatari officials representing various authorities, such as the PPO, Ministry of Justice, and the National Committee to Combat Human Trafficking (NCCHT), received targeted training in the UK from British anti-trafficking prosecutors.

PROTECTION

The government increased its protection efforts by improving its institutional capacity to care for trafficking victims. In February 2020, after consulting two foreign NGOs on shelter best practices and SOPs, the government opened its inaugural trafficking-specific shelter designated for both male and female victims, which consisted of six refurbished villas for a maximum capacity of 200 residents, and signed an agreement with the Qatari Red Crescent Society to manage the shelter. The shelter was equipped with a health center, computer lab, dining facility, and laundry room, and had a budget of nearly $823,000 per annum. Since its opening, the government identified and referred 10 trafficking victims for housing and protective services there, compared with zero victims identified or referred to care the prior two years. The government-funded Aman Protection and Social Rehabilitation

Center shelter continued to provide basic medical care, social services, psychological treatment, housing, rehabilitation, repatriation assistance, and reintegration for female and child victims of domestic abuse, including female workers who fled their sponsors. Aman provided adequate assistance to those who wished to return to their home countries after ensuring they were properly rehabilitated and protected. Aman had a budget of approximately $3.8 million annually. Victims had the right to leave of their own volition without supervision, although chaperones were on call in the event security was needed. Victims were also able to access the shelter even if their employers filed charges against them. Several foreign diplomatic missions ran all-purpose shelters for their female nationals, which an unknown number of trafficking victims used.

During the previous year, the government revised the national victim referral system to coordinate victim identification and referral efforts between government authorities and NGOs; the referral system included the provision of shelter, health care, and legal assistance to trafficking victims. Officials did not customarily use established protocols to proactively screen vulnerable individuals for trafficking indicators. The Ministry of Labor worked with labor-sending embassies to determine which cases it should refer to the new shelter. Some officials reportedly used an existing manual to identify potential trafficking victims, but law enforcement personnel and other government entities did not report proactively screening for any trafficking indicators among domestic workers, a vulnerable population typically isolated and mostly excluded from protections under labor laws. Several government agencies did not categorize the abuse of domestic workers as forced labor or human trafficking cases due to a lack of evidence or witnesses and therefore sometimes failed to identify victims; however, some domestic workers voluntarily left the country in lieu of filing complaints or pursuing charges against their traffickers. The government took several steps to prevent forced labor including: The Supreme Committee for Delivery and Legacy (SCDL), the lead Qatari agency for preparation of the 2022 FIFA World Cup, began paying recruitment fees of company employees and continued throughout the reporting period. The government extended this practice to Ashghal, the government's public works authority, and private sector companies started to incorporate it as part of the tendering of contracts. The quasi-governmental Qatar Foundation and the SCDL also published mandatory protective standards documents for workers, which injected workers' rights into corporate social responsibility to provide contractual incentives to contractors and subcontractors to follow the labor law or risk losing lucrative, multiyear projects. The SCDL and other entities did not classify any workers specifically as trafficking victims from among these populations.

Systemic hurdles continued to limit victim protection and access to justice. The March 2018 Domestic Worker Law stipulated domestic workers were required to have government-verified contracts; to receive adequate employer-provided food, accommodation, medical benefits, one day off per week, limited 10-hour workdays, sick leave, return flight tickets once each year, three weeks paid vacation per year, and full end-of-service payments; to be guaranteed access to the new dispute resolution committees to resolve workplace grievances; and to be given allowances to leave their employers in cases of exploitation or violation of contract terms. However, enforcement and knowledge of the law remained very low, leaving significant vulnerabilities to forced labor among this population and victims without care or justice.

The government sometimes charged and deported victims for contravening Qatari labor and immigration laws. The Qatari legal system lacked adequate privacy laws to protect victims against potential retribution and often did not provide adequate assistance or protection for victims during legal proceedings. Victims who lodged complaints were sometimes the subject of spurious counter charges by their employers that resulted in administrative deportation proceedings. Officials reported "absconding" charges were not considered until after the resolution of existing labor disputes, though labor attachés and worker advocates noted in practice it was often difficult for workers to overcome the burden of such charges. Police often detained workers without legal status for immigration violations and fleeing their employers or sponsors, including potential trafficking victims. Police sometimes detained workers for their sponsors' failure to register them or renew their residency documents as required by Qatari law. Authorities sometimes charged some potential sex trafficking victims with *zina* (sex outside of wedlock) and subsequently deported them; according to a preliminary UN report on arbitrary detention, Qatari officials allegedly detained 26 women as a result of this prescribed crime during the reporting period. The government generally encouraged victims to testify against their traffickers by providing free legal counseling, assuring their safety, and allowing them to pursue financial compensation. However, such protections were not offered in all cases, and many workers still opted to return home rather than remain in country to assist prosecutors in convicting traffickers. Through the MOI, victims could change employers in cases of violated contractual terms, such as employers not paying the victim or forcing them to work excessive hours. The government did not report how many victims received legal support or were granted transfer-of-employer approval during the reporting year.

In September 2018 the amir signed Law No.13 for 2018, which legally granted the vast majority of expatriate workers covered under the labor law the right to depart the country without employer approval during the course of an employment contract. In January 2020, the prime minister issued Ministerial Decision No. 95 for 2019 to extend the abolishment of the exit permit requirement to include expatriates whom the labor law did not cover previously. The beneficiaries of the new decision also included employees at government institutions and most notably, the vulnerable domestic workers populace. Employers in the private sector still have the right to designate as critical no more than five percent of their workforce, who require employer approval prior to exiting the country. During the year, MADLSA reported moving 2,157 workers to new employers after the initial employers failed to pay the workers on time. MOI also reported transferring 6,531 workers who suffered some form of abuse or violation of their contracts in 2019. Interior officials had the authority to extend the residency of a domestic worker pending the resolution of a case. The law states the complaining party can reside in Qatar pending resolution of legal proceedings. The government reported it did not deport those who faced retaliation or retribution in their country of origin.

PREVENTION

The government continued robust efforts to prevent trafficking. The NCCHT collected inputs from a foreign government, Qatar University's Law Clinic, and two international organizations to redraft its national action plan to combat trafficking, which spanned 2017-2022 and prioritized prevention, protection, "judicial pursuits", and regional and international cooperation. In addition to the NCCHT's action plan, the Supreme Judiciary Council began drafting its own strategic action plan with specific goals related to trafficking, increasing judicial awareness and enhancing practices to identifying and addressing forced labor cases. MADLSA, in consultations with an international organization, compiled comprehensive research on trafficking-related topics germane to Qatar and concluded several action items to improve its overall anti-trafficking prevention program. The government-funded Aman Center continued to promote campaigns that raised

awareness on various forms of abuse, including trafficking, and outlined places offering victims assistance; these campaigns targeted women, domestic workers, and employers. MADLSA and MOI continued a regular series of lectures, town halls, and media publications to explain the ongoing anti-trafficking and sponsorship reforms and solicited feedback from representatives of the major labor-sending countries. The Slavery Museum in Doha—part of a government museum consortium and chaired by the wife of the Father Amir—hosted regular visits from school groups and senior diplomatic delegations and held public ceremonies to highlight trafficking issues that received wide local press coverage. The government maintained its publication and distribution of manuals for expatriates in Arabic, English, and several labor sending country languages on proactive victim identification, domestic worker rights, and ways to combat trafficking in Qatar. It continued to publish and disseminate "worker rights" pamphlets in English, Arabic, Hindi, Bengali, Nepali, and Tagalog that contained relevant articles from the labor and sponsorship laws. Officials maintained multiple hotlines for vulnerable migrant workers, including trafficking victims; as in the previous year, the government did not report the number of calls each hotline received. The government made discernible efforts to reduce the demand for commercial sex acts. The government's Diplomatic Institute held a train-the-trainer style course that provided information about legal employer obligations for Qatari diplomats posted abroad.

During the reporting year, MADLSA reported conducting 24,745 worksite and 18,836 accommodations visits, which resulted in 2,553 violation reports and referrals to the PPO but no reported trafficking cases. The government was unable to provide data on the following: the number of companies blacklisted for violation of the WPS, domestic worker complaints, non-payment of wages filings, and other migrant worker-reported grievances related to the visits. Furthermore, the government did not report if it criminally investigated, prosecuted, or convicted any of these companies, or their owners or staff. During the previous year, it conducted 496 inspections of recruitment companies, resulting in the issuance of warnings to 19 companies and the cancellation or revocation of the licenses of nine companies that MADLSA's routine monitoring mechanism found to be noncompliant with Qatari labor law. The government also blacklisted more than 14,000 companies for contravening the WPS. The government continued its rollout of the WPS, which requires employers to pay workers electronically and increases penalties for labor code contraventions. Reportedly, 96 percent of laborers in Qatar received payments via the WPS, and more than 76,000 companies registered for wage disbursements through this mechanism. The government also permitted the ILO's Doha office to strengthen anti-trafficking operating capacity and generate sustainable labor reform efforts throughout Qatar. The government maintained 50 bilateral agreements and five memoranda of understanding with labor-sending countries that addressed recruitment issues and worker rights. The government also worked with individual countries to certify vetted labor recruitment offices to reduce fraud or excessive debts that could facilitate labor trafficking.

As of December 2019, the government opened 14 QVCs in eight critical labor source countries, which provided 80 percent of the total workforce in Qatar, including Bangladesh, India, Pakistan, and Sri Lanka. The centers were responsible for finalizing all procedural elements pertaining to labor recruitment, including fingerprinting, medical examinations, verifying educational certificates, signing contracts in local languages, issuing Qatari residency permits prior to source country departure, opening bank accounts for workers, and attempted to ensure employers pay all fees. The QVCs aimed to reduce instances of contract bait-and-switch, in which recruiters lured workers under one contact in home countries and subsequently forced them to sign new ones with lower wages upon arrival in Qatar. In doing so, the government ensured one unified contract was concurrently filed abroad and in Qatar.

TRAFFICKING PROFILE

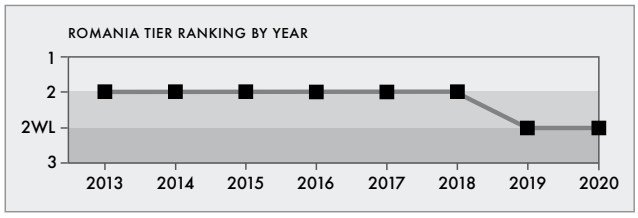
As reported over the past five years, human traffickers exploit foreign victims in Qatar. Men and women from Bangladesh, India, Indonesia, Kenya, Nepal, Nigeria, Pakistan, the Philippines, Sri Lanka, Sudan, Uganda, and other countries voluntarily migrate to Qatar as unskilled laborers and domestic workers, often paying illegal and exorbitant fees to unscrupulous recruiters in the labor-sending countries, thereby increasing their vulnerability to debt bondage. Many migrant workers subsequently face conditions indicative of labor trafficking, to include restricted movement, delayed salaries or payment withholding, denial of employment-associated benefits, passport confiscation, threats of deportation, and refusal to provide NOCs to allow workers to transfer to new jobs; in a small number of cases, migrant workers face physical, mental, and sexual abuse, as well as threats of serious physical or financial harm. Anecdotally, traffickers force some women who migrate for legitimate employment offers to work in prostitution. Some North Korean laborers in Qatar may have been forced to work by the North Korean regime. In 2019, there were at most 20 total North Korean workers in Qatar, but by the end of the year the government terminated such contracts. Nearly all of these workers had departed Qatar.

Qatar's unskilled migrant workers are the largest group at risk of trafficking; those employed as domestic workers remain the most vulnerable. Unscrupulous recruiters in source countries and employers in Qatar exploit economic migration to prey on prospective workers. Predatory recruitment agencies in labor-sending countries extract inflated fees from aspiring migrant workers or lure them to Qatar with fraudulent employment contracts, rendering workers vulnerable to forced labor once in the country. Among foreign workers, female domestic workers are particularly vulnerable to trafficking, as Qatar's culture of privacy can lead to isolation in private residences due to officials' lack of authority to enter them. Since January 2020, domestic workers have the right to leave the country without permission from their employers. Despite this, awareness and enforcement of the law providing these rights remain limited. Additionally, individuals in Qatar sell "free" visas to migrants and occasionally demand regular payments, enabling migrant workers to work illegally and without legal recourse against their respective sponsors. Many businesses reportedly fail to pay their expatriate employees in a timely manner, or at all, forcing workers to choose between leaving the country with heavy debts or staying in Qatar with the hope of eventually receiving payment. The bankruptcy of several large companies employing hundreds of workers during the reporting period put great strain on the government and civil society organizations attempting to assist them.

Qatar's employment-based sponsorship system, which continues to undergo significant reform, places control disproportionately in the hands of employers. These employers have unilateral power to cancel residence permits; up until the current reporting period, employers were also able to prevent workers from changing employers and deny them permission to leave the country. Debt-laden migrants who face abuse or are misled often avoid reporting their exploitation due to fear of reprisal or deportation, the protracted recourse process, or lack of knowledge of their legal rights, thereby exacerbating or prolonging their forced labor situation. Many migrant workers often live in confined, unsanitary conditions, and many complain of excessive working hours and hazardous working conditions. Reports allege the vast majority of expatriate workers' passports were in their employers' possession, despite laws against passport confiscation.

ROMANIA: TIER 2 WATCH LIST

The Government of Romania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included identifying significantly more trafficking victims, participating in twice as many international investigations, and conducting more awareness campaigns. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities investigated, prosecuted, and convicted fewer traffickers. Alleged complicity in trafficking crimes persisted without punishment, particularly with officials exploiting minors while in the care of government-run homes or placement centers. Authorities did not adequately screen for trafficking indicators or identify victims among vulnerable populations, such as asylum-seekers, individuals in commercial sex, or children in government-run institutions. Services for child trafficking victims remained inadequate. Moreover, a lack of sufficient government funding for assistance and protection services endured, leaving most victims without services, susceptible to re-traumatization, and at risk of re-trafficking. Therefore Romania remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases under the trafficking statute and punish convicted traffickers, including complicit officials, with significant prison sentences. • Proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, individuals in commercial sex, and children in government-run institutions, through enhanced training for police officers and labor inspectors on recognizing indicators of exploitation. • Significantly increase resources for, and the quality of, specialized victim services for children, including by training local child protection officers who work with victims and ensuring they have the necessary resources, such as funding. • Amend legislation to allow for financial support to NGOs for victim services and develop and institute a formal mechanism for administering the funds. • Expand efforts to train officials involved in judicial proceedings, particularly judges, on working with trafficking cases and victims, sensitivity to trafficking issues, and understanding all forms of trafficking. • Increase the number of police officers investigating trafficking crimes and financial investigators specializing in trafficking cases. • Significantly increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion. • Amend legislation to allow authorities to sanction recruiting agencies for crimes contributing to trafficking. • Increase the quality of psychological counseling and improve access to medical assistance for victims. • Amend regulations to exempt all trafficking victims who testify in trials from the online disclosure of their names to protect participating witnesses from retaliation and stigma and incentivize greater victim participation in prosecutions. • Provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions. • Revise the restitution mechanism to include minimizing court fees and increasing efforts to ensure victims receive reparation. • Allocate adequate financial resources for the implementation of the 2018-2022 national strategy and national action plan.

PROSECUTION

The government decreased law enforcement efforts. Articles 210 and 211 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. As in previous years, government data did not differentiate between cases exclusively related to trafficking or cases related to other crimes, such as pandering. The Organized Crime and Terrorism Investigation Directorate (DIICOT) and the Department for Combating Organized Crime (DCCO) were responsible for investigating and prosecuting trafficking cases. Authorities opened 532 new trafficking cases in 2019, a decrease from 695 in 2018 and 675 in 2017. Prosecutors indicted 347 alleged traffickers, compared with 399 in 2018 and 362 in 2017. Courts convicted 120 traffickers in 2019, continuing a multi-year decline from 130 in 2018 and 222 in 2017. Although 37 convicted traffickers received suspended sentences, and three postponed prison sentences, the remaining 80 traffickers received sentences from one to more than 10 years' imprisonment. During the reporting period, a court acquitted 25 alleged traffickers in the notorious "Tandarei" child trafficking case, in which the court tried the alleged traffickers under a law that provided lesser penalties and a shorter statute of limitations. The case resulted from a 2009-2010 joint investigation with the United Kingdom (UK) into a Romanian trafficking network, which Europol considered one of the biggest in Europe; the traffickers recruited hundreds of children from poor Roma communities in the southern part of the country and exploited them in the UK in forced begging or forced theft. In 2019, DIICOT and DCCO participated in 80 joint investigative teams with European counterparts, a significant increase from 36 in 2018 and 44 in 2017. In July 2019, Romanian and German authorities partnered in an investigation that resulted in the arrest of four Romanian men for exploiting minors, including their own children, in commercial sex. Romanian authorities also participated in a pan-European case led by Europol involving child trafficking, which resulted in 34 arrests.

Widespread complicity and the failure to incriminate officials hampered effective law enforcement. While the government did not collect data on complicit officials, NGOs, journalists, and human rights activists reported alleged complicity in trafficking crimes by government officials, particularly with officials exploiting minors and acting as accomplices to traffickers. In May 2019, DIICOT indicted the former police chief of a southeastern Romanian town for allegedly protecting a trafficking network while leading the local police inspectorate. The media reported a transnational trafficking network used bribes and pressure to induce the police into hiring an officer to serve in the General Police Inspectorate. The media also mentioned traffickers negotiated other jobs and transfers within the police force and offered the police information about rival criminal groups in order to eliminate their competitors. Additionally, several NGOs expressed suspicion that staff working in placement centers for minors and residential centers for persons with disabilities facilitated trafficking in persons. Nonetheless, the government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

A new administration came into office in November 2019 and committed to reforming judicial structures; however, existing law enforcement deficiencies and knowledge gaps impeded progress. Authorities often charged suspected traffickers for crimes other than trafficking, such as pandering and pimping. DCCO continued to operate with limited staff due to provisions adopted by the previous government on the early retirement

of police officers, which required 30 percent of the workforce to retire in 2018. As a result, overextended officers handled multiple cases simultaneously and struggled to build strong cases for prosecutors. Moreover, anti-trafficking efforts varied across the country, with some counties maintaining fewer staff and resources than other counties. Furthermore, authorities reported a lack of investigative tools and software that would allow them to perform faster and more effective online investigations. Additionally, observers reported that a split reporting structure hindered police efficiency and coordination with investigations and prosecutions. Likewise, NGOs noted that limited dedicated financial investigators—eight covering the entire country—restricted financial investigations and asset seizures, inhibiting evidence collection in trafficking cases to corroborate witness testimony. NGOs reported, while the legal sphere developed some sensitivity to trafficking victims' situations, some police officers and judges continued to lack specialized training and sensitivity toward sex trafficking cases and trafficking issues, including a basic understanding of trafficking. Additionally, observers frequently criticized police and members of the gendarmerie, particularly in rural areas and small towns, for being unaware of the exploitation potential in commercial sex, leading to a failure to check for indicators of force, fraud, or coercion when encountering individuals in commercial sex. The government continued to use donor funding to train police and prosecutors to organize a series of anti-trafficking training programs during the reporting period. The National Institute for Magistrates conducted a workshop on international judicial cooperation and techniques for investigating trafficking, identification, referral, and assistance; 14 prosecutors and judges participated. The National Anti-Trafficking Agency (ANITP) organized 160 trainings for government, judiciary, and front-line officials on a victim-centered approach in criminal cases and victim identification and assistance. The Border Police General Inspectorate organized three trainings for 15 border police officers that focused on working with vulnerable persons and combating trafficking.

PROTECTION

The government maintained insufficient protection efforts. Public officials and NGOs identified 698 victims in 2019 (518 sex trafficking; 138 labor trafficking, including forced begging and forced theft; and 42 victims of attempted trafficking), an increase from 497 in 2018 and 662 in 2017. These statistics included victims from ongoing investigations and prosecutions initiated in previous years. Of these victims, 327 were minors. As in past years, fewer than half of identified victims received assistance. In 2019, 49 percent (339) of identified victims received assistance from public institutions, public-private partnerships, and NGOs, compared with 48 percent in 2018 and 46 percent in 2017. Authorities used the existing national victim identification and referral mechanism to identify and refer victims. While ANITP drafted a new mechanism in 2018 with the support of NGOs, the government did not implement it during the reporting period. Observers reported authorities did not proactively identify victims, particularly among vulnerable populations, such as individuals in commercial sex. They also noted authorities did not identify victims in key places such as placement centers, and identification typically occurred after a criminal investigation started. Consequently, NGOs claimed the actual number of victims was higher than the reported number. Observers also reported authorities fined persons in commercial sex, even if they were minors, without looking for trafficking indicators.

Based on information gathered during the identification process, authorities informed victims of the services available to them, after which victims decided the services they preferred and consented to the referral process. Authorities referred identified adult victims to ANITP and minor victims to child protection services. Victims received protection and assistance services in government-run facilities and in NGO-run trafficking shelters. The government maintained three government-run shelters designated for trafficking victims with the capacity to accommodate 18 adults; the shelters also housed domestic violence victims. Authorities placed child victims in general child facilities or in facilities for children with disabilities run by child protection services. Despite children representing 47 percent of identified victims, these shelters did not offer specialized services and frequently re-traumatized children. The National Authority for the Protection of Children's Rights and Adoption (ANPDCA) reported that child protection services in most counties did not have the expertise and resources to offer services tailored to the special needs of trafficking victims. ANPDCA also reported local child protection services, which were supposed to provide service to trafficking victims, lacked the necessary knowledge that would allow them to justify funding requests for specialized services. Child protection services managed only two centers that focused specifically on child trafficking victims. Perennial problems of abuse and neglect of institutionalized children, coupled with the lack of proactive identification in government facilities, left children in placement centers vulnerable to trafficking. In 2019, authorities identified no foreign victims among refugees and asylum-seekers, but observers estimated there were dozens of cases. The law permitted foreign victims to request asylum and granted asylum-seekers the right to work after three months. The law also permitted foreign victims who cooperated with authorities to receive a renewable, six-month temporary residence permit. Romanian victims abroad received free travel documents issued by Romanian embassies; however, the government did not pay for repatriation expenses, resulting in NGOs and an international organization having to absorb the costs.

Nonexistence of government funding for NGO assistance and protection services remained a problem. While the government relied on NGOs to accommodate and assist victims, it did not allocate grants directly to NGOs due to legislation precluding direct funding. The government did not impose mandatory minimum standards on the quality of victim assistance, and as a result, assistance varied greatly depending on the facility. The law entitled all victims to psychological and medical care; however, the government did not provide more than one mental health counseling session and did not finance medical care costs. NGOs paid for all psychological services costs for victims due to the government's refusal to reimburse psychologists who assisted victims. NGOs also covered victims' emergency medical care costs because the government lacked financial assistance, and medical care required payment upfront. Moreover, access to medical care required Romanian victims to return to their home districts to obtain identity documents. The process presented logistical and financial hurdles for many trafficking victims; NGOs also covered those costs.

In general, victims lacked adequate support during criminal cases. In 2019, 255 victims participating in criminal proceedings accessed services available to victims assisting law enforcement; these services included concealing victims' identities, protection at victims' residence, and transporting victims during travel. While the government provided legal aid to victims, the lawyers assigned often lacked experience working with trafficking victims. Additionally, the government published the names of all trial witnesses, including minors, on the internet, putting victim-witnesses at risk of retaliation. The law entitled victims to reparation from their traffickers; however, victims generally could not afford the fees necessary to initiate civil trials or, in cases in which judges ordered restitution, to pay court officers to collect the money owed from traffickers. However, if victims did not obtain restitution in court, the government could reimburse for expenses related to hospitalization, material damage caused by the traffickers, and revenues victims lost while being trafficked.

Furthermore, in the event traffickers' assets were not seized but a guilty verdict was reached, the government could pay material damages for documented expenses, such as medical bills.

PREVENTION

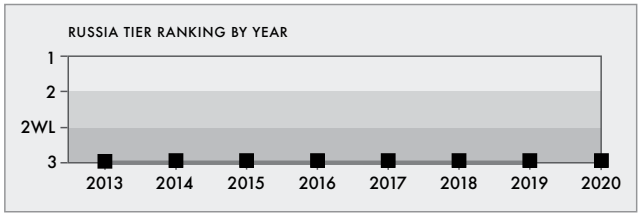
The government marginally increased prevention efforts. The government continued to implement its 2018-2022 national strategy and national action plan, but it did not allocate financial resources to any of the activities or goals. ANITP continued to publish yearly reports and statistics on trafficking and organized 85 awareness campaigns, compared with 36 in 2018, aimed at educating youth and adults looking for jobs abroad. Several NGOs criticized ANITP for investing too many resources in awareness campaigns and neglecting the pressing needs of victims. Furthermore, NGOs expressed concern about ANITP's capabilities, noting its limited capacity, decrepit infrastructure, and lack of authority, funds, and support from the government. The government made efforts to reduce the demand for commercial sex acts, including awareness campaigns aimed at educating purchasers on the role and demand of sex trafficking in commercial sex. In 2019, the General Inspectorate for Immigration conducted information sessions for asylum-seekers and foreign citizens studying in Romania about work regulations and the duties of employers. While the criminal code prohibited Romania-based recruitment companies from facilitating the exploitation of citizens abroad, the government did not have the power to punish recruitment agencies for crimes that contribute to trafficking, such as illegal recruitment fees. According to some NGOs, police remained unresponsive to reports of labor trafficking, and labor inspectors lacked the competency for detecting trafficking and the legal authority for unannounced inspections to several categories of worksites. Despite these shortcomings, the government issued 22,000 work permits for non-EU migrants, which put them particularly at risk for trafficking. ANITP managed a 24-hour hotline but only staffed an operator during regular business hours. The hotline provided services in Romanian and English and primarily focused on informing Romanians about working abroad safely. In 2019, the hotline received seven calls, compared with 13 in 2018, regarding potential trafficking cases, four of which DCCO investigated.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Romania, and traffickers exploit victims from Romania abroad. Romania remains a primary source country for sex trafficking and labor trafficking victims in Europe. Traffickers subject Romanian men, women, and children to labor trafficking in agriculture, construction, hotels, manufacturing, and domestic service, as well as forced begging and theft in Romania and other European countries. Traffickers subject Romanian women and children to sex trafficking in Romania and other European countries. Experts report a rise in Romanian women recruited for sham marriages in Western Europe; after entering these marriages, traffickers force the women into commercial sex or labor. Minors represent nearly 50 percent of identified trafficking victims in Romania. Traffickers subject institutionalized children, particularly girls living in government-run homes and placement centers for disabled persons, to sex trafficking. Traffickers subject Romani children, as young as 13 years old, to forced begging and sex trafficking. The extent of trafficking from the Republic of Moldova into and through Romania is unclear, though some reports suggest that traffickers operating in Romania and Moldova exploit Moldovan women and girls from Romania in operations in Europe. Romania is a destination country for a limited number of foreign trafficking victims, including migrants from Africa, Europe, and South and Southeast Asia, exploited in the construction, hotel, and food-processing industries.

RUSSIA: TIER 3

The Government of Russia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Russia remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by convicting some traffickers, facilitating the return of Russian children from Iraq and Syria, and identifying some victims, including foreign nationals. However, during the report period there was a government policy or pattern of forced labor; the total number of victims identified by the government remained negligible compared with the estimated scope of the issue; and authorities routinely penalized potential victims, including by detaining and deporting potential forced labor victims for immigration violations and prosecuting sex trafficking victims for prostitution offenses, without screening for signs of trafficking. While estimates vary, the Russian government reported the number of North Korean workers in Russia declined from 11,500 to approximately 1,000 in 2019, yet the Russian government issued in excess of 20,000 new tourist and student visas to North Koreans in 2019 compared with in 2018. Although the government took steps to repatriate North Korean workers in accordance with UN Security Council resolutions (UNSCR), citizens from the Democratic People's Republic of Korea (DPRK) continued to arrive throughout the year, many of whom likely engaged in informal labor. The government did not screen laborers for trafficking indicators or identify any North Korean trafficking victims, despite credible reports that the DPRK operated work camps in Russia and subjected thousands of North Korean workers to forced labor. The government offered no funding or programs for trafficking victims' rehabilitation; authorities lacked a process for the identification of victims and their referral to care. The government did not consistently provide comprehensive information on prosecution efforts, but the limited available data and media reports suggest prosecutions remained low compared with the scope of Russia's trafficking problem. As in previous years, the government did not draft a national strategy or assign roles and responsibilities to government agencies.



PRIORITIZED RECOMMENDATIONS:

Implement a formal policy to ensure identified trafficking victims are not punished or deported for unlawful acts their traffickers compelled them to commit. • Develop and implement formal national procedures to guide law enforcement, labor inspectors, and other government officials in identifying and referring victims to service providers, particularly among labor migrants and individuals in commercial sex, and screen for trafficking indicators among individuals arrested for commercial sex or immigration violations. • Investigate allegations and prevent the use of forced labor in construction projects and North Korean-operated labor camps. • Given significant concerns that North Korea forces its citizens to work abroad, screen North Korean workers, students, and tourists for trafficking indicators and refer them to appropriate services. • Allocate funding to state bodies and anti-trafficking NGOs to provide specialized assistance and rehabilitative care to victims. • Investigate and prosecute trafficking offenses and convict traffickers, including complicit officials and suspected

trafficking cases related to North Korean workers in Russia, respecting due process. • Create a national anti-trafficking action plan and establish a central coordinator for government efforts. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker and allow all first responders to officially identify potential trafficking victims and refer them to care. • Ensure screening among children returned from Iraq and Syria for child soldiering indicators and provide them with rehabilitation and reintegration support. • Provide victims access to legal alternatives to deportation to countries where they face hardship or retribution. • Amend the criminal code to include a definition of trafficking that is consistent with the definition of trafficking under international law. • Create a central repository for publicly available information on investigation, prosecution, conviction, and sentencing data for trafficking cases. • Increase efforts to raise public awareness of both sex and labor trafficking, including among minors.

PROSECUTION

The government decreased already minimal law enforcement efforts. It did not report comprehensive data on trafficking criminal cases, making it difficult to assess the adequacy or effectiveness of law enforcement efforts. Media reports and publicly available data revealed some details on trafficking cases investigated and prosecuted, including some conviction information, during the reporting period, although the limited number of cases reported did not constitute an adequate law enforcement response compared with the scale of trafficking in Russia. Some publicly available data was likely duplicative or contradictory of information from other sources, as no single agency was responsible for maintaining comprehensive law enforcement statistics. Articles 127.1 (trafficking in persons) and 127.2 (use of slave labor) of the criminal code criminalized sex trafficking and labor trafficking. Article 127.1 prescribed penalties of up to five years' prison labor or up to six years' imprisonment for offenses involving adult victims, and three to 10 years' imprisonment for those involving a child victim. Article 127.2 prescribed penalties of up to five years' prison labor or up to five years' imprisonment for offenses involving an adult victim, and up to five years' prison labor or three to 10 years imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. However, inconsistent with the definition of trafficking under international law, these articles established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. There were reports authorities often prosecuted trafficking crimes under related statutes, including Articles 240 (involvement in prostitution), 240.1 (receiving sexual services from a minor), and 241 (organization of prostitution), the penalties for which were generally lower than the penalties prescribed for trafficking offenses.

Russia's federal-level Investigative Committee publicly reported three new investigations (two sex trafficking and one labor trafficking) in 2019, as well as three ongoing sex trafficking investigations, a decrease from 14 reported in 2018. The government publicly reported prosecuting two defendants in a single case for sex trafficking under article 127.1. Public records showed courts convicted six individuals (two cases) under article 127.1 and two (one case) under article 127.2, compared with 18 convictions under article 127.1 and three under 127.2 in 2018. The government published sentencing information for these convictions that included, for article 127.1, four prison terms (five years and four months, four years and six months, four years and six months, two years) and two compulsory labor sentences (six years and four months, five years and six months) and for article 127.2, two prison terms (four years, three years and six months). Media reports in the past revealed the government sometimes prosecuted as trafficking cases involving baby-selling, a crime that falls outside the international definition of trafficking. Authorities continued to prosecute suspected traffickers under commercial sex and pimping statutes, but did not report data on the frequency of these prosecutions. NGOs reported that tens of thousands of trafficking-related cases were reported to authorities, but the government processed most under other administrative or criminal codes, which suppressed statistics and masked the scale of the problem. In December 2019, the supreme court issued a clarification on cases including trafficking in persons that highlighted the criminal liability of those who recruit victims into trafficking situations, which experts hoped would increase the use of the criminal code to prosecute and convict traffickers.

Law enforcement training centers provided instruction on trafficking identification. Russian authorities did not report cooperating in any new or ongoing international investigations in 2019. The government maintained bilateral contracts with the DPRK government, which continued to operate work camps in Russia throughout 2019. Despite credible reports of forced labor and slave-like conditions of North Koreans working in Russia, the Russian government did not report any investigations into those conditions. Media reported the arrest of a police officer accused of forcing an individual he arrested to work on the family farm. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

PROTECTION

The government maintained negligible efforts to protect victims. As in previous years, the government did not provide funding or programs for protective services dedicated to trafficking victims. The law did not specifically define who is a trafficking victim or differentiate trafficking victims from victims of other crimes; experts noted this hindered identification measures and limited access to victim services. NGOs provided all protection services, including shelter, food, legal services, basic medical and psychological support, interpretation, facilitating the return of documents or wages, and assisting in the resettlement or repatriation of victims, although few were able to provide specialized assistance specifically for trafficking victims. The last dedicated trafficking shelters closed in 2015 due to lack of funding; however, government-funded homeless shelters could accommodate Russian and foreign victims. Authorities did not routinely screen potential victims seeking assistance at these shelters for trafficking indicators; in prior years, the shelters provided medical and psychiatric aid, and referred victims to international NGOs and other homeless shelters located in many of Russia's regions. There were no reports of victims assisted in these shelters in 2018 or 2019. A shelter "for women in difficult life situations," run by the Russian Orthodox Church, continued to accept victims and offered them food, housing, and psychological care, although not medical assistance; the government did not provide financial support for the shelter. There were limited examples of government cooperation with civil society. Despite the lack of formal cooperation, NGOs reported working with some local government-run centers to provide assistance to potential victims on an ad hoc basis. Similar to previous reporting periods, the government took steps to limit or ban the activities of civil society groups, including some dedicated to anti-trafficking activities, through measures such as "foreign agent" laws. Further, the government's efforts to exert pressure on NGOs through the implementation of restrictive laws also targeted those providing protective services for trafficking victims; the government previously designated two locally registered NGOs working on trafficking issues as "foreign agents" and NGO employees who criticized the government's anti-trafficking efforts reported

receiving verbal threats. The "Yarovaya" package of anti-terror laws made it a crime for individuals or organizations to provide material assistance to people considered to be in Russia illegally; authorities could prosecute NGOs who assisted unlawfully present victims of trafficking.

The government reported the identification of 61 trafficking victims in 2019, compared with 19 reported identifications in 2018. According to law enforcement statistics, of these 61 identified victims, 41 were female sex trafficking victims, four males were victims of forced labor, and 16 were children, although many of these were likely baby-selling cases not considered to be trafficking without the purpose of exploitation in sex trafficking or forced labor. Available data did not specify national origin in all cases but most victims were Russian, at least four were from Uzbekistan, and one was Nigerian. NGOs estimated the number of victims to be in the thousands. Police regularly avoided registering victims in criminal cases that were unlikely to be solved in order not to risk lower conviction rates. The government did not develop or employ a formal system to guide officials in proactive identification of victims or their referral to available services, nor did it have a program to protect or support victims who participated in the investigation or prosecution of their alleged traffickers. Authorities reportedly pressured some victims to cooperate in investigations without any offer of protection. Although informal cooperation between law enforcement and NGOs at the local level resulted in some victims receiving limited services, NGOs reported a significant number of cases go unreported due to the lack of a formal referral mechanism, victims' fears, and the lack of government assistance to victims. The government maintained a readmission agreement with the EU to assist in the repatriation of Russian trafficking victims, but did not keep official statistics on how many victims it assisted in this way; NGOs reported authorities referred few returning victims to them for services.

Authorities penalized victims for crimes committed as a direct result of being subjected to trafficking. Observers noted authorities often did not recognize foreign victims as such when they were unlawfully present in Russia, which resulted in the penalization of foreign victims rather than their referral to care. Authorities treated foreign victims as illegal migrants and criminally charged them with prostitution or unlawful presence in country; many victims were detained or deported without being screened for trafficking indicators. Authorities frequently prosecuted Russian and foreign victims of sex trafficking for engaging in commercial sex and did not take proactive measures to identify victims during raids on brothels. Authorities punished child victims of forced criminality, often together with the traffickers who forced them to commit these crimes. Authorities did not screen other vulnerable populations, such as migrant workers or foreign women entering Russia on student visas despite evidence of their intention to work or other vulnerabilities to trafficking. In limited instances, Moscow city police informally provided "permit letters" valid for one year to individuals the police determined were trafficking victims. While the letters offered no official status to the migrants, they allowed victims to remain in the Moscow region without risk of deportation or prosecution while police investigated their trafficking case. Authorities reportedly prosecuted Russian citizens returning from Syria and Iraq, where some were subjected to trafficking, under anti-terror laws without being screened for indicators of trafficking. The government continued the repatriation of Russian minors, including potential trafficking victims, whose parents were alleged fighters with ISIS. ISIS was known to use child soldiers and perpetrate other forms of trafficking. The government did not report screening specifically for indicators of trafficking, but media reports indicated the children received counseling. An estimated 200 children had returned to Russia since this program first became public in 2017; media reports indicated the government repatriated 122 children in 2018-2019.

Migrant laborers from the DPRK continued to work in Russia, especially in the Far East, often under conditions of forced labor. A February 2016 agreement between Russia and the DPRK enabled Russian authorities to deport North Koreans residing "illegally" in Russia, possibly even those with refugee status; this may increase the risk of labor trafficking for North Koreans working under the state-to-state agreement. Moreover, DPRK authorities reportedly arrested, imprisoned, subjected to forced labor, tortured, and sometimes executed repatriated trafficking victims. In February 2018, government officials announced that in accordance with UNSCRs 2375 and 2397, Russia would cease issuing new work permits to North Korean laborers and repatriate those workers whose contracts had expired. Russian officials further stated they were taking steps to fulfill Russia's obligations under the relevant UNSCR to repatriate all of these workers by the end of 2019, and reported the number of DPRK workers in Russia (11,490 at the start of 2019) declined steadily throughout the year. However, the government reported at least 1,000 DPRK workers remained in the country at the end of January 2020. Despite reports that the government ceased issuing new work permits to North Korean laborers, observers noted many laborers continued to enter the country via fraudulent channels to work informally, for example by obtaining tourist or student visas, which increased their vulnerability to trafficking. The government issued 16,613 tourist and 10,345 student visas to North Koreans in 2019, compared with 2,035 tourist and 2,610 student visas in 2018. Although government representatives publicly stated authorities asked DPRK workers to leave voluntarily, it was not evident that authorities screened workers for trafficking indicators or offered them options to legally remain in the country.

PREVENTION

The government maintained limited efforts to prevent trafficking. The government had neither a designated lead agency to coordinate its anti-trafficking efforts nor a body to monitor its anti-trafficking activities or make periodic assessments measuring its performance. Russia did not have a national action plan; legislation that would implement a coordination framework continued to languish at the highest levels within the presidential administration. The government continued to operate regional migration centers where migrants who did not also need visas to enter the country could obtain work permits directly from the government; however, an international organization estimated only half of eligible migrants obtained these permits as they entailed large upfront and monthly fees and sometimes required multiple time-consuming trips to the center. The international organization noted migrants who were not able to complete the permit process were increasingly vulnerable to labor exploitation and trafficking due to their lack of proper documentation. Recruitment agencies that sought to employ Russians overseas were required to obtain a license from the ministry of internal affairs, but no such requirement existed for agencies recruiting foreign workers, which increased the vulnerability of such workers to forced labor. Authorities conducted scheduled and unannounced audits of firms employing foreign laborers to check for violations of immigration and labor laws—with penalties in the form of revoking foreign worker permits. While these raids took place with some regularity, the use of undocumented or forced labor remained widespread due to complacency and corruption. As in previous years, the government made no efforts to develop public awareness of forced labor or sex trafficking and provided no funds to NGOs to carry out prevention and awareness campaigns. Prevention campaigns were hampered by a law that made it a crime to talk to children younger than 16 about sexual issues and exploitation. The government did not make efforts to reduce the demand for commercial sex acts. There were anecdotal reports the government provided anti-trafficking training to some of its diplomatic personnel.

TRAFFICKING PROFILE

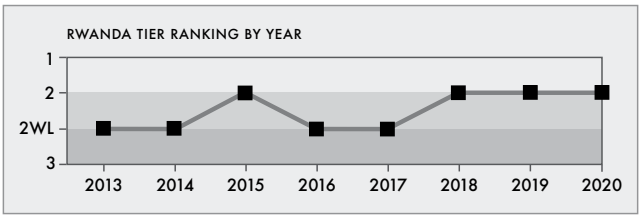
As reported over the past five years, human traffickers exploit domestic and foreign victims in Russia, and victims from Russia are exploited abroad. Although labor trafficking remains the predominant human trafficking problem within Russia, sex trafficking continued. Traffickers exploit workers from Russia and other countries in Europe, Central Asia, Southeast Asia, China, and the DPRK in forced labor in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, logging, textile, and maritime industries, as well as in saw mills, agriculture, sheep farms, grocery and retail stores, restaurants, waste sorting, street sweeping, domestic service, and forced begging. There are reports of widespread forced labor in brick factories in the Dagestan region. International organizations estimate there are between six and 12 million foreign workers in Russia, of which approximately three million lack proper work authorization. Many of these migrant workers experience exploitative labor conditions characteristic of trafficking cases, such as withholding of identity documents, non-payment for services rendered, physical abuse, lack of safety measures, or extremely poor living conditions. According to an international organization, children of migrant workers are vulnerable to forced labor in informal sectors. According to press reports, 2.3 million Ukrainians resided in Russia, including more than one million who went east to escape Russian aggression in Ukraine. International organizations estimate up to 40 percent of these migrants were working unofficially and vulnerable to both forced labor and sex trafficking; most identified victims of forced begging in recent years are Ukrainian. Subcontracting practices in Russia's construction industry result in cases of non-payment or slow payment of wages, which leave workers at risk of labor trafficking. Traffickers have been known to pose as landlords renting rooms to migrant laborers in order to recruit victims and coerce them into forced labor. There are reports of Russian citizens facing forced labor abroad. Traffickers lure minors from state and municipal orphanages to forced begging, forced criminality, child pornography, sex trafficking, and use by armed groups in the Middle East.

Women and children from Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily China and the Philippines), Africa (particularly Nigeria), and Central Asia are victims of sex trafficking in Russia. Sex trafficking occurs in brothels, hotels, and saunas, among other locations. During the 2018 World Cup, Russia relaxed its visa requirements, allowing all Fan ID holders to enter and exit Russia without a visa through December 31, 2018. Traffickers exploited this system to bring foreign sex trafficking victims into the country, especially from Nigeria; NGOs report many victims remain in Russia. Observers note migrant laborers are also vulnerable to sex trafficking. Homeless children are exploited in sex trafficking. Russian women and children are reportedly victims of sex trafficking in Russia and abroad, including in Northeast Asia, Europe, Central Asia, Africa, the United States, and the Middle East. Traffickers use social media to recruit, monitor, and control victims. Russian criminal groups threaten family members to coerce women into commercial sex in Russia and abroad. Women from Russia's North Caucasus region as well as women from Central Asia residing in Russia have been recruited to join ISIS through online romantic relationships and are subjected to exploitation once they arrive. Wives and children of foreign fighters are sold after their spouse or father is killed in action.

The ILO Committee of Experts noted its deep concern in 2016 that some provisions of the Russian criminal code, which include compulsory labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government. Corruption among some government officials and within some state agencies creates an environment enabling trafficking crimes. In recent years, criminal cases have involved Russian officials suspected of allegedly facilitating trafficking by enabling victims' entry into Russia, providing protection to traffickers, and returning victims to their exploiters; in some instances officials have engaged directly in trafficking crimes. Employers sometimes bribe Russian officials to avoid enforcement of penalties for engaging illegal workers. Prior to 2018, the DPRK sent approximately 20,000 North Korean citizens to Russia annually for work in a variety of sectors, including logging in Russia's Far East. An estimated 1,000 North Korean workers remained in Russia as of January 2020, as did approximately 26,958 North Korean citizens who entered on student and tourist visas in 2019; observers note a growing trend in the use of non-labor visas to bring DPRK workers to Russia. Many of these North Korean citizens are subjected to conditions of forced labor.

RWANDA: TIER 2

The Government of Rwanda does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Rwanda remained on Tier 2. These efforts included identifying more victims, developing a national referral mechanism, drafting and dispersing a directory of service providers for victims, and increasing national awareness campaigns. However, the government did not meet the minimum standards in several key areas. The government investigated fewer trafficking crimes and prosecuted and convicted fewer traffickers compared to the previous year. The government did not convict any traffickers for sex trafficking, despite the crime's presence in the country. The government did not operate long-term care facilities for referred victims. The government detained thousands of potential victims in district transit centers without conducting adequate screening or referring them to proper care and assistance.



PRIORITIZED RECOMMENDATIONS:

Systematically and proactively screen and identify trafficking victims, especially among vulnerable populations, including persons in commercial sex, children experiencing homelessness, and those at government transit centers. • Coordinate with civil society to provide all foreign and Rwandan trafficking victims with appropriate long-term protection services, including shelter and psycho-social care. • Develop and implement a victim-witness support program and expand training for prosecutors working with victim-witnesses. • Finalize and implement the national referral mechanism and train officials on its use. • Expand victim and shelter services, including for male and victims with disabilities. • Increase effective trafficking investigations and prosecutions, particularly domestic forced labor and sex trafficking cases while respecting the rule of law and human rights and administer adequate prison sentences to convicted traffickers. • Adopt and implement an updated national anti-trafficking action plan. • Continue to implement trafficking protection measures for Rwanda's refugee population. • Develop and implement a centralized data system of disaggregated trafficking crimes and train law enforcement and immigrations officials in relevant ministries on its use.

PROSECUTION

The government decreased law enforcement efforts to combat trafficking crimes. The 2018 anti-trafficking law criminalized sex trafficking and labor trafficking. The law prescribed penalties of 10 to 15 years' imprisonment and a fine of 10 million to 15 million Rwandan francs ($10,810 to $16,220), which increased to 20 to 25 years' imprisonment and a fine of 20 million to 25 million Rwandan francs ($21,620 to $27,030) if the offense was transnational in nature. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, the law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The fact that the government did not publish disaggregated data on trafficking crimes made year-to-year comparisons difficult. The government initiated 63 trafficking investigations—22 sex trafficking and 41 transnational forced labor—compared to 86 investigations in 2018. The government prosecuted and convicted the fewest number of alleged perpetrators of trafficking in the past five years. The government prosecuted nine alleged traffickers in 11 cases during 2019, compared to 53 cases in 2018. Courts convicted two traffickers for forced labor crimes and sentenced them to 20 years' imprisonment and a fine of 20 million Rwandan francs ($21,620) each. Comparatively, in 2018 the government convicted 13 traffickers. The government did not report any prosecutions and convictions of sex traffickers, despite the documented presence of sex trafficking in the country. The government did not report any cases in which appellate courts affirmed or reversed convictions by lower courts. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking. NGOs reported finding no evidence of official complicity in trafficking crimes.

The government continued to collaborate with other governments to extradite suspected traffickers and engaged in joint investigations by facilitating the exchange of information, knowledge, and capacity building. The government negotiated extradition treaties with Ghana and Angola during the reporting period. Although the government reported sharing information with other governments, it reported difficulty obtaining evidence for domestic and transnational investigations and prosecutions due to inadequate data management systems for trafficking crimes, lack of victim testimonies, and absent cooperative standard operating reporting mechanisms with other governments. An international organization reported immigration officials at border posts had proactive standard operating procedures (SOPs) for identifying trafficking victims; however, officials lacked gender-specific identification protocols and training on how to collect sufficient evidence. Another NGO reported gaps in communication and data sharing between investigators in rural areas and police at one-stop centers, which may have impeded the investigation and prosecution of trafficking crimes.

Rwanda Investigation Bureau (RIB) continued to operate a 15-officer anti-trafficking unit in its criminal investigations division. The Rwanda National Police (RNP) directorate for anti-gender-based violence (GBV) had three officers in each of the country's 78 police stations who served as points of contact for trafficking victims. The government continued to provide anti-trafficking training as part of its professional development curricula and standard training for immigration officers, police, labor inspectors, judicial officials, social workers, and other relevant officials several times throughout the reporting period. In addition, the government trained 308 law enforcement officials and one-stop center personnel, as well as 22 service providers from various government institutions, civil society organizations, and NGOs on the identification, treatment, and referral of victims of trafficking. The government collaborated with an international organization to develop a training handbook for the investigation and prosecution of migration-related crimes and a legal guide for law practitioners that outlined the trafficking legal framework and applicable case law.

PROTECTION

The government maintained mixed protection efforts; the government identified more victims but referred fewer to care and neglected to conduct adequate screening of potential victims detained at government transit and rehabilitation centers. The government identified 96 trafficking victims in 2019, compared with 33 victims in 2018. Officials referred 30 victims for assistance to shelters, compared to 33 during the previous reporting period. The government did not report the number of transnational victims identified and referred to care in 2019, compared to 33 transnational victims in 2018. The government collaborated with an international organization to develop a national referral mechanism to standardize victim referral procedures; however, the government did not validate and implement the mechanism during the reporting period. Law enforcement, immigration officials, and social workers in one-stop centers had victim identification guidelines, but implementation remained limited. Officials also reported lacking knowledge to screen specifically for trafficking among GBV victims who received assistance at government centers. In addition, sources reported challenges distinguishing trafficking from other crimes such as GBV, forced marriage, abduction, commercial sex, migrant smuggling, and rape. The government reported immigration officials screened children crossing the border for trafficking indicators and verified if they were traveling with the permission of their parents.

The government continued to operate its network of 44 one-stop centers to assist GBV and trafficking victims. The government's one-stop centers—located in hospitals and district capitals—provided short-term shelter and psycho-social, medical, and legal services to victims. The extent and quality of services varied between locations, particularly regarding the provision of adequate psycho-social counseling, and social workers did not always screen and identify trafficking victims as distinct from GBV victims. The government did not report the number of trafficking victims who received assistance at the one-stop centers. NGOs reported the one-stop centers primarily focused on the needs of female victims; assistance for male victims and victims with disabilities remained insufficient; and service providers lacked knowledge on how to prevent further trauma and re-victimization. The government collaborated with an international organization to develop a directory of service providers for trafficking victims and distributed it to all relevant stakeholders, including the one-stop centers. The government and NGOs reported adult victims were free to leave support programs on their own accord. The government generally did not have long-term care facilities for the vast majority of trafficking victims. NGOs reported foreign victims had the same access to services as domestic victims. The government reported providing counseling and funding for the reintegration of identified former child soldiers from the Democratic Republic of Congo (DRC) during the reporting period; however, the government did not report the number of former child combatants who received assistance. NGO service providers offered general assistance and support in refugee camps, but a lack of capacity and resources inhibited the development and implementation of effective procedures, screening, and assistance to victims of trafficking in refugee camps. NGOs reported a lack of coordination and collaboration between the government and civil society inhibited their ability to provide assistance for trafficking victims.

The 2018 anti-trafficking law stated trafficking victims should not be detained, charged, or prosecuted for their involvement in any unlawful activity that was a direct consequence of being exploited. The government continued operating transit centers

with the purpose of reintegrating people with "deviant behaviors," including but not limited to commercial sex, drug use, begging, vagrancy, and informal street vending. Government officials stated these centers provided detainees with psychological counseling, education, vocational training, and reintegration services. However, advocacy groups and NGOs reported authorities continued to detain thousands of vulnerable persons, including adults and children in commercial sex, children experiencing homelessness, and children exploited in forced begging at these centers. In addition, authorities did not conduct proactive, adequate screening for trafficking indicators or refer potential victims to care. Observers reported the government held many potential victims of trafficking for up to six months in these centers before abruptly releasing them back on the streets, and that this practice exposed them to possible re-victimization. Former detainees often reported being detained and moving through the transit centers a few times a year. NGOs also reported that due to uneven training, law enforcement officials may have arrested potential foreign national trafficking victims on immigration charges and deported them without first conducting adequate screening.

The government repatriated Rwandan victims identified abroad; however, the government lacked capacity and support to reintegrate trafficking victims into their respective communities. Rwanda's anti-trafficking law requires the government to provide support to Rwandan trafficking victims abroad by covering the cost of transportation and repatriation to Rwanda. The 2018 anti-trafficking law states that ministerial orders would provide victims with other particular means of support. The government collaborated with an international organization to draft SOPs that would serve as the basis for these ministerial orders; however, the SOPs had yet to be adopted at the end of the reporting period. Local media reported that victims received 250,000 Rwandan francs ($270) upon their return to their home districts; however, the government did not report the number of victims who received these funds. The government's diplomatic staff occasionally offered assistance to Rwandan trafficking victims overseas. Officials assisted a 40-year-old Rwandan victim who was exploited in Kuwait and escaped to Dubai, where the embassy offered her shelter in a private home and processed her travel documents for repatriation. The 2018 anti-trafficking law called for the government to provide legal assistance and information to victims in a language they understood; however, the government did not report the number of potential victims to whom it disseminated this information. The National Public Prosecution Authority continued to operate two safe houses for witnesses in criminal cases, which were available to trafficking victims; however, the government did not report the number of trafficking victims who used safe houses during the reporting period, compared to six during the previous reporting period. RIB reported 100 victims assisted in investigations during the reporting period. An NGO previously reported that seven of the one-stop centers were equipped with video recording equipment to allow victims the ability to testify via video testimony; however, the government did not report using this option during the reporting period. The anti-trafficking law also protected the identity of victims by allowing court proceedings to be conducted in camera and permitting the use of a video link, but the government did not report providing any victims with these protections during the reporting period. The anti-trafficking law continued to permit foreign victims to remain in Rwanda for a minimum of six months or until legal proceedings concluded. The government did not report whether it granted this immigration relief to any victims during the reporting period; however, the government did report efforts not to deport foreign victims who faced retribution in their home countries. The anti-trafficking law continued to allow victims to file civil suits against traffickers and stated that victims are exempt from paying any associated filing fees, but the government did not report any suits filed during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. The government collaborated with international organizations and quasi-government entities to draft an updated national action plan during the reporting period; however, the plan had not yet been adopted at the end of the reporting period. The interagency anti-trafficking technical committee met at least once every two months to coordinate counter-trafficking initiatives; however, international organizations and NGOs reported insufficient coordination among government agencies and resource constraints continued to hinder the government's anti-trafficking efforts. The government reported monitoring its anti-trafficking efforts and incorporating the results into regular public activity reports. During the reporting period, the government conducted national and local awareness raising campaigns at community events, government celebrations, and police departments. The Ministry of Gender and Family Promotion collaborated with local-level child labor steering committees to conduct 187 awareness campaigns between July and December 2019, and the government reported 1,000 Muslim leaders received training at an event in November 2019. At a government conference, district representatives shared best practices on how to implement local awareness campaigns. The government reported providing logistical support when collaborating with international organizations to conduct cross-border community dialogue meetings, roundtable discussions, trainings, live radio talk shows, and awareness messaging and campaigns on national news broadcasts and social media across seven districts; these involved community leaders and members, civil society representatives, teachers, parents, and victims. These efforts covered topics regarding the government's anti-trafficking legal framework, mechanisms for reporting cases of trafficking, and case studies for application; however, researchers reported many initiatives were ad hoc and not embedded in a broad national campaign strategy, which limited their impact. The government participated in an international exchange program where anti-trafficking leaders learned about efforts to combat trafficking in another country. The government included lessons learned from this program in its prevention efforts during the reporting period. RIB and RNP continued to operate national hotlines for reporting crimes, including trafficking. While social workers staffing the hotlines were trained to identify and refer trafficking cases, the government did not report how many calls the hotline received or the number of trafficking victims identified or assisted in 2019 through the hotline. The government continued its efforts to reduce demand for commercial sex by deploying officers to discourage consumers from frequenting commercial sex locations by arresting sex workers and owners of commercial sex establishments.

The government had policies to regulate labor recruitment companies, which required their registration with the Rwandan Development Board, licensing from the Ministry of Labor, and submission of monthly reports to the government; however, observers reported the government did not require labor contracts with foreign companies operating in Rwanda and did not specify that labor contracts should be written in a language the employee understands. During the reporting period, researchers encountered workers on construction projects who either did not have labor contracts or were unable to read their contracts because they were in an unfamiliar language. Researchers also identified Chinese road construction companies that delayed payments to workers for months and fired employees who complained. The government reportedly prosecuted fraudulent recruitment companies in the past; however, there were no reports of these efforts during the reporting period nor of efforts to rectify other labor issues the researchers identified. The government coordinated with other

governments on transnational labor issues. In June 2019 the government signed a framework agreement with the United Arab Emirates to allow further agreements on labor safety and worker recruitment; implementation of the agreement remained pending at the end of the reporting period. In January 2020, the government participated in a two-day regional workshop organized by an international organization and the Government of Kenya to discuss regional cooperation to combat trafficking, protecting the rights of migrant workers abroad, and strengthening regional cooperation on labor mobility.

TRAFFICKING PROFILE

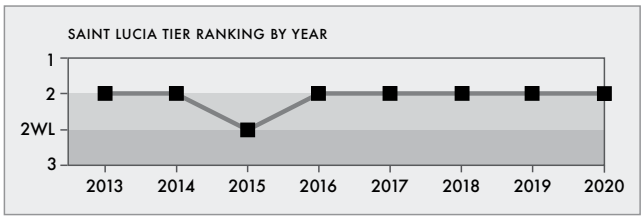
As reported over the past five years, human traffickers exploit domestic and foreign victims in Rwanda, and traffickers exploit victims from Rwanda abroad. Traffickers exploit Rwandan children and young adults, some of whom are secondary school students between the ages of 13 to 18 in commercial sex in hotels, at times with the cooperation of hotel owners. Traffickers subject Rwandan men, women, and children to sex trafficking and forced labor in domestic work, and the agricultural, mining, industrial, and service sectors in Rwanda. Traffickers exploit Rwandan women and girls in forced labor, specifically in domestic service, bars, and restaurants, and exploit men and boys in forced labor in mines and plantations. Traffickers subject Rwandan men, women, and children to sex trafficking and forced labor in domestic work, agricultural, industrial, and service sectors abroad including in Saudi Arabia, Uganda, Kenya, Zambia, Kuwait, India, and parts of East Asia. Traffickers reportedly exploit Rwandan victims in domestic servitude in the Middle East and sex trafficking in China. In 2016, Tanzanian men forced some Rwandan girls into marriages, and these girls may have experienced commercial sexual exploitation through these marriages.

Traffickers target vulnerable populations such as youth experiencing homelessness, children with disabilities, and displaced persons. Local human rights groups reported in 2017 employers of some Rwandan girls in domestic work terminated their employment after the girls became pregnant and were unable to return to their home villages; subsequently, they were exploited in commercial sex. An international organization reported 43 percent of children with disabilities in Rwanda did not attend school, increasing their vulnerability to be targeted by traffickers. An international organization reported a number of adolescents living in refugee camps departed Rwanda for the DRC during the reporting period for unknown reasons. Traffickers in neighboring countries continue to pose as labor recruitment agents to recruit and transport small numbers of victims through and out of Rwanda. In 2018, an international organization reported separating eight Rwandan children from armed groups in the DRC. A study found most victims in Rwanda were Rwandan or Burundian in origin, and traffickers tended to transit victims through Rwanda to Uganda or Tanzania through porous borders. Traffickers deceive guardians and victims with false promises of better opportunities for employment in neighboring countries. Greater access to the internet and social media platforms created new and easier opportunities for traffickers to access and recruit victims.

Sources reported a trilateral agreement among the Governments of Kenya, Rwanda, and Uganda that allowed foreign nationals to use national identification in lieu of passport facilitated trafficking of victims across borders. In 2019, sources reported a new migration pattern developed whereby traffickers transported victims through each of these countries on their way to Ethiopia and Kenya before they embark on their journey to the Middle East. Refugees fleeing conflict and political violence in Burundi and the DRC remain highly vulnerable to trafficking in Rwanda due to their inability to secure legitimate employment and stigma within the host country, and some are exploited by traffickers in third countries after transiting Rwanda. An international organization reported that in 2019 there had been an increase in sex trafficking of Burundian male and female teenagers through Rwanda to third countries since 2015. Traffickers exploited female child refugees into sex trafficking in towns near a Rwanda-based DRC refugee camp in 2015, allegedly facilitated by one civilian and three Rwandan Defense Forces soldiers assigned to the camp. An international organization reported seeing female traffickers in addition to the exclusively male traffickers active in previous years. Researchers found some parents in refugee camps received money in exchange for young daughters to work in domestic service or in commercial sex. Between May and September 2015, traffickers recruited Burundian refugees residing in the Rwanda-based Mahama refugee camp into non-state armed groups supporting the Burundian opposition; Rwandan security forces charged to protect the camp population reportedly facilitated or tolerated the recruitment activity. Whistleblower refugees in 2015 alleged that recruiters—including both Rwandan officials and other refugees—threatened, intimidated, harassed, and physically assaulted those who refused recruitment attempts. Most recruits were adult males, but in three verified cases in 2015, Burundian refugee children were also identified as recruits from the Mahama refugee camp. In 2015, refugees reported Rwandan military personnel trained Burundian recruits, including women and children, in weaponry at a training camp in southwestern Rwanda. There were no reports of forcible or coerced recruitment out of the Mahama refugee camp by Rwandan government officials since 2015.

SAINT LUCIA: TIER 2

The Government of Saint Lucia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Saint Lucia remained on Tier 2. These efforts included introducing an amendment to the trafficking law so that penalties are commensurate with penalties of other serious crimes, implementing the national action plan, investigating suspected traffickers, and funding anti-trafficking prevention. The government identified the first trafficking victim since 2015. However, the government did not meet the minimum standards in several key areas. The government has not initiated a prosecution since 2015 and has never convicted a trafficker. The government did not formally approve standardized written procedures to identify victims, although law enforcement used them informally.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify vulnerable individuals and screen them for trafficking. • Investigate, prosecute, convict, and punish perpetrators of sex trafficking and labor trafficking. • Approve the amendment to the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Reduce court backlog and pretrial detention delays affecting trafficking cases. • Develop a national action plan for 2020 and onwards. • Formally approve and implement standard operating procedures on a victim-centered approach to guide

police, immigration, labor, child protection, judicial, and social welfare officials on victim identification and referral. • Continue to train law enforcement officials to gather evidence of trafficking cases appropriate for prosecution and proactively identify sex and labor trafficking victims among vulnerable populations, such as children exploited in sex trafficking and migrant workers in labor trafficking, and refer them to appropriate services. • Develop and implement labor recruitment policies, hire and train more inspectors for labor trafficking inspections. • Provide legal mechanisms for victims to work and receive temporary formal residency status.

PROSECUTION

The government increased law enforcement efforts. The 2010 Counter-Trafficking Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to five years' imprisonment or fines up to 100,000 Eastern Caribbean (EC) dollars ($37,040) for offenses involving an adult victim; the maximum imprisonment penalty increased to 10 years' imprisonment for those involving a child victim. This penalty was sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the prescribed punishment for sex trafficking was not commensurate with those for other serious crimes, such as rape. The Attorney General and Home Affairs Minister introduced an amendment to the 2010 Counter-Trafficking Act removing the option of a standalone fine as penalty for convicted traffickers; the amendment process was interrupted by the COVID-19 crisis. The government conducted three investigations during the reporting period, compared with two in 2018, none in 2017, and three in 2016. The government continued a pattern of not initiating prosecutions since 2015. The government has never convicted a trafficker, and all charges in trafficking investigations since 2016 were closed or dismissed. Observers report significant court backlogs and pretrial detention for all serious crimes that can last as long as six years. There is no separate budget for trafficking cases, and court resources are very limited. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

Both the national police force major crimes unit and the vulnerable persons unit were involved in conducting trafficking investigations. The government and INTERPOL trained 12 officers in trauma-specific interview techniques during the reporting period. The government and an international organization led several trainings during the reporting year; 16 police officers participated in two trainings on the human trafficking case management system in November 2019, and 39 police officers attended training in investigating cases of human trafficking in January 2020. The government is working with the Government of Martinique to locate a suspected trafficker and repatriate a minor trafficking victim.

PROTECTION

The government increased protection efforts. The government identified one minor trafficking victim and is working with another government to locate and repatriate them, compared with no victims identified between 2016 and 2018 and 10 victims identified in 2015. Authorities reported that children in poor communities are particularly at risk of sex trafficking, including as victims of child sex tourism by foreign tourists. The Ministers of Home Affairs, Justice, and National Security approved standard operating procedures (SOPs) for victim identification, referral, and protection and submitted the SOPs for full Cabinet approval. There is a need for sensitization and training for police on sex trafficking and sex tourism, particularly involving children. The Department of Home Affairs and National Security implemented a new case management system for victims of trafficking. The government conducted two workshops on victim identification and referrals for civil society and health care providers. Authorities provided two workshops on victim identification and referral for diplomatic personnel and external affairs department staff. The government did not allocate any funds for victim protection in 2018 and 2017, compared with one million EC dollars ($370,370) in 2016 for victim care related to a 2015 labor trafficking prosecution.

Trafficking victims could be referred through the Office of Gender Relations to various organizations for legal, health, advocacy, and crisis services. The government did not maintain a dedicated shelter for trafficking victims and has an agreement with NGOs to shelter victims when need arises. Adult victims were able to leave at will, but the government did not allow them to work or receive formal residency status because it considered victims wards of the state. The 2018 Child Care, Protection, and Adoption Act designated the Human Services Department within the Ministry of Equity as lead on child protection issues; the impact on the coordination of child victim services was not reported. The 2010 anti-trafficking act contained victim protection provisions, such as privacy measures, the ability to testify via video link, and witness protection, to encourage victims to participate in the investigation and prosecution of traffickers. The act provided for victim restitution and other compensation in cases of traffickers' conviction.

PREVENTION

The government increased efforts to prevent trafficking. With the support of the prime minister, the home affairs and national security ministry led an anti-trafficking task force consisting of relevant agencies and NGOs, whose mandate was re-authorized in November. As part of the national action plan ending in 2019, the task force co-funded a national anti-trafficking project with an international organization begun the year before to build capacity and increase public awareness of zero awareness of human trafficking, particularly targeting women and men ages 15-29. The campaign published information in English and French Creole on human trafficking in print and social media, radio, posters, and brochures. The task force hired a consultant to set up a website with a reporting function for human trafficking matters and social media pages to tie into media. The government provided 81,000 EC dollars ($30,000) in funding to the anti-trafficking task force for print media, part of the consultant's salary, and victim welfare, an increase compared with 80,000 EC dollars ($29,630) provided to the anti-trafficking task force last year. The government conducted polls, which indicated that the task force's outreach program increased public awareness of human trafficking and the government's trafficking hotline from the prior year baseline during the reporting period.

While labor laws prohibited most forms of forced or compulsory labor, the government did not enforce them effectively, and expert observers noted there were not enough trained labor inspectors to monitor all sectors for labor trafficking and inspectors usually visited suspect areas only after receiving a complaint. The government collaborated with the Caribbean forum on a study on human trafficking in the Caribbean. With the support of an international organization, the government conducted a baseline study on public perception of trafficking, which was used to design the national awareness campaign. The government did not take measures to reduce the demand for commercial sex acts.

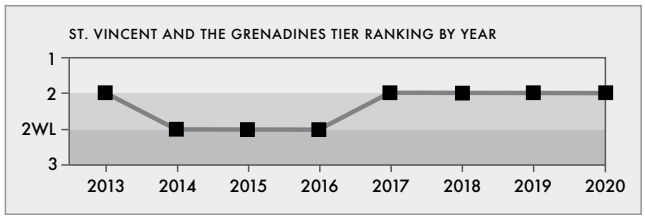
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Saint Lucia, and traffickers exploit victims from Saint Lucia abroad. Local children are exploited in sex trafficking. Government officials, civil society, and educators reported Saint Lucian children from economically disadvantaged families are at risk of unorganized commercial sexual exploitation often encouraged or forced by parents and caretakers in exchange

for goods or services. Civil society has also reported women, or in some cases older teenagers, recruiting younger adolescents to provide commercial sex with adults at street parties. Documented and undocumented migrants from the Caribbean and South Asia, including domestic workers, are vulnerable to trafficking. Foreign women who work in strip clubs and in commercial sex are at risk of sex trafficking. NGOs report that disadvantaged young women from rural areas are vulnerable to sex trafficking. According to the government, business owners from Saint Lucia, India, China, Cuba, and Russia are the most likely trafficking perpetrators in the country.

ST. VINCENT AND THE GRENADINES: TIER 2

The Government of St. Vincent and the Grenadines does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore St. Vincent and the Grenadines remained on Tier 2. These efforts included increasing training of law enforcement officials, increasing international collaboration to plan an operation against child sex trafficking, convicting perpetrators for crimes related to trafficking, and improving its public awareness campaigns. However, the government did not meet the minimum standards in several key areas. Authorities have not prosecuted a trafficking case since 2015 and have never convicted a trafficker. The government's anti-trafficking law, which allowed for fines in lieu of imprisonment, was not commensurate with penalties for other serious crimes. Government agencies cited a lack of resources for anti-trafficking efforts.



PRIORITIZED RECOMMENDATIONS:

Increase investigations of suspected sex and labor trafficking cases, particularly among children. • Vigorously prosecute and convict traffickers, and sentence convicted traffickers to significant prison terms. • Improve the quality and specialization of victim services. • Amend the trafficking law to remove sentencing provisions allowing fines in lieu of imprisonment for sex trafficking offenses. • Increase government funding and resources across all relevant agencies to combat trafficking. • Raise awareness about labor trafficking and sex trafficking and the need for public cooperation in law enforcement investigations in traditional and social media. • Target police, prosecutor, and judicial training on improved trafficking case evidence collection acceptable in court. • Create new bilateral agreements with relevant source countries to better coordinate and combat trafficking.

PROSECUTION

The government maintained law enforcement efforts. The Prevention of Trafficking in Persons Act of 2011 criminalized sex trafficking and labor trafficking and prescribed punishments of up to 15 years' imprisonment, a fine of 250,000 Eastern Caribbean dollars ($92,590), or both. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking offenses were not commensurate with those for other serious crimes, such as rape. The government investigated five suspected cases of trafficking, compared with four cases in 2018. Of these cases, three were potential sexual exploitation; one was potential labor exploitation; and the other was a potential forced adoption referred to the Anti Trafficking in Persons Unit (ATIPU) by the Family Courts. None of these cases, after investigation, were determined to be trafficking in persons due to insufficient evidence. The government did not update the status of the investigation of the suspected labor traffickers from last year. The government reported receiving information and assistance from the Bahamian government on a pending trafficking case. The ATIPU increased surveillance at the airport and seaports of entry, marinas, bars, and nightclubs and added surveillance at entertainment spots, restaurants, and social events to identify possible signs of recruitment of potential trafficking victims or smuggling of migrants. Authorities did not prosecute any alleged traffickers under the Trafficking Act during the reporting period (the last prosecution was in 2015), and the government has never convicted a trafficker. The lack of prosecutions and convictions and dismissal of past trafficking cases over several years indicated shortcomings in the government's ability to acquire sufficient evidence to bring cases to trial. Authorities indicated the police needed additional personnel and resources to investigate and collect evidence effectively for cases of trafficking. The government reported convictions for sexual assault of minors under the criminal code for investigations initiated in 2017; observers reported that traffickers had purchased sex from minors in these cases. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The government reported that four members of the police force participated in an October 2019 regional cybercrime capacity building and operational training to counter child sex trafficking. The ATIPU conducted training on the elements of trafficking, identification of victims, causes and consequences of trafficking, victim assistance and care, the Prevention of Trafficking in Persons Act, and the Palermo Protocol to 25 Passport and Immigration officials and a total of 79 police officers. In March 2019, the ATIPU presented on the role of police in counter trafficking at a regional meeting on trafficking and smuggling in Guyana.

PROTECTION

The government maintained minimal victim protection efforts. Authorities screened five adult female potential trafficking victims from St. Vincent and the Grenadines in 2019, compared with screening four potential labor trafficking victims in 2018. The government reported that the four potential labor trafficking victims screened last year received counseling from the Department of Gender Affairs; training in trafficking causes, consequences, indicators, and traffickers' modes of recruitment; and assistance to reintegrate back into society. The government reported that it had screened victims in pending child abuse court cases for trafficking indicators. Outside experts continued to indicate adults may have exploited their children in sex trafficking to generate income while others purchased commercial sex from children. Procedures existed to guide the ATIPU, immigration department, and labor department in identifying and referring potential victims; some observers have noted that the government's victim referral process does not include referrals from civil society and keeps potential victims in law enforcement custody instead of social services. The government operated a crisis center that provided medical, psychological, housing, and financial services jointly with NGOs for victims of domestic violence and trafficking, and the government reported that adult victims could leave the shelter at will. The government does not provide shelter facilities for male victims, and outside observers noted the quality of care for victims was not sufficient. Provisions in the Trafficking

Act offered protections to victims before, during, and after a trial, such as keeping the names of victims and their families confidential; however, authorities did not use these provisions to protect victims. While the law provided for witness protection programs and facilities for the victims to testify via video, the government did not report any use by victims during the reporting period. The anti-trafficking law provided foreign victims with the possibility of temporary and permanent residence permits and protected victims from immediate deportation; victim benefits were not linked to cooperation in investigations or trials; however, authorities did not grant temporary or permanent residency to any victims during the reporting period. Foreign victims who remained in country were allowed to work, but the government did not report whether the Jamaican potential trafficking victim was doing so. The government did not report any cases where the court ordered restitution paid to victims of trafficking during the reporting period.

PREVENTION

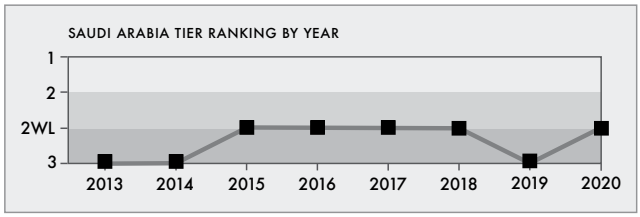
The government maintained efforts to prevent trafficking. The national task force, led by the prime minister, coordinated the anti-trafficking efforts of various government agencies. The government extended its 2016-2018 national action plan to 2020, added strategic inputs, and produced an annual report on trafficking in persons. Government agencies cited a lack of financial resources for anti-trafficking efforts. The government routinely conducted labor inspections of hotels, farms, stores, bars, industries, security workplaces, and domestic work locations, although their stated lack of personnel and funding may have prevented coverage of work sites with the most vulnerable workers. The ATIPU launched a large-scale summer 2019 awareness campaign targeting school children on summer vacation at vacation schools and summer camps, reaching approximately 1,019 persons. They held crime prevention showcases twice during the year, handing out hundreds of awareness materials to the general public. The unit also initiated an awareness campaign in new locations by placing stickers with a number for victims to call at fast food outlet and restaurant high visibility areas, such as cash registers and bathrooms. For the UN World Day against Trafficking in Persons in July 2019, the ATIPU with the Royal St. Vincent and the Grenadines Police Force and under the auspices of the National Task Force against Trafficking in Persons held an airport-based project and placed standing banners in the arrival and departure lounges, stickers at counters, and a promotional 30-second video. The government did not report whether labor laws regulate labor recruiters or ban employee-paid recruitment fees. The government has not trained labor inspectors on child labor, although police receive training to investigate child labor crimes, and the government took steps to address child poverty, a major cause of child labor trafficking. The government operated three 24-hour hotlines in English, but the government reported that no calls were received. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in St. Vincent and the Grenadines, and traffickers exploit victims from St. Vincent and the Grenadines abroad. Foreign women in commercial sex in the country may have been exploited in sex trafficking, and foreign workers from South America, the Caribbean, and Asia may have been exploited in forced labor both in the country and while in transit. Foreign workers employed by small, foreign-owned companies may be vulnerable to labor trafficking. Men, women, and children have been victims of forced labor, primarily in agriculture; government officials and civil society suspect drug traffickers exploit workers in forced labor in the production of marijuana. Traffickers exploit Vincentians in both forced labor and sex trafficking in foreign countries. Observers report some parents and caregivers exploit their children in sex trafficking in order to generate income.

SAUDI ARABIA: TIER 2 WATCH LIST

The Government of Saudi Arabia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Saudi Arabia was upgraded to Tier 2 Watch List. These achievements included enactment of the country's first-ever national referral mechanism (NRM), developed in close partnership with international organizations. The government transparently reported comprehensive datasets, which included significantly increased numbers of prosecutions and convictions under the anti-trafficking law (including of Saudi nationals and forced labor crimes), in addition to numbers of victims identified and referred for care. Authorities also criminally convicted and sentenced to stringent imprisonment terms two Saudi officials complicit in trafficking crimes during the year. However, the government did not meet the minimum standards in several key areas. It continued to fine, jail, and/or deport migrant workers for prostitution or immigration violations, many of whom may have been unidentified trafficking victims. In addition, officials regularly misclassified potential trafficking crimes as administrative labor law violations rather than as criminal offenses. Despite modest initial reforms, Saudi Arabia's sponsorship-based employment system continued to exacerbate trafficking vulnerabilities in the large migrant worker communities.



PRIORITIZED RECOMMENDATIONS:

Continue to increase the number of trafficking investigations, especially by investigating as potential crimes (not just as administrative issues) indicators of trafficking such as passport retention, withholding of wages, labor violations, and complaints of abuse. • Undertake serious efforts to prevent penalization of trafficking victims by proactively screening for trafficking among those arrested for immigration violations, commercial sex, or those who flee abusive employers and face counter-charges and deportation. • Disseminate, train officials on, and regularly use the newly launched NRM to ensure victims among vulnerable populations, including domestic workers, illegal foreign workers, deportees, and persons in commercial sex, receive proper care and are not wrongfully penalized. • Build upon initial steps to reform the sponsorship system, including by removing employers' control over exit permits for all laborers. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Continue to increase efforts to prosecute, convict, and sentence traffickers to significant prison terms under the anti-trafficking law. • Pursue criminal investigations against all officials allegedly complicit in trafficking crimes. • Expand usage of the specialized Public Prosecutor's Office (PPO) sub-units to detect potential trafficking cases across the country. • Institute regular trainings for government officials on identifying cases of both labor and

sex trafficking and how to differentiate between forced labor and labor-related crimes. • Continue to conduct countrywide public awareness campaigns on all forms of trafficking.

PROSECUTION

The government increased overall law enforcement efforts. The 2009 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of up to 15 years' imprisonment, a fine of up to one million Saudi Arabian riyal (SAR) ($266,670), or both; penalties increased under aggravating circumstances, including trafficking committed by an organized criminal group or against a woman, child, or person with disabilities. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes such as kidnapping, false imprisonment, or sexual abuse. The Council of Ministers' Decision 166 prohibited withholding workers' passports as a lesser criminal offense, punishable by fines.

For the first time, officials disaggregated and shared law enforcement data by the type of trafficking and comprehensive case specifics, including reporting traffickers sentenced and the penalties prescribed. While several government entities disclosed their respective law enforcement datasets, the disparate, contradictory totals suggested limited interagency coordination. During the reporting period, the government reported investigating and prosecuting 50 potential trafficking cases, which involved 66 defendants (21 Saudi nationals) and 256 victims; this was compared with 79 investigations and 42 prosecutions (0 reported Saudi nationals) during the previous reporting period. The Ministry of Justice (MOJ) reported convicting 46 defendants under the anti-trafficking law, compared with 14 and 20 traffickers officials convicted in the previous two years, respectively. Of these 46 convictions, 15 were for forced labor, 11 for sex trafficking, five for forced begging, and the remainder for offenses classified as "slavery-like practices." The government reported it sentenced all convicted traffickers to terms of imprisonment ranging from one month to three years (most received one-year or more), plus monetary fines and confiscation of personal assets used to facilitate each crime. During the reporting period, the PPO reported 156 trafficking cases investigated, including 40 for forced labor and 27 for sex trafficking; the remainder involved begging and slavery-like practices. The MOJ reported 105 total cases investigated, of which 25 were for forced labor and 21 for sex trafficking, and the Ministry of Labor and Social Development (MOLSD) documented 288 potential trafficking cases, 90 of which involved forced labor indicators. The government also reported convicting two Saudi public security officers and one lay accomplice for sex trafficking of a minor and sentenced both officials to six years in prison plus a maximum fine of 40,000 SAR ($10,670) and prohibition from leaving the country for six years after serving the sentence. Additionally during the reporting period, the government acknowledged two trafficking cases involving two former Saudi diplomats stationed at overseas missions in France and the United Kingdom. Both of the accused defendants appealed the respective charges of delayed wages and trafficking of a domestic worker; one case remained ongoing at the close of the reporting period, and the other was ostensibly closed in the defendant's favor on account of diplomatic immunity. The government assessed the reported fine handed down by the foreign government in one case was sufficient and did not provide further information on whether or not it fired, or criminally or administratively punished the two former officials. Key labor-sending countries claimed, without corroborative details, some Saudi police and embassy officials accepted bribes to overlook instances of trafficking.

Government officials in many instances misclassified trafficking cases as administrative immigration or labor law violations without routinely undertaking criminal investigations or prosecutions against traffickers. However, in a purported institutional shift to criminally pursue more potential forced labor and sex trafficking cases, in February 2020, the Supreme Judicial Council passed a resolution requiring all cases prosecuted under the anti-trafficking law be referred to specialized criminal courts. The PPO maintained 107 trafficking-specific, operational investigative sub-units within PPO branch offices (two in Riyadh and the remainder in the capital of each province) to identify possible trafficking cases among existing criminal cases. During the reporting period, the PPO created a panel of five human trafficking experts, who informed anti-trafficking policy and served as a resource at the PPO headquarters and for circuit offices. Throughout the reporting period, the Human Rights Commission (HRC), in separate close partnerships with three international organizations, sponsored and facilitated 17 different training seminars and workshops across the Kingdom that reached more than 1,150 private and public sector representatives; the programs covered pertinent topics such as victim identification and referral, trafficking data management, and investigative procedures for trafficking crimes. In addition, MOLSD and the Ministry of Interior (MOI) conducted several multi-day anti-trafficking training sessions and symposiums for more than 1,500 relevant government employees across the country during the year.

PROTECTION

The government made uneven efforts to protect trafficking victims; while it increased its institutional capacity to identify and refer more victims to care, the government penalized some potential trafficking victims and did not offer shelter to victims other than female domestic workers. During the reporting period, the government, in collaboration with two international organizations, developed and officially launched its inaugural NRM to identify and refer trafficking victims to care. Jointly with these same organizations, Saudi officials circulated the NRM document and commenced training of relevant and key government entities on its purpose and implementation. It continued to publish information pertaining to trafficking indicators on relevant government websites, and distributed leaflets with similar material to all official stakeholders. The MOLSD complaint hotline number was included in pamphlets received by all expatriate workers who entered the Kingdom during the year. For the first time, the four government entities with a trafficking nexus (MOLSD, MOI, PPO, and MOJ) reported transparent, comprehensive victim identification numbers. During the reporting period officials identified and referred to government-run shelters 1,457 female trafficking victims, a significant increase from the 113 and 121 trafficking victims it reported for the previous two years, respectively, though it did not disaggregate by the type of trafficking. The government cited the following victim nationalities: Bahrain, Bangladesh, Burundi, Canada, Chad, Egypt, Ethiopia, Ghana, India, Indonesia, Jordan, Kenya, Madagascar, Morocco, Nepal, Nigeria, Pakistan, the Philippines, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syria, Uganda, Vietnam, and Yemen. In total, the government reported providing shelter and protective services for 13,374 vulnerable individuals throughout the year, of which shelter staff identified 146 as trafficking victims. MOLSD remained responsible for the operation of shelters across the country for vulnerable populations and abuse victims, and the entity disclosed it budgeted approximately 40 million SAR ($10.7 million) for yearly spending on shelter services and other protective provisions. These included shelters for child victims of forced begging in Mecca, Jeddah, Dammam, Medina, Qassim, and Abha in addition to welfare centers for female domestic workers in 13 locations throughout the Kingdom and for male domestic workers in Riyadh. Each shelter provided accommodation, social services, health care, psychological counseling, education, and legal assistance.

All government-identified victims received these services from the government during the reporting period. Diplomats from labor-sending countries had regular access to their nationals residing in government-run shelters, designated for female domestic workers only, and reported conditions and quality of services in the shelters varied slightly across the Kingdom, but were overall satisfactory and safe. Some embassies and consulates—including those of Bangladesh, India, Indonesia, Nigeria, the Philippines, Sri Lanka, and Uganda—also operated shelters for their respective nationals. Foreign diplomats noted that Saudi officials frequently deposited potential trafficking victims at their respective embassies rather than referring them to Saudi shelters and noted that Saudi government shelters accepted only female domestic workers, not men or women from other employment sectors.

Among migrant workers there were persistent complaints of unpaid wages, passport retention, physical or sexual abuse, or substandard working conditions, all of which were trafficking indicators. As in previous years, during this reporting period the government often deported migrant workers without proactively screening for signs of trafficking. On average, it deported 700-800 Ethiopian laborers per week, according to Ethiopian officials familiar with the deportations. Reasons for involuntary deportations included alleged violations of work, residence, and entry rules. The government reported it instructed each circuit court to screen defendants for potential trafficking indicators and to drop pending charges against identified trafficking victims. However, diplomats from several labor-sending countries reported Saudi authorities regularly detained, fined, and/or jailed their nationals, including some unidentified trafficking victims, for immigration violations as a result of having been subjected to forced labor or sex trafficking. Furthermore, since the government did not routinely screen for potential trafficking indicators among vulnerable populations and police frequently arrested and/or deported undocumented migrant workers, authorities likely arrested and deported unidentified victims during the year.

The government extended to all identified trafficking victims the option of remaining in the country—either in a shelter or via transfer to a new employer—during judicial proceedings, or alternatively an immediate exit visa; these benefits did not require a successful prosecution or cooperation with law enforcement personnel. Officials did not report how many laborers it granted the right to transfer their work permits to alternate employers or specify how many trafficking victims took advantage of these rights during the year. The government allowed victims to submit testimony in written form or remotely via recording as they preferred, and it ensured victims' identities remained wholly confidential. In contrast, diplomats from several labor-sending countries reported the government advised some victims to testify in person. One embassy reported officials recommended testimony be given in Arabic; however, translators and attorneys were not always provided. The law entitled trafficking victims to legal assistance, security protection, translation services, and the right to immediate repatriation or continued residence in country until resolution of the case, in addition to medical and psychological care, shelter, and rehabilitation; as in previous years, the government did not report how many victims accessed these provisions during the reporting year. Officials permitted victims to obtain restitution directly from the government and/or by filing civil suits against traffickers; however, such settlements rarely took place through the established system and reportedly generally occurred outside of civil court proceedings through government-supported mediation efforts. These proceedings often did not entail criminal prosecution, and officials preferred to reimburse back-wages informally and/or assist in repatriating the victims, neither of which was a victim-centered or trauma-informed practice.

PREVENTION

The government demonstrated increased efforts to prevent trafficking, including modest preparatory steps to reform its sponsorship system. It demonstrated mixed progress on implementation of its 2017-2020 national action plan to combat trafficking that focused on monitoring, prevention, building government capacity, inter-ministerial coordination, effective law enforcement, and provision of protective services for victims. However, during the reporting period, the HRC activated its long-dormant memoranda of understanding with two international organizations to increase training and capacity building of government officials on trafficking issues to meet various tenets of its national action plan. Specifically, it commenced partnership with one of these organizations to overhaul trafficking data collection to provide more real-time, coordinated metrics. Additionally, the HRC held a first-ever roundtable with labor-sending countries to assess the scope of trafficking in Saudi Arabia and where governmental policies fall short in curbing the crime. In October 2019, the Ministry of Islamic Affairs directed all mosques to deliver an anti-trafficking sermon for Friday prayers nationwide. During the same month, a senior Saudi delegation attended Bahrain's regional trafficking conference and committed to critical reforms to include reforms of the *kafala* system, which has resulted in widespread exploitative forced labor and other crimes.

HRC officials distributed more than 120 banners and 20,000 leaflets on trafficking crimes to its 13 branch offices, in addition to all PPO branches, police stations, shelters, and prisons. MOLSD launched the "Conscientious Work Campaign" nationwide, which educated workers and recruitment agencies on labor rights, proper reporting channels, and upholding the rights of domestic workers; the campaign hosted 52 workshops for more than 1,000 employees and produced videos and social media posts in eight different languages. The HRC and King Saud University distributed educational materials on campuses, and the state-run media broadcasted infographics via approximately 20,000 displays at commercial complexes and malls across the Kingdom during the year. Furthermore, the King Khalid International Airport in Riyadh displayed information on trafficking indicators and associated penalties, and officials opened kiosks in a prominent mall and distributed more than 2,700 copies of informational materials there. MOLSD authorities held workshops for approximately 2,900 recruitment agencies in Bangladesh, Cambodia, Egypt, Ethiopia, Indonesia, Kenya, the Philippines, Sri Lanka, Uganda, and Vietnam to inform domestic workers of their rights prior to recruitment during the reporting period. Officials operated a 24-hour call center that received calls in nine major labor-sending country languages: Amharic, Arabic, Bengali, English, Hindi, Indonesian, Malay, Tagalog, and Urdu. The government did not report how many victims it identified as a result of the calls or if it initiated any investigations of trafficking crimes resulting from them during the reporting period. The call center received approximately 280 calls per day on average. Some workers and labor-sending country officials reported impracticalities and technical difficulties getting through to operators using this phone line, citing poorly trained and under-resourced staff.

The government also continued to operate and utilize its online domestic labor portal known as *Musaned*, meaning "support" in Arabic. This system consisted of a website and smartphone application that allowed potential employees in various sectors and individual employers to verify the license of a recruitment agency, review materials on employee and employer rights and responsibilities (in Arabic and English only), complete and electronically sign contracts, and request a visa. This system intended to eliminate unregulated brokers, increase transparency and accountability of recruitment agencies and work contracts, and reduce the risk of forced labor. It also included a complaints resolution mechanism and associated resources. *Musaned* also

served as a tool for authenticating contracts. MOLSD reported 1,079,668 authenticated contracts existed on record at the conclusion of the reporting period. The system was required for all large establishments with 3,000 or more employees. Diplomats from multiple labor-sending countries reported *Musaned* enhanced the ability of embassies to monitor newly arrived nationals. However, in some cases embassies found some information entered in the platform, such as address of residence and place of work, was either missing or incorrect following a transfer, impeding efforts to track reported victims of abuse and trafficking. Finally, MOLSD launched a pilot program called Weddi ("friendly" in Arabic), which was an alternative dispute resolution mechanism whereby a worker could e-submit a complaint and supporting documentation. If either the employee or employer rejected the proposed resolution, officials would automatically transfer the case to the MOJ.

Pursuant to a ministerial circular promulgated in September 2019, authorities launched a mechanism to electronically verify work contracts during the reporting period to prevent contract switching and fraudulent documentation. The initiative aimed to obligate all private sector companies to sign contracts with their employees enabling MOLSD to electronically account for, authenticate, and monitor all employment contracts in the private sector. It also granted employees access to their contract and ensured MOLSD could impose sanctions on establishments that contravened the terms contained therein. Accordingly, inspectors were required to ascertain, through field inspections, that withholding employees' passports, residence permit, or personal/family insurance cards was not indicative of trafficking, among other investigative steps to safeguard employees against the crime. As in the previous reporting period, however, the government did not report investigating or referring for criminal prosecution any passport retention crimes. MOLSD allocated 120 million SAR ($32 million) during the reporting period to train labor inspectors, conduct awareness campaigns on labor rights, and carry out studies to examine exit and re-entry visas, final exit visas, and sponsorship transfers. The entity also led workshops with the private sector and local chambers of commerce on upcoming visa reforms that intend to reduce employers' control over employees' rights to exit the Kingdom. In December 2019, the government revised regulations on final exit processes for commercial or domestic workers whose sponsors failed to pay required fees, renew a worker's status, or were absent. In these specified circumstances, MOLSD granted a limited work permit (for exiting) and issued a letter to the MOI's passport office authorizing departure, barring any pending criminal accusations against the laborer. The government reported it approved more than 7,250 workers to exit Saudi Arabia through this process, without employer approval, during the year. However, at the close of the reporting period the government still required the majority of laborers to seek employer permission to depart the country or change sponsors, which increased the risk of forced labor.

During the reporting period, the government expanded usage of its Wage Protection System, which required employers to pay foreign workers by electronic transfer via a Saudi bank, thereby permitting the government to track disbursements and prevent non- or delayed payments of wages—a key forced labor indicator prominent across the Kingdom. This requirement applied to all employees who worked for companies with 11 or more employees and covered the vast majority of expatriate workers in Saudi Arabia. In addition, it mandated individual employers of domestic labor to issue prepaid payroll or salary cards as soon as the domestic worker arrived in the Kingdom to ensure a legal working relationship between employer and employee and safeguard employees' prescribed wages. The system, currently voluntary, reviewed payrolls and imposed penalties for any firm that failed to maintain at least 80 percent compliance, resulting in suspension of government services and recruitment privileges. The government reported a 2019 compliance rate of 75.35 percent. Additionally, it documented 10,591 complaints filed against employers for non-payment of wages, and MOLSD inspected 484 establishments that failed to achieve at least 70 percent compliance. The government did not report efforts to reduce the demand for commercial sex. The government sought to eliminate vulnerabilities in labor recruitment through its deployment of labor inspectors and HRC representatives—400 of whom specialized in trafficking crimes—who conducted an unknown number of field visits to monitor the application of employment and recruitment laws. Officials reported 32 offices and nine recruitment companies were in violation of regulations; however, none of these violations were reported as trafficking or forwarded for criminal investigation. Penalties included the revocation of 18 licenses and the withdrawal or suspension of bank guarantees from 21 recruitment agencies, and the government fined six firms 5,000 SAR ($1,330) each. During the reporting period, diplomatic representatives from several countries reported an improvement in Saudi government oversight over labor recruitment and the proper implementation of labor contracts. However, the government did not report referral of any such cases for criminal investigation and prosecution for potential trafficking crimes. The government has in place several negotiated bilateral labor agreements with primary labor-sending countries (e.g., Indonesia and Ethiopia), which set minimum wage standards and regulated protections and benefits for laborers such as work hours, mandatory time off, and overarching work conditions. Many of these bilateral agreements stipulated use of *Musaned* and associated electronic contracts, and the government reported registration of 150,040 of such contracts during the reporting period. For the first time, the government provided anti-trafficking training to its diplomatic personnel on domestic worker rights and how to treat domestic employees while serving at Saudi embassies abroad, and it disseminated training materials used in the course to all of its overseas missions.

TRAFFICKING PROFILE

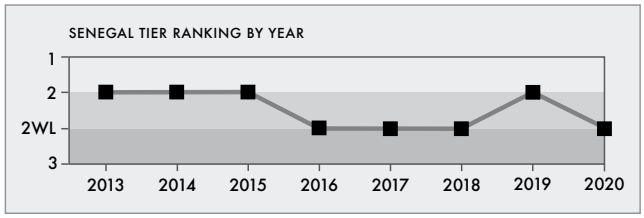
As reported over the past five years, human traffickers exploit domestic and foreign victims in Saudi Arabia. Men and women—primarily from South and Southeast Asia and Africa—voluntarily migrate to Saudi Arabia to work in a variety of sectors, including construction, agriculture, and domestic service. Many of these low-skilled laborers are employed in substandard conditions that heighten their risk of forced labor. Some traffickers or unscrupulous labor brokers illegally recruit migrants to work in Saudi Arabia and subsequently force them to work in domestic servitude or debt bondage. Undocumented entry across the Kingdom's southwestern border serves as a key gateway for vulnerable Yemeni, Ethiopian, and Somali workers in particular. The Kingdom's migrant laborer population continued to be the largest group at risk to human trafficking, particularly female domestic workers due to their isolation inside private residences and vulnerability to employer abuse. According to the General Authority for Statistics, there are approximately 13.1 million foreign workers in Saudi Arabia; the largest populations during the reporting period were from Bangladesh, Egypt, Ethiopia, India, Indonesia, Pakistan, the Philippines, Sudan, and Yemen. In previous years, the government prosecuted some foreign citizens who may have been subjected to trafficking or related indicators and sentenced them to death in cases involving murder. Non-payment or late payment of wages remain the prominent complaint from foreign workers in the Kingdom, while employers withholding workers' passports also remains a significant problem. Trafficking perpetrators include businesses of all sizes, private families, recruitment agencies in both Saudi Arabia and labor-sending countries, gangs, and organized criminal elements, to include third-country nationals.

Due to Saudi Arabia's requirement, under its sponsorship system, for foreign workers to obtain permission for an exit visa from their employers to be able to legally depart the country, some laborers are forced to work beyond their contract term because their Saudi employers use state-sanctioned tools as part of a coercive scheme. While the government took initial steps to reform this system and reduce worker liability during the current reporting period, the system continues to hinder many workers from exiting the country and increases migrant workers' vulnerability to trafficking. Although most migrant workers sign contracts delineating their rights, some report work conditions substantially differ from those outlined in their contracts. Other workers never see work contracts at all, heightening their risk of forced labor and debt-based coercion, although the government undertook significant efforts to reduce such vulnerabilities during the current reporting period. Additionally, some migrant workers voluntarily enter into illegal arrangements where they seek freelance work while concurrently paying a Saudi national to sponsor their initial residence permit, thereby becoming vulnerable to extortion and debt-based coercion by their sponsors. Some migrants from Yemen and the Horn of Africa who enter Saudi Arabia illegally—involuntarily or through smuggling—via the Yemeni border may be trafficking victims. Previous reports alleged some Saudi citizens engaged in sex tourism abroad, where they engaged in temporary or seasonal nonbinding "marriages," which included payment for short-term sexual access to children and others whom the purchaser then abandoned. In Saudi Arabia, begging by women and children remains a problem and a significant vulnerability to forced labor, with reported upticks during the holy month of Ramadan and the Muslim pilgrimages of Hajj and Umrah. The child beggar population is comprised primarily of unaccompanied migrant children, most heavily from Yemen and Ethiopia, but approximately 5 percent are Saudi national children of unknown parents. Traffickers compel some of these women and children to work as part of organized begging rings.

As the leader of a multi-nation coalition that commenced military operations against Houthi rebel forces in Yemen in 2015, Saudi Arabia paid, materially supported, trained, and commanded Sudan's Rapid Support Force. Media alleged, in the previous reporting period, that Sudanese officers associated with Sudan's Rapid Support Force (RSF) took bribes from families to permit minors to serve as combatants in Yemen. Saudi Arabian officers allegedly trained and exercised tactical control over some RSF units. Past reporting claimed that in some instances Saudi Arabia funded Yemeni militias that hired minors in combatant roles, and that the Saudi Arabian government had provided salaries, uniforms, weapons, and training to Sudanese combatants (which included children 14-17 years old) in Yemen.

SENEGAL: TIER 2 WATCH LIST

The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included collaborating with an international organization to establish an anti-trafficking database and planning the third phase of its program to remove vulnerable children, including trafficking victims, from the streets of major cities. In addition, the government launched an emergency campaign to place vulnerable children living in the street, including forced begging victims, in shelters in response to the COVID-19 pandemic. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government rarely proactively investigated or prosecuted traffickers exploiting children in forced begging and did not take action against officials who refused to investigate such cases. The government only applied adequate prison terms in accordance with the 2005 anti-trafficking law to two convicted traffickers. The government did not identify any adult trafficking victims, and limited understanding of trafficking among government officials persisted. Therefore Senegal was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Explicitly direct law enforcement and judicial officials to significantly increase efforts to actively investigate and criminally prosecute trafficking offenses following due process, including those who exploit children in forced begging. • Punish convicted traffickers with significant prison terms consistent with the 2005 anti-trafficking law. • Ensure draft legislation and implementing decrees developed to regulate *daaras* (Quranic schools) explicitly prohibit exploitative begging, approve the draft legislation and implementing decrees, and allocate adequate resources, including inspectors to enforce their implementation. • Establish a system to automatically trigger police or judicial investigations when potential trafficking victims are identified, including potential child forced begging victims. • Establish and enforce standard operating procedures to ensure officials, including local administrative officials, regularly inspect *daaras* to ensure they do not force children to beg and meet child protection standards. • Expand efforts to identify and refer to services adult trafficking victims. • Continue allocating sufficient resources and funding to the anti-trafficking task force (CNLTP) and strengthen its ability to coordinate anti-trafficking activities among agencies conducting anti-trafficking work. • Facilitate training of law enforcement, labor, and social welfare officials to adequately identify trafficking victims, including among vulnerable populations, such as child beggars, Senegalese women traveling abroad for domestic work, and North Korean workers, and investigate cases, refer victims to services, and prevent their penalization. • Develop and establish a framework to regulate overseas labor recruitment to prevent exploitation of Senegalese workers abroad. • Expand workplace regulations to include labor inspections in the informal sector where forced labor occurs. • Develop and implement pre-departure trainings for labor migrants, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and Senegal to prevent exploitation abroad. • In partnership with NGOs, expand access to protective services for trafficking victims outside of Dakar. • Broaden efforts to raise public awareness of trafficking, including child forced begging in *daaras*. • Continue implementing the Systraite database system to Senegal's 14 regions.

PROSECUTION

The government maintained insufficient anti-trafficking law enforcement efforts. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine for sex trafficking and labor trafficking—except forced begging—and prescribed lesser penalties of two to five years' imprisonment and a fine for forced begging. These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. While the 2005 anti-trafficking law criminalized forced begging, provisions

in the penal code that allowed seeking of alms under certain conditions may have hampered law enforcement officials' ability to distinguish traditional alms-seeking and exploitation through forced begging. During the reporting period, the government held several workshops to review previously drafted amendments to the 2005 anti-trafficking law to establish separate laws for human trafficking and migrant smuggling to reduce conflation of the two crimes.

In data collected from five of Senegal's 14 regions, the government reported investigating at least 12 trafficking cases, prosecuting 17 suspects, and convicting five traffickers, compared with 12 investigations, 12 prosecutions, and six convictions during the previous reporting period, with data from six regions. One of the five convicted traffickers had posed as a Quranic teacher to compel children to beg; he was convicted under the 2005 anti-trafficking law and received a two-year suspended sentence and 50,000 West African CFA francs (FCFA) ($86) fine, which was not in compliance with the penalties prescribed in the 2015 anti-trafficking law. Judges sentenced the other four traffickers convicted for sex trafficking to sentences between one month suspended sentence and 10 years' imprisonment; two convicted traffickers were sentenced to a prison term more than one year. This was overall lower than the previous reporting period, when four of six convicted traffickers received prison sentences greater than one year's imprisonment; however, the court sentenced only two of those traffickers to penalties in compliance with those prescribed in the anti-trafficking law in the previous reporting period. The government has persistently applied penalties inconsistent with the 2005 anti-trafficking law to convicted traffickers. Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers. When officials identified a potential forced begging case, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating and prosecuting the case; during the reporting period, seven alleged child forced begging cases were handled administratively. By not criminally investigating or prosecuting these forced begging cases, the government did not adequately hold traffickers accountable. An NGO reported that between 2017 and 2019 the judiciary dropped or reduced charges or sentences against Quranic teachers and their assistants in at least 17 cases, in part due to public pressure associated with the social influence of Quranic teachers. Despite allegations of government complicity—either by refusing to investigate trafficking offenses or pressuring the judiciary to drop cases—the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

As in past years, the CNLTP co-financed and led a training with international organizations and NGOs on identifying, investigating, and prosecuting human trafficking for 30 magistrates and prosecutors in April 2019. This was a decrease compared with the more than 159 officials CNLTP trained during the previous reporting period. The Ministry of Justice held a four-day training for government officials in December 2019 to prepare for the third phase of "*Le retrait des enfants de la rue*" campaign to remove vulnerable children from the streets. Other government ministries did not report hosting any additional trainings on human trafficking and child protection. Many law enforcement and judicial personnel remained unaware of the provisions of the 2005 law. This lack of awareness, coupled with limited institutional capacity, inhibited efforts to prosecute and convict traffickers under the law and collect data on such efforts. In October 2019, the government collaborated with an international organization and foreign donor to launch an anti-trafficking database called "Systraite" to collect law enforcement and victim protection data; the government is piloting the system in the regions of Dakar, Saint Louis, Thies, Kedougou, and Tambacounda. The government provided trainings on the database in each region.

PROTECTION

The government decreased already insufficient efforts to identify and provide services to trafficking victims. Law enforcement, immigration, and social services personnel had formal written procedures to proactively identify trafficking victims among high-risk populations. The government, at times in collaboration with NGOs, identified and referred to services 1,358 potential child trafficking victims during the reporting period, including child forced begging victims. The government did not report identifying or referring to services any adult trafficking victims, compared with 1,559 potential child trafficking victims and nine adult trafficking victims identified and referred to services during the previous reporting period. The Ministry of Women, Family, Gender, and Child Protection (MWFGCP) referred 359 children to its shelter at the Ginddi Center during the reporting period. An NGO in Saint Louis identified and cared for an additional 204 child trafficking victims without government support. During the reporting period, the government began planning the third phase of its "*Le retrait des enfants de la rue*" campaign to remove vulnerable children, including forced begging victims, from the street in Dakar, Thies, and Saint Louis following similar operations in Dakar in 2016 and 2018; at the end of the reporting period, the program did not yet occur. However, in March 2020 the government began a separate operation to remove children from the street vulnerable to COVID-19, including forced begging victims, and place them in government and NGO shelters. Compared to past years, there were no reports identifying children who were exploited again in forced begging, nor were any alleged perpetrators reported to be repeat offenders.

In April 2019, the Ministry of Good Governance and Child Protection was incorporated into the new MWFGCP, which was the lead agency for victim protection. The Ginddi Center, under the aegis of the MWFGCP, provided temporary shelter and basic care to both foreign and domestic child victims. The government provided 150 million FCFA ($257,730) to the Ginddi Center in 2019, an increase compared with 90.6 million FCFA ($155,670) in 2018. The center provided meals, shelter, psycho-social care, clothing, medical care, and limited vocational training. The center lacked specialized training for social workers and volunteers, and it only had one volunteer doctor and a staff nurse to provide basic medical treatment. The center also lacked space to accommodate all victims identified, which limited the number of victims authorities could remove from exploitation and how long victims could remain at the center. In order to address the lack of space at the Ginddi Center, the government at times sent some victims to the center for immediate services and then to NGOs or to partner *daaras*—which the government had certified met capacity, hygiene, and security standards and did not engage in forced begging—that provided children with follow-on support until family reunification. The Ministry of Justice operated three shelters (CPAs) for child victims of crime, witnesses, and children in emergency situations, which trafficking victims could access. Several NGOs operated trafficking victim shelters throughout the country. Outside of Dakar, international observers reported NGOs sometimes had to provide critical shelter and trafficking victim services due to a lack of government resources and involvement.

Authorities inconsistently applied the victim referral system, and it was not available in all regions of the country. Authorities referred victims identified along Senegal's borders to an international organization and government center for questioning before referring them to NGOs or government centers for protective services. In Dakar and rural areas, law enforcement, civil society, and community protection groups generally referred children to the government or NGOs for social services and repatriation; however, members were not always aware of the shelters and services available, especially for adults, which at times caused delays in the provision of services. The law provided alternatives to

the removal of foreign victims who may face hardship or retribution upon return, including the option to apply for temporary or permanent residency; the government did not report how many victims received this relief during the reporting period. The 2005 anti-trafficking law has provisions for victim protection during prosecution including allowing videotaped testimony; the government did not report using these provisions during the reporting period. Victims could legally obtain restitution; the government did not report requesting restitution during the reporting period. Victims could file civil suits against their traffickers; however, no victims reportedly used this provision during the reporting period, and many victims were unaware of the option.

PREVENTION

The government maintained weak efforts to prevent human trafficking. The government continued implementing the 2018-2020 anti-trafficking national action plan, and it committed to funding the CNLTP for implementation of the plan. The government allocated 16 million FCFA ($27,490) to the CNLTP in 2019 and committed an additional 60 million FCFA ($103,090) in 2020, compared with 80 million FCFA ($137,460) allocated in 2018. Funding for the CNLTP remained insufficient, and it had to seek additional donor funds to support many of its activities. The Ginddi Center continued to operate a hotline for child trafficking in three languages. The hotline received 607 calls during the reporting period, leading to the identification of 421 vulnerable children, 215 of whom were trafficking victims; an unconfirmed number of criminal investigations were initiated as a result of the calls. Staff responded to each call, despite the fact that the Ginddi Center did not have a vehicle, forcing it to rent one each time it followed up on a trafficking report. In collaboration with NGOs, the CNLTP and the Support Unit for the Protection of Children under the MWFGCP organized awareness raising events in November 2019.

The government regulated labor recruiters and brokers but did not report any investigations into fraudulent recruitment during the reporting period. Four local governments continued partnering with an international organization to provide funding and in-kind support to local communities in order to close *daaras* that practiced forced begging, provide food, hygiene, and medical services to children in *daaras* and decrease the incidence of forced begging; three of the local governments passed regulations prohibiting child begging. According to the international organization, these efforts reduced the number of children begging by 80 percent in one municipality and by 25 percent in the other three. The draft bill and implementing decrees to modernize *daaras* remained pending approval by the National Assembly during the reporting period; if passed, the bill would outline requirements that *daaras* must meet in order to be eligible for government subsidies. Furthermore, the draft law and the draft presidential decrees that would operationalize the law specified standards that *daaras* would need to maintain; for the first time, the government would have oversight and authority to approve or deny the opening of new *daaras* and to close *daaras* that do not meet requirements. However, neither the draft law nor any of the implementing decrees explicitly prohibit child forced begging. The CNLTP continued to participate in meetings of the West Africa Network for the Protection of Children, a sub-regional referral mechanism for vulnerable children, including trafficking victims. The group comprised NGOs and officials from neighboring countries of bodies focused on combating trafficking. The government did not make efforts to reduce the demand for commercial sex. The task force's tourism police forces continued to monitor the resort areas of Saly and Cap Skirring for indicators of child sex tourism and other abuses, although they did not report identifying any cases of child sex tourism.

TRAFFICKING PROFILE

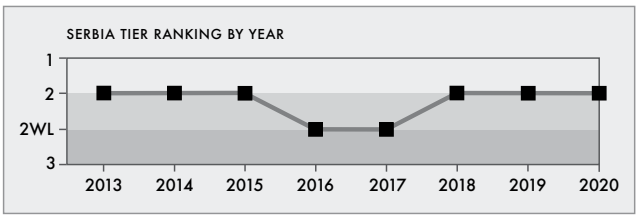
As reported over the past five years, human traffickers exploit domestic and foreign victims in Senegal, and traffickers exploit victims from Senegal abroad. Forced begging is the most prevalent form of trafficking; some Quranic teachers and men who claim to be Quranic teachers force children to beg in Dakar and other major cities in Senegal. In 2019, an NGO estimated 100,000 children living in residential *daaras* across Senegal are compelled to beg. The same NGO estimated traffickers coerce nearly 30,000 children to beg in Dakar alone. In addition, a 2017 NGO-led study identified more than 14,800 child forced begging victims in Saint Louis and reported 187 of the city's 197 *daaras* send children to beg for at least part of the day. Traffickers fraudulently recruit victims through the pretext of traditional cultural practices called *confiage* whereby parents send children to live with family or acquaintances in order for the child to have better access to education and economic opportunities; traffickers then exploit children in forced labor and sex trafficking through this practice. Traffickers subject Senegalese boys and girls to sex trafficking and forced labor in domestic servitude and gold mines. Internal trafficking is more prevalent than transnational trafficking, although traffickers exploit boys from The Gambia, Guinea, Guinea-Bissau, and Mali in forced begging in Senegalese cities, as well as in forced labor in artisanal gold mines in Senegal.

Traffickers exploit Senegalese women and girls in domestic servitude in neighboring countries, Europe, and the Middle East, including Egypt. Reports indicate traffickers exploit most Senegalese sex trafficking victims within Senegal, particularly in the southeastern gold mining region of Kedougou. Traffickers also subject Nigerians, Guineans, Malians, and Burkinabes to forced labor and sex trafficking in mining communities. The government continued to allow North Korean companies to operate in Senegal and bring at least 31 North Korean workers to work in construction and other sectors; North Korean workers in Senegal may have been forced to work by the North Korean government. In 2018, authorities identified Ukrainian and Chinese women exploited in sex trafficking in bars and nightclubs. West African women and girls are subjected to domestic servitude and sex trafficking in Senegal, including for child sex tourism, by tourists from France, Belgium, Germany, and other countries. Child sex tourism primarily occurs in the cities of Dakar and Saint Louis and, to a lesser extent, in Cap Skiring and La Petit Cote, traditional tourist areas, and increasingly in private residences. In 2018, a government and international organization report alleged some Saudi diplomats in Senegal are complicit in fraudulently recruiting and exploiting some Senegalese women in domestic servitude in Saudi Arabia. In 2017, an international organization identified more than 1,100 Senegalese migrants in Libya who were vulnerable to trafficking. The majority of migrants reported traveling through Mali, Burkina Faso, and Niger to reach Libya with the intent to reach Europe.

SERBIA: TIER 2

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Serbia remained on Tier 2. These efforts included increasing prosecutions and operationalizing the urgent reception center (URC) after a delay of five years. The government adopted standard operating procedures (SOPs) for the identification, referral, and support of trafficking victims and adopted the 2019-2020 national action plan, and allocated resources towards the plan. However, the government did not meet the minimum standards in several key areas. Proactive identification efforts remained inadequate

and, as a result, the government identified the fewest number of victims since 2015. Authorities failed to discipline complicit officials, and the Center for Protection of Trafficking Victims (CPTV) lacked resources and staff necessary to assess victims, coordinate care placement, and provide direct assistance at the URC. The government continued to penalize victims, and authorities did not protect victims' rights during court proceedings. While cooperation with civil society improved, the government did not formalize roles and responsibilities or fund civil society despite relying heavily on its support.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to proactively identify victims, including among migrants, individuals in commercial sex, refugees and asylum-seekers, and unaccompanied children engaged in street begging. • Allocate sufficient resources to enable the CPTV to implement victim protection efforts. • Update the national referral mechanism to provide victims all necessary support services by formalizing cooperation with and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies. • Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence them with adequate penalties. • Update the national referral mechanism with specific identification and referral procedures for children. • Implement victim-centered approaches and victim-witness protection measures for victims testifying in court to diminish intimidation and re-traumatization. • Train investigators, prosecutors, and judges on victim-centered approaches, and establish mechanisms to refer cases to trained prosecutors and judges. • Fully implement written guidance to prevent penalization of trafficking victims for unlawful acts traffickers compelled them to commit. • Establish transparent standards and procedures for NGOs to obtain licenses for providing support services. • Improve training for government personnel on victim assistance and referral, and ensure access to victim assistance for foreign victims. • Provide labor inspectors and market inspectors the resources and training necessary to regulate recruitment agencies, and investigate cases of fraudulent recruitment. • Integrate Roma groups into decision-making processes regarding victim protection.

PROSECUTION

The government maintained law enforcement efforts. Article 388 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years' imprisonment for offenses involving an adult victim, and three to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 23 new cases (22 in 2018) involving 47 suspects. Of these cases, 18 were sex trafficking and five were forced labor. Law enforcement continued 15 sex trafficking and four forced labor investigations from previous years. The government prosecuted 47 defendants (20 in 2018). Of these, 33 were for sex trafficking and 14 for forced labor. The government continued prosecutions of 49 defendants from previous years. Courts convicted 15 individuals for sex trafficking and none for forced labor (19 traffickers in 2018). Fourteen traffickers received imprisonment and one received a fine, but the government did not collect or report information on the length of sentences. Appeals courts upheld two convictions and acquitted four individuals. Observers reported judges often issued light sentences for traffickers, and some judges displayed victim-blaming mentalities and biases against vulnerable populations.

The Criminal Police Directorate (CPD) maintained an anti-trafficking unit within the Directorate to Combat Organized Crime. The government finished consolidating the jurisdiction to investigate trafficking under the CPD; in previous years, the border police and Foreigners Office shared this responsibility, which hindered investigations because of unclear jurisdiction and the implication that trafficking required a transnational element. The Ministry of Interior (MOI) created a new labor division to investigate forced labor, and the government maintained specialized units in Belgrade, Nis, and Novi Sad and appointed at least two officers to investigate trafficking in the 27 regional police administrations. The government continued a trafficking task force that coordinated efforts to proactively investigate trafficking and maintained a separate migrant smuggling and human trafficking task force that also investigated trafficking. Experts reported hiring freezes at local levels required specialized officers to investigate unrelated crimes, and specialized units required additional capacity and equipment, including computers, vehicles, and technical investigative tools.

The Public Prosecutor's Office maintained specialized prosecutors for trafficking cases, who acted as single points of contact for investigators and care providers and provided operational guidance; however, the government did not have a system to consistently refer trafficking cases to these prosecutors or to judges trained and experienced on trafficking issues. Prosecutors faced difficulties in distinguishing between labor rights violations and forced labor and often qualified or pleaded down sex trafficking cases to mediating prostitution, including cases with child victims. The government, at times in cooperation with international organizations, trained police, asylum officers, and labor inspectors on various anti-trafficking issues. In December 2019, the government signed a cooperation agreement on trafficking with North Macedonia and made two requests for international legal assistance. Authorities investigated two alleged complicit MOI officials involved in child sex trafficking, who returned to work after three months due to a lack of evidence. The government did not take additional action against the same MOI officials after they were implicated in a separate case of knowingly engaging in commercial sex with a sex trafficking victim. In 2018, law enforcement charged a police officer involved in sex trafficking; the case is currently in the trial phase.

PROTECTION

The government maintained efforts in victim protection. The government identified 36 victims (76 in 2018). Of these, 23 were victims of sex trafficking, three of forced labor, four of forced begging, one of forced criminality, and five of multiple types of exploitation (34 were victims of sex trafficking, 18 of forced labor, two for forced begging, one for forced criminality, and 21 for multiple types of exploitation in 2018). Twenty-four victims were children (32 in 2018); 29 were female and seven were male (57 females and 19 male in 2018); and two were foreign victims (five in 2018). First responders referred 135 potential victims (193 in 2018) to the CPTV; law enforcement referred 55 potential victims (89 in 2018), social welfare organizations referred 40 (45 in 2018), other government entities referred 12 (21 in 2018), civil society referred 24 (38 in 2018); and four victims self-identified. The government adopted new SOPs for the identification, referral, and support of trafficking victims that included standardized indicators and guidelines to identify victims in migrant flows, schools, and high-risk sectors. However, SOPs did not provide clear roles and

responsibilities for civil society, and implementation remained weak with a lack of proactive identification efforts, including screening of migrant flows and individuals in commercial sex. Some first responders, particularly local centers for social work (LCSW), justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs. CPTV assessed and officially recognized victims referred by first responders and developed a protection and assistance plan for each victim. CPTV had two units, the protection agency and the URC. GRETA and other experts reported CPTV lacked the staff to review cases in a timely manner and resources to travel to the location of potential victims and interview them in person. Experts continued to report the lack of transparency regarding the official victim assessment and CPTV's inability to assess potential victims consistently. For example, CPTV did not provide official victim status to some potential victims, who were later determined by civil society to be trafficking victims, a trend that re-victimized some victims. Observers reported CPTV lacked specific procedures for child trafficking victims. For example, questionnaires used in the identification process were not adapted for children, and children often did not understand the questions.

The government allocated three million dinars ($28,590) to CPTV but could not provide information on funds allocated to all victim protection efforts in 2019 and 2018. The government did not provide funding to NGOs despite relying on their victim support and reintegration services. Although the government required victims be referred only to licensed service providers, only two types of services had official licensing criteria and standards established; of the two major NGOs that work on trafficking issues, one was licensed to provide comprehensive residential and life skills support, and the other was licensed to administer an SOS hotline. The government and NGOs provided psycho-social, legal, educational, medical, financial, and reintegration support; 121 potential victims and 184 official victims received some form of government assistance in 2019. The government reported providing equal protection to foreign and domestic victims, but according to experts, foreign victims faced obstacles in accessing support, and some local communities limited shelter accommodation to Serbian nationals. The government opened the URC in February 2019, designed to provide safe shelter and services with the capacity to accommodate six victims; the URC accommodated nine victims in 2019. CPTV reported difficulties in fulfilling its expanded responsibilities from a coordinating body to one that also provides direct assistance at the URC. The organization cited challenges such as a continued lack of capacity and staff, including technical staff and skills to provide support to victims, and a lack of resources to afford basic office equipment, food, hygiene products, and shelter renovations. Civil society reported improved cooperation with CPTV but noted CPTV relied on its scare resources to support the URC with food, toiletries, and access to vehicles.

LCSW operated shelters for domestic violence victims that also accommodated female trafficking victims. GRETA visited a LCSW-run shelter in Sremska Mitrovica in January 2018 and reported "good living conditions," but these shelters generally lacked the specialized programs and trained staff necessary for working with trafficking victims. CPTV continued to report many relevant ministries did not consider victim protection to be part of their responsibility. The government maintained a drop-in shelter for street children and when authorities identified child victims, they returned them to their families, referred them to foster care, or placed them in one of the two centers for children without parental care; 31 potential child victims were accommodated in general shelters, 11 were accommodated in shelters for asylum-seekers and migrants, and 25 were placed in foster families. The government did not provide specialized accommodation for male victims. An NGO rented accommodation for male victims as needed, and male victims could access all other rehabilitation services offered to female victims. CPTV maintained a protocol with the National Employment Service (NES) to assist victims in finding employment; CPTV referred two victims to NES for assistance (37 in 2018), but neither secured employment. The government provided foreign victims temporary residence permits renewable up to one year and allowed potential foreign victims to stay for three months; authorities did not grant any new residence permits in 2019 (one in 2018) but did renew two residence permits. Furthermore, two victims received asylum. The government repatriated two victims back to Serbia and assisted a victim to repatriate to Albania.

The government penalized victims for unlawful acts traffickers compelled them to commit, particularly victims of forced criminality and sex trafficking; authorities penalized four identified victims in 2019. CPTV and civil society organizations attempted to intervene in known prosecutions of trafficking victims but were not always successful. Victims' ability to access support services and assistance was not contingent on cooperating with law enforcement investigations, but once a case was reported to police, authorities required victims, including children, to cooperate with investigations and testify during prosecution; 103 victims assisted in court proceedings in 2019 and 2018. Observers reported Serbian authorities threatened some victims with prosecution for non-cooperation. Judges did not always grant witness protection to

trafficking victims or adequately protect victims' rights during lengthy court proceedings. Although the government passed a law designating officially recognized victims as a "particularly vulnerable group" eligible for special assistance and procedural consideration, judges did not consistently assign the status of "especially vulnerable witness" or "protective witness status" to trafficking victims, including children; these statuses allowed witnesses to testify without the defendant present, provide testimony via video link, and gain access to witness protection. Victims frequently appeared in front of their traffickers and did not receive notification when authorities released their traffickers from custody. Police escorted victims to and from court, and CPTV continued to consistently appoint lawyers to represent victims, but the length of trials and assistance provided to victims depended on the individual prosecutor or judge. Police did not consistently conduct "safety assessments" of official victims and often sent victims home to potentially exploitative family members. The law entitled victims to file criminal and civil suits against their traffickers for restitution, but judges continued to encourage victims to seek restitution solely by filing civil suits. Civil suits were lengthy, expensive, and required the victim to face the abuser numerous times; only one victim has received compensation to date.

PREVENTION

The government maintained prevention efforts. The government implemented the anti-trafficking strategy for 2017-2022 and adopted a national action plan for 2019-2020. The government allocated 7.9 million dinars ($75,120) to implement the 2019-2020 national action plan. The Council to Combat Trafficking met once (never in 2018) and the Special Task Force on Strategy Implementation and Monitoring held four meetings. Nineteen municipal governments maintained multidisciplinary anti-trafficking teams. The government allocated 2.2 million dinars ($20,490) to media projects on trafficking issues and organized educational and outreach activities. The government operated a hotline to collect trafficking-related tips and publicly released information on anti-trafficking efforts, including prosecution data and protection efforts. Police continued to enforce laws against purchasing commercial sex. The government licensed and regulated private employment agencies; however, observers

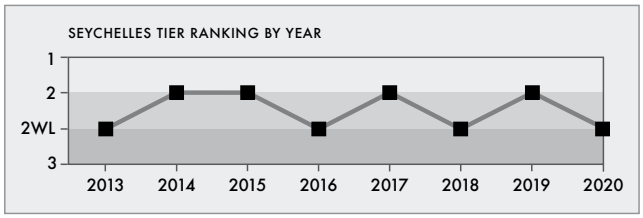
reported in practice, tourist agencies also performed labor recruitment and were largely unregulated. Additionally, civil society reported recruitment agencies reformed under different names after authorities revoked their licenses. They also reported instances in which the translations of contracts into English and/or Serbian differed substantively from the original contract in the origin country's language. GRETA reported the Market Inspectorate may take up to two months to respond to reports of fraudulent employment offers.

TRAFFICKING PROFILE

As reported in the last five years, human traffickers exploit domestic and foreign victims in Serbia and traffickers exploit victims from Serbia abroad. Traffickers exploit Serbian women in sex trafficking in Serbia, in neighboring countries, and throughout Europe, particularly Austria, Germany, Italy, and Turkey. Traffickers exploit Serbian nationals, primarily men, in forced labor in labor-intensive sectors, such as the construction industry, in European countries (including Austria, Belgium, Croatia, France, Germany, Italy, Luxembourg, Montenegro, Russia, and Switzerland) and the United Arab Emirates. Traffickers exploit Serbian children, particularly Roma, within the country in sex trafficking, forced labor, forced begging, and petty crime. Foreign victims identified in Serbia are from Albania, Cameroon, Denmark, Mali, Nigeria, and Pakistan. Thousands of migrants and refugees from the Middle East, Africa, and Asia transiting through or left stranded in Serbia are vulnerable to trafficking within Serbia.

SEYCHELLES: TIER 2 WATCH LIST

The Government of Seychelles does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government allocated an operational and programmatic budget to the National Coordinating Committee on Trafficking in Persons; signed a bilateral agreement that reportedly outlines procedures for employment and repatriation in Seychelles of migrant workers from Bangladesh; and established a new hotline to report concerns of forced labor. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not report identifying any victims of trafficking, and efforts to address sex trafficking remained inadequate. The government also did not implement its standard operating procedures for victim identification and referral or its victim assistance mechanism, and it did not have any comprehensive shelters or care facilities available for trafficking victims, nor did it provide sufficient resources for victim assistance. The government reported a decrease in investigations and did not report initiating any prosecutions or convicting any traffickers. The government did not establish a secretariat to support the Coordinating Committee, hindering the committee's ability to fulfill its mandate to direct anti-trafficking efforts across government agencies and drive national policy. Therefore Seychelles was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Implement standard operating procedures to systematically identify victims of all forms of trafficking and refer victims to care. • Provide specialized training to government officials, including members of the National Coordinating Committee of Trafficking in Persons, law enforcement officials, social workers, immigration officials, and labor inspectors, on victim identification and referral procedures, including for victims of sex trafficking. • Using the anti-trafficking law, increase efforts to investigate, prosecute, and convict traffickers and sentence convicted traffickers to adequate penalties. • Allocate adequate funding and resources for victim services and front-line officials. • Establish a shelter dedicated for trafficking victims to receive comprehensive care. • Finalize and adopt a national action plan to drive national efforts to combat all forms of trafficking. • Implement the requirements of the 2014 anti-trafficking act, including hiring personnel for the secretariat to support the National Coordinating Committee and a Victim Assistance Fund. • Adopt a law prohibiting the retention of passports by employers of migrant workers. • Remove the required fee for a migrant worker to file a complaint with the Labor Tribunal and screen and refer potential labor trafficking cases for criminal prosecution. • Conduct anti-trafficking awareness campaigns to increase the understanding of the crime among the local population and the large number of foreign tourists and migrant workers entering the country. • Utilize the national centralized anti-trafficking data collection and reporting tool. • Continue to implement labor laws, including strong oversight and inspection authority in all of Seychelles, including the international trade zone, the residences that employ domestic workers, and migrant workers' work sites.

PROSECUTION

The government demonstrated decreased law enforcement efforts to combat trafficking. The Prohibition of Trafficking in Persons Act of 2014 criminalized sex trafficking and labor trafficking. The law prescribed penalties of up to 14 years' imprisonment and a fine up to 500,000 Seychelles rupee ($36,710) for offenses involving adult victims, and a maximum of 25 years' imprisonment and a fine up to 800,000 Seychelles rupee ($58,740) for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Although the anti-trafficking law criminalized child sex trafficking, unclear and conflicting statutes in the penal code did not clearly define the ages of consent, causing confusion between the traditionally understood age of consent (15 years of age) and the legal age of majority (18 years of age). In 2017, the government, in collaboration with an international organization, began development of implementing regulations for the 2014 anti-trafficking law to address protective measures for trafficking victims; however, the government did not report progress on these regulations for the second consecutive year.

The government investigated 18 cases of forced labor in 2019, a decrease compared with 45 investigations in the previous reporting period. Nine investigations found insufficient evidence of trafficking, while agencies closed the remaining five cases, reportedly due to lack of victim participation for a variety of reasons; other investigations remained ongoing at the end of the reporting period. The government did not report initiating any prosecutions, compared with three prosecutions in the previous reporting period. Three prosecutions initiated in previous reporting periods remained ongoing; however, the government did not provide updates on these cases. The government did not convict any traffickers in 2019, compared with one conviction in 2018. The government reported investigating and charging three alleged perpetrators with sex trafficking; however, the case did not include details to indicate trafficking as defined in international law. In the previous reporting period, the government initiated

an investigation into a senior official in the Department of Foreign Affairs, who formerly worked for the Ministry of Employment, Immigration and Civil Status (MOE), for fraudulently issuing work permits to migrant workers for the purpose of exploiting migrant workers in forced labor. As part of a plea bargain, courts dropped all trafficking charges in the case in 2019 and charged the allegedly complicit official with uttering false documents contrary to section 339 of the penal code. In 2017, immigration officers reported possible high-level corruption, which allowed wealthy citizens from Gulf countries to coordinate the travel of young women aboard private planes, some of whom may have been trafficking victims; however, the government did not report investigating these allegations for the second consecutive year, nor initiating any other new investigations or prosecutions of officials allegedly complicit in trafficking crimes during the reporting period. Various members of Seychelles law enforcement and the National Coordinating Committee traveled to attend eight trainings hosted and funded by foreign governments or international organizations on trafficking investigations and child sexual exploitation; however, the government did not host trainings for law enforcement during the reporting period. The Seychelles Police Academy identified spaces suitable for law enforcement trainings, but the government did not begin developing a training plan. With support from an international organization, the government has had access to a national centralized anti-trafficking data collection and reporting tool since 2015, but it has never utilized this tool, despite receiving training.

PROTECTION

The government demonstrated decreased efforts to protect victims of human trafficking. The government did not report identifying any victims of trafficking during the reporting period, a decrease from nine victims identified in 2018. The government did not systematically implement its victim identification and referral tool, which continued to hinder protection efforts. The government did not provide protective services to any female or child victims during the reporting period. There were no trafficking-specific shelters or comprehensive care facilities to assist trafficking victims in the country; however, as in prior years, the Social Affairs Department of the Ministry of Health and Social Affairs provided nine victims who were waiting to give testimony in court with accommodation in private guesthouses, homeless shelters, or a facility previously used to hold suspected criminals, where they had freedom of movement. The Coordinating Committee reported spending 360,020 Seychelles rupees ($26,430) for victim care in 2019, compared with 275,000 Seychelles rupees ($20,190) in 2018; however, the government did not report providing care to additional victims or increased care to victims waiting to give testimony during the year. Victims reportedly chose not to participate in investigations, likely due to the lack of adequate services. The government provided international training opportunities to an unknown number of social workers and law enforcement officials to participate in training-of-trainers on implementing the victim identification and referral tool. Despite these trainings, observers reported that front-line officials failed to utilize the tool. Migrant workers remained highly vulnerable to labor trafficking; as in past years, government efforts to identify or assist victims of sex trafficking remained inadequate.

The 2014 anti-trafficking law allowed the government to place witnesses under protection and, if the court found it necessary, to hold trafficking trials in private for the sake of victim or witness confidentiality and privacy; however, the government did not report doing so during the reporting period. The 2014 anti-trafficking law also ensured victims could testify through closed circuit television and that courtroom accommodations could be made for the psychological comfort of the victim; however, the government did not report utilizing these provisions during the reporting period. The 2014 anti-trafficking law allowed for limited legal alternatives to victim removal to countries in which they would face hardship; the law permitted the Minister of Home Affairs to decide whether to allow a foreign victim to stay in the country for 30 days, issue a permit letting the victim to stay in the country for a period until the completion of legal proceedings, or deport the foreign victim. However, the government did not report issuing any temporary residency permits or gainful occupation permits during the reporting period. Authorities often referred migrant workers with labor-related complaints to unions, where they had access to union representation and help obtaining legal assistance. The anti-trafficking law allowed the government to provide restitution to victims from the fine imposed on the accused or from the Trafficking in Persons Fund; however, the government has never allotted resources to the Trafficking in Persons Fund. The government did not provide any victims with restitution under the anti-trafficking law, compared with four victims receiving restitution during the previous reporting period. The law protected trafficking victims from detention or prosecution for illegal entry into Seychelles, but it did not protect victims from prosecution for other unlawful acts traffickers compelled them to commit. There were no reports that the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit; however, because officials did not use standard victim identification procedures, victims may have remained unidentified in the law enforcement system.

PREVENTION

The government maintained minimal national-level prevention efforts, while working to better address vulnerabilities among migrant workers. The National Coordinating Committee, established to direct anti-trafficking efforts across government agencies and drive national policy, continued to meet; the government allocated 784,020 Seychelles rupees ($57,560) for committee operations and programming. While the Coordinating Committee continued to develop the national action plan (NAP), it did not finalize and adopt the NAP, and its efforts to drive national anti-trafficking efforts remained limited overall. For the third consecutive year, the government did not hire personnel for a secretariat to support the Coordinating Committee as required under section IV of the 2014 anti-trafficking act; this continued to hinder the committee's ability to fulfill its mandate. The government did not conduct national public awareness campaigns, but the Coordinating Committee organized media sensitization for a week before the international day against trafficking in persons. The employment department distributed pamphlets and leaflets with information on health and safety to employers and employees during labor inspections. The government maintained two hotlines, one with the police and one with immigration, for reporting crimes, including trafficking. The immigration hotline recorded 176 calls during the reporting period; the government did not report the number of calls to the police hotline. The employment department established its own hotline in 2019 to address concerns about forced labor and reported 64 calls during the reporting period; however, the government did not provide any hotline data specific to trafficking.

The inter-ministerial Special Task Force to address the living and working conditions of migrant workers established in 2018 continued to inspect working conditions at various sites. The MOE inspected 237 work sites for indications of trafficking, compared with 266 site in 2018; however, the government did not report the number of working sites inspected or how many inspections resulted in the identification of potential forced labor victims or law enforcement actions. In accordance with the Employment Act, MOE reviewed all contracts for migrant workers to ensure compliance with its provisions, including acceptable accommodations; however, the government did not have effective policies or laws regulating or

providing oversight for labor recruiters. Trafficking vulnerabilities in labor recruitment and monitoring persisted throughout the country, especially in the Seychelles International Trade Zone (SITZ), during the reporting period. Seizure and retention of passports by employers remained legal under Seychellois law, unless proved it was specifically for the purpose of further trafficking a person; however, the government drafted an amendment to the immigration bill during the reporting period that reportedly prohibits passport retention of foreign workers. Parliament had not received the bill for approval at the end of the reporting period. MOE labor inspectors and the task force continued to conduct routine inspections and labor violation investigations, including one inspection in the SITZ; however, the government did not report whether any of these inspections resulted in identification of potential forced labor victims or law enforcement actions related to trafficking. Despite the task force's coordinated efforts, the MOE continued to lack jurisdiction in the SITZ, which limited its ability to protect migrant workers and screen for trafficking, as it was considered ex-territorial and managed by the Financial Services Authority. The government did not report inspecting private homes to monitor employers of domestic workers, compared with four of these inspections in the previous reporting period. In June 2019, the government passed regulations outlining the conditions of employment for domestic workers. The government continued to utilize the labor tribunal for labor-related complaints and continued to require a fee for migrant workers to file a complaint. The government began developing work permit cards for all citizens and foreign workers that included anti-trafficking information and contact information for assistance.

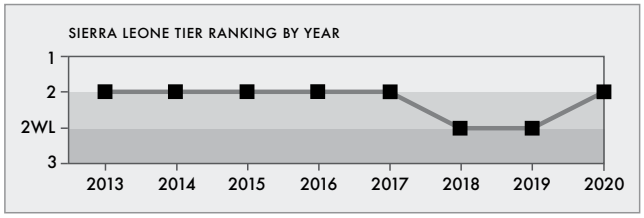
The government signed a bilateral agreement with the Government of Bangladesh in November 2019 that created a framework for the recruitment of Bangladeshi workers for employment in various sectors in Seychelles. Following the signing, the government lifted the ban on the recruitment of Bangladeshi workers placed in October 2018. The agreement reportedly outlined procedures for employment and repatriation of such migrant workers, protections for and rights of migrant workers, and the prevention of trafficking of migrant workers; however, the government did not report any instances of its implementation. The government began negotiation of a similar agreement with the Government of India. The government did not provide anti-trafficking training to diplomats. The government did not make efforts to decrease the demand for commercial sex during the reporting period, despite the prevalence

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Seychelles. Traffickers exploit some Seychellois girls and, according to some sources, boys in child sex trafficking, particularly on the main island of Mahé; peers, family members, and pimps exploit them in bars, guest houses, hotels, brothels, private homes, and on the street. Traffickers may prey on young drug addicts to exploit in sex trafficking, and sex traffickers have exploited Eastern European women in hotels. In 2017, there were reports of possible high-level corruption, which allowed wealthy citizens from Gulf countries to coordinate the travel of young women aboard private planes, some of whom may have been trafficking victims. Traffickers may subject Malagasy women who transit the Seychelles to forced labor in the Middle East. Nearly 19,000 migrant workers—including individuals from Bangladesh, India, China, Kenya, Madagascar, and other countries in South Asia—make up approximately 20 percent of the working population in Seychelles and are primarily employed in fishing, farming, and construction; credible reports indicate traffickers subject migrant workers to forced labor in these sectors. NGOs report traffickers exploit migrant workers aboard foreign-flagged fishing vessels in Seychelles' territorial waters and ports to abuses indicative of forced labor, including nonpayment of wages and physical abuse. Labor recruitment agents based in Seychelles exploit migrant workers in labor trafficking, often with the assistance of a local Seychellois accomplice. Migrant workers often sign their employment contracts upon arrival in the Seychelles and frequently cannot read the language, which traffickers exploit in fraudulent recruitment tactics. There were reports of employers routinely retaining migrant workers' passports to prevent them from changing jobs prior to the expiration of their two-year contracts, increasing their vulnerability to forced labor.

SIERRA LEONE: TIER 2

The Government of Sierra Leone does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Sierra Leone was upgraded to Tier 2. These efforts included convicting traffickers for the first time in 15 years; significantly increasing investigations and prosecutions; significantly increasing trainings for officials on trafficking; contributing a facility for an NGO to establish a shelter for victims; and establishing district-level anti-trafficking task forces. However, the government did not meet the minimum standards in several key areas. The labor migration moratorium remained enforced, which increased Sierra Leonean labor migrants' vulnerability to trafficking. Shelter and services, especially for male trafficking victims, remained inadequate and limited to Freetown. Law enforcement did not investigate past reports of corruption and complicity that impeded law enforcement efforts.



PRIORITIZED RECOMMENDATIONS:

Expand victim shelter and services, including for male victims, outside of Freetown. • Increase efforts to investigate, prosecute, and convict traffickers, following due process, and sentence convicted traffickers with significant prison terms in accordance with the law. • Train police, prosecutors, and judges to investigate and prosecute trafficking cases. • Train all actors on the standard victim identification measures and the national referral mechanism to ensure trafficking victims receive timely services. • End policies that encourage labor migration to occur through informal channels, increasing migrants' vulnerability to trafficking. • Fully implement the new Labor Migration Policy, including pre-departure education about labor rights and increasing the capacity of Sierra Leonean missions to support victims. • Increase financial or in-kind support to NGOs that support trafficking victims. • Amend the 2005 anti-trafficking law to remove sentencing provisions that allow for a fine in lieu of imprisonment for sex trafficking offenses. • Continue efforts to raise public awareness of trafficking. • Coordinate with the governments of Liberia and Guinea to prosecute transnational cases, coordinate victim protection, and prevent trafficking. • Improve data collection on anti-trafficking law enforcement and victim assistance efforts.

PROSECUTION

The government significantly increased anti-trafficking law

enforcement efforts. The 2005 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment, a fine, or both. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with the penalties for other grave crimes, such as rape. The Sexual Offences Act criminalized sex trafficking under its "forced prostitution" and "child prostitution" provisions and prescribed penalties of up to 15 years' imprisonment; these penalties were sufficiently stringent and commensurate with penalties for other grave crimes such as rape. During the reporting period, the government continued collaborating with NGOs to revise the 2005 anti-trafficking law to remove the possibility of a fine for convicted traffickers, and to improve victim protection measures. NGOs and the government socialized the draft bill with civil society, including trafficking survivors, to provide input; the draft legislation remained pending with the attorney general's office at the close of the reporting period.

The government reported investigating 30 cases, initiating nine new prosecutions, and convicting two traffickers, a significant increase from 13 investigations, three prosecutions, and no convictions in the previous reporting period. In February 2020, the government convicted its first traffickers in 15 years. The two convicted traffickers fraudulently recruited nine Sierra Leonean women and attempted to transport them to Middle Eastern countries for exploitation in domestic servitude; the government sentenced one of the traffickers to 20 years' imprisonment and the other to eight years' imprisonment. Judicial inefficiencies, general corruption, and procedural delays prevented courts from holding traffickers accountable and diminished faith in the judicial system. As a result, victims' families often accepted payments from traffickers rather than pursue cases in court, and families sometimes exerted pressure on victims to not participate in investigations and prosecutions against their alleged traffickers due to security concerns, community ties to alleged traffickers, and the high cost and travel required to participate in such cases. In many cases, victims either did not agree to testify against their traffickers and prosecutors dropped the charges, or victims could not meet the travel requirements for court appearances and judges dismissed their cases. During the reporting period, the government expedited trafficking cases by referring trafficking prosecutions directly to the High Court, bypassing the preliminary investigation stage, which sometimes was a three-year process. In addition, the chief justice assigned a dedicated judge and the Ministry of Justice appointed a special prosecutor for trafficking cases. In previous years, traffickers reportedly bribed prosecutors not to prosecute cases, and bribed judges to dismiss cases; it is not clear whether this remained an issue. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption, particularly within the judiciary, remained a serious problem and affected the provision of justice to trafficking victims. In the previous reporting period, an NGO alleged police officers raped potential child trafficking victims and, in some cases, transported victims to police stations where they were sexually abused.

To counter the lack of understanding of trafficking among government officials, the government significantly increased efforts to train officials. The government partnered with an NGO and a foreign donor to develop a training manual on human trafficking for police and other law enforcement agencies. The government's anti-trafficking task force trained 30 social workers on providing psycho-social support to trafficking victims and 24 officers from the Transnational Organized Crime Unit (TOCU) and Family Support Unit on the use of victim identification forms. In collaboration with an international organization, the government trained approximately 50 law enforcement officers, including police prosecutors, on using the national referral mechanism and identifying trafficking victims. Together with NGOs, the government trained 120 border officials on victim identification and coordinated with a regional intergovernmental organization to train 30 judges, magistrates, and police prosecutors on trafficking. The government drafted standard operating procedures (SOPs) on victim identification with the Government of Guinea during the reporting period; as of the end of the reporting period, neither government had approved the draft SOPs, but border personnel began implementing the SOPs at some border crossings. The government continued regular border security meetings with the Governments of Guinea and Liberia, which included trafficking, but reported its failure to ratify the ECOWAS Convention on Mutual Assistance in the Fight against Trafficking compounded difficulties in cross-border investigations.

PROTECTION

The government increased efforts to identify and protect victims. The government had standard measures to identify trafficking victims, including victims among vulnerable populations, and used standardized case assessment forms created by an NGO. However, awareness of identification procedures and inconsistent application of these procedures continued. In collaboration with an international organization, the government identified 76 trafficking victims during the reporting period, compared with 481 potential victims identified in the previous reporting period; however, potential victims identified during the previous reporting period included returning irregular migrants who may have experienced exploitation abroad. Of the 76 identified victims, 43 were Sierra Leonean women exploited in forced labor and three were Indian, Pakistani, and Nigerien men exploited in forced labor. In addition, the government identified 13 boys exploited in forced labor and 13 girls exploited in unknown forms of trafficking. The government relied on NGOs to care for trafficking victims; however, the government did provide counseling and legal services to 51 victims. In August 2019, the Ministry of Social Welfare, Gender, and Children's Affairs (MSWGCA) contributed a building to an NGO to operate a shelter specifically for trafficking victims. The MSWGCA signed a memorandum of understanding (MOU) with the NGO stating the building was dedicated to support trafficking victims in perpetuity. The shelter opened in October 2019 and offered medical, psycho-social, legal, and reintegration support to 26 trafficking victims during the reporting period. The center cared for both foreign and domestic victims; however, staff did not permit victims to leave unchaperoned. The government and most NGOs were not able to provide shelter for male victims. An NGO was able to provide temporary housing, food, medical care, and psycho-social counseling on a limited basis when the government identified male victims. An additional NGO operated a shelter for vulnerable children, including trafficking victims. The government reported the Nigerian High Commission in Freetown provided shelter and repatriation for four Nigerian victims identified during the reporting period.

The government had a national mechanism to refer trafficking victims to services; however, a lack of training on the mechanism caused delays in provision of services to victims. In some cases, victims slept at police stations because authorities did not request appropriate housing, and in several other cases, MSWGCA officials disregarded the standard protocols for referring victims to NGOs for specialized care. The Sierra Leonean embassy in Kuwait requested assistance from an international organization to repatriate potential trafficking victims; the embassy provided travel documents and counseling for an unknown number of potential victims. During the reporting period, an international organization repatriated at least 69 Sierra Leonean victims from the Middle East, including 47 from Kuwait, 20 from Oman, and two from Iraq. The Ministry of Labor and Social Services (MLSS) and

Ministry of Foreign Affairs signed an MOU with the Government of Kuwait on safe labor recruitment to be implemented after the government removes a moratorium on labor migration imposed during the previous reporting period. The Sierra Leonean embassy in The Gambia provided shelter and other assistance to at least three Sierra Leonean victims during the reporting period.

Unlike in previous reporting periods, the government provided support to victims participating in trials against their traffickers by providing immigration relief, legal services, transportation, and lodging. In addition, prosecutors requested closed court sessions to protect victims' identities and prevent re-traumatization during trials. Fifty-one victims voluntarily participated in investigations and prosecutions during the reporting period. Prosecutors requested restitution in all cases prosecuted during the reporting period. However, the judge denied restitution in the one case completed in the reporting period. While victims could file civil suits against their traffickers, none did so during the reporting period. The law provided alternatives to removal to countries in which victims would face retribution or hardship, including temporary residency; the government did not report providing these services to any victims during the reporting period. There were no reports the government penalized victims for crimes committed as a direct result of being subjected to trafficking; however, due to inconsistent application of identification procedures, some victims may have remained unidentified within the law enforcement system.

PREVENTION

The government increased efforts to prevent trafficking, but continued some policies that increased vulnerability to trafficking. The anti-trafficking task force had a 2015-2020 national action plan and met regularly. The government allocated one billion Leones ($103,740) to anti-trafficking efforts in fiscal year 2020, including implementation of the national action plan. In September 2019, the government established regional anti-trafficking task forces in all 16 districts to amplify the central task force's efforts. The government organized a two-week media campaign with television and radio specials on human trafficking and irregular migration. The government trained 30 media personnel on how to report on trafficking and 50 trade union members, journalists, social workers, and civil society organizations on identifying trafficking. While MLSS had strict licensing procedures for new recruitment agencies to prevent exploitation of intending migrant workers, it continued to issue business registration certificates before TOCU had finished vetting the prospective agencies. In February 2019, the government implemented a moratorium on recruitment of Sierra Leoneans for employment abroad, which remained in effect during the reporting period. The government's past and current efforts to prevent exploitation of labor migrants by restricting Sierra Leoneans' access to safe and legal migration routes drove Sierra Leoneans to migrate through informal channels subsequently increasing their vulnerability to trafficking. In July 2018, the MLSS finalized a Labor Migration Policy to improve protections for migrant workers in Sierra Leone and Sierra Leoneans working abroad; the policy implementation action plans required the creation of a technical working group including the anti-trafficking task force. The strategies included in the policy include increasing capacity of Sierra Leonean missions to provide protection services to workers abroad, increasing awareness of labor rights prior to workers' departure through mass communication outlets such as radio, television, and billboards, improving recruitment agency licensing procedures, and developing bilateral labor migration agreements with destination countries on complaint mechanisms and migrants' rights. The government socialized the new policy with relevant agencies during the reporting period but did not yet fully implement it at the end of the reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

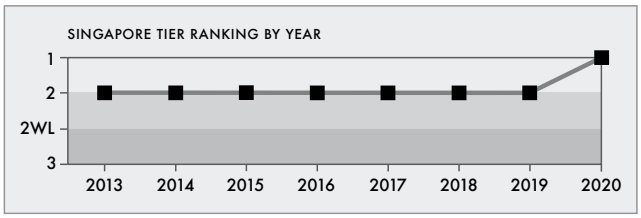
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sierra Leone, and traffickers exploit victims from Sierra Leone abroad. Traffickers recruit victims largely from rural provinces to urban and mining centers for exploitation in sex trafficking and forced labor in domestic service, artisanal diamond and granite mining, petty trading, portering, making ceramics, rock breaking, quarrying, street crime, and begging. Traffickers exploit victims in fishing and agriculture, and sex trafficking or forced labor through customary practices, such as forced marriages. The government reported child sex trafficking—especially of children from poor homes—was a serious problem, including at beaches and in nightclubs. Local demand fueled the majority of child sex trafficking, although foreign tourists were also clients at beaches and nightclubs. In 2018, an NGO reported Chinese-owned companies helped to fuel child sex trafficking in Freetown, citing specifically workers on Chinese-owned fishing vessels who bring girls to their boats at night for commercial sexual exploitation. During the previous reporting period, a trafficker compelled a Chinese man to work as domestic servant in Freetown. Traffickers exploited traditional foster care practices called "*menpikin*" to convince parents to hand over their children and promising to provide an education or better life, but instead exploit the children in various forms of forced labor including domestic servitude, street vending, mining, agriculture, scavenging for scrap metal, and *okada* (motorbike taxi) driving. Traffickers exploiting *menpikin* also exploit some children in commercial sex. Children from neighboring West African countries have been exploited in forced begging, forced labor, and sex trafficking in Sierra Leone, and Sierra Leonean children are taken to Mali, Niger, and increasingly Guinea for forced labor and sex trafficking. During the reporting period, traffickers exploited Pakistani and Indian men in forced labor in Sierra Leone; in previous years, Chinese, Indian, Lebanese, Kenyan, and Sri Lankan men have been forced labor victims in Sierra Leone. Traffickers exploited boys and girls from Sierra Leone reportedly as "cultural dancers"—and possibly also for sexual exploitation—in The Gambia. During the reporting period, traffickers, including family members, tried to sell Sierra Leonean children for domestic servitude. Sierra Leonean adults voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where traffickers exploit some into forced labor and sex trafficking. Sierra Leonean-Kuwaiti trafficking networks increasingly fraudulently recruit Sierra Leoneans for education in Europe and the United States but subject them to domestic servitude in Kuwait. During the reporting period, authorities identified traffickers moving women through Guinea, The Gambia, and Liberia en route to exploitation in Kuwait. Traffickers also exploit Sierra Leonean women in domestic servitude in Oman, Iraq, Egypt, and Lebanon. Since 2017, an international organization repatriated at least 1,500 Sierra Leoneans from Libya and other Middle Eastern countries, some of whom were victims of slavery and sex trafficking. In previous reporting periods, an international organization reported some Libyan soldiers sold stranded Sierra Leonean migrants in their custody to Libyan and Middle Eastern traffickers.

SINGAPORE: TIER 1

The Government of Singapore fully meets the minimum standards for the elimination of trafficking. The government made key achievements to do so during the reporting period; therefore

Singapore was upgraded to Tier 1. These achievements included convicting its first labor trafficking case under its trafficking law and increasing convictions overall. The government identified more trafficking victims and increased dialogue and cooperation with NGOs through 30 meetings throughout the year. The Ministry of Manpower (MOM) prosecuted more unlicensed recruitment agencies than in the previous reporting period and the government increased its awareness activities including by expanding the mandatory 2017 "settling in program" to foreign migrant workers in three industries in addition to construction. Although the government meets the minimum standards, it did not take steps to eliminate recruitment fees charged to workers by Singaporean labor recruiters and ensure any recruitment fees are paid by employers. Additionally, NGOs continued to express concern that authorities did not fully understand the impact of indebtedness and psychological coercion on a trafficking victim, and that as a result some potential unidentified victims were subject to punishment or deportation.



PRIORITIZED RECOMMENDATIONS:

Using the 2015 anti-trafficking law, increase investigations and prosecutions, particularly of labor trafficking, including cases involving domestic workers, debt manipulation, or psychological coercion, and convict and sentence convicted traffickers to penalties proportionate to the seriousness of the crime. • Increase resources for investigative and prosecutorial training on trafficking for MOM officials who handle labor violations. • Strengthen efforts to proactively identify trafficking victims, including by conducting training for front-line law enforcement officials with a focus on screening for psychological coercion among women in commercial sex and individuals in debt. • Continue to implement reforms to the work permit sponsorship system so it does not provide excessive power to sponsors or employers in granting and maintaining the legal status of migrant workers. • Take steps to eliminate recruitment fees charged to workers by Singaporean labor recruiters and ensure any recruitment fees are paid by employers. • Strengthen the legal framework to enhance protection for victims from punishment for unlawful acts the trafficker compelled the victim to commit. • Develop formal policies to provide all victims the right to robust protective services. • Continue to strengthen cooperation and dialogue with NGOs for developing and implementing anti-trafficking policies and assisting victims.

PROSECUTION

The government's law enforcement efforts increased during the reporting period. The 2015 Prevention of Human Trafficking Act (PHTA) criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment and fines up to 100,000 Singapore dollars (SGD) ($74,350), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. In addition, Article 140 of the Women's Charter criminalized "forced prostitution" involving detention or physical force and Article 141 criminalized the movement of women and girls for "trafficking" but did not define this term. Penalties prescribed for these offenses included a maximum of seven years' imprisonment and a fine of up to 100,000 SGD ($74,350). The government investigated most suspected labor trafficking cases as labor law offenses under the Employment of Foreign Manpower Act (EFMA), or the Employment Act, which carried lower penalties than the anti-trafficking law.

In 2019, authorities investigated 51 trafficking cases, an increase compared with 16 in 2018. Of these, 30 were cases of suspected sex trafficking, compared with 10 cases in 2018. MOM investigated 21 suspected labor trafficking cases, an increase compared with six cases in 2018. MOM determined that none of the suspected labor trafficking cases in 2019 violated the PHTA and prosecuted the majority of these cases under the EFMA for failure to pay fixed monthly salaries, collection of kickbacks, and illegal employment. The government initiated prosecutions of two alleged sex traffickers under the PHTA in 2019, compared with three alleged sex traffickers prosecuted in 2018. The government reported two labor trafficking cases, initiated in an earlier reporting period, were ongoing.

The government convicted three traffickers under the PHTA in 2019, an increase compared with no traffickers convicted under the PHTA in 2018. In November 2019, the government reported its first labor trafficking conviction under the PHTA of two traffickers in one case originating from 2016. The traffickers brought three Bangladeshi victims to Singapore through legal immigration visas but exploited them as dancers in a nightclub. In February 2020, courts sentenced the perpetrators to five years and six months' imprisonment each, a fine of 7,500 SGD ($5,580), and restitution to one of the three victims of 4,880 SGD ($3,630); the perpetrators appealed the conviction, which was ongoing at the end of the reporting period. In February 2019, an individual was convicted for sex trafficking his wife, in a case originating from 2018, and sentenced to six years' imprisonment, three strokes of the cane, and a fine of 6,000 SGD ($4,460). Additionally, courts convicted a trafficker under the penal code for a case from 2016 involving the promotion of commercial sexual exploitation of minors and sentenced him to imprisonment of five and a half years. The government had yet to prosecute or convict any cases of domestic servitude under the PHTA. The government convicted and imprisoned several employers of foreign domestic workers under non-trafficking laws for cases involving abuse, physical assault, and/or sexual assault. Some NGOs believed authorities set unreasonable standards for qualification as the crime of trafficking and lacked an understanding of trafficking indicators such as indebtedness, psychological coercion, and deception, which hampered PHTA enforcement.

The government reported police, immigration, and MOM officials were continuously trained on anti-trafficking measures; in 2019, more than 370 such officials received training on the identification of potential trafficking victims. In October 2019, MOM and SPF jointly created a trafficking workshop for law enforcement personnel; 14 officers from various agencies attended. The government continued to partner with and participate in international trainings with foreign governments and to work closely with international counterparts on several cross-border investigations. NGOs reported the occurrence of excessive force against individuals in commercial sex by police officials during raids of unlicensed brothels. In November 2019, a police official was convicted for sexually exploiting two foreign women; the women were in police custody for suspicion of providing commercial sex. The official was dismissed from the force, convicted under molestation charges and violating the Police Force Act, and sentenced to one year's imprisonment and one stroke of the cane. The government did not report any investigations of government officials complicit in trafficking.

PROTECTION

The government increased protection efforts. Police, labor, and immigration officials had standard operating procedures for

identifying victims, and the government had a victim referral process among government officials, civil society organizations, and foreign embassies. The government reported identifying 62 potential trafficking victims (18 sex and 44 labor trafficking victims), an increase compared with 32 potential victims (nine sex trafficking victims and 23 labor trafficking victims) in 2018. All police officers received basic training on victim identification; however, several NGOs reported officials failed to recognize key indicators of trafficking when interviewing potential victims, particularly in cases involving psychological coercion or debt bondage, and among migrant workers. NGOs continued to voice concern that police did not consistently screen for trafficking indicators when police raided unlicensed brothels; as a result, the government may have prosecuted or punished unidentified sex trafficking victims for immigration violations or public solicitation. NGOs continued to provide services to several thousand migrant workers who experienced varying degrees of labor law violations or exploitation in 2019. Several NGOs believed a number of the cases they encountered exhibited trafficking indicators, and that authorities may have penalized or deported numerous unidentified labor trafficking victims. The government guaranteed food, shelter, psycho-social services, and other basic assistance to trafficking victims under the PHTA and used administrative discretion to provide additional support measures, customized according to victims' needs, including interpreters, medical services, temporary work permits, and resettlement assistance. However, absent a formal policy mandating the provision of these services to all victims, and due to front-line officers' incomplete understanding of the effect of psychological coercion on a person, some victims likely did not receive all services necessary for rehabilitation.

The government allocated 406,000 SGD ($301,860) in 2019 in its annual budget, compared with 224,000 SGD ($166,540) in 2018, for victim care and protection services, as well as anti-trafficking prevention activities. The government fully funded shelters for the cost of caring for trafficking victims. The Ministry of Social and Family Development funded four NGO-run shelters with a total capacity of 220 places for women and their children; one specifically served as a shelter for up to 48 female trafficking victims and exploited foreign domestic workers. MOM funded two shelters, with a total capacity of 68 individuals, for male foreign workers, one of which was specifically designated for use by male trafficking victims. The government provided partial funding and oversight to 22 homes serving vulnerable children. Authorities permitted freedom of movement outside of the shelter for most shelter residents but restricted movement for any residents deemed to be under physical threat. Several other NGOs and two foreign government embassies also provided shelter to trafficking victims and others who had experienced labor exploitation.

The government issued special immigration passes that allowed foreign victims to remain in the country for the duration of the investigation and legal proceedings. The government allocated funding for an NGO to provide victims with trauma recovery and safe resettlement services including counseling and medical care, skill development, legal support, employment, and assistance with resettlement in the victim's home country. In 2019, the NGO continued to support 11 foreign labor trafficking victims referred by the government in an earlier reporting period. In 2019, the government permitted two victims who were material witnesses in court cases against their former employers to return to their home country, at the government's expense, pending trial procedures. The government reported that in 2019, seven victims continued to be utilize short-term work permits, available for the duration of their legal process; no new applications were received over the reporting period. In the previous reporting period, the High Court stipulated that in criminal cases of abuse of foreign domestic workers, courts should consider compensation for pain and suffering as well as restitution for wages. NGOs continued to offer victims of trafficking pro bono legal assistance to pursue civil court claims for damages; 21 civil court cases were ongoing at the end of the reporting period for migrant workers seeking compensation for non-trafficking crimes.

PREVENTION

The government increased efforts to prevent trafficking. The interagency task force, co-chaired by the Ministry of Home Affairs and MOM, coordinated anti-trafficking efforts through its "National Approach against Trafficking in Persons, 2016-2026." The task force held its annual stakeholder consultation with participants from NGOs, business, and academia in May 2019 to review the implementation of the national approach. The task force reported conducting 30 meetings with NGOs throughout 2019, including an information session in December 2019 to discuss details of its first labor trafficking conviction. The government continued to budget 80,000 SGD ($59,480) to provide grants to civil society for awareness-raising campaigns; in September 2019, police officials conducted a trafficking awareness briefing for 35 National University of Singapore staff and students. The task force, in partnership with the Civil Aviation Society of Singapore, trained airline service workers on trafficking awareness and detection and provided trafficking training materials.

Singapore's Employment Agencies Act (EAA) mandated licensing and regulation of recruitment agents. The EAA rules capped the maximum recruitment fee an employee may pay an agent at one month's salary for each year of a valid work permit or the period of the employment contract, whichever was shorter, and subject to an overall maximum of two months' salary. The majority of migrant workers in Singapore paid fees to agents in Singapore as well as to recruitment agents in their home country, which contributed to the workers' vulnerability to debt bondage. During 2019, MOM prosecuted 18 recruitment agencies for not being licensed, compared with the prosecution of 10 unlicensed agents in 2018.

MOM managed the work permit process for foreign workers. Singaporean employers applied to MOM to sponsor skilled and semi-skilled workers whose employment and legal immigration status was tied to that specific employer. NGOs stated this restriction on job mobility, coupled with the ability of employers to terminate a worker's employment at any time without the need to show cause, created a form of "structural coercion" that prevented some foreign migrant workers from resisting and contesting exploitation. Under certain circumstances, MOM permitted foreign workers to transfer their immigration status to a new employer without their previous employer's consent; however, the majority of such workers were reportedly unable to find new employment. Singapore law did not prescribe a minimum wage. Under the Employment Act, wages were negotiated and outlined in individual contracts of service. Requirements were less detailed for foreign domestic workers and fishing crews employed locally, who were covered under the EFMA, and for whom employers were legally required to provide a document containing employment terms such as monthly salary, number of rest days, and agency fees. MOM continued to implement a policy stating that if employers reduced a migrant worker's salary from what was stated on the application for the employee's work permit, they must notify MOM after both the employer and employee had agreed to the change in writing. An NGO noted this policy did not address the unequal power dynamic between employer and employee given the vulnerability of those who paid recruitment costs to be coerced to sign a new salary agreement through the threat of immediate termination and repatriation. In 2019, MOM prosecuted 21 employers who made false declarations of higher salaries to obtain employee work passes.

As of January 1, 2019, MOM implemented a new work permit

condition prohibiting employers of foreign domestic workers from retaining any wages or money belonging to the domestic worker. In the previous reporting period, two NGOs and a local bank introduced fee-free bank accounts for all foreign domestic workers and low-wage migrant workers, into which their salaries can be electronically paid. MOM continued its work permit system to allow employers or recruitment agents to open one of these bank accounts on behalf of the employee as part of the recruitment process. Since the introduction of the accounts, two NGOs estimated that more than 215,000 bank accounts have been opened for low-wage migrant workers, with an additional 40,000 to 50,000 opened for foreign domestic workers. In 2019, the Ministry of Law introduced new measures to decrease the risk of indebtedness for foreign workers; these included limiting unsecured loans, prohibiting targeted advertisement towards vulnerable groups, and barring the facilitation of loans by unauthorized third parties.

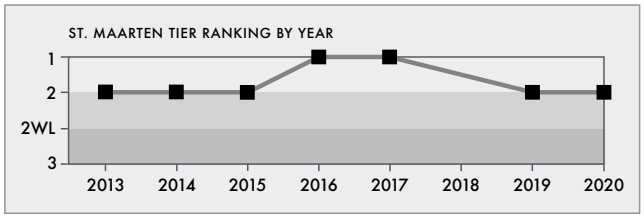
In December 2019, the government expanded the mandatory 2017 "settling in program" from foreign migrant workers in the construction to include foreign migrant workers in manufacturing, marine, and processing industries. Migrant workers must attend the one-day orientation class, entirely delivered by an NGO, within 14 days of arriving in Singapore; one of the five modules covers employment rights and information on how to get help if necessary. The government continued to screen a pre-departure video at overseas testing centers for construction workers to explain foreign workers' employment rights in Singapore. MOM continued to publicize its phone number and a mobile phone application as well as three NGO-operated 24-hour hotlines for migrant workers who experience problems. MOM conducted ongoing campaigns to inform employers of the consequences for withholding passports or salaries. The government provided anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Singapore. Some of the 999,000 foreign work permit holders that comprise more than one-quarter of Singapore's total labor force are at risk of trafficking. Most victims migrate willingly for work in construction, domestic service, performing arts, manufacturing, the service industry, or commercial sex. In order to migrate, many workers assume large debts to recruitment agents in their home countries and sometimes in Singapore, placing them at risk for debt bondage. Traffickers compel victims into sex trafficking or forced labor through threats of forced repatriation without pay, restrictions on movement, physical and sexual abuse, and withholding wages and travel documents, such as passports. Some recruitment agencies illegally engage in contract switching and charge workers fees over the legal limit. Foreign workers have credible fears of losing their work visas and being deported, since employers have the ability to repatriate workers legally at any time during their contracts with minimal notice. Unscrupulous employers exploit the non-transferability of low-skilled work visas to control or manipulate workers. Some employers, including traffickers, rely on repatriation companies to seize, confine, and escort foreign workers to the airport for departure from Singapore, including through the use of assaults, threats, and coercion, to prevent them from complaining about abuses to authorities. Foreign women sometimes arrive in Singapore with the intention of engaging in Singapore's regulated commercial sex sector, but under the threat of serious harm or other forms of coercion, they become victims of sex trafficking. Some fishing vessel captains of long-haul boats that transit or dock at Singaporean ports use physical abuse to force men to perform labor. A small number of Singapore residents facilitate and engage in child sex tourism abroad, including in nearby Batam, Indonesia.

ST. MAARTEN: TIER 2‡

The Government of St. Maarten does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore St. Maarten remained on Tier 2. These efforts included convicting a trafficker for the first time in seven years and training officials on trafficking indicators. However, the government did not meet the minimum standards in several key areas. Officials identified fewer victims for the third consecutive year, did not report referring any victims to care, and did not prosecute any traffickers.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers separate from smugglers. • Increase efforts to identify trafficking victims, such as by screening all migrant workers for trafficking indicators; provide adequate protection to those identified; and cease the deportation of victims. • Increase the availability of protection services, including shelters, in coordination with the Kingdom of the Netherlands, NGOs, and international organizations. • Train law enforcement officials, prosecutors, and judges on proactive victim identification and victim-centered approaches to trafficking cases, in partnership with the Kingdom of the Netherlands. • Establish a new central reporting bureau to improve coordination of victim protection and prevention efforts. • Adopt and implement formal standard operating procedures (SOPs) to guide officials, including health workers, on victim identification and referral. • Increase outreach to all incoming migrants, including domestic workers and foreign women on temporary entertainment visas, to ensure they are informed of their rights, the anti-trafficking hotline, and ways to seek assistance. • Raise awareness among the general public and vulnerable groups about trafficking in St. Maarten.

PROSECUTION

The government increased prosecution efforts. The penal code criminalized sex trafficking and labor trafficking, prescribing penalties ranging from 12 to 24 years of imprisonment or a fine, which were sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

Observers noted the prosecutors, law enforcement, civil society, and media frequently conflate trafficking in persons and smuggling, hindering overall anti-trafficking law enforcement

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

efforts. Authorities investigated one case of a construction company allegedly forcing 20 workers to labor on a job site (one investigation each in 2018 and 2017) but did not forward the case for prosecution due to a purported lack of evidence; the government instead fined the construction company for labor exploitation. In 2019, officials reported prosecuting one suspected trafficker for sexually exploiting a victim, compared to no prosecutions in 2018. For the first time in seven years, authorities reported convicting a trafficker in April 2019 under Article 2:239 of the penal code and sentenced the perpetrator to three years' imprisonment for exploiting a victim in forced labor. Law enforcement officials, including police and immigration personnel, participated in an annual regional training event focused on investigations of trafficking crimes. The government reintroduced an electronic border management system and provided training to an unknown number of officials on human trafficking, smuggling, and identifying fraudulent documents.

PROTECTION

The government decreased efforts to identify and protect victims. Authorities identified 29 potential victims in 2019, compared to 42 in 2018 and 96 in 2017, but the government did not report providing any with protection services for the second consecutive year. In 2019, post-Hurricane Irma rebuilding, as well as the September dissolution of its interim government, strained St. Maarten's institutions and hindered the government's ability to provide services to victims, especially shelter. Immigration officials reportedly allowed 20 potential victims, 18 from Venezuela and two from Colombia, to remain in the country while adjudicating their immigration status. While the government did not have SOPs for the identification or referral of victims, informal agreements between government agencies were in place, and immigration officials and other stakeholders continued to use an NGO-developed checklist of trafficking indicators. Police and other first responders used the Netherlands' screening checklist (*Comensha*) when interviewing potential victims and suspects. Additionally, officials routinely screened for trafficking among adult entertainment workers during immigration procedures, labor inspections, and mandatory medical screenings; however, the government did not report the number of victims it identified through the screenings.

Victims received shelter through an international organization and local NGOs. The temporary residence program served to encourage victim assistance in the investigation and prosecution of traffickers; however, the government did not report granting such benefits during the year. The anti-trafficking law allowed victims to request restitution as part of criminal cases or file a civil suit against traffickers; however, the government did not report any victims pursuing this action during the reporting period.

PREVENTION

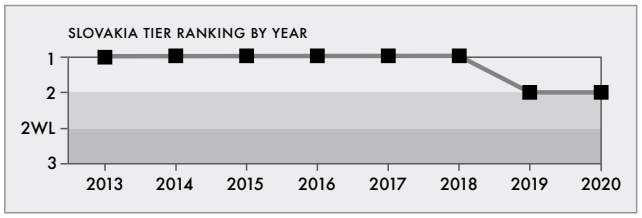
The government maintained efforts to prevent trafficking. Officials did not report updating the 2013-2018 national action plan during the reporting period, although the existing border security agreement between the Netherlands, Curacao, and St. Maarten *(Onderlinge Regeling Vreemdelingenketen)* purportedly included trafficking; the government did not finalize draft proposals focused on addressing trafficking and smuggling. Law enforcement officials continued an anti-trafficking awareness campaign at airports and other public places encouraging the public to report trafficking cases. The government did not make efforts to reduce the demand of commercial sex or forced labor. The government informed employers of migrant workers about applicable laws and made the national hotline accessible by phone and email.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in St. Maarten. Some regulated and unregulated brothel and dance club owners exploit women and girls from Latin America, the Caribbean, Eastern Europe, and Russia in sex trafficking. Illicit recruiters reportedly target foreign women in St. Maarten's commercial sex industry with debt-based coercion. Government officials reported a significant number of migrant workers are vulnerable to traffickers' coercive schemes in domestic service, construction, Chinese-owned markets, retail shops, landscaping, and housekeeping. Authorities report traffickers may coerce Asian and Caribbean workers in exploitative conditions indicative of forced labor. Criminal elements, including smugglers, subject some migrants—specifically Cuban and Brazilian nationals—transiting St. Maarten en route to the United States and Canada to forced labor or sex trafficking. There are indicators traffickers exploit Colombian and Venezuelan women travelling to the islands under false pretenses in forced labor or sex trafficking.

SLOVAKIA: TIER 2

The Government of the Slovak Republic, or Slovakia, does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Slovakia remained on Tier 2. These efforts included increasing prosecutions and convictions, and extraditing more suspected traffickers. The government also increased cooperation on international investigations, which resulted in the identification of victims and the conviction of traffickers abroad. However, the government did not meet the minimum standards in several key areas. The government did not adequately and proactively identify foreign or domestic trafficking victims within the country, it decreased overall investigations, and it decreased efforts to identify labor trafficking victims through joint-inspections. The high number of suspended sentences for trafficking convictions, with only 45 percent of convicted traffickers in 2019 serving prison time, did not meet the minimum standard generally requiring incarceration for convicted traffickers. The government continued to lack legal safeguards to protect victims against potential prosecution for administrative offenses committed; it did not publish revised formal written procedures for victim referral; and it did not report adequately training prosecutors and judges on trafficking or on victim-centered and trauma-informed approaches.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Increase training for judges and prosecutors with a focus on a victim-centered, trauma-informed approach to law enforcement efforts and trial as well as the use of psychological coercion and fraud as means of trafficking. • Improve sentencing norms by sensitizing judges to the severity of trafficking crimes and the full range of penalties available. • Improve efforts to proactively identify

victims within the country, especially foreign and child victims, including by training government officials, particularly border police, labor inspectors, and municipal law enforcement, on proactive victim identification among vulnerable groups. • Improve the coordination and provision of protection services to children. • Ensure labor trafficking is investigated and prosecuted as a trafficking offense and not pursued as an administrative labor code violation. • Increase migrant worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecutions for fraudulent labor recruitment. • Amend the law on the non-punishment of victims to ensure that trafficking victims are not inappropriately penalized for acts traffickers compelled them to commit, including administrative offenses. • Continue efforts to inform foreign worker groups of worker rights and responsibilities and victim assistance resources in their native languages, including at foreign registration centers. • Streamline definitions and methodologies for gathering law enforcement and victim data. • Create a specialized prosecution unit to increase focus on and experts dedicated to trafficking crimes. • Update public awareness campaigns to portray human trafficking in a more realistic manner. • Issue and implement revised formal written procedures for victim referral that outline roles for all officials and stakeholders in order to improve victims' access to and the quality of assistance; train all relevant officials on the revised procedures.

PROSECUTION

The government increased law enforcement efforts. Section 179 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Government officials initiated investigations of 16 cases (27 cases in 2018 and 37 cases in 2017), with 27 ongoing investigations initiated in prior reporting periods. Of the 16 investigations, eight cases were for sex trafficking and eight were for labor trafficking (three for forced begging, one for forced criminality, two combination cases, and two for forced labor); all suspects were Slovak nationals. Prosecutors indicted 38 alleged traffickers in 2019 (21 in 2018, 25 in 2017) and entered plea bargains for an additional three alleged traffickers. Prosecutors obtained convictions of 11 traffickers in 2019 (eight in 2018, 14 in 2017). Of the 11 convictions, five traffickers received prison sentences and six traffickers received suspended sentences. Courts sentenced two traffickers to four years' imprisonment, two traffickers to five years' imprisonment, and one trafficker to 8.6 years' imprisonment. In 2019, the government issued prison sentences to 45 percent of convicted traffickers, a significant percentage increase compared with zero percent of traffickers receiving prison sentences in 2018; however, it still did not meet the minimum standard generally requiring incarceration for convicted traffickers. Alleged corruption, inefficiency, and lack of accountability within the judicial branch remained concerns during the reporting period and hindered law enforcement efforts. Additionally, over the past six years, approximately 70 percent of trafficking convictions resulted in fully suspended sentences; the low number of significant prison terms in Slovakia contributed to impunity for traffickers and undermined rule of law. Slovak authorities said the high percentage of suspended sentences and plea bargains were due to a weak body of evidence, unreliable victim testimony, and the fact that many domestic investigations resulted in the prosecution only of low-level recruiters and not the organizers of the trafficking operation, who were often located in other jurisdictions. In 2019, police and prosecutors cooperated on three international investigations with the Government of the United Kingdom (UK), which resulted in the identification of 34 victims of labor trafficking in the UK. An international investigation from a prior reporting period resulted in the conviction of four traffickers in the UK in November 2019, with the prosecutions of an additional six alleged traffickers ongoing. During the reporting period, the government extradited two trafficking suspects to foreign countries and received three Slovak suspects from Croatia, Germany, and Italy. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The irregular migration unit within the Bureau of Border and Alien Police (BBAP) coordinated all national anti-trafficking law enforcement efforts; though there was no dedicated trafficking unit within the prosecution service, trafficking cases usually were assigned to those with experience prosecuting trafficking. The government assigned trafficking cases without organized crime elements to district prosecutors in the regular court system, while the Office of the Special Prosecutor prosecuted cases with an organized crime nexus in the specialized criminal court. Coordination between law enforcement and prosecutors remained effective. There were no specialized judges or courts to hear trafficking cases, and cases were randomly assigned to judges by an electronic system to increase fairness; however, general allegations of system-wide manipulation prompted an investigation, which remained ongoing. Civil society and the victim-care service provider continued to express concern that many prosecutors and judges assigned to trafficking cases were not adequately trained on victim-centered and trauma-informed approaches or on the specificities of trafficking crimes. Some prosecutors and judges continued to misunderstand non-violent, psychological coercion, and fraud as means for the crime of human trafficking, had not used either in any recent trafficking cases, and continued to rely predominately on evidence of force and physical limitations on victims' liberty in trials. Prosecutors and some front-line officials continued to view possible cases of labor trafficking as administrative labor code violations and did not prosecute as trafficking crimes. The national police continued to provide training for and cooperate with the financial intelligence unit of the national criminal agency to uncover suspicious transactions indicative of trafficking but did not uncover any trafficking cases as a result of the cooperation. While the Ministry of Interior (MOI) and police enhanced coordination and cooperation on gathering law enforcement and victim identification statistics, differences in how various institutions gathered law enforcement statistics continued to hinder effective comparison and monitoring of trafficking-related efforts. In 2019, the government provided anti-trafficking training on victim identification for 300 officers and 25 border guards stationed at the airport. To address the vulnerability of Romani communities, the government provided anti-trafficking training to 25 trainers from the Plenipotentiary for Romani Communities. The MOI's information center provided extensive training to 130 police investigators on victim-centered, trauma-informed approaches to victim interviewing.

PROTECTION

The government maintained protection efforts. The government identified 53 victims (46 in 2018 and 75 in 2017) and NGOs identified an additional 13. Of the victims identified by police, 24 were female (nine of whom were children) and 29 were male (one of whom was a child). Some victims experienced multiple forms of trafficking, making the statistics uncertain; the government identified at least 11 victims of sex trafficking, seven victims of forced begging, and four of forced criminality, with the remainder being labor trafficking victims or unspecified. The national police reported 37 of the 48 victims identified by law enforcement were Slovaks exploited in other countries; only two victims were foreign nationals (one from Serbia and one from Afghanistan). The government continued to use its National Reference Framework for victim identification and referral, but as previously reported

by GRETA in 2015 and an NGO in 2019, the identification of foreign national, unaccompanied minor, and Slovak victims within the country remained a challenge. In 2019, the government trained employees of the Ministry of Foreign Affairs on victim identification and distributed written guidelines to those within Slovakia and its embassies abroad; employees were then required to provide the guidelines to foreign nationals, including domestic workers, but the government did not report how many foreign nationals received this guidance. The government provided victim identification and referral training to 150 teachers at high schools across Slovakia and employees of Legal Aid centers, which included a lesson they could teach on trafficking prevention, and at least one victim was later identified by a teacher. The government made efforts to identify foreign victims through joint interagency inspections, but an NGO reported the government's ability to identify foreign victims of trafficking in Slovakia remained limited and would pose a potentially greater problem in the future, as the number of foreign workers continued to grow in response to labor shortages. Civil society experts alleged the government arrested and later deported 47 suspected foreign trafficking victims for illegal employment and tax evasion in October 2019, but the government reported it did not find indicators of trafficking among this population. A government-funded NGO administering the victim-care program conducted 10 visits to asylum-seeker facilities and detention facilities for irregular migrants, but it did not identify any victims in 2019 or in any prior year. Slovak embassies abroad reported providing pre-return assistance to 14 Slovak nationals and voluntary returns to seven. Neither of the two foreign victims opted to enter the victim assistance program, but were voluntarily repatriated by an international organization.

The MOI state secretary acted as the national coordinator on anti-trafficking efforts and approved the official identification of victims and their enrollment into the victim assistance program. While law enforcement and social workers had procedures to refer victims to the national coordinator or care facilities, other officials lacked such procedures, including health care specialists, employees of foster homes, and counselors of offices of labor, social affairs, and family. The MOI did not finalize the national reference framework to include procedures for these professionals during the reporting period. Of the 66 total victims identified by the government and NGOs, 17 entered the government-funded victim-care program in 2019 (16 of 56 in 2018 and 19 of 88 in 2017); police referred nine, embassies abroad referred four, civil society referred three, and one self-identified. The program continued to assist an additional 14 victims enrolled from previous years. In 2019, the government provided €215,000 ($241,570) to one NGO that provided the victim assistance program, voluntary return, and the national trafficking hotline, the full amount requested by the NGO, compared with €275,000 ($308,990) in 2018. The government-funded and NGO-run assistance program provided Slovak and foreign victims with shelter, financial support, repatriation to Slovakia, health care, psycho-social support, legal assistance, interpretation services, and job training. However, government officials and the victim-care service provider noted that after concluding the victim-care program, survivors were still in poor physical and mental states and frequently ended up on the streets, which raised some concerns. Foreign victims, including both EU nationals and third country nationals, had access to the same scope and quality of victim care and support. All potential victims were eligible for at least 30 days of crisis care; victims enrolled in the assistance program were eligible for up to 180 days of care without having to participate in an investigation. The government did not have dedicated shelters for trafficking victims but rather accommodated victims in domestic violence shelters, with men and women housed separately, or in homeless shelters. There were limited accommodations for victims with families. The government did not fund a specialized victim-care provider dedicated to child victims; authorities placed unaccompanied child trafficking victims in the care of child protective services in government-run children's homes or an NGO-run crisis home for children. Referral of child victims to care was not systematic. Although 10 children were identified in 2019, no children entered the care program, but the government reported that they received the same scope of protection services provided through the program by child protective services. Similarly, no children entered the program in 2017 or 2018. Experts said government ministries' lack of clarity on their roles and responsibilities hampered service provision to children, particularly if a legal guardian was not involved.

In 2019, all but one victim identified by police cooperated with police and prosecutors; victims who decide to cooperate with law enforcement were eligible to access victim care for the duration of the investigation and trial. It was unnecessary for the government to grant work permits as foreign victims received subsidiary protection and could work legally. The law authorized permanent residency for foreign victims who would face hardship or retribution if returned to their country of origin; authorities issued no such residence permits during the reporting period. The pre-trial and trial process was lengthy and not always adapted, nor prosecutors or judges sufficiently trained, to avoid re-traumatization of victims. The 2018 crime victims protection act provided psychological assistance to victims in pre-trial proceedings, banned direct cross-examination of victims, and allowed recorded testimony as official trial evidence, among other protections. NGOs reported the government implemented and applied the new law inconsistently, and police continued to lack proper interviewing rooms. Officials expressed concern the new law's limit of one victim interview would hinder opportunities to build rapport with traumatized victims, who are unlikely to provide reliable testimony in a single interview session. Judges were generally willing to accommodate requests to provide a separate waiting area for victims and to remove the suspected trafficker from the courtroom during victim testimony. Witness protection programs existed, but the government reported it was not needed to protect trafficking victims. Though the process was complicated and the amount small, the 2018 crime victims protection act enabled the government to grant €5,200 ($5,840) in compensation to victims from state funding, which the victim service provider requested in two cases; however, the Ministry of Justice did not make a decision in either case during the reporting period. Prosecutors could file for restitution from traffickers in criminal cases, and restitution for €2,000 ($2,250) was awarded to one victim in 2019. However, civil society continued to allege that prosecutors were frequently reluctant to request restitution in trials to avoid prolonging already lengthy proceedings. Additionally, victims could seek damages through civil suits and in 2019 one victim was awarded €29,000 ($32,580); however, the trafficker did not pay, and courts failed to enforce the payment. NGOs continued to argue excessive legal costs and length of proceedings discouraged many victims from filing civil suits. Under the 2018 act, victims who opted to seek compensation from their traffickers through a civil suit could not also request restitution from the state through criminal proceedings. Experts noted judges did not award criminal restitution or civil damages in the majority of cases. The law provided a narrow interpretation of the non-punishment of victims, giving prosecutors discretion to terminate criminal prosecution only for offenses committed by negligence and offenses carrying a maximum sentence of five years' imprisonment; it did not cover administrative offenses.

PREVENTION

The government maintained efforts to prevent trafficking. The government began implementation of a new anti-trafficking national action plan for 2019-2023, which included specific tasks for ministries, acknowledged the need for various ministries to

improve their anti-trafficking capacity, and emphasized protection of child victims. The MOI's crime prevention office and information center effectively coordinated the government's anti-trafficking activities. The crime prevention office convened the Expert Working Group, coordinated policy documents, implemented anti-trafficking programs with civil society, organized trainings, and coordinated awareness-raising campaigns. The information center administered contracts for the victim-care program, gathered trafficking data, published an annual human trafficking report, and functioned as the national rapporteur. The information center continued to face challenges reconciling the data from different institutions. The MOI did not report how much they allocated in 2019 for grants for prevention activities and awareness-raising on a variety of crimes, including on trafficking, this compared with €39,700 ($44,610) in 2018. The MOI maintained staff at eight regional centers throughout Slovakia who could offer information and assistance on trafficking prevention, victim identification, and assistance, in addition to help with other crimes.

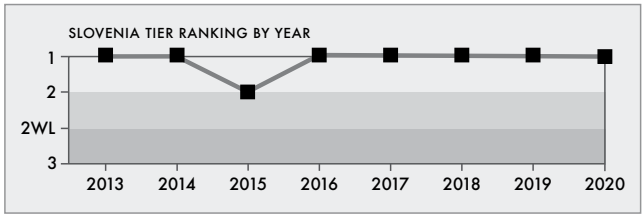
The government launched extensive trafficking prevention and public awareness campaigns to engage the public, students, employers, and at-risk children in orphanages; though trafficking was sometimes portrayed in a sensationalized manner. Anti-trafficking awareness campaigns conducted via various social media platforms reached approximately 528,000 people. The crime prevention office conducted awareness-raising sessions that reached 700 high school students, and the information center reached an additional 1,300 students. The government also used television, radio, and billboards to help raise trafficking awareness. In the prior reporting period, the labor ministry issued a brochure for temporary workers on trafficking indicators, the labor code, and the rights and obligations of foreign employees in four languages; during the reporting period, the ministry translated the brochure into Macedonian and Bosnian and distributed it to relevant Slovak embassies, and in areas with a sizeable community of foreign workers in Slovakia through local employers and municipalities, but it did not report how many workers this reached. With the growing number of foreign workers in Slovakia, fraudulent labor recruitment remained a significant concern during the reporting period. Labor recruiters were prohibited from charging a recruitment fee to workers; however, no labor recruiters were investigated or prosecuted for fraudulent labor recruitment as trafficking crimes, though several were fined for labor code violations. While experts reported that national government-run integration programs for foreigners, except for asylum-seekers, did not exist, which contributed to their vulnerability to traffickers, some regional governments did provide integration programs. NGOs reported there were inadequate government efforts in other languages to inform foreign worker populations of their rights, and lack of awareness of availability of services and the language barrier prevented some foreign victims from seeking help from authorities. The lack of pre- and post-arrival training for foreign workers continued to concern civil society organizations. In 2019, the labor inspectorate and BBAP conducted 101 joint inspections (330 in 2018) of worksites, screening 1,522 individuals, including 891 foreign workers (3,000 in 2018, including 1,200 foreign workers), a significant decrease. As in 2018, officials did not uncover any victims on these inspections, continuing to raise concerns regarding their ability to identify trafficking victims. Civil society continued to recommend anti-trafficking training for labor inspectors, especially on victim identification and referral. Police conducted inspections of an additional 190 businesses and screened 661 workers, including 31 foreign nationals, and also found zero trafficking victims. A government-funded anti-trafficking hotline, operated by an NGO, took calls for 12 hours a day in five languages and received approximately 551 calls related to trafficking. The hotline identified two victims; both were enrolled in the victim-care program. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Slovakia, and traffickers exploit victims from Slovakia abroad. Traffickers exploit Slovak men and women in labor trafficking in agriculture, manufacturing, and construction in Western Europe, increasingly in German-speaking countries. Traffickers exploit Slovak women in sex trafficking in Austria, Denmark, Germany, Switzerland, the UK, and other European countries, as well as the United States. NGOs report men and women, mostly from the Balkans and South-East Asia, are vulnerable to forced labor in Slovakia and may be unable or afraid to seek assistance from authorities. Some temporary workers from non-EU European countries, recruited for the manufacturing and construction industries, are subjected to conditions indicative of forced labor, including non-payment of wages. Women from South-East Asia are vulnerable to sex trafficking and forced labor in domestic service, restaurants, massage parlors, or spas. Slovak women of Romani descent are particularly vulnerable to sex trafficking; traffickers transport them to the UK by force or deception for sham marriages for the purpose of sex trafficking or forced labor. Parents of Slovak children of Romani descent exploit their children in sex trafficking through forced marriage in Slovakia and forced criminal activity in the UK. Traffickers force Slovak men, women, and children of Romani descent and Slovaks with physical and mental disabilities to beg throughout Western Europe. Traffickers exploit children without family or relevant support structures who leave institutional care facilities in sex and labor trafficking.

SLOVENIA: TIER 1

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Slovenia remained on Tier 1. These efforts included increasing efforts and funding for anti-trafficking awareness raising, increasing investigations, and prosecuting large-scale trafficking crimes. Although the government meets the minimum standards, victim identification decreased significantly, the government did not identify any child victims, and assistance for children remained inadequate. Prosecutions and convictions for labor trafficking remained low compared to sex trafficking, and the government did not report awarding any restitution to victims.



PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute both sex and labor trafficking offenses and impose on all convicted traffickers adequate penalties that involve significant prison terms. • Improve efforts to proactively identify victims, especially children and victims of labor trafficking. • Establish a process to ensure systematic provision of care and designated facilities for child victims of trafficking, including enhanced training of caregivers and foster care parents. • Increase prioritization of labor trafficking, including investigating and prosecuting labor traffickers. • Establish and maintain a comprehensive and publicly available statistical system on measures taken to protect and promote the rights

of victims, including data on investigations, prosecutions, and judicial determinations. • Amend the definition of trafficking under Slovenian law to align more closely with the definition under international law. • Increase specialized trafficking training for judges and prosecutors. • Increase efforts to award restitution for both EU and non-EU citizen victims, as well as access to the state fund for crime victims. • Enforce the elimination of recruitment fees charged to workers and ensure any recruitment fees are paid by employers. • Increase efforts to provide potential victims with information about their rights and access to services in languages they understand. • Appoint a national rapporteur to provide independent review of government anti-trafficking efforts.

PROSECUTION

The government maintained law enforcement efforts. Article 113 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from one to 10 years' imprisonment for offenses involving an adult victim and three to 15 years' imprisonment for those involving a child victim or other aggravating factors. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, inconsistent with the definition of trafficking under international law, Article 113 established the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime.

Police conducted 14 trafficking investigations involving an unknown number of suspects—12 for sex trafficking and two for labor trafficking, compared to three investigations involving 26 suspects in 2018. In 2019, authorities initiated 32 prosecutions, including two legal entities, compared with 26 prosecutions in 2018. The government convicted five traffickers in 2019, similar to five convicted traffickers in 2018. Courts sentenced all five to prison terms ranging from one and a half years to three years and eight months. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. The government continued to conduct specialized human trafficking training during the year and reported training 30 investigators, 31 police officers, two prosecutors, six judges, eight court workers, four foreign government officials, and 14 NGO employees. The government maintained police attachés in Bosnia and Herzegovina, North Macedonia, and Austria to help coordinate international cases. While the government did not have a specialized anti-trafficking investigation unit, each of the eight police districts had at least one officer responsible for coordinating trafficking investigations, creating a de facto nation-wide coordination network. The government continued to dedicate two prosecutors with specialized expertise to prosecuting cases involving human trafficking; however, there were no courts or judges that specialized in hearing trafficking cases. Several NGOs noted concerns regarding insufficient government personnel and resources dedicated to anti-trafficking efforts, coordination between labor inspectors and police, and prioritization of prosecuting labor traffickers.

PROTECTION

The government decreased victim protection efforts with fewer victims identified. In 2019, the government identified 31 victims, a significant decrease compared to 70 victims in 2018 and 130 in 2017. Of the 31 adult victims, there were 29 victims of sex trafficking victims and two victims of domestic servitude; 30 victims were female and one was male. Twenty-two sex trafficking victims were Ukrainian. The government did not identify any child victims. The government referred all 31 victims to protection services for victim care and assistance. The government slightly increased its allocation for housing victims in 2019 to €120,000 ($134,830), compared to €115,000 ($129,210) in 2018. The government continued its annual trainings by the Ministry of the Interior (MOI); the training, which reached 18 officials, focused on screening for trafficking indicators among applicants for asylum and provided arriving migrants with information on risks of trafficking. The government also provided basic anti-trafficking training to 57 social workers. Relevant government officials continued to utilize the Manual for Identification of Victims of Trafficking in Persons, first adopted in 2016. The majority of victims continued to be proactively identified by police, and coordination between police and NGOs was strong; however, there were ongoing concerns regarding the under-identification of labor trafficking victims. Once victims were identified, police were required to refer victims to one of two NGOs that had formal arrangements with the government.

The government continued to fund two NGOs that provided crisis and safe housing for victims, supplemented by private donations and, for one of the NGOs, support from the Catholic Church. Both NGOs were among a wider range of organizations providing services such as counseling, psycho-social support, legal representation during investigations and court proceedings, and filing of documentation for residency status. All victims could receive crisis housing for a maximum of 30 days, after which victims could enter safe housing for as long as court procedures remained ongoing. Crisis housing and safe housing services were available regardless of victims' cooperation with law enforcement. Both foreign and domestic victims had access to the same protection services and had free movement in and out of shelters. Though the government did not identify any children during the reporting period, child victims of trafficking continued to lack adequate assistance, as there were no designated facilities for unaccompanied child trafficking victims. Children would continue to be sheltered with unaccompanied migrant minors and receive care through the Center for Social Work. GRETA highlighted a concern over unaccompanied child victims disappearing from public care, urging development of more suitable accommodations for children with fully trained staff or foster parents. While acknowledging the issues, the government did not report taking concrete steps to effectively address the lack of adequate facilities for children or children disappearing from public care during the reporting period.

Non-EU foreign victims had a 90-day reflection period to remain in Slovenia while recovering and considering whether to participate in an investigation, with their legal status in the country based on their temporary residence permit. However, they were not authorized for employment during this period. Victims cooperating in criminal proceedings could extend their stay by 180 days or longer, if needed, for the trial of their trafficker but had limited options to extend their stay after the conclusion of criminal proceedings. When participating in pre-trial and criminal proceedings, victims had a right to interpretation services and a protective escort, though the government did not report how many victims received these services during the reporting period. The 2018 GRETA report urged improving the process of providing comprehensive information to victims in a language they could understand in order to assess their options, including participation in programs to resist re-victimization. NGOs also noted there were insufficient professional interpreters fully trained in translating the details of rights of potential trafficking victims for asylum intake proceedings. Some victims were reluctant to speak with social workers and counselors about their situation, given that the same interpreters assisted in the different contexts of law enforcement investigations and court proceedings on their case. Only citizens of EU countries were eligible to apply for compensation from the state fund for crime victims; however, the government did not receive any requests and therefore did not award any compensation during the reporting period. During the reporting period, no prosecutors requested restitution for any victims in criminal proceedings. All victims, including non-EU citizens, could seek damages by filing a civil suit, though due to

legal costs and the desire to avoid additional court proceedings, most victims did not pursue damages.

PREVENTION

The government increased prevention efforts. The MOI's national coordinator for countering trafficking in persons continued to head the government's interdepartmental working group (IWG). The Anti-Trafficking Service Office within the MOI had one dedicated staff member and continued to provide comprehensive support for investigators and providers of services to victims. The IWG included NGO representatives and met three times during the reporting period to organize and coordinate awareness efforts that included producing an annual monitoring report. The government implemented its 2019-2020 anti-trafficking national action plan. Slovenia remained without an official independent national anti-trafficking rapporteur, a key GRETA recommendation. The government allocated a total of €89,000 ($100,000) for NGO-led awareness raising projects, compared with €79,000 ($88,760) in 2018, and an additional €15,000 ($16,850) for its own awareness raising projects, which was the same allocation as 2018. During the reporting period, the government continued extensive awareness campaigns that focused not only on the general public but also targeted vulnerable populations, such as youth, migrant workers, refugees, and Roma communities. In 2019, government-funded and NGO-led awareness campaigns that focused on children, including migrant and Romani, reached 4,633 children through 127 workshops, compared with 3,198 children and 143 workshops in 2018. One awareness campaign, which focused on labor trafficking, reached 1,080 workers, compared with 1,571 in 2018, while another campaign, which focused on victim identification among health care providers, reached 315,000 people through brochures, more than 130 media articles, and 57 targeted workshops. A government website, in both English and Slovenian, raised awareness of forced labor and labor exploitation through its manual for companies and employers, provided information on investigations and prosecutions, included a mechanism for contacting NGOs, and provided a portal for anonymous reporting of potential trafficking victims. The government also funded two NGO hotlines, available in several languages, offering assistance to both domestic violence and trafficking victims, although the hotlines did not track the number of calls received or how many had trafficking indicators.

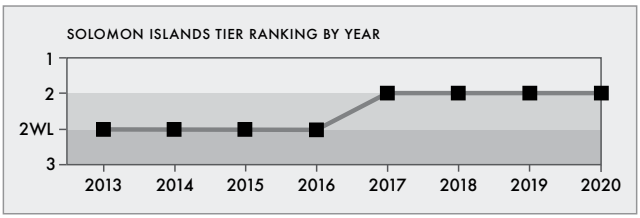
The Financial Administration trained 50 financial inspectors on victim identification, while the Labor Inspectorate provided training to 104 employees on the vulnerability of foreign workers to trafficking, with an emphasis on recruitment processes. Generally, the government had effective policies and laws regulating labor recruiters; however, NGOs noted labor trafficking received insufficient attention and resources to conduct sufficient investigations. Unlike sex trafficking investigations, NGOs noted the government prohibited their participation in labor inspections to aid in the identification of trafficking victims. The law allowed employers to pay recruitment fees; in practice, however, NGOs assessed some employers charged workers recruitment fees through salary deductions and other means. Asylum centers and an NGO funded by the MOI continued to screen all new migrant and asylum arrivals for trafficking indicators, but the government did not report whether it identified any trafficking victims. During the reporting period, the government provided anti-trafficking training to its diplomatic personnel but did not do so with its peacekeepers prior to their deployment. The government did not make efforts to reduce the demand for commercial sex acts. The government signed a bilateral labor agreement with Serbia in May 2019, which allowed for three-year work permits. However, the agreement may increase vulnerability to forced labor by allowing the deportation of workers, with some exceptions, if they cease working for their original employer within the first year. During the reporting period, the government led an initiative that resulted in nine of Slovenia's largest companies committing to an action plan to respect human rights in business and supply chains, with a particular emphasis on preventing forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Slovenia and, to a lesser extent, traffickers exploit victims from Slovenia abroad. Foreign workers and undocumented migrants from countries, such as Bosnia and Herzegovina, Albania, Kosovo, North Macedonia, Romania, and Serbia are among the most vulnerable to labor trafficking, including forced begging or domestic servitude in a variety of sectors such as construction, transportation, hospitality, and domestic service. Sometimes these persons are in transit to Western Europe, particularly Italy, Austria, or Germany, where traffickers exploit them in forced labor. While awaiting case adjudication, asylum-seekers are legally unable to work, increasing their vulnerability to labor trafficking. Traffickers subject women and children from Slovenia, Eastern European, Western Balkan, Southeast Asian, and Latin American countries to sex trafficking within Slovenia, and many also transit to Western Europe, primarily Italy and Germany, where they are at risk of sexual and labor exploitation. Ethnic Roma are particularly vulnerable to trafficking in Slovenia.

SOLOMON ISLANDS: TIER 2

The Government of the Solomon Islands does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Solomon Islands remained on Tier 2. These efforts included advancing its first two trafficking prosecutions initiated in the previous reporting period with one resulting in a conviction. However, the government did not meet the minimum standards in several key areas. General lack of awareness of the crime and applicable legislation among front-line officers, coupled with under-resourced protection services and widespread observance of informal justice models, continued to exacerbate the government's slow response to trafficking cases. Victim protection services remained inadequate, and the government did not develop urgently needed standard operating procedures for victim identification. While courts convicted a trafficker, they did not sentence him to serious penalties, instead deporting and barring him from re-entry for 20 years. The Labor Division did not conduct systematic monitoring and inspection activities at logging operation sites or in the fishing or mining sectors. Although officials jointly conducted and participated in some anti-trafficking training activities with assistance from an international organization, the government did not implement any anti-trafficking training in the standard law enforcement curriculum.



PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute both sex trafficking and labor trafficking offenses and convict and punish traffickers, including complicit officials, with dissuasive prison sentences. • Amend

the Immigration Act to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses occurring outside Solomon Islands. • Increase efforts to identify Solomon Islander and foreign victims of sex trafficking and labor trafficking within the country, including in agriculture, the fishing, logging, and mining industries, and in relation to illicit commercial activities. • Provide comprehensive training on trafficking laws and victim identification procedures to immigration officials, law enforcement officers, and social service providers, including at the provincial level. • Increase government support for victim protection, including through the allocation of funding to trafficking-specific shelter services benefiting both male and female victims. • Increase efforts to collect data on trafficking trends in the Solomon Islands and disseminate among interagency anti-trafficking stakeholders. • Institute a campaign to raise public awareness of trafficking, including among remote logging communities. • Increase funding to relevant ministries to implement the national action plan for combating trafficking in persons. • Ratify existing forestry legislation to include minimum social safeguards and child protection policies. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained its law enforcement efforts. The penal code, together with the Immigration Act, criminalized sex trafficking and labor trafficking. Article 143 of the penal code criminalized child sex trafficking under its "child commercial sexual exploitation" provision and prescribed penalties of up to 15 or 20 years' imprisonment, based on the child's age. Article 145 of the penal code criminalized sex trafficking and labor trafficking when the offense occurred within the country. Article 145(2) applied to trafficking offenses involving an element of force, fraud, or coercion; it prescribed penalties of up to 20 years' imprisonment for offenses involving adult victims and up to 25 years' imprisonment for offenses involving child victims. Article 145(3) prescribed penalties of up to 15 years' imprisonment for offenses that did not involve an element of force, fraud, or coercion. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The Immigration Act criminalized other forms of trafficking, including crimes in which the recruitment, transportation, harboring, or receipt of the trafficking victim occurred outside the Solomon Islands. The Immigration Act prescribed penalties of up to five years' imprisonment, a fine of up to 45,000 Solomon Islands dollars ($5,580), or both for the trafficking of adults; it prescribed a penalty of up to 10 years' imprisonment, a fine of up to 90,000 Solomon Islands dollars ($11,160), or both for the trafficking of children. These penalties were sufficiently stringent, but with respect to sex trafficking, by allowing for a fine in lieu of imprisonment, they were not commensurate with penalties prescribed for other serious offenses. Authorities continued to charge some trafficking cases under criminal statutes carrying lesser penalties. In coordination with a regional body, the government continued to review the Immigration Act in an effort to identify gaps in trafficking-specific provisions, among others.

The government reported opening two new trafficking investigations involving four alleged perpetrators and five potential victims during the reporting period, a decrease from six investigations in 2018. Authorities continued investigations initiated in the previous reporting period, including two sex trafficking investigations involving at least four suspects and three forced labor cases involving an unspecified number of suspects. However, at the end of the reporting period, the investigations had not led to prosecutions. Courts concluded separate prosecutions initiated in 2017 against two foreign nationals for subjecting Solomon Islander children to sex trafficking in logging camps. In June 2019, the court convicted a Japanese national under article 144(3) of the Penal Code Sexual Offences Act, 2016; the individual was deported and restricted from re-entry for 20 years. In December 2019, the court acquitted a Malaysian national of all trafficking-related charges initially filed under Section 77 of the Immigration Act due to insufficient evidence. In both cases the government also reported investigating the victims' parents for allegedly engaging in and benefiting from their exploitation but did not advance the cases to prosecution due to concern over lack of alternative care options and services for victims. The Department of Immigration (DOI) deported two alleged Malaysian traffickers due to "character concerns," after investigators were reportedly unable to gather sufficient evidence to initiate a formal prosecution.

The government did not include comprehensive anti-trafficking training in the curriculum for law enforcement officials, despite recommendations to do so. In partnership with an international organization, DOI conducted a joint training for an unspecified number of law enforcement and other anti-trafficking stakeholders on definitions, investigations, and psycho-social care for victims. Geographic challenges, insufficient funding of enforcement agencies, lack of technical expertise, and pervasive lack of awareness of the crime and of the relevant legislation among front-line officers, particularly in remote areas of the country, continued to exacerbate the government's slow response to trafficking cases. In addition, observers ascribed a higher likelihood of acquittals and dismissals of such cases to backlogs in court, incomplete investigations, insufficient evidence, and safety concerns among victims and their families. Traditional justice practices referred to as "customary rule," often involving retribution or informal restitution arrangements between victims' families and their traffickers, continued to supplant formal law enforcement efforts and further complicated victims' access to justice. Authorities did not report investigating, prosecuting, or convicting any government officials for complicity in trafficking offenses.

PROTECTION

The government decreased efforts to protect trafficking victims. Key stakeholder agencies relied upon disparate victim identification and referral processes. The Ministry of Health and Medical Services (MHMS) continued to implement a victim identification and referral system it developed in a prior reporting period, and immigration officials maintained separate standard operating procedures for the identification and protection of victims. An international organization provided training on victim identification and assistance to an unspecified number of law enforcement officials; a high-level government official facilitated portions of the training. The government reported identifying five trafficking victims—a significant decrease from 39 in 2018—but some or all of them may have been victims of other forms of abuse. In prior years, authorities had not identified any cases of internal sex trafficking, despite its prevalence throughout the country; the government did not report what types of exploitation the five victims experienced. Authorities referred the individuals to support services through an international organization, but the victims reportedly declined services.

The government provided 403,250 Solomon Islands dollars ($50,000) to fund investigations, public awareness, and victim protection and assistance from DOI's budget, an increase compared with 308,000 Solomon Islands dollars ($38,190) for shelter services and victim care in 2018. The government did not provide trafficking-specific services; however, the Royal Solomon Islands Police operated a domestic violence shelter in Honiara that could also provide services to adult women and children sex trafficking victims. The government did not provide shelter services for victims of labor trafficking or male victims. These

insufficiencies likely discouraged some victims from testifying in court proceedings, thereby hindering prosecutorial progress.

The Immigration Act granted the government authority to provide temporary residence permits for foreign victims to assist police with investigations, and it insulated victims against prosecution for immigration-related crimes traffickers compelled them to commit. However, the government did not report providing these or other services to foreign victims identified during the reporting period, nor did it report providing services to foreign victims identified in previous years. The government did not report if it would extend these protections to victims whose cases were investigated under the penal code. In the absence of systematized identification and referral procedures, victims were more susceptible to penalization for unlawful acts traffickers compelled them to commit. Authorities may have arrested and prosecuted sex trafficking victims for commercial sex violations without screening to determine whether they were trafficking victims. Due to lengthy legal processes, fear of retaliation by traffickers or prosecution by police, and a lack of incentives to remain and participate in cases, it was likely some unidentified foreign victims opted to return to their home countries. The government reported trafficking victims could seek compensation from their employers through civil suits, although no victims had filed such suits during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. The Anti-Human Trafficking Advisory Committee (AHTAC), which included members of the government and civil society, met on a quarterly basis. The government created a revised version of its National Action Plan (NAP) against Human Trafficking and People Smuggling 2020-2025. The new NAP contained provisions aimed at preparing the government to accede to and ratify the UN Convention against Transnational Organized Crime and its supplementary protocols; however, the government did not report implementing the NAP by the end of the reporting period. The DOI initiated a process to reform its trafficking awareness programs by integrating them with the community policing program; the integration was ongoing at the end of the reporting period. In partnership with the Solomon Islands Forestry Association, DOI reportedly increased cooperation with private companies to create and implement awareness-raising campaigns targeting 12 communities in the Choiseul province; the campaign focused on victim identification, prevention, and support for community stakeholders and civil society. In 2019, one study conducted by an international organization found that more than 85 percent of Solomon Islanders living in communities in Isabel and Makira provinces had not heard the term “human trafficking” before; for those that had, the newspaper was the most cited source.

The government developed a set of operational guidelines for immigration and law enforcement officials to implement the Immigration Act. Unlike in prior years, the Labor Division did not report conducting any monitoring and inspection activities at logging operations or in the fishing or mining sectors. Forestry officials reported a lack of legislation and industry regulation outlining child protection and social safeguards prevented them from detecting and investigating potential abuses, including trafficking, related to logging operations’ impact on local communities. The government continued collaborating with a local chamber of commerce to establish a policy for discouraging abuses in labor-intensive industries, including a component aiming to prevent labor exploitation. The government did not report taking action to reduce the demand for commercial sex acts. An interagency business monitoring committee was tasked with monitoring, inspecting, and investigating breaches of labor laws; however, no comprehensive measures were taken during the reporting period to address the prevalence of forced labor in supply chains or effectively enforce constitutional law.

In the previous reporting period, the MHMS and the Ministry of Home Affairs jointly introduced a civil birth registration program to improve statistical recordkeeping on local populations—a step an international organization previously recommended as a way to better understand and address trafficking vulnerabilities throughout the 900 islands within the country’s diffuse maritime territory. Authorities reported an ongoing process to update this registration program through a centralized electronic system. The government did not provide anti-trafficking training for its diplomatic personnel. An international organization, in cooperation with the Ministry of Women, Youth, Children and Family Services, conducted a migration and mobility research study that included a focus on trafficking. The Solomon Islands was not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

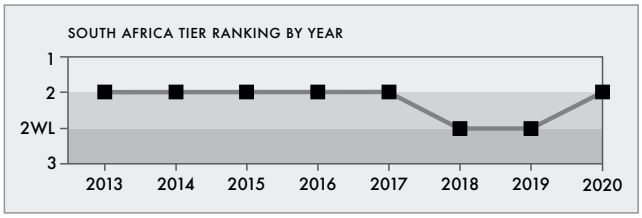
As reported over the past five years, human traffickers exploit domestic and foreign victims in the Solomon Islands, and traffickers exploit victims from the Solomon Islands abroad. Traffickers subject local, South Asian, and Southeast Asian men and women to forced labor and sex trafficking in the Solomon Islands, and local children are subjected to sex trafficking and labor trafficking. Women from China, Indonesia, Malaysia, and the Philippines often pay large recruitment fees for jobs in Solomon Islands and upon arrival are forced or coerced into commercial sex. Labor traffickers exploit men from Indonesia and Malaysia in the logging, fishing, and mining industries. Fishermen from Indonesia, the Philippines, Vietnam, Sri Lanka, North Korea, and Fiji have reported situations indicative of labor trafficking, including non-payment of wages, severe living conditions, violence, and limited food supply, on Taiwan-flagged fishing vessels in the Solomon Islands’ territorial waters and ports.

Traffickers subject Solomon Islander children to sex trafficking and forced labor within the country, sometimes in exchange for money or goods, particularly near foreign logging camps; on foreign and local commercial fishing vessels; and at hotels, casinos, nightclubs, and other entertainment establishments. The inflow of a cash economic system, coupled with the continuation of an unregulated logging industry, has increased vulnerability to trafficking in remote communities, specifically for women and children. Contacts have observed a recent increase in transactional sex—and a concomitant uptick in sexual abuse, including sex trafficking—resulting from certain economic changes. Family members are often the facilitators of such transactional agreements. Some official corruption—especially in relation to facilitating irregular migration and involvement in the fishing and forestry sectors—may enable trafficking. Some boys, girls, and young women are recruited for domestic work and subsequently exploited in commercial sex at logging camps. Under informal justice practices referred to as “customary rules,” parents frequently receive payments for sending young women and girls into forced marriages with foreign workers at logging and mining companies, where many of them are exploited in domestic servitude or sex trafficking. Often these payments are rendered after the victims escape or are returned home as informal restitution brokered by local leadership. In this way, local community leaders may also benefit financially from these arrangements. Mining and logging camp leadership reportedly force boys to serve as *solairs*—illicit brokers procuring girls for sexual and domestic service in worker lodging facilities—and logging camp personnel force young males to work as domestic servants and cooks. Following the government’s decision to cease issuance of new logging licenses, a decline in the industry has contributed to an increase in internal economic migration of communities located in former logging areas; these displaced communities may be at higher risk of sex trafficking and forced

labor. Elsewhere, Solomon Islander children may be subjected to forced labor in the agricultural sector, forced harvesting of seafood, and forced criminality in the manufacturing and transportation of drugs and in pickpocketing. To pay off debts, some parents reportedly sell their children to other families via "informal adoption" that often involves forced labor or sexual servitude. Traffickers also use the Solomon Islands as a transit point to subject foreign individuals to trafficking in other countries.

SOUTH AFRICA: TIER 2

The Government of South Africa does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore South Africa was upgraded to Tier 2. These efforts included increased investigations, prosecutions, and convictions of traffickers, including within organized criminal syndicates that facilitated the crime. The government also increased training of national and provincial frontline responders. The government identified more trafficking victims and referred all to care, providing protective services in partnership with NGOs and international organizations, and increased protective services for victims who assisted ongoing law enforcement investigations. The government launched its national policy framework on trafficking, a strategic plan to improve capacity and coordination among government agencies, and it conducted increased awareness-raising activities throughout the country. It adopted the Southern African Development Community (SADC) regional data collection tool and launched a national baseline study. However, the government did not meet the minimum standards in several key areas. Corruption and official complicity among law enforcement and immigration officials remained a significant obstacle. The Department of Employment & Labor (DOEL) instituted mandatory trafficking training for all new labor inspectors, but the government did not comprehensively monitor or investigate forced child labor or the labor trafficking of adults in the agricultural, mining, construction, and fishing sectors. Poor understanding of trafficking hindered the government's overall anti-trafficking efforts. Implementing regulations for the 2013 Prevention and Combating of Trafficking in Persons (PACOTIP) act's immigration provisions were not promulgated for the seventh straight year.



PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to investigate, prosecute, and convict officials complicit in trafficking crimes and traffickers within organized crime syndicates. • Increase human trafficking training to South African Police Service (SAPS) officers throughout the country. • Pass Department of Home Affairs (DHA) implementing regulations. • Increase resources and training to identify trafficking victims, including by screening for trafficking indicators among vulnerable populations, such as women in commercial sex, migrants, and Cuban medical professionals. • Promulgate the immigration provisions in Sections 15, 16, and 31(2)(b)(ii) of PACOTIP. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking crimes. • Ensure victims are issued appropriate immigration identification documents in order to receive protective services. • Extend the availability of drug rehabilitation services to trafficking victims. • Accredit or establish additional trafficking-specific shelters for male and female victims.

PROSECUTION

The government increased prosecution efforts. PACOTIP criminalized sex trafficking and labor trafficking and prescribed penalties of up to life imprisonment, a fine of up to 100 million South African rand ($7.1 million), or both. The penalties were sufficiently stringent; however, with regard to sex trafficking, by allowing for a fine in lieu of imprisonment, the prescribed punishment was not commensurate with those for other serious crimes, such as rape. The implementing regulations for PACOTIP's immigration provisions found in Sections 15, 16, and 31(2)(b)(ii) have not been promulgated; therefore, critical sections of the act remained inactive. The Criminal Law (Sexual Offenses and related matters) Amendment Act of 2007 (CLAA) also criminalized the sex trafficking of children and adults and prescribed penalties of up to life in prison; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as rape. The Basic Conditions of Employment Act of 1997 (BCEA), amended in 2014, criminalized forced labor and prescribed maximum penalties of three to six years' imprisonment. In addition, the Children's Amendment Act of 2005 prescribed penalties of five years' to life imprisonment or fines for the use, procurement, or offer of a child for slavery, commercial sexual exploitation, or to commit crimes. Prosecutors sometimes relied on the Prevention of Organized Crime Act of 1998 in combination with CLAA, which added additional charges—such as money laundering, racketeering, or criminal gang activity—and increased penalties of convicted defendants.

South African law enforcement agencies increased efforts to investigate, prosecute, and convict traffickers, including within organized criminal syndicates that facilitated the crime. In operations across at least five of the country's nine provinces, law enforcement officials engaged on anti-trafficking, coordinating and executing raids on more than a dozen brothels, factories, and syndicates that facilitated the creation and distribution of pornography. The Directorate of Priority Crime Investigation (the Hawks) reported that it investigated 24 potential trafficking cases, 13 for potential sex trafficking, six for potential labor trafficking and five determined later not to be trafficking cases, compared with 36 investigations of potential cases during the previous reporting period. The Hawks collaborated closely with the National Prosecuting Authority (NPA) to compile evidence and build cases. One of the investigations was a joint operation by the DOEL and SAPS, in which authorities arrested seven Chinese nationals, four men and three women, for alleged forced labor of 91 Malawian nationals, 37 of whom were children. The government prosecuted 71 alleged traffickers, compared to 77 traffickers during the previous reporting period. Of those prosecuted, 44 were men and 27 were women; prosecutors tried 62 alleged traffickers under provisions in the anti-trafficking law, five under the Immigration Act of 2002, and four under other statutes. The government convicted eight traffickers, three men and five women, the same number as the previous year. Judges sentenced one trafficker to 19 life sentences, one to three life sentences plus 129 years, two to six life sentences, one to life imprisonment plus 10 years, one to life imprisonment, and one to 10 years' imprisonment; one trafficker awaited sentencing at the close of the reporting period. In addition, judges utilized the solicitation of sex trafficking victims section of the anti-trafficking act and convicted 13 people for sexual exploitation, nine people for grooming for sexual exploitation, 10 for solicitation, and two for keeping a brothel. The government did not comprehensively monitor or investigate forced child

labor or the labor trafficking of adults in the agricultural, mining, construction, and fishing sectors.

The government took action during the reporting period to hold complicit government officials accountable. Authorities prosecuted a former Johannesburg Metro Police Department superintendent and an accomplice in the high court for allegedly exploiting several children in sex trafficking; the case was ongoing at the close of the reporting period. Law enforcement officers arrested four police officers in Pretoria for human trafficking, kidnapping, and extortion related to 10 Bangladeshi nationals who were smuggled into South Africa. Despite these actions, NGOs continued to allege official complicity was common, including officials requesting sex acts or bribes in exchange for visas or residence permits, in order to not prosecute sex trafficking crimes, and to facilitate deportation of migrants so farm or factory managers would not have to pay their workers. NGOs reported that some police and border control officers received bribes from criminal syndicates; some police did not pursue traffickers out of fear of reprisals. Observers reported that some police accepted kickbacks from organized criminal syndicates, which often facilitated trafficking. During the reporting period, the government began to negotiate memoranda of understanding with four NGOs that outlined a procedure for the NGOs to submit sensitive information, including on corruption and official complicity, to ensure protection of civil society whistleblowers who were previously vulnerable to retaliation.

During the reporting period, SAPS conducted compliance assessments of 54 police stations to address non-compliance with government directives, including their responses to potential trafficking cases. The government conducted 43 trainings during the reporting period, reaching more than 2,000 front-line officials. The NPA, the national Department for Social Development (DSD) and all of its regional offices, the Department for International Relations and Cooperation (DIRCO), and SAPS led the majority of training for judges, prosecutors, law enforcement officers, social workers, medical professionals, and immigration officers. For law enforcement officers, trainings covered promising practices, including investigation, proactive identification of victims, victim-centered interview techniques, and evidence gathering. For prosecutors and judges, training focused on application of the anti-trafficking law and coordination with law enforcement. For social workers, medical professionals, and immigration officers, training focused on applying victim-centered approaches. In addition, the government led 24 interdisciplinary trainings that reached 359 front-line officials. In collaboration with NGOs and an international organization, the government conducted another 16 trainings, which reached at least 680 participants.

PROTECTION

The government demonstrated mixed victim protection efforts. The government and non-government entities identified 377 victims, compared with 260 victims in 2018. Of the 377 victims identified, 238 were men, 79 were women, 26 were boys, and 34 were girls; 312 victims were foreign nationals and 65 were South African. Traffickers exploited 308 victims in forced labor and 112 in sex trafficking. The government referred 210 victims to shelters across seven provinces, provided protective services for 141 victims, and repatriated nine victims; 65 victims voluntarily returned to their countries or communities. The government reported that 20 victims chose to leave care facilities, some reportedly because the government failed to take law enforcement action against their traffickers.

Government procedures have been established for agencies, including SAPS, DSD, NPA, and the Department of Justice and Constitutional Development (DOJCD) to identify and refer trafficking victims to care, in accordance with PACOTIP. Implementation of these procedures varied by department and province with not all officials aware of the referral procedures, particularly regarding vulnerable groups. NGOs criticized SAPS for not identifying victims; some SAPS officers failed to follow referral guidelines. The DHA had no formal, written procedures to guide the handling of trafficking cases; draft regulations awaited approval by the DHA Minister at the close of the reporting period. Although a range of government and non-government entities identified victims, DSD was responsible for designating and certifying trafficking victim status and authorizing the provision of protective services. In addition, DSD was responsible for monitoring the provision of protective services, preparing victim-witnesses for court, and accompanying them through trial and repatriation, if applicable. NGOs reported that front-line officials responsible for receiving referrals were often unreachable, and that DSD and SAPS sometimes were not informed of their responsibilities to certify and refer victims, a necessary step before victims could receive care of any kind. NGOs reported that SAPS sometimes left victims at shelters without first contacting DSD, left limited contact details for the case officers, or failed to follow up on cases. Observers reported there was an insufficient number of shelters; some DSD shelters occasionally refused to accept trafficking victims due to security concerns or drug addiction. Police indicated they often did not have interpreters to acquire victim-witness statements within the two-day window during which charges must be filed, even if interpreters existed in the province.

The government continued oversight and partial funding of 13 accredited NGO-run multipurpose shelters and oversaw 88 semi-accredited shelters that provided temporary care to victims for three nights. The government provided NGOs a stipend on a per-person, per-night basis for the safe houses. However, NGOs reported they could not always access available funds with the urgency required after identifying victims. Only one shelter provided care exclusively for trafficking victims, and only one shelter provided care for male trafficking victims; no shelters provided care exclusively for male victims. LGBTI persons, particularly transgender persons, were especially at high risk for trafficking due to social stigmatization; there was one shelter dedicated solely for victims from the LGBTI community, in the Western Cape. Shelters accessible to persons with disabilities provided limited services; however, it is unclear if any victims received these services during the reporting period. The overall quality of victim care varied dramatically by province, gender, and circumstance. Gauteng, Kwa-Zulu Natal (KZN), and Western Cape provinces generally offered adequate standards of care in urban areas; trafficking victims in these provinces, even if identified in a rural area, were generally able to access care. Victim care in other provinces was sometimes inadequate; however, some victims were transferred from provinces offering low levels of care to provinces offering high levels of care. DSD ran a nine-week rehabilitation program to address the psycho-social well-being of victims and paid for victims to receive residential treatment at drug rehabilitation centers to overcome addiction, though not all provinces had such centers. The government operated a network of 55 Thuthuzela Care Centers (TCCs)—full service crisis centers to assist victims of rape and sexual violence, including potential trafficking victims; it is unknown if TCCs assisted any victims of trafficking during the reporting period. NGOs reported that government shelter staff sometimes failed to keep victims informed about their case status or to provide dependency counseling and adequate security. Victims could not seek employment while receiving initial assistance, but South African citizens, South African residents, and registered refugees could seek employment while a court case was pending; other foreign victims could not seek employment, even if they cooperated with law enforcement and their trials extended several years. The government acknowledged that police sometimes arrested

trafficking victims during raids along with perpetrators due to a lack of training on victim identification; however, contrary to previous years, the government reported that no victims of trafficking were arrested or prosecuted for immigration offenses.

Officials encouraged victims to participate in the investigation and prosecution of traffickers and provided increased protective services to victim witnesses. During the reporting period, 219 adult and child victims assisted law enforcement officials in ongoing investigations of an unknown number of trafficking cases. Trained law enforcement took victim statements in confidential and safe environments. The government provided 86 victims with interpreters, 10 with specialized medical care, 164 with specialized psycho-social support, 42 adult victims with formal letters of recognition, and 24 with transportation. Law enforcement referred 164 victims to the Hawks at the provincial level to ensure officers trained in victim-centered investigations were assigned to potential trafficking cases and referred 23 to the NPA at the provincial level for victim-centered investigations by prosecutors trained on human trafficking. PACOTIP allowed for trafficking victims to receive relief from deportation; however, regulations to implement this provision were not promulgated and awaited approval by the Deputy Minister of the DHA at the close of the reporting period. As a result, if undocumented foreign national victims did not participate in law enforcement investigations, the government sometimes deported them. DHA often required foreign nationals to renew their immigration paperwork every two weeks, which placed an unnecessary financial and logistical burden on them and the NGOs providing their care.

PREVENTION

The government increased efforts to prevent trafficking. The government approved its National Policy Framework, a strategic plan including a national action plan intended to improve capacity and coordination to combat trafficking among government agencies. The NPA and DOJ oversaw the National Intersectoral Committee on Trafficking in Persons (NICTIP) and six provincial task teams, which met quarterly to coordinate counter-trafficking efforts and worked to address challenges. Both the NICTIP and the provincial task teams often exhibited poor coordination and communication. Some of the provincial task teams ceased meeting or functioning. There was no accountability to require these groups to function; officials in positions of authority with the ability to facilitate change rarely attended meetings. The government continued to work towards implementation of the SADC regional data collection tool. The DOJ included, for the first time, an indicator on trafficking in its annual performance plan, the department's strategic plan through which Parliament held it accountable.

The government conducted national awareness-raising activities during the reporting period. The NPA, DOJ, SAPS, and the Department of Education conducted six awareness-raising activities for students throughout the country. The DSD hosted an awareness-raising talk on best practices in responding to child trafficking, which was attended by 200 delegates from across the country and supported by NPA and several provincial task teams. The NPA, Department of Health, local government, NGOs, the fire department, and religious leaders raised awareness of community members and distributed leaflets and brochures on the role of TCCs as related to trafficking. The government spoke about trafficking on live radio broadcasts. The Western Cape Department of Education partnered with an NGO to incorporate content from the NGO's curriculum called "Bodies Are Not Commodities" into the province's life orientation classes in grades nine and 10. The Western Cape provincial government also developed an outreach program taking social services from NGOs and government agencies to rural communities and vulnerable groups. At a transport hub in Johannesburg, various government departments partnered with a national anti-trafficking network to raise awareness amongst commuters.

The Labor Relations Act provided protection to all workers in South Africa, without regard to citizenship, immigration status, or the possession of a valid work visa. The act limited temporary employment to three months, after which employees were considered permanent and entitled to full labor protections and benefits. This provision was intended to protect vulnerable temporary workers, but many of the most vulnerable workers were in the informal sector, which falls beyond protections under the Labor Relations Act. In July 2018, South Africa's Constitutional Court clarified the act, holding that temporary workers were deemed to be employees of the clients of the labor brokers and entitled to working conditions no less favorable than those under which regular employees of the company worked. NGOs raised concerns about draft amendments to the birth registration process DHA proposed during the reporting period. DHA operated a hotline that could receive reports of potential trafficking cases; however, it is unknown how many calls the hotline received or whether any victims were identified as a result of calls to the hotline. An NGO operated a National Human Trafficking Resource Line, which received 2,543 calls that led to the identification of 22 victims from South Africa, Eswatini, Ghana, and Malawi. The hotline often received calls from community members who were unable to get help from police stations on trafficking cases, as front-line officials did not know how to assist. Moreover, the hotline received calls from victims who were turned away from police stations when asking for assistance. The government did not make efforts to reduce demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its peacekeepers prior to their deployment abroad on international peacekeeping missions. In coordination with an international organization, the government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

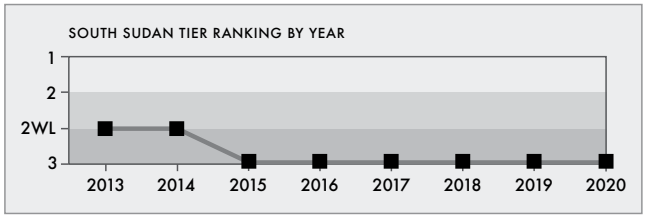
As reported over the past five years, human traffickers exploit domestic and foreign victims in South Africa, and traffickers exploit victims from South Africa abroad. Traffickers recruit victims from poor countries and poor and/or rural areas within South Africa to urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein, where traffickers force victims into sex trafficking and forced labor in domestic service, criminal activities, and agriculture. Syndicates, often dominated by Nigerians, facilitate trafficking in the commercial sex industry. To a lesser extent, syndicates recruit South African women to Europe and Asia, where traffickers force some into commercial sex, domestic service, or drug smuggling. Traffickers sometimes employ forced drug use to coerce sex trafficking victims. Traffickers increasingly hail from Nigeria, the Democratic Republic of the Congo, and Cameroon. Mozambican crime syndicates facilitate trafficking from the eastern border of the Kruger National Park, using the same route to facilitate other illicit crimes.

Traffickers force women from Lesotho into sex trafficking in South Africa. Traffickers coerce victims through traditional spiritual practices. Traffickers force foreign and South African LGBTI persons to engage in commercial sex acts. Traffickers exploit foreign male victims aboard fishing vessels in South Africa's territorial waters; NGOs estimated 10 to 15 victims of labor trafficking disembark each month in Cape Town. Traffickers exploit young men from neighboring countries who migrate to South Africa for farm work; some are subsequently arrested and deported as undocumented immigrants. Forced labor is reportedly used in some fruit and vegetable farms across South Africa. Traffickers subject Pakistanis and Bangladeshis to forced labor through debt-based coercion

in businesses owned by their co-nationals. Official complicity, especially by police, in trafficking crimes remains a serious concern. Some well-known brothels previously identified as locations of sex trafficking continue to operate with officials' tacit approval. Cubans working in South Africa may have been forced to work by the Cuban government.

SOUTH SUDAN: TIER 3

The Government of the Republic of South Sudan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore South Sudan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including forming and staffing an anti-trafficking inter-ministerial task force, cooperating with an international organization to release 286 child soldiers, and identifying 19 potential trafficking victims. However, during the reporting period, there was a government policy or pattern of employing or recruiting child soldiers. Government security and law enforcement officers continued to recruit and use child soldiers, at times by force, and did not hold any members of the South Sudan People's Defense Forces (SSPDF) or South Sudan National Police Services (SSNPS) criminally accountable for these unlawful acts. Authorities did not report investigating or prosecuting any forced labor or sex trafficking crimes for the eighth consecutive year. The government made negligible efforts to proactively identify and protect trafficking victims separate from smuggling clients, continued to arrest and imprison child sex trafficking victims, and continued to indiscriminately arrest and imprison individuals for prostitution violations without screening for indicators of trafficking.



PRIORITIZED RECOMMENDATIONS:

Cease all recruitment and use of children by government forces and associated militias, and immediately release all child soldiers under the command or influence of government forces and affiliated militias and, in partnership with international organizations, transfer them to appropriate civilian rehabilitation and reintegration programs. • Increase financial and staffing support to the SSPDF's Directorate of Child Protection to facilitate efforts to identify perpetrators of child soldiering and refer cases to civilian courts. • Use radio and direct engagement with communities to conduct awareness campaigns in coordination with traditional leaders to educate the public on all forms of human trafficking. • Starting in Juba, establish and implement victim identification screening and referral procedures in partnership with international organizations and civil society to prevent penalization of trafficking victims for crimes committed as a direct result of unlawful acts their trafficker compelled them to commit. • Amend the 2008 Penal Code to criminalize adult sex trafficking and prescribe penalties that are sufficiently stringent and commensurate with other grave crimes, such as rape. • Following due process and respecting human rights, investigate and prosecute suspected trafficking offenses under existing anti-trafficking laws, and convict traffickers, including complicit government officials. • Increase funding for the Technical Task Force on Anti-Human Trafficking and Smuggling of Persons in the Republic of South Sudan. • Train law enforcement officers, prosecutors, and judges on the 2008 Child Act, 2008 Penal Code, and 2017 Labor Act so officials can more effectively investigate, prosecute, and convict traffickers, including military officials complicit in the unlawful recruitment, use, and sexual exploitation of children. • Train law enforcement and social workers to recognize trafficking victims, particularly among vulnerable groups such as children, individuals in commercial sex, and internally displaced persons. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government's anti-trafficking law enforcement efforts continued to be negligible. The 2008 penal code, 2008 Child Act, and the 2018 Labor Act criminalized some forms of sex trafficking and labor trafficking. Article 277 of the penal code prohibited forced labor and prescribed penalties of up to two years' imprisonment, or a fine, or both; these penalties were not sufficiently stringent. Article 276 criminalized buying or selling a child for the purpose of prostitution and prescribed a punishment of up to 14 years' imprisonment and a fine, which was sufficiently stringent and commensurate with punishment prescribed for other serious crimes, such as rape. Articles 254 and 258 criminalized the procurement of a child for prostitution and the facilitation of the prostitution of a child by the child's parent or guardian and prescribed penalties of up to 10 years' imprisonment and a fine; these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The criminal code did not explicitly criminalize adult sex trafficking and conflated human trafficking with smuggling by requiring movement across borders. Article 282 prohibited and prescribed a sufficiently stringent punishment of up to seven years' imprisonment for the sale of a person across international borders. Articles 31 and 32 of South Sudan's 2008 Child Act prohibited the recruitment and use of children for military or paramilitary activities, and prescribed punishments of up to 10 years' imprisonment for such crimes. The 2018 Labor Act prohibited forced labor and prescribed penalties of up to five years' imprisonment, a fine, confiscation of property, cancellation of a business license, or closure of business, or a combination of these penalties; these penalties were sufficiently stringent.

The government reported law enforcement officers did not investigate, prosecute, or convict any traffickers for the eighth consecutive year. The government partnered with an international organization in May 2019 to train approximately 30 officials on basic trafficking principles. However, overall police and judicial officials continued to lack a basic understanding of what constitutes trafficking in persons and frequently conflated human trafficking and migrant smuggling. Corruption and official complicity in trafficking crimes remained significant concerns; however, the government did not report investigating, prosecuting, or convicting government employees complicit in human trafficking offenses. Despite the ongoing unlawful recruitment and use of child soldiers by the SSPDF, SSNPS, and allied militias, the government has never held an offender criminally or administratively accountable for such crimes. Law enforcement efforts were impeded by the lack of resources for basic operations, a dearth of trained judicial officials, and corruption throughout the justice sector.

PROTECTION

The government increased protection efforts. An international organization reported immigration officers identified 19 potential trafficking victims, an increase compared with the government's failure to identify any victims in the preceding five years; however, immigration officials deported seven of the 19 potential victims without providing services. Members of the National Disarmament, Demobilization, and Reintegration Commission, and other

government officials cooperated with an international organization to demobilize and release 286 child soldiers (211 boys and 75 girls), a decrease from 955 children during the previous reporting period; observers partially attributed the decrease to the 2018 ceasefire, which reduced the need for active recruitment of soldiers, including children. The government's enlistment procedures required an age assessment, usually done through a dental exam, as many South Sudanese do not have access to birth registration documents. Government officials noted many SSPDF officers did not meet their annual training requirements on child soldiers due to ongoing conflict, poor communication, and general lack of capacity. The SSPDF's Directorate for Child Protection—headed by a brigadier general—maintained responsibility for investigating allegations of child soldiering. Despite ongoing reports that government forces continued to recruit and use child soldiers, it did not report opening any inquiries into complicit officers.

Social stigma and fear of punitive law enforcement actions continued to discourage victims—particularly those subjected to sex trafficking—from reporting crimes to law enforcement officers. There were no laws or policies to protect victims from prosecution for unlawful acts traffickers compelled them to commit. Security forces continued to lack a formal mechanism to identify potential victims, resulting in officials indiscriminately arresting individuals in commercial sex without screening, including known child sex trafficking victims. The government did not provide specialized services for trafficking victims or legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution, nor did it offer legal assistance or other mechanisms to encourage victims to assist in the investigation and prosecution of trafficking crimes.

PREVENTION

The government increased efforts to prevent trafficking. In coordination with an international organization, the Ministry of Interior established the Technical Task Force on Anti-Human Trafficking and Smuggling of Persons in the Republic of South Sudan in December 2019. The committee—co-chaired by the Ministry of Justice—met at least twice during the reporting period. The task force did not report accomplishing its primary objectives of ratifying the Palermo Protocol and enacting the country's migration policy. The government did not have a trafficking-specific coordinating framework, although the government signed an action plan to end and prevent all grave violations against children in February 2020. Trafficking awareness remained low among officials and the public, hindering the government's anti-trafficking efforts. Although senior SSPDF representatives acknowledged the military's recruitment of children into its ranks, forces actively continued to recruit child soldiers, at times by force, and did not implement the existing action plan to demobilize identified child soldiers currently within the forces. While formal enlistment procedures required an age assessment, many South Sudanese lack birth certificates. In addition, implementation was lacking due to poor command and control among SSPDF units and ongoing conflict throughout the country. The government continued its annual campaign against sexual exploitation, designed to raise awareness among vulnerable groups and how to identify, prevent, and report gender-based violence crimes, including trafficking. Authorities did not make efforts to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. Officials did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. South Sudan is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in South Sudan, and traffickers exploit victims from South Sudan abroad. South Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to domestic servitude throughout the country. Male occupants of the household sexually abuse some of these women and girls while traffickers force others to engage in commercial sex acts. Prominent South Sudanese individuals in state capitals and rural areas sometimes force women and girls into domestic servitude. South Sudanese and foreign businesspeople exploit South Sudanese girls in sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. South Sudanese individuals coerce some children to work in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, gold mining, begging, and cattle herding. South Sudanese and foreign business owners recruit men and women from neighboring countries—especially the Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Republic of the Congo, Uganda, and Somalia—as well as South Sudanese women and children, with fraudulent offers of employment opportunities in hotels, restaurants, and construction, and force them to work for little or no pay or coerce them into commercial sex. Traffickers sexually exploit women most frequently in the country's capital Juba and Nimule, a city located on the border with Uganda. Child, early, and forced marriage remain a nationwide problem, with families forcing some girls into marriages as compensation for inter-ethnic killings; husbands and their families may subsequently subject these girls to sexual slavery or domestic servitude. Some traffickers operate in organized networks within the country and across borders. East African migrants transiting through South Sudan to North Africa are vulnerable to forced labor and sex trafficking. Observers report traffickers exploit individuals along the country's borders with Uganda and Kenya where economic activities are concentrated, as well as in mining operations along South Sudan's border with the Democratic Republic of the Congo. South Sudanese prison officials reportedly exploited prisoners in forced labor.

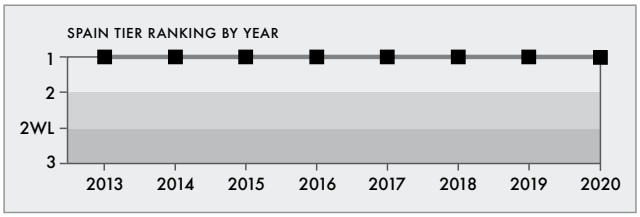
Violent conflict continued throughout the year, resulting in approximately 1.5 million internally displaced persons and 2.2 million refugees as of December 2019. These groups, including orphaned children, are at increased risk of trafficking and other forms of exploitation within South Sudan and neighboring countries. Unaccompanied minors in camps for refugees or internally displaced persons are particularly vulnerable to abduction by sex or labor traffickers. Inter-ethnic abductions, as well as abductions by external criminal elements, continue between some communities in South Sudan, especially in legacy Jonglei, Unity, and Upper Nile states; traffickers exploit some abductees in forced labor or sex trafficking.

An international organization estimated government and opposition-affiliated forces have recruited more than 19,000 child soldiers since the start of the conflict in 2013, and armed groups continued to recruit and use children during the reporting period. Experts assess there are currently between 7,000 and 19,000 minors in combat roles within South Sudan as of February 2020. Both the SSPDF and the Sudan People's Liberation Army—In Opposition signed or recommitted to action plans for child soldier demobilization and reintegration but implementation remains uneven. Government forces—including SSNPS—use children to fight and perpetrate violence against other children and civilians; to serve as scouts, escorts, cooks, and cleaners; or to carry heavy loads while on the move. According to the Revitalised Agreement on the Resolution of the Conflict in South Sudan signed in 2018, the parties committed to refrain from the recruitment or use of child soldiers by armed forces or militias in contravention of international conventions. Governmental and non-governmental groups continued to retain, recruit, and use child soldiers during

the reporting period, including on the front-line, and evidence persists of the widespread re-recruitment of children. Experts note more children fight on behalf of locally organized armed groups rather than formally organized groups with centralized command and control structures. International observers reported groups recruited and used child soldiers in Greater Equatoria, Greater Bahr el Ghazal, and Greater Upper Nile. Observers reported armed groups used young boys to guard or raid cattle, a key source of income for many South Sudanese.

SPAIN: TIER 1

The Government of Spain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Spain remained on Tier 1. These efforts included increasing victim identification, especially for forced labor, investigating and prosecuting more suspected traffickers, and issuing significant prison terms for convicted traffickers. Although the government meets the minimum standards, it lacked a national anti-trafficking action plan for all forms of trafficking; gaps remained in victim identification; prosecutions for labor trafficking remained low compared to sex trafficking; and convictions decreased.



PRIORITIZED RECOMMENDATIONS:

Increase prosecutions and convictions of trafficking offenses, particularly for forced labor. • Increase training on proactive victim identification, in particular among irregular migrants, unaccompanied minors, and workers in industries and agricultural regions with high incidences of labor exploitation. • Adopt and implement a national action plan that adequately addresses all forms of trafficking, including labor trafficking. • Increase protection of migrant unaccompanied minors from traffickers operating in immigration detention centers. • Increase worker protections by implementing strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting fraudulent labor recruitment. • Expand victim service centers to all regions and autonomous cities. • Increase witness protection resources available to victims and expert witnesses. • Increase resources to victim service centers. • Increase resources to the office of the national rapporteur and consider making it independent. • Increase efforts to reduce demand for commercial sex acts. • Train all prosecutors and judges on a victim-centered approach to law enforcement. • Improve state compensation mechanisms, including re-distribution of confiscated traffickers' assets to victims.

PROSECUTION

The government increased law enforcement efforts. Article 177 of the criminal code criminalized sex trafficking and labor trafficking, prescribing penalties from five to eight years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. The rapporteur, NGOs, and GRETA reported the penal code did not clearly define forced labor, which made prosecutions difficult; the government had a draft stand-alone trafficking law to address forced labor, among other issues, but did not pass the law during the reporting period. According to provisional data for 2019, law enforcement initiated 103 new human trafficking investigations (82 sex trafficking, 16 labor trafficking, two forced criminality, and three forced begging), compared with 82 (61 sex trafficking, 18 labor trafficking, two forced criminality, and one forced begging) in 2018. In addition to law enforcement investigations, the Office of the Prosecutor initiated 167 new investigations, compared with 137 in 2018. From the investigations, law enforcement arrested 285 suspects in 2019, compared with 311 suspects in 2018. Law enforcement conducted targeted operations against 11 criminal organizations involved in trafficking in 2019, compared with 48 in 2018. For example, in October 2019, the civil guard arrested 13 suspects for fraudulent labor recruitment and the subsequent forced labor of 150 potential victims from Eastern Europe. During the reporting period, law enforcement increased efforts to investigate forced criminality and arrested 54 suspects for the forced criminality of street vendors from Pakistan. The judiciary initiated prosecutions of 127 defendants (117 for sex trafficking and 10 for labor trafficking), compared with 71 in 2018 (63 for sex trafficking, five for labor trafficking, and three for forced criminality).

Prioritization of prosecuting labor trafficking offences remained a challenge. In 2019, courts convicted 44 traffickers (37 for sex trafficking, four for labor trafficking, and three for forced criminality), compared with 61 convictions in 2018 (46 for sex trafficking and 15 for forced begging). Of the convicted traffickers, 20 were Nigerian, 19 were Romanian, and three were Bosnian, one Colombian, and one Spanish national. Sentences were significant and ranged from two years' imprisonment and a fine to 30 years' imprisonment. All cases, except two, included compensation for victims. In January 2020, another court sentenced five Nigerian traffickers to a total of 99 years in prison for recruiting women from Nigeria and forcing them into various forms of human trafficking. Traffickers served an average of 75 percent of their sentences before being eligible for parole, and courts imposed separate sentences on multiple criminal offenses.

The Interior Ministry coordinated law enforcement efforts to combat trafficking and continued its specialized anti-trafficking training efforts during the reporting period, though some online courses were suspended due to budgetary restraints. The government provided anti-trafficking training for 30 judges, 60 civil guards, and an unknown number of police officers, labor inspectors, and consular and immigration officials. Authorities continued to collaborate with Nigerian, Colombian, Paraguayan, Portuguese, Romanian, Nicaraguan, and French law enforcement on international investigations, including assistance at foreign trials and with raids, the identifications of at least 12 victims, and the arrest of at least nine suspected traffickers. The government did not have judges or courts that specialized in trafficking, but with regard to sex trafficking, cases could be heard in courts dedicated to crimes related to gender-based violence. Coordination between law enforcement, NGOs, and specialized trafficking prosecutors continued to be effective, though this varied by region. There was still some confusion regarding the roles between law enforcement and victim care providers. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased protection efforts. In 2019, authorities reported identifying 467 victims (250 of sex trafficking, 173 of labor trafficking, 24 of forced criminality, and 20 of forced begging), compared with 225 victims (130 of sex trafficking, 80 of labor

trafficking, three of forced criminality, and 12 of forced begging) in 2018. The government identified four minor victims and only one Spanish victim in 2019. Law enforcement significantly increased efforts to identify trafficking victims during the reporting period, especially labor trafficking victims, but gaps remained. GRETA stated that only police could officially identify victims who cooperated in criminal investigations; according to NGOs, this, coupled with continued gaps in victim identification among irregular migrants and asylum-seekers, resulted in probable underreported official victim statistics. NGOs also claimed that the vast majority of women in commercial sex were unidentified sex trafficking victims, and GRETA concluded victim identification statistics did not reflect the scale of trafficking in Spain. The government continued to utilize its national victim identification and referral protocols and usually coordinated formal victim identification with an NGO that would then assume care of the victims. The government lacked systematic victim identification protocols at temporary reception centers for migrants and asylum-seekers. The government continued to implement victim identification protocols at the Madrid airport and to provide training to border police, though victim identification by border police remained low compared to identification by NGOs. Fourteen of the 17 autonomous regions in Spain continued to use their own protocols for trafficking victims, which they implemented simultaneously with the national protocol. NGOs reported assisting approximately 638 victims and 4,842 potential victims in 2019.

The government allocated €4 million ($4.49 million) in 2019, equivalent to the amount allocated in 2018, plus an unspecified amount from regional governments, for NGOs providing victims with temporary shelter and access to legal, medical, and psychological services. Additionally, these NGOs received €2.5 million ($2.81 million) in funding from tax revenues for trafficking victim assistance, a slight increase from 2018. The government, through victim service offices, referred victims to NGO care providers and directly provided free healthcare, free legal assistance, social welfare benefits, and funds for repatriation to victims. While receiving assistance in shelters, victims had the freedom to come and go, and foreign victims could receive assistance in returning home, if they wished. There were specialized centers for child victims of crime, and seven NGO-run trafficking shelters assisted child victims. GRETA cited NGO reports that unaccompanied migrant children in Ceuta and Melilla were vulnerable to trafficking in immigration detention centers, with reported cases of children disappearing from these centers. Shelters for male victims remained limited. The government, in collaboration with NGOs, continued to bi-annually update and use a victim resource guide, available in 12 languages, which listed centers with and without in-house services by region, including social, psychological, medical, legal, training, housing, and job search tools. GRETA reported victim services were available in all regions except Castilla La Mancha, La Rioja, and the autonomous cities of Ceuta and Melilla. The government continued to utilize a regional program that paired NGO-supplied "social interlocutors" (usually survivors of trafficking themselves) with members of the police to facilitate coordination of anti-trafficking activities between other agencies and institutions, including NGOs, and to act as a liaison for victims during legal proceedings and court testimony.

Prosecutors were required to seek restitution from defendants during all criminal proceedings unless the victims expressly waived that right. The crime victim statute provided victims with the right to state compensation, but authorities have not reported awarding any state compensation to date. Assets seized from convicted defendants supported a fund used to fight trafficking and assist victims; however, victims rarely receive these assets as the process remained complicated. NGOs continued to report inconsistent application of victim protections by judges and called for legal reform to protect witnesses better, including permitting video testimony in all cases and increasing measures to protect the identity of NGO expert witnesses, whose testimony could not be anonymous under current law. Foreign victims could request a renewable residence permit for up to five years based on their cooperation with law enforcement and could apply for permanent residency after that five-year period, but the government did not report how many permits were issued. Despite this, civil society reported that the majority of victims decided not to cooperate with law enforcement. The government allowed non-EU victims to apply for reflection periods of 90 days, during which they could recover while deciding whether to assist law enforcement; the government did not report how many victims received this protection during the reporting period. In both of its evaluations, GRETA expressed concern that reflection periods for non-EU citizens were contingent upon an application to the immigration police. Citizens of EU member states, however, were not limited to the 90-day reflection period and faced no deadline for claiming social services or cooperating with authorities.

PREVENTION

The government maintained prevention efforts. The national rapporteur was responsible for coordination, analysis, and assessment of efforts across the government and held quarterly coordination meetings with representatives from the government, a formal NGO group, law enforcement, and international partners. NGOs lauded the rapporteur and government for continued efforts to include them in proceedings and coordination efforts. Despite the large scope of work, the rapporteur's office had a very limited staff. GRETA criticized the office of the rapporteur's ability to evaluate government efforts due to its prominent inter-ministerial coordination function and asked the government to consider creating a fully independent evaluation body. The government continued to publish data on its law enforcement efforts and victims identified. The government's Delegation Against Gender-based Violence played a central role in coordinating efforts against sex trafficking, including coordinating meetings for the Social Forum composed of central and regional government officials and NGO representatives.

The government continued to utilize a 2015-2019 National Action Plan for the Fight Against the Trafficking of Women and Girls, but it did not have a national action plan for all forms of trafficking. In 2019, lawmakers approved the release of the €200 million ($224.72 million) allocated for the State Pact against Gender Violence, which included programming to combat sex trafficking at the regional level.

The government continued several ongoing public awareness campaigns but did not initiate any major new campaigns during the reporting period. In cooperation with an NGO, the civil guard distributed awareness brochures about indicators of forced trafficking, available in nine languages, at airports and seaports. The civil guard also distributed leaflets to an unknown number of irregular migrants about labor trafficking. The police support a hotline that operated 24/7 and could be used for all crimes, including for reporting suspected trafficking cases; in 2018, the most current year data was available, the hotline received 2,239 communications, but the number of trafficking-related cases reported was unknown. Irregular migrants and asylum-seekers remained vulnerable during the reporting period. Approximately 32,500 refugees and migrants arrived in Spain in 2019. Upon the migrants' arrival, the government screened for trafficking victims in temporary reception centers (CETI), but challenges remained as the centers were overcrowded. GRETA also concluded there was no systematic victim identification protocol. An NGO identified 59 trafficking victims who applied for asylum, but the government did not report how many victims were granted asylum. Fraudulent

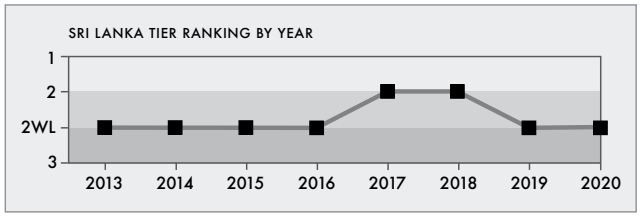
labor recruitment remained a significant concern. While the government prosecuted several foreign traffickers for fraudulent labor recruitment, it did not report whether any Spanish labor recruitment agencies were investigated or prosecuted during the reporting period. In 2018, Spanish authorities did not report conducting any inspections for possible sex or labor trafficking conducted, compared with 2,228 inspections for sex trafficking and 5,102 for labor trafficking in 2017. Labor inspectors, however, did not have the proper authority to inspect private households, despite the large number of domestic and care workers in Spain. The government continued to make efforts to reduce the demand for commercial sex acts through a social media campaign that began in the prior reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Spain and to a lesser extent, Spanish victims abroad. Labor traffickers exploit men and women from Bulgaria, Romania, and South and East Asia, particularly China and Vietnam, in the textile, agricultural, construction, industrial, beauty, cannabis, retail, and domestic service sectors. Romanian, Spanish, and Nicaraguan traffickers often exploit their own family members in labor trafficking. Chinese and Nigerian mafia groups commonly work with a local Spanish collaborator. Forced drug addiction, passport withholding, physical violence, and threats to family members are frequently used methods to control trafficking victims. Sex traffickers exploit women from Eastern Europe (particularly Romania and Bulgaria), South America (particularly Venezuela, Paraguay, Brazil, Colombia, and Ecuador), Central America (particularly Honduras, El Salvador, and Nicaragua), Vietnam, the Dominican Republic, China, and Nigeria. Authorities report Venezuelan and Colombian women now make up the largest demographic of sex trafficking victims. Sex traffickers exploit Venezuelan women fleeing the collapsing social and economic conditions at home. Spanish law neither permits nor prohibits prostitution, and NGOs believe the vast majority of individuals in commercial sex in Spain are trafficking victims. An increasing number of victims arrived in southern Spain by sea via Morocco, where many of the women are then forced into commercial sex. Sex traffickers are increasingly using online apartment rental platforms to make their illicit operations difficult to track. Nigerian criminal networks recruit victims in migrant reception centers in Italy for forced prostitution in Spain. Unaccompanied migrant children continue to be vulnerable to sex trafficking and forced begging. The increased numbers of newly arrived refugees and asylum-seekers are vulnerable to trafficking.

SRI LANKA: TIER 2 WATCH LIST

The Government of Sri Lanka does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included continuing to convict traffickers under its trafficking statute, identifying some trafficking victims among Sri Lankan migrant workers, and continuing to work with international organizations on anti-trafficking trainings and awareness raising. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. There were isolated reports of officials allegedly complicit in trafficking and reports of inadequate investigations. The government's decrease in the number of trafficking victims identified and continued inadequate efforts to identify Sri Lankan forced labor victims abroad left many potential trafficking victims without social and legal assistance. Some victims received shelter and/or rehabilitation services, including at embassy shelters for trafficking victims abroad, but conditions and services remained inadequate and inconsistent. Moreover, the Sri Lankan Bureau of Foreign Employment (SLBFE) continued to handle nearly all migrant labor complaints administratively, many of which had indicators of forced labor, and did not refer all of these potential trafficking cases to police for criminal investigation for trafficking offenses. Officials and NGOs expressed concerns that police continued to arrest some unidentified trafficking victims for prostitution, vagrancy, and immigration offenses, and observers reported concerns child sex trafficking victims from previous reporting periods remained in government detention centers. Therefore Sri Lanka remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Draft and finalize a national action plan to combat trafficking. • Improve efforts to vigorously investigate and prosecute suspected traffickers, including isolated reports of officials allegedly complicit in trafficking, with fair trials, and convict and sentence traffickers to adequate penalties involving significant prison terms. • Increase efforts to proactively identify trafficking victims, including among undocumented migrant workers abroad and women in commercial sex, and ensure victims are not penalized for unlawful acts traffickers compelled them to commit. • Provide support to victims who participate in trials against their traffickers, including the cost of lodging and travel expenses during trials. • Use Section 360(C) of the penal code to prosecute child sex traffickers. • Improve victim services, including their quality and accessibility, and ensure shelter and specialized services are available for all identified victims, including men and victims exploited abroad. • Increase regular monitoring of licensed recruitment agencies, and refer allegations of criminal violations to law enforcement. • Vigorously improve efforts to address child sex tourism, including proactive identification of victims, engagement with hotels and tourism operators, and investigation of establishments and intermediaries who allegedly facilitate the crime. • Eliminate all recruitment fees charged by labor recruiters to workers. • Expand the foreign employment bureau's mandate to include regulation of sub-agents. • Promote safe and legal migration, ensure migration regulations do not discriminate based on gender, and increase awareness among prospective migrants of the steps necessary for safe migration and resources available abroad. • Through the anti-trafficking task force, continue to institutionalize sustained government coordination efforts.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts but did not investigate isolated reports of officials allegedly complicit in trafficking. Section 360(C) of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of two to 20 years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The government used Section 360(A), a procurement statute that criminalized obtaining a person to become a prostitute, with or without the consent of the person. Procurement crimes carried lesser penalties of two to 10 years' imprisonment and fines, and prosecutors often brought these cases before magistrate judges who generally only had the authority to issue sentences of up to two years' imprisonment.

The Criminal Investigation Department's (CID) anti-trafficking

unit and police initiated 10 trafficking investigations (four sex trafficking and six forced labor) and 46 prosecutions (35 under the procurement statute), and the government secured seven case convictions of 10 traffickers, compared with 14 investigations, 10 prosecutions (seven under the procurement statute), and eight convictions in the previous reporting period. All new investigations remained ongoing at the close of the reporting period. Of the reported trafficking investigations initiated in the previous reporting period, CID referred two forced labor cases to the magistrate's court, submitted four forced labor cases to the attorney general's office (AGO) for prosecution, and dismissed one case for lack of evidence of trafficking; other cases remained pending investigation. The AGO reported 100 trafficking cases remained pending prosecution under Sections 360(C) and 360(A) at the close of the reporting period. The government convicted one trafficker under Section 360(C) and nine traffickers in six cases under Section 360(A). Under Section 360(C), it sentenced one trafficker to seven years' imprisonment. Under Section 360(A), judges sentenced one trafficker to 13 years' imprisonment and issued suspended sentences to the other eight traffickers. In the previous reporting period, the judiciary suspended the sentences of all three traffickers convicted under Section 360(C) and sentenced the five convicted under Section 360(A) to between three and 10 years' imprisonment. Additionally, in calendar year 2018, police identified 50 cases of child sexual exploitation.

Prosecutors' reliance on victim testimony, difficulty securing evidence from victims, and judges' issuance of suspended sentences contributed to both the government's general reliance on procurement charges and the lenient sentences applied under Section 360(C). Prosecutors could pursue procurement cases without the cooperation of the victim. Due to the lack of financial support and requirement that victim-witnesses visit Colombo, many trafficking victims from outside the capital could not afford to participate in the law enforcement process, including to provide testimony. During the reporting period, the judiciary issued a directive to all high courts to expedite disposal of human trafficking cases. Labor inspectors investigated allegations of forced labor through debt-based coercion in the tea sector, including instances in which employers "sold" workers' debts to another estate, and found no evidence of the claims. Law enforcement did not conduct any criminal investigations, and three international organizations reported the forced labor continued on at least nine estates. As in the previous reporting period, Sri Lankan diplomatic missions did not refer any witness and victim affidavits from abroad to CID for investigation. The government allocated 8.6 million Sri Lankan Rupees (LKR) ($47,440) to the SLBFE's anti-trafficking unit, an increase from 5.7 million LKR ($31,440) allocated to the unit in the previous reporting period. Police continued to conduct anti-trafficking training for new recruits. However, officials reported the training only discussed the definition of trafficking and not how to identify or investigate cases. In partnership with international organizations, other government agencies continued to conduct anti-trafficking training.

The government did not make sufficient efforts to investigate isolated reports of officials allegedly complicit in trafficking. The government did not investigate allegations by a former government official, originally uncovered by the National Child Protection Agency (NCPA), that a state-run orphanage exploited its children in commercial sex. According to a December 2019 international organization report, multiple male and female Sri Lankan trafficking victims who fled abusive employers overseas and sought refuge at Sri Lankan embassies reported certain Sri Lankan consular officers sent female trafficking victims back to their exploitative employers and "sold" other women back to their exploitative employment agency or new employers for financial gain. The government did not report efforts to investigate these allegations. Media reported some "massage parlors" that function as brothels used children in sex trafficking and bribed police officers to avoid raids. According to a July 2019 international organization report, some migrant workers bribed officials to obtain fraudulent "family background reports" and pre-departure training certificates required for legal migration. Some observers reported government officials consistently referred migrant workers to predatory loaners, which increased migrants' vulnerability to debt-based coercion. The government did not report if it continued five investigations into Ministry of Foreign Employment (MFE) officials for creation of fraudulent documents that had been ongoing in March 2019. In December 2019, the government launched a Presidential Commission of Inquiry to investigate allegations of corruption within SLBFE between 2015 and 2018, specifically allegations that officials accepted bribes to allow illegal recruitment agencies to use legal recruitment agencies' licenses to send workers abroad. However, reportedly due to time constraints, officials dropped the investigation into SLBFE officials and only investigated the illegal recruitment agencies.

PROTECTION

The government decreased victim identification and protection efforts. The government identified fewer victims than the previous reporting period, failed to identify trafficking victims among Sri Lankan migrant workers exploited abroad, and lacked adequate protection for Sri Lankan trafficking victims abroad. The government identified 13 trafficking victims during the reporting period, a significant decrease from 66 potential trafficking victims identified the previous reporting period. This was relatively low in contrast with the 11,215 migrant workers at its embassies overseas in the same period, many of whom were suspected female labor trafficking victims who had fled abusive employers. Among the 13 victims, authorities identified five female sex trafficking victims exploited within the country (including three children) and eight forced labor victims (four male and four female) exploited in various countries abroad; all 13 victims were Sri Lankan nationals. NGOs identified at least 18 Sri Lankan female victims of forced labor in domestic work in the Gulf during the reporting period. Moreover, between January 2019 and February 2020, NGOs and the government repatriated an additional 1,107 female migrant workers, primarily from Kuwait, who reported abuses indicative of trafficking, including non-payment of wages. The government had standard operating procedures (SOPs) for the identification and referral of potential victims to services but did not implement them uniformly; both government representatives and members of civil society stated the capacity of local officials to identify trafficking victims remained low, especially among women in commercial sex. Officials and NGOs often failed to identify forced labor and sex trafficking that did not involve transnational movement, especially of children, and categorized those cases as other crimes.

During the reporting period, the Ministry of Women and Child Affairs closed its trafficking-specific shelter for female victims due to lack of usage but made space available for trafficking victims within a shelter for female victims of domestic violence. Use of the government-funded shelter required a magistrate's order; therefore, trafficking victims who did not seek court assistance could not obtain shelter. No government shelter could accommodate male victims, although the government stated it could provide shelter if male victims sought it. No identified victims requested shelter during the reporting period. The government partnered with international organizations to provide medical, psycho-social, legal, and some reintegration support to identified victims regardless of their decision to cooperate with law enforcement. Observers reported reintegration assistance remained inadequate to support victims.

Sri Lankan authorities continued to penalize individuals, including

children, for prostitution, vagrancy, or immigration offenses with inconsistent efforts to screen for trafficking. One NGO reported that some child trafficking victims arrested for prostitution crimes in previous reporting periods remained in government and privately operated childcare institutions. Officials and NGOs reported that due to a lack of oversight, shelter workers and older residents in some government- and privately run homes sexually exploited child residents, possibly including trafficking victims. Police continued to raid spas and massage parlors to identify individuals in commercial sex and did not identify any children during the reporting period. When properly identified, the government did not penalize trafficking victims for unlawful acts traffickers compelled them to commit. Law enforcement reported many victims were reluctant to pursue cases against their alleged traffickers due to the social stigma attached with trafficking, and many victims outside of Colombo could not afford the travel required to assist in prosecution of their traffickers. While Sri Lankan law had established a victim and witness compensation fund to assist in these circumstances, the government did not provide any funding to trafficking victims or witnesses during the reporting period. It did, however, order traffickers to pay victims restitution in three cases.

When authorities officially identified foreign victims of trafficking, the victims had equal access to rehabilitation services. Foreign victims who cooperated in prosecutions could receive a visa extension until the end of the trial; however, Sri Lankan law did not provide foreign victims with legal alternatives to deportation to countries where they might face hardship or retribution after trial completion or for victims who did not cooperate in the prosecution of traffickers. The government did not identify any foreign victims in Sri Lanka during the reporting period.

SLBFE operated 15 short-term shelters at Sri Lankan diplomatic missions in 14 countries for female migrant workers in distress. Reporting more comprehensive statistics than in previous years, the shelters served 11,215 migrant workers from April through November 2019, compared with 1,806 in the previous reporting period. NGOs continued to identify large numbers of Sri Lankan female labor trafficking victims in Gulf countries, so while SLBFE reported screening this population for trafficking, the efficacy of the screening was unclear. Officials continued to report that migrant workers who had gone abroad illegally or who possessed expired work permits could not also be trafficking victims, which conflated human trafficking with migrant smuggling. Embassy shelters could only accommodate females, so it was unclear where exploited male migrant workers stayed before repatriation. Some migrant workers at the shelters reported poor conditions, including inadequate food, unsanitary living conditions, insufficient legal assistance, and in some cases verbal abuse from embassy officials. Only Sri Lankan workers who had registered with SLBFE prior to departure could access legal assistance from Sri Lankan embassies, including assistance securing back wages from employers. Moreover, although SLBFE maintained district-level offices, it usually required repatriated migrant workers to visit the main office in Colombo to launch an investigation into recruitment and labor violations, including trafficking, which many of the indebted and daily wage workers could not afford. As a result, trafficking victims continued to withdraw complaints or not come forward. Some officials at SLBFE reported that, contrary to the SOPs, SBLFE officials only referred trafficking victims to services after initiating a police investigation.

SLBFE continued to operate a transit shelter near the Colombo airport, primarily for returned migrant workers who suffered abuse abroad. From April to November 2019, SLBFE assisted 2,252 migrants at the shelter, compared with 3,238 workers assisted in 2017 (the government did not report 2018 assistance numbers), and it did not identify trafficking victims among those assisted. As in previous years, the lack of government identification of trafficking victims contrasted with the complaints from workers abroad. In 2017, the most recent year for which such data was available, 4,326 Sri Lankan migrant workers in 22 countries reported labor-related complaints to SLBFE, including indicators of trafficking. The vast majority of complainants were females in domestic work in Saudi Arabia, Kuwait, Oman, and UAE; men in both skilled and unskilled labor in Saudi Arabia also reported many labor violations. The SLBFE shelter, which provided short-term care, did not routinely inform suspected trafficking victims of the longer-term services available through Ministry of Women and Child Affairs. In some cases, Sri Lankan diplomatic missions continued to provide funding and logistical support to international organizations that repatriated Sri Lankan migrant workers exploited abroad. In collaboration with NGOs, the government facilitated repatriation of approximately 248 workers in 2019, compared with approximately 204 in 2018. Based on the number of trafficking victims the government reported identifying during the reporting period, it did not identify the majority of these repatriated workers as trafficking victims.

PREVENTION

The government maintained minimal prevention efforts. The National Anti-Human Trafficking Task Force (NAHTTF) continued to meet regularly during the reporting period. The government's 2015-2019 anti-trafficking national action plan expired; it began to draft a new 2020-2024 action plan but had not finalized or adopted it by the close of the reporting period. The government assisted an international organization with radio and TV campaigns to raise awareness of trafficking, distribute leaflets, and hold forums with local officials, NGOs, and the public. In addition, SLBFE conducted awareness raising programs for prospective migrant workers within Sri Lanka and at some of its embassies abroad. Labor inspectors reported 10 child labor violations during 2019, in which inspectors removed one child and referred eight cases to magistrate courts for prosecution. In seven of the cases, magistrate courts assessed fines ranging from 2,000 to 10,000 LKR ($11-$55). Labor inspectors did not have the authority to inspect private residences for violations against domestic workers. Police raided 20 illegal massage parlors during the reporting period and filed cases against 13 under the Brothels Ordinance of Sri Lanka Act. Ten cases remained pending at the close of the reporting period.

SLBFE maintained its ban on migration of male and female domestic workers younger than 21, female domestic workers younger than 25 to Saudi Arabia, and female domestic workers younger than 23 to other parts of the Middle East. SLBFE also required all female migrant workers younger than 45 to submit a "family background report" to ensure the woman did not have children younger than age five and that she had obtained either her husband or a guardian's consent to work abroad; authorities did not require spousal or guardian consent for male migrant workers. Observers reported any ban on migration increased the likelihood of migrating illegally and therefore heightened vulnerability to human trafficking. SLBFE and the Omani Embassy in Dubai pledged to increase communication to combat illicit recruiters who applied for Sri Lankan work visas in Dubai to circumvent SLBFE screening. The government did not make efforts to eliminate the legal fees that SLBFE and recruitment agencies charged to migrant workers, which increased workers' vulnerability to labor traffickers. SLBFE required each migrant worker to pay a registration fee equivalent to more than one month's salary that required renewal every two years. Additionally, workers reported recruitment agencies charged an additional 8,000 to 150,000 LKR ($44-$830). Some officials reported SLBFE's lack of monitoring enabled agencies to charge fees in excess of the legal amounts; some workers paid as much as one million LKR ($5,520)—or more than eight years of salary at the Sri Lankan minimum wage—for the entire recruitment process,

including fees charged by illegal sub-agents.

Civil society and exploited migrant workers continued to report cases of exploitative labor to SLBFE, including non-payment of wages, contract fraud, and document retention. SLBFE handled most of these cases administratively, including through mediation, and did not refer cases to police if agencies performed the mediated solution. During the reporting period, SLBFE raided 252 recruitment agencies and filed 113 cases against licensed recruiters and unlicensed sub-agents for illegal practices. Thirty-nine cases remained under investigation, and 74 cases resulted in convictions under the SLBFE Act, including some for practices that increased workers' vulnerability to traffickers. The government sentenced all those convicted with fines. This was an increase from 159 raids in the previous reporting period but a continued decrease in cases filed, from 109 in 2018, 157 in 2017, and 315 in 2016. Additionally, while NGOs reported to the government 18 additional cases of forced labor of Sri Lankans abroad and the government and NGOs repatriated 1,107 female migrant workers with indicators of trafficking, SLBFE only filed complaints of labor violations in four of the cases, and it did not report referring any to CID for criminal investigation of trafficking. In 2017, the most recent year for which the data was available, civil society organizations and migrant workers reported to police and SLBFE 4,326 cases of Sri Lankan migrant workers exploited overseas, including 3,074 complaints from females in domestic work. Civil society and authorities categorized most cases as labor migration complaints, and authorities pursued mediation and did not investigate the cases as potential labor trafficking. SLBFE suspended 62 foreign recruitment agencies for illegal practices, compared with suspending 63 agencies the previous reporting period. SLBFE conducted an unknown number of surprise inspections of recruitment agencies, a change from previous reporting periods when inspectors notified agencies in advance. SLBFE did not have the legal authority to regulate sub-agents, which officials recognized contributed to trafficking. The government continued to draft an amendment to the Foreign Employment Act to address the oversight of sub-agents and the investigative authority of MFE officials, including SLBFE.

The government did not make efforts to reduce the demand for commercial sex. NCPA continued awareness campaigns targeted to parents and children on child abuse, including child sex tourism in Sri Lanka's Coastal Belt. The government did not make efforts to reduce the demand for child sex tourism. While NCPA continued to run a hotline to report child abuse, it did not always staff it. The hotline received 119 reports of child trafficking during the reporting period; it did not identify any victims or potential trafficking cases from these allegations. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers.

TRAFFICKING PROFILE

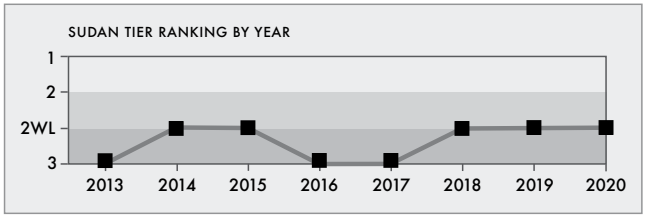
As reported over the past five years, human traffickers exploit domestic and foreign victims in Sri Lanka, and traffickers exploit victims from Sri Lanka abroad. The majority of Sri Lankan trafficking cases involve traffickers forcing Sri Lankan migrant workers into labor overseas. Traffickers exploit Sri Lankan men, women, and children in forced labor in the Middle East, Asia, Europe, and the United States in the construction, garment, and domestic service sectors. Approximately 1.5 million Sri Lankans work in the Middle East, predominately in construction and domestic work. The majority of Sri Lankan female migrant workers seek employment in Saudi Arabia, Kuwait, Qatar, Japan, and South Korea, and authorities have identified labor trafficking victims among these workers. Over the past five years, thousands of Sri Lankan female migrant workers—especially from Nuwara Eliya, Ampara, and Batticaloa—reported employers exploited them in forced labor in domestic work in the Gulf. Before leaving Sri Lanka, many migrant workers accumulate debt to pay high recruitment fees imposed by unscrupulous labor recruitment agencies—most of them members of Sri Lanka's association of licensed foreign employment agencies—and their unlicensed sub-agents. For labor trafficking in domestic work, some traffickers target Sri Lankan women with existing debts and use promises of a large advance to defraud them into accepting the positions. Some Sri Lankan migrant workers in the Gulf report employers retained their identity documents, including passports and work permits, which restricts freedom of movement and is a common means of coercion for labor and sex trafficking. Some recruitment agencies commit fraud by changing the agreed upon job, employer, conditions, or salary after the worker's arrival. Some recruitment agencies lure workers with promises of work abroad but send them with fraudulent or incorrect documents—including tourist visas instead of work visas—so victims are subject to penalization, including jail time and deportation, if they seek assistance abroad. Sub-agents collude with officials to procure fake or falsified travel documents to facilitate travel of Sri Lankans abroad. According to media, at least six government-licensed recruitment agencies in Sri Lanka admitted that, if prospective Middle Eastern employers request, they force female migrant workers to take contraceptives before departure to provide a "three-month guarantee" maids will not become pregnant after arrival. Sources allege this is also used to cover up sexual exploitation by recruitment agents and employers, including sex trafficking. Traffickers have forced Sri Lankan women into commercial sex in South and Southeast Asian countries, among other countries. Sri Lanka is a transit point for Nepali women subjected to forced labor in the Middle East.

Within Sri Lanka, traffickers exploit men, women, and children in forced labor and sex trafficking. Traffickers recruit women from rural areas with promises of urban jobs in the hospitality sector, salons, spas, and domestic work but exploit some in forced labor or commercial sex. Traffickers exploit boys and girls in commercial sex, including in coastal areas for child sex tourism, including in hotels, on beaches, and during annual festivals. Reports allege some hotels allow clients to book "services" with children for child sex tourism, and some hotels use intermediaries to provide their guests with males and females—including children—for commercial sex. In addition to foreign tourists—including from Germany, Russia, India, and China—researchers report significant local demand for underage commercial sex. In recent years, traffickers have subjected women from other Asian countries to sex trafficking in Sri Lanka. Traffickers may have exploited migrant workers brought to Sri Lanka on tourist visas and foreign women in commercial sex in Sri Lanka. Some police reportedly accept bribes to permit brothels to operate, some of which exploit adults and children in sex trafficking. Some observers have long reported that some local government and security sector officials forced women who asked for information about their missing husbands, or widows who attempted to claim government benefits from their deceased husbands' military service, to perform commercial sex acts in exchange for information and/or government benefits. A former government official alleged a state-run orphanage exploited children from the orphanage in child sex trafficking. Officials and NGOs reported some workers and residents in government and private shelters that care for trafficking victims sexually abused and exploited some of the institutionalized children. Traffickers force children, individuals with physical deformities, and those from socially vulnerable groups to beg or engage in criminal activity in Sri Lanka's largest cities, including drug trafficking. Some child domestic workers in Colombo, generally Tamils from the tea estate region, are subjected to physical, sexual, and mental abuse; non-payment of wages; and restrictions of movement—indicators of labor trafficking. Labor traffickers exploit children in small boutiques and informal markets. Tea estate owners exploit men and women in bonded labor. During the reporting period, several organizations documented cases in which employers "sold" workers' debts to another estate and forced the workers

to move. Multiple tea estates have illegally deducted more than 75 percent of workers' daily earnings for miscellaneous fees and repayment of debts, including charging workers for the pay slip itself. The government does not grant asylum or refugee status, nor does it allow refugees or asylum-seekers to work or attend school, although it did allow international organizations to provide some services. This renders such persons, including Rohingya, vulnerable to trafficking.

SUDAN: TIER 2 WATCH LIST

The Government of Sudan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Authorities prosecuted more suspected traffickers and launched programs to raise awareness for the first time in two years. The government also improved its ability to coordinate across ministries by streamlining its national anti-trafficking mechanism and focusing resources on the National Committee to Combat Human Trafficking (NCCHT). During the reporting period, the government drafted, finalized, and approved a national action plan. Sudanese Armed Forces (SAF) officials launched a unit to lead the government's child protection efforts in conflict areas and provided training to more than 5,000 members of its military on child protection issues, including child soldiering. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. A semi-autonomous paramilitary branch of the government's security apparatus—the Rapid Support Forces (RSF)—allegedly recruited child soldiers in May 2019 under the former military-led government; officials did not report investigating the alleged recruitment, nor making efforts to identify, demobilize, and rehabilitate the potential victims. Additionally, officials' conflation of trafficking, smuggling, and kidnapping for ransom impeded the country's anti-trafficking efforts. Substantial personnel turnover related to the April 2019 formulation of the Transitional Military Council followed by the September 2019 establishment of the Civilian Led Transitional Government (CLTG) hindered Sudan's ability to maintain consistent anti-trafficking efforts and accurately report on those efforts for this reporting period. Further, government-reported investigations and convictions decreased compared to the previous reporting period. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Sudan was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Sudan remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

The CLTG proactively ensures Sudan's armed forces do not recruit or use child soldiers and increases efforts to investigate and prosecute officials who have been complicit in child soldier recruitment and use. • Increase efforts to investigate and prosecute traffickers as well as complicit officials according to the country's anti-trafficking law, including distinguishing those allegedly responsible for labor and sex trafficking from migrant smuggling or kidnapping crimes. • Coordinate with civil society and international organizations to disseminate existing standard operating procedures (SOPs) for authorities and first responders to identify adult sex and labor trafficking victims. • Ensure authorities do not penalize trafficking victims for crimes committed as a direct result of unlawful acts traffickers compelled them to commit, such as women coerced into commercial sex acts. • Amend the 2014 anti-trafficking law to criminalize sex trafficking of children in the absence of force, fraud, or coercion and define exploitation. • Increase training for security officials in Darfur on distinguishing trafficking from other crimes such as smuggling and kidnapping for ransom, and ensure recipients use this guidance to train additional government officials. • Implement and dedicate adequate resources to the 2020-2022 national anti-trafficking action plan. • Develop a data collection and information management system in collaboration with international organizations to more effectively organize law enforcement data.

PROSECUTION

The government decreased its reported law enforcement efforts. The 2014 anti-trafficking law criminalized some forms of sex trafficking and some forms of labor trafficking but failed to define what constituted exploitation. Additionally, inconsistent with international law, Sudan's anti-trafficking legal framework required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law prescribed between three and 10 years' imprisonment for base offenses involving adult male victims and between five and 20 years' imprisonment for offenses involving adult female and child victims or involving additional aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Article 14 of the Sudan Armed Forces Act of 2007 criminalized recruiting children younger than 18 years old by members of the armed forces, enslaving civilians, or coercing civilians into prostitution and prescribed penalties between three years' imprisonment and death.

The government did not report training officials on the identification or investigation of trafficking crimes, and authorities' conflation of human trafficking, smuggling, and kidnapping for ransom impeded accurate assessment of Sudan's anti-trafficking law enforcement data. Additionally, significant personnel turnover as a result of the September 2019 establishment of the CLTG hampered Sudan's ability to report accurately its law enforcement activities. During the reporting period, the NCCHT reported authorities investigated and prosecuted 97 potential traffickers for crimes involving sexual exploitation as well as forced labor, and convicted five traffickers; courts sentenced the traffickers to between three and four years' imprisonment as well as unknown fines. In 2018, the government reported investigating 150 trafficking cases, prosecuting 30 of those cases, and convicting 45 traffickers.

Experts noted some law enforcement and border officers were complicit in or otherwise profited from trafficking crimes specifically related to exploiting migrants along Sudan's borders. The government did not report investigating complicit officials in 2019, compared with investigating two government employees in 2018. Authorities did not report the status of the 2018 complicity investigation.

PROTECTION

The government decreased overall protection efforts and identified fewer victims; this is partially attributable to the transition and high turnover of personnel between the former regime and the CLTG. The government identified fewer victims, which is partially

attributable to the transition and high turnover of personnel between the former regime and the CLTG. Authorities reported identifying more than 1,200 potential victims during the reporting period, compared with approximately 1,400 potential victims in 2018; however, due to a dearth of training and resulting conflation, some of those potential victims the government identified in 2019 and 2018 may have been individuals who purchased the services of smugglers and were not exploited in forced labor or sex trafficking. The National Council for Child Welfare collaborated with donors, international organizations, and civil society to provide shelter and medical services to 84 potential child trafficking victims from Eritrea and Ethiopia in 2019; in 2018, the UN reported law enforcement officers referred 142 victims to a shelter run by an international organization.

Officials did not report disseminating or implementing child trafficking victim identification SOPs developed in 2018 in partnership with an international organization. The government's past denial of sex trafficking occurring within Sudan, coupled with authorities' inconsistent screening of vulnerable populations, likely resulted in the arrests and detention of women whom traffickers forced into commercial sex. Sudan's Domestic Workers Act of 2008 provided a legal framework for employing and registering domestic workers with limited labor rights and protections; however, the government did not report registering or protecting any domestic workers under the law during the reporting period.

During the reporting period, SAF officials launched the Child Rights Unit (CRU) to lead the government's child protection efforts in conflict areas. CRU officials implemented 71 training activities in partnership with international organizations to sensitize authorities on the rights of children—including efforts to prevent security forces from recruiting and using child soldiers—and reached more than 5,000 personnel. Additionally, the Sudanese Joint Chiefs of Staff issued and disseminated command orders every three months during the reporting period directing military officials to follow the government's ban against using individuals under 18 years of age in support or combat roles. However, the government did not report identifying or reintegrating any child soldiers the former regime recruited and used, despite credible reports Sudanese units used minors in combat roles. An international organization reported RSF units allegedly recruited and used 87 children aged 14 to 17 years old in May 2019 to forcibly disperse anti-government crowds. The government cooperated with international observers in August 2019 to facilitate monitoring and verification visits to RSF barracks and training facilities to screen for children; experts did not identify any children out of approximately 800 soldiers they interviewed.

PREVENTION

The government increased efforts to prevent trafficking. The NCCHT finalized and approved the government's 2020-2022 national action plan in March 2020. In 2019, the government resolved unclear divisions of responsibility between the NCCHT and Higher Committee to Combat Human Trafficking (HCCHT) by disbanding the HCCHT. Similar to the previous year, the NCCHT met at least three times during the reporting period. Authorities did not report whether the Kassala state government finalized its state-level action plan, which was drafted during the previous reporting period and intended to mirror the national action plan. For the first time in two years, officials held a workshop in September 2019 to raise awareness of exploitation in domestic work. Ministry of Labor inspectors were responsible for providing oversight of recruitment agencies, but they did not report investigating or sanctioning fraudulent recruiters during the reporting period. The government did not report providing anti-trafficking training for its diplomatic personnel. Officials did not report efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sudan, and traffickers exploit victims from Sudan. Traffickers exploit homeless children in Khartoum—including Sudanese and unaccompanied migrant children from West and Central Africa—in forced labor for begging, public transportation, large markets, and in sex trafficking. Business owners, informal mining operators, community members, and farmers exploit children working in brick-making factories, gold mining, collecting medical waste, street vending, and agriculture; the aforementioned traffickers expose the children to threats, physical and sexual abuse, as well as to hazardous working conditions with limited access to education or health services. Criminal groups exploit Sudanese women and girls—particularly internally displaced persons (IDPs) or those from rural areas—in domestic work and in sex trafficking.

The non-governmental armed group Sudan Liberation Army/Abdul Wahid recruited and used child soldiers in Darfur during the reporting period. An international organization reported RSF members allegedly recruited child soldiers in May 2019 to forcibly disperse anti-government crowds in June 2019 under the previous military-led government. Observers noted government armed forces under the former regime recruited and used child soldiers from 2011 to 2017 and in 2019. Additionally, sources reported corrupt RSF officials financially benefited from their role as border guards and took a direct role in human trafficking.

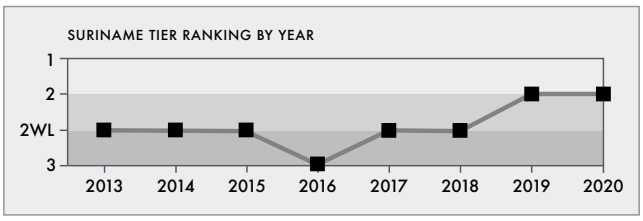
Due to regional instability and conflict, there are more than 2 million IDPs and 1.1 million refugees in Sudan—populations with increased susceptibility to forced labor or sex trafficking. Observers noted government officials tasked with protecting vulnerable individuals sexually exploited some refugees in Sudan's eastern provinces. Additionally, the government's refugee encampment policy, which restricts refugees from moving freely within the country, further increased some refugees' risk of exploitation as they utilized smugglers inside Sudan.

Thousands of Eritrean, Ethiopian, and other African asylum-seekers—populations vulnerable to trafficking due to their economic fragility and lack of access to justice—are temporarily housed in Khartoum while planning to travel to Europe. During the reporting period, Eritreans represented the highest number of victims in Sudan, mainly in the east, due to traffickers targeting the consistent flow of migrants and asylum-seekers. Sudanese traffickers compel Ethiopian women to work in private homes in Khartoum and other urban centers. Increasingly well-organized and cross-border criminal syndicates force some Ethiopian women into commercial sex in Khartoum by manipulating debts and other forms of coercion. Attempting to escape conflict and poverty, many East African victims of trafficking initially seek out the services of smugglers, who coerce the migrants into forced labor or sex trafficking. Due to the ongoing conflict in South Sudan, the South Sudanese refugee population in Sudan nearly doubled since 2018; many of these refugees remain vulnerable to forced labor and sex trafficking in Sudan. In 2018, an international organization documented cases of traffickers exploiting West and Central African nationals—primarily from Chad, Mali, and Niger—arriving in Sudan via irregular migratory routes.

Darfuri armed groups exploit some migrants in forced labor or sex trafficking. Smugglers linked to the Rashaida and Tabo tribes abduct Eritrean nationals at border crossings, extort them for ransom, and subject them to abuse, including trafficking. Other cross-border tribes also force abductees to perform domestic or manual labor and abuse them in other ways, including exploiting them in forced labor or sex trafficking.

SURINAME: TIER 2

The Government of Suriname does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Suriname remained on Tier 2. These efforts included increasing law enforcement training, developing a formal victim referral process, increasing funding to the national action plan budget, and government leadership committing to anti-trafficking efforts in public speeches. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer cases, initiated no prosecutions for two years in a row, did not have a shelter dedicated to trafficking victims, and inconsistently screened vulnerable individuals, often deporting individuals referred to them, including detained migrants.



PRIORITIZED RECOMMENDATIONS:

Train and support all officials in contact with vulnerable individuals to implement the victim identification and referral protocol to identify trafficking victims, especially among children, migrants from Cuba, Venezuela, Haiti, and other countries. • Increase efforts to investigate, prosecute, convict, and sentence convicted traffickers, including officials complicit in sex or labor trafficking. • Provide vulnerable individuals with trauma-informed assistance, reintegration support, and interpretation in their language prior to, during, and after screening for trafficking. • Train judges at all levels of the judiciary in human trafficking and the trafficking law, and sensitize judges and prosecutors to the issue of secondary trauma. • Prosecute child sex and labor trafficking cases under the trafficking statute, and provide specialized child protection services with trained providers. • Conduct trauma-informed training for police and labor inspectors and hire enough staff to conduct targeted inspections in urban, remote interior, and off-coast fishing locations where trafficking is most likely to occur. • Take steps to eliminate recruitment or placement fees charged to workers by labor recruiters and ensure employers pay any recruitment fees. • Increase grassroots outreach to potential trafficking victims among vulnerable groups by building capacity and collaborating with NGOs. • Develop and execute a robust monitoring and evaluation framework for anti-trafficking policies and efforts.

PROSECUTION

The government maintained prosecution efforts. Article 334 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to nine years' imprisonment and a fine of 100,000 Surinamese dollars (SRD) ($13,300) for offenses involving a victim 16 years of age or older, and up to 12 years' imprisonment and a fine of 100,000 SRD ($13,300) for those involving a victim under the age of 16. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In January, the government amended the penal code to criminalize the use of electronic communication to schedule sexual encounters with individuals under 16 years old with penalties up to four years in prison with a fine of up to SRD50,000 (US$6,650). Police reported initiating eight investigations (seven for sex trafficking of both adults and minors, and one for labor trafficking of adults), an increase from three investigations in 2018 and 10 in 2017. The labor inspectorate reported investigating a case of potential labor trafficking. The prosecutor's office did not initiate any new prosecutions during the past two years, compared with four new prosecutions for sex trafficking in 2017. The government reported 18 convictions for human trafficking in 2019 compared with convictions of seven traffickers in 2018 and three in 2017. The government did not report the status of four pending prosecutions involving 12 suspected traffickers initiated in previous years. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The head of the Trafficking In Persons (TIP) police unit conducted training sessions outside the capital with 400 participants from the health, immigration, police, customs and District Commissioners offices. The police TIP unit responsible for investigating cases gained a staff member and authorities provided the unit with a new vehicle for investigations outside the capital. In July 2019, a TIP unit member participated in an overseas trafficking training sponsored by another country. In October 2019, 40 officials from immigration, customs, police, the seaport, and airport authorities participated in trafficking awareness training offered by an international organization.

PROTECTION

The government maintained protection efforts. The government initially identified five victims (all female, ages between 14 and 35), from Colombia, the Philippines, and Suriname; upon further examination, three of the five were identified as trafficking victims, compared to one child victim in 2018 and five victims in 2017. All three identified victims and one potential victim from Colombia received referral to a shelter and protective services. The government reported there were no formal written procedures to guide officials in proactive victim identification. The Ministry of Justice and Police worked out a referral process for victims of trafficking, moving them to the Bureau of Victim Services for shelter, medical, counseling and other care funded out of their regular budget. Experts reported that the government did not effectively identify victims among children, migrants in the interior, and in brothels emerging in private homes. The Ministry of Social Affairs drafted a new referral protocol, which did not receive approval by the end of the reporting period. The TIP unit, accompanied by a member of the prosecutor's office increased inspections of locations where victims might be working such as massage salons and hair salons.

There is no shelter dedicated to trafficking victims—a domestic violence shelter accepted female and child victims but did not accept male victims. Victims could not leave the shelter unchaperoned and had to stay in the shelter or return to their families or their country of origin. Vulnerable individuals who violated the terms of their stay were deported before being screened for trafficking. Victims could apply for temporary or permanent residency whether or not they assisted with trials, although there were no reported cases of victims using either of these provisions. There was no witness protection program although victims in shelters received police protection. Courts implemented a policy of obtaining testimony from victims in the early stages of judicial investigations in case victims were not available during the trial process, although this could weaken testimony in cases where victims were not given time for rehabilitation before providing testimony.

PREVENTION

The government increased prevention efforts. The government reorganized the Ministry of Justice and Police to consolidate anti-trafficking functions and increased funding for the Trafficking In

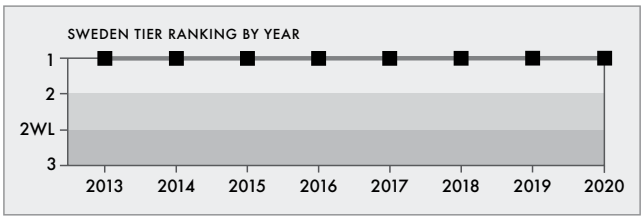
Persons Working Group implementation of the national action plan. In September 2019, the Minister of Justice and Police spoke publicly about ongoing government anti-trafficking efforts, and the government's commitment to combat trafficking. The government implemented an awareness campaign, including putting up anti-trafficking posters and flyers at schools and police stations, points of entry into the country, and billboards, as well as broadcasting radio and television anti-trafficking sketches in languages of the most vulnerable populations including Creole, Chinese, Portuguese, and Spanish. The government did not conduct research on trafficking during the reporting period. The government consolidated the anti-trafficking hotline to the National Command Center with other anti-trafficking units and trained 17 hotline responders in trafficking awareness, including how to question callers and transfer cases. Labor laws require that all employment agencies were licensed before recruiting domestic and foreign employees, and must receive permission from the Ministry of Labor before entering into work mediation with employees. Labor inspectors received training to identify trafficking victims and were legally authorized to conduct inspections outside formal workplaces, but lacked the manpower and capacity to do so. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Suriname, and traffickers exploit victims from Suriname abroad. Reported cases of trafficking in Suriname's remote jungle interior, which constitutes approximately 80 percent of the country, have increased in recent years; limited government presence in the interior renders the full scope of the problem unknown. Traffickers target the increasing influx of migrants into Suriname, particularly those from Haiti and Venezuela, as well as those from Brazil, Cuba, the Dominican Republic, and Guyana are vulnerable to exploitation by traffickers. Migrant women and girls are especially at risk for sex trafficking in Suriname, including in brothels, massage and hair salons, and illegal gold mining camps in Suriname's interior. Some Surinamese parents exploit their daughters in sex trafficking. Adult and child migrant workers in agriculture, retail shops, construction, and on fishing boats off Suriname's coast are at risk of trafficking, as are children working in agriculture, small construction, gold mines, and informal urban sectors. Chinese associations, and allegedly some Hong Kong traffickers, recruit and exploit Chinese immigrants in sex and labor trafficking in the mining, service, and construction sectors. Surinamese women in neighboring countries are at risk of sex trafficking. Traffickers may transport victims through routes in Suriname's interior that bypass official checkpoints. There are reports of corruption and local official complicity in trafficking crimes that may impede anti-trafficking efforts.

SWEDEN: TIER 1

The Government of Sweden fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Sweden remained on Tier 1. These efforts included investigating more trafficking cases, particularly suspected cases among asylum-seekers, and amending legislation to increase the minimum penalty for the purchase of commercial sex acts from children. Although the government meets the minimum standards, authorities prosecuted and convicted significantly fewer traffickers, and the government neglected to provide funding to NGOs for victim services.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute and convict traffickers using the anti-trafficking statute. • Ensure adequate financial support for victim services, including funding NGOs for victim assistance. • Proactively identify trafficking victims, including among asylum-seekers and unaccompanied children. • Improve coordination within the government, particularly the Gender Equality Agency, to ensure the allocation of adequate financial resources to the implementation of the national action plan. • Train officials involved in judicial proceedings, particularly judges, on all aspects of trafficking and understanding current anti-trafficking laws. • Enhance awareness efforts to educate asylum-seekers and unaccompanied children on the risks of sexual exploitation, forced criminality, and forced begging. • Establish specialized housing for trafficking victims, including for male victims.

PROSECUTION

The government maintained law enforcement efforts, but strengthened anti-trafficking laws. Chapter 4 Section 1a of the Penal Code criminalized sex trafficking and labor trafficking, and prescribed penalties of two to 10 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Chapter 4 Section 1b criminalized a lesser offense of "human exploitation," which included the exploitation of individuals for labor or begging, and prescribed penalties of up to four years' imprisonment; these penalties were also sufficiently stringent. Through a 2019 amendment to the penal code, Chapter 6 Section 9 increased the penalties for the purchase of commercial sex acts from a child from a fine or up to two years' imprisonment to a maximum of four years' imprisonment. In 2019, police investigated 272 trafficking cases (106 sex trafficking, 67 labor trafficking, 99 unconfirmed) and 47 human exploitation cases, compared with 214 and eight, respectively, in 2018. Authorities prosecuted and convicted four traffickers, compared with 17 prosecutions and 15 convictions in 2018. Sentences ranged from eight months' to four years' imprisonment. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. According to the migration agency's trafficking coordinator, a restructuring of the agency, the lack of government funding, and the de-prioritization of training adversely affected its work in 2019. Nonetheless, the agency published a manual for migration agents, providing guidance on how to detect potential trafficking cases, and in 2019, the agency reported 481 suspected cases of trafficking among asylum-seekers, an increase of approximately 25 percent from 2018 (384 cases). Of the new cases, 202 were sex trafficking. During the reporting period, Swedish authorities collaborated with foreign governments on transnational investigations, including a pan-European case led by Europol involving child trafficking, which resulted in 34 arrests.

The National Police offered an online course for police officers and an annual advanced training course for all trafficking police officers and prosecutors. The police trafficking rapporteur conducted training for police and judges. The national courts offered training for judges and lawyers that included sections on sex trafficking and child victims; however, experts reported some judges lacked a sufficient understanding of trafficking cases and current trafficking

legislation. The Swedish Coast Guard, police, and customs officials participated in joint regional intelligence operations in trafficking cases involving travel by sea.

PROTECTION

The government maintained victim protection efforts. NGOs identified 162 victims in 2019, and 122 in 2018. Reports indicated tightened migration policy curbed the inflow of asylum-seekers, allowing authorities more time to process and screen applicants for trafficking indicators. Nonetheless, the number of migrants and unaccompanied children seeking asylum remained high (approximately 902), and experts noted that many unaccompanied children were either at risk or victims of trafficking, particularly for sexual exploitation and forced criminality. Of the 481 suspected trafficking cases among asylum-seekers, 92 involved minors—an increase of 44 cases from 2018. Experts noted shortcomings in the proactive identification of unaccompanied children and expressed concern that the number of reported cases misrepresented the real scale of child trafficking in Sweden.

Municipalities, in collaboration with NGOs and other government agencies, provided victim services, including medical and psychological care, shelter, and social assistance. In 2019, the newly created Gender Equality Agency did not fund the national support program (NSP), a civil society platform representing 20 NGOs that provided assistance to victims; funding for the program has fluctuated in previous years—800,000 krona ($86,010) in 2018; no funding in 2017; and 500,000 krona ($53,760) in 2016. The Gender Equality Agency, in its first year amid growing pains and lack of coordination, inadvertently neglected to fund the NSP. Experts expressed concerns the cessation of the NSP's operation meant that Sweden no longer fulfilled its international commitments regarding assistance to victims because the NSP offered the only effective unconditional assistance provided to victims. Assistance opportunities to victims and their family through municipalities were contingent on victims cooperating with authorities. Municipalities funded assistance and appropriate services. The government subsequently reimbursed the expenses; however, statistics on the costs incurred by the municipalities were unavailable. Although the country lacked shelters dedicated solely to trafficking victims, some municipalities ran shelters offering services to sex trafficking victims. The Gender Equality Agency led a network of approximately 40 NGO-run safe houses, and adult female trafficking victims could receive services at women's shelters for victims of domestic and honor-related violence. Authorities referred child victims to social services officials, who placed child victims in foster care or group housing. There was no protected housing available to male trafficking victims.

The Aliens Act entitled victims to a 30-day reflection period to contemplate cooperation with law enforcement, during which they were eligible for emergency financial aid; however, only an investigating police officer or prosecutor could file the application, limiting availability to victims already in contact with law enforcement. Victims in trafficking cases who cooperated with authorities received temporary residence permits, which allowed them to seek employment. Forty-four trafficking victims received permits in 2019 (54 in 2018).

PREVENTION

The government maintained prevention efforts. The government implemented its national action plan; however, experts raised concerns regarding the lack of resources dedicated to the plan as demonstrated by the cessation of the NSP. The Gender Equality Agency organized awareness campaigns focusing on safe travel, and authorities conducted or funded awareness training for taxi, hotel, and restaurant staff to detect trafficking at their places of work. The government did not make efforts to reduce the demand for commercial sex acts. In 2019, the government allocated 18 million krona ($1.9 million) to strengthen labor market regulation compliance efforts and review compliance developments. Authorities conducted mandatory interviews with foreign workers employed in at-risk sectors and seeking to extend their work permits. The migration agency conducted background checks on companies employing foreign workers and occasionally denied work visas in cases where employment contracts did not meet the necessary requirements. Multiple agencies carried out joint workplace inspections as part of a major EU effort against unfair labor exploitation.

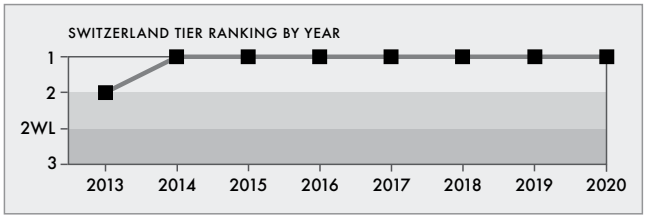
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sweden, and, to a lesser extent, traffickers exploit victims from Sweden abroad. Most traffickers are the same nationality as their victims and are often part of criminal networks engaged in multiple criminal activities, although an increasing number of reported cases involve traffickers who are family members or have no ties to organized crime. Most sex trafficking and labor trafficking victims originate from Eastern Europe, Africa, East Asia, and the Middle East. Reported cases of labor trafficking increased. Victims of labor trafficking, who largely originate from Eastern Europe, East Asia, and West Africa, face exploitation in the service, cleaning, private delivery, and construction industries. Cases among seasonal berry pickers have decreased significantly in recent years; however, individuals mostly from Bulgaria, face exploitation in the agricultural sector. Roma, primarily from Romania and Bulgaria, remain vulnerable to forced begging and criminality and, to a lesser extent, sex trafficking. Asylum-seekers, particularly those from Africa, Eastern Europe, Central Asia, and South America, as well as many stateless individuals, are subjected to human trafficking. In recent years, traffickers subjected Moroccan boys and young men to forced criminal activity, though reports indicate a decline in the number of victims in 2019. Unaccompanied children are especially vulnerable with a majority of suspected child trafficking victims arriving in Sweden as unaccompanied minors, primarily from Africa and the Middle East. Approximately 902 unaccompanied foreign children applied for asylum in 2019.

SWITZERLAND: TIER 1

The Government of Switzerland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Switzerland remained on Tier 1. These efforts included prosecuting and convicting more traffickers than last reporting period. The government assisted more victims, increased anti-trafficking awareness campaigns, and drafted an anti-trafficking brochure for labor inspectors. Although the government meets the minimum standards, a high number of suspended sentences resulted in 52 percent of convicted traffickers serving no prison time, and only 33 percent were sentenced to one year's imprisonment or longer, which undercut efforts to hold traffickers accountable, weakened deterrence, and created potential security and safety concerns, particularly for victims who cooperated with investigations and prosecutions. Prosecutions and convictions for labor trafficking remained low compared to sex trafficking and the government did not provide complete data on investigations. The government decreased victim identification, resulting in the fewest victims identified since 2015. Protection services for victims of labor trafficking, men, and children remained inadequate. The government remained without a national standardized identification and referral mechanism

and continued to lack legal safeguards to protect trafficking victims against potential prosecution, which sometimes resulted in victim penalization.



PRIORITIZED RECOMMENDATIONS:

Continue to investigate and prosecute suspected labor and sex traffickers, and sentence convicted traffickers to adequate penalties, which should involve serving significant prison terms. • Establish a standardized national identification and referral mechanism for all victims. • Increase victim identification training for all front-line officials, with increased focus on identifying labor trafficking. • Increase law enforcement efforts for labor trafficking and provide sufficient resources, personnel, and training. • Increase access to specialized services, especially for labor trafficking victims, asylum-seekers, male, child, and transgender victims. • Amend the anti-trafficking provision of the criminal code to include force, fraud, or coercion as an essential element of the crime in accordance with international law, and ensure that the criminal code clearly defines labor exploitation. • Ensure labor trafficking is investigated and prosecuted as a trafficking offense and not pursued as an administrative labor code violation. • Develop safeguards for victims to protect them against traffickers freed on suspended sentences. • Enact a legal provision in addition to the existing non-punishment legal norm to protect specifically trafficking victims from prosecution for acts that traffickers coerced them to commit. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Appoint a national rapporteur to provide independent review of government anti-trafficking efforts.

PROSECUTION

The government made uneven law enforcement efforts. While the overall number of prosecutions and convictions increased, insufficient sentencing weakened deterrence, prosecutions and convictions for labor trafficking remained low compared to sex trafficking, and the government did not provide complete data on investigations. Article 182 of the penal code criminalized sex trafficking and labor trafficking, and prescribed penalties of up to life imprisonment and/or a fine; the penalties included prison sentences of no less than one year for offenses involving a child victim and those where the trafficker acted for commercial gain. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Inconsistent with the definition of trafficking under international law, Article 182 does not include a demonstration of force, fraud, or coercion as an essential element of the crime. Additionally, both adult and child sex trafficking offenses could be prosecuted under Article 195 of the criminal code ("exploitation of sexual acts" and "encouraging prostitution"), which prescribed penalties of up to 10 years' imprisonment or fines. NGOs stated the lack of an explicit legal definition for labor exploitation under Article 182 complicated labor trafficking investigations, and limited data collection necessary for prevention efforts. The government did not disaggregate data on law enforcement efforts between sex and labor trafficking.

For the third consecutive year, the government did not provide complete annual investigative data; however, a few notable investigations were reported by the media and NGOs, including conducting a large-scale investigation that involved the forced labor of approximately 50 construction workers who were fraudulently recruited abroad. Cantonal authorities prosecuted 146 defendants in 2019, an increase compared with 124 in 2018 and 143 in 2017. Nigerian sex trafficking victims remained numerous during the reporting period, although there were few corresponding prosecutions involving Nigerian victims. The government convicted 21 traffickers in 2018 (the most recent year for which complete data were available), an increase compared with 13 in 2017. At least 17 of the convictions were for sex trafficking; prosecutions and convictions for labor trafficking remained low during the reporting period, with NGOs asserting many labor trafficking cases were instead pursued as administrative labor code violations, resulting in lesser consequences and decreased deterrence. Of the 21 convictions in 2018, courts fully suspended the prison sentences or fines of nine traffickers (43 percent) and imposed fines with no prison time on two traffickers for sex trafficking (10 percent). Courts issued significant prison sentences to four traffickers (19 percent) and partial prison sentences to six traffickers (28 percent), for a total of 47 percent of traffickers serving prison time, which did not meet the minimum standard. While courts issued several significant prison sentences of up to five and a half years' imprisonment, of the traffickers sentenced to imprisonment, courts only sentenced 33 percent to one year or longer. A trend of insufficient sentencing practices weakened deterrence, potentially undercut efforts of police and prosecutors, and created potential security and safety concerns, particularly for victims who cooperated with investigations and prosecutions. Of the 13 traffickers convicted in 2017, 38 percent served one year or longer in prison. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

Trafficking investigations and prosecutions fell strictly under the jurisdiction of individual cantons, except for cases involving organized criminal networks, which fell under federal police (FedPol) jurisdiction. At least six of 26 cantons had their own specialized anti-trafficking police units. Civil society continued to report the government's predominant focus on sex trafficking hindered the identification of labor trafficking cases as well as their prosecution. Insufficient personnel, resources, and the absence of a mandate that included human trafficking hampered in-depth labor inspections; additionally, civil society reported labor inspectors frequently regarded foreign victims as criminals working illegally. The government conducted multiple anti-trafficking training events for law enforcement in 2019, including 21 officers from five foreign countries and a roundtable for 40 officials that focused on trafficking in the hospitality sector. In May 2019, the Specialized Unit against the Trafficking in Persons and Smuggling of Migrants (FSMM) and the police held a three-day anti-trafficking training for 29 cantonal police officers, prosecutors, and migration officials. In November 2019, FSMM, in collaboration with two NGOs, held an anti-trafficking training for 141 police officers and prosecutors.

The government continued to facilitate international investigations and criminal trials. Law enforcement assisted in 21 new international trafficking cases during the reporting period, eight of which related to extradition and seven to mutual legal assistance. Through three joint action days between law enforcement, labor inspectors, and EUROPOL in 2019, the government reported conducting at least 145 labor inspections that resulted in the identification of at least five victims, 46 potential victims, and 10 suspected traffickers (compared with the identification of 54 potential victims and seven suspects in 2018). Switzerland had a network of at least 10 police attachés posted abroad, who provided support to government prosecution authorities in

combating trans-border crime, including human trafficking. While there were eight suspected child sex tourism cases reported to FedPol during the last reporting period, the government did not report investigating or prosecuting any Swiss nationals for child sex tourism abroad. There were no reported cases of suspected child sex tourism in 2019.

PROTECTION

The government made uneven victim protection efforts. While victim identification decreased and civil society asserted victims were frequently penalized for unlawful acts traffickers compelled them to commit, the government reported assisting more victims than last reporting period. Authorities identified fewer victims for the second year in a row, making it the fewest victims identified since 2015. In 2019, cantonal authorities reported identifying 150 victims (170 in 2018), at least 67 of whom were sex trafficking victims (106 in 2018). Of the trafficking victims identified by the government in 2019, 11 were minors and eight were Swiss. The government did not disaggregate data between sex and labor trafficking. The federal government continued to lack national standard victim identification and referral procedures across cantons; however, it distributed a previously updated victim identification checklist to all cantons and relevant organizations in December 2019. Civil society noted concerns regarding the absence of a national victim protection program. Eighteen of 26 cantons had roundtables, which functioned as victim referral mechanisms; roundtables included police, prosecutors, and NGOs. Victim assistance was available in at least 24 out of the 26 cantons, providing a wide-ranging network of care facilities mainly tailored to the needs of women and children; however, trafficking specific services varied from canton to canton. The government provided government-funded trafficking-specific counseling for 184 potential trafficking victims in 2018, compared with 164 in 2017.

The Swiss Victim Assistance Law entitled all adult trafficking victims to access the government-funded women's shelters or assistance centers for victims of abuse and to special safeguards during criminal proceedings; however, the government did not report how many trafficking victims received shelter or special safeguards during the reporting period. At least four government-funded and NGO-operated shelters continued to provide specialized assistance for victims of trafficking, two of which provided services to children. However, according to GRETA and civil society, the government did not have specialized shelters or assistance for child victims of trafficking, nor did it have standardized identification procedures for children. Cantonal authorities maintained jurisdiction on providing protection for victims, and trafficking victims were entitled to free and immediate assistance centers that varied from canton to canton. At least 13 cantons maintained referral agreements with NGO-operated victim assistance facilities that specialized in trafficking. With the noted variances, cantons generally provided victims with a minimum of four weeks of emergency lodging and living allowance, several hours of consultations with a lawyer, mental health counseling and medical treatment, transportation, and translation services. If recovery required more time, the victim assistance law obligated the government to assume the additional cost of longer-term care. Victims had free movement in and out of shelters. While victim assistance was not dependent on cooperation with law enforcement, some NGOs asserted that authorities sometimes used victim penalization to pressure victims into cooperating with law enforcement. In 2019, the government granted 403,290 Swiss Francs ($417,490) to five NGOs for 2020, exceeding its traditional annual allocation of 400,000 Swiss Francs ($414,080); this compared with 373,520 Swiss Francs ($386,670) granted from the 400,000 Swiss Franc ($414,080) allocation in 2019. Federal and cantonal government sources financed the vast majority of a leading NGO's 2.6 million Swiss Francs ($2.69 million) operating costs for its trafficking victim protection program, the same amount as provided in 2018.

In 2019, a leading government-funded NGO assisted 169 trafficking victims, of which 76 were new victims, 152 were women, 12 transgender, and five male. Fifty-four percent were sex trafficking victims, 13 percent were labor trafficking victims, and the remaining 33 percent were unspecified forms of trafficking. In 2019, 23 percent of the new trafficking victims were from Africa, particularly Nigeria, Eritrea, Ethiopia, and Somalia, and 16 percent were from Eastern Europe, particularly Hungary, Romania, and Bulgaria. This compared with 177 trafficking victims, of whom 80 were new victims, in 2018. A variety of sources referred victims to the NGO, including other NGOs, government-operated counseling centers, government offices, foreign consulates, police and judicial authorities, healthcare sector employees, lawyers, and family. Civil society stated services for labor trafficking victims were limited and the government lacked case management resources for victims in the asylum system. According to NGOs, services for child and male victims were inadequate, especially shelter, counseling, and victim referral resources. The government provided male victims temporary shelter in hotels or government-funded NGO-operated shelters for men.

The government also facilitated assistance to foreign victims of trafficking, which included financial support; however, authorities granted few long-term residency permits and instead provided victims with repatriation assistance to help them return home. In 2019, the government provided repatriation assistance to 27 victims, an increase compared with 17 in 2018; the government provided 32,000 Swiss Francs ($33,130) to an NGO for repatriation assistance in 2019. Cantonal immigration authorities were required to grant victims a minimum 30-day reflection period to decide whether to participate in judicial proceedings against their traffickers, but longer stays generally required cooperation with law enforcement. In 2019, the government granted 52 individuals reflection periods, 77 short-term residence permits, and 14 hardship-based residence permits (56 reflection periods, 91 short-term residence permits, and 16 hardship-based residence permits in 2018). In 2019, an NGO reported that the government granted refugee status to three trafficking victims and temporary admission to 13 victims it assisted during the reporting period. Authorities continued to note the growing number of trafficking victims among asylum-seekers during the reporting period. The State Secretariat for Migration (SEM) identified 73 potential victims undergoing the asylum process in 2019 (56 female and 17 male), compared with 111 in 2018 (56 female and 17 male). One leading NGO also assisted 94 cases of asylum-seeking trafficking victims; however, there may have been overlap in victim numbers for SEM and the NGO. The government's border police screened newly arrived asylum-seekers alone to eliminate the potential influence of traffickers operating within migrant camps, and specialists at SEM ensured identification and coordination practices remained consistent across the federal asylum reception centers. However, NGOs and GRETA continued to report asylum accommodations did not provide adequate assistance and counseling services to possible victims. Victim services were only available to victims who experience trafficking within Switzerland; asylum-seekers remained vulnerable as they could be deported back to their first country of EU entrance without first receiving victim protection. GRETA noted cantons often did not transfer victims detected in the asylum system to specialized trafficking victim support centers because of financial constraints but continued to host them in asylum centers. GRETA also noted the lack of adequate accommodation and supervision for children, and lack of a systematic approach; GRETA urged the government to address these issues in its 2019 report. Implementation of the 2019 asylum law aimed to increase the protection of unaccompanied minors

and facilitated earlier identification of victims by providing them with free legal representation. However, civil society criticized the government for not systematically referring victims to services once identified and often shifting responsibility to the legal advisor. The victim's legal advisor could refer victims to NGOs for assistance, but the government would often decline to provide financial support, according to an NGO.

Trafficking victims could request restitution from their trafficker through criminal proceedings, and the government reported awarding restitution to 25 victims in 2018, a slight decrease compared with 31 victims in 2017. GRETA and civil society noted restitution amounts were insufficient, especially compared to other serious crimes such as rape, and traffickers frequently did not pay. Trafficking victims could also pursue damages through a civil case, but the government did not report awarding damages to any victims during the reporting period. Victims could seek compensation from the government if the convicted trafficker was unable to pay the awarded restitution or damages, but the government did not delineate between restitution and compensation, making it unclear how much compensation was provided during the reporting period. GRETA criticized the lack of viable avenues for victim restitution when victims had no verifiable expenses or employment losses because the courts found it difficult to quantify the specific amount of lost income. While the government had a legal norm prohibiting the non-punishment of victims of crimes, the relevant provision of Swiss law did not explicitly address human trafficking or the criminal coercion often experienced in trafficking cases. NGOs asserted that victim penalization was common, with victims frequently charged with violating immigration laws, labor laws, or local prostitution regulations. GRETA urged the government to adopt a provision on the non-punishment of specifically trafficking victims and encouraged additional training of public prosecutors in this regard.

PREVENTION

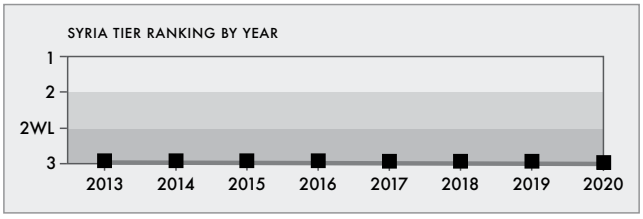
The government made uneven prevention efforts. Under FedPol, FSMM coordinated national efforts, including anti-trafficking policy, information exchange, cooperation, and training, and convened approximately 12 meetings during the reporting period. Following a 2018 restructuring of the FSMM, civil society and GRETA continued to express concerns regarding a decrease in a victim-centered, multidisciplinary, and collaborative approach to trafficking as well as the halting of much of the 2017-2020 National Action Plan's implementation. The government remained without an official independent national anti-trafficking rapporteur. An international organization stated the government made little progress implementing the plan during the reporting period; for example, the working groups on training, victim assistance, children and unaccompanied minors, and sensitization of the public sector remained inactive, some since 2017. In 2019, FSMM hosted its sixth national meeting of the heads of the cantonal anti-trafficking roundtables and focused on improving cantonal interaction and coordination on anti-trafficking measures. Authorities continued to report the prevalence of "lover boy" traffickers, which is a method of trafficking that involves young male traffickers, known as "lover boys," who coerce girls and women into sex trafficking, often through a sham romantic relationship. The national anti-trafficking hotline, operated by a government-funded NGO, reported at least 14 cases in 2019, but authorities estimated there were likely many more unidentified cases. The government increased efforts to raise awareness during the reporting period and FedPol helped carry out several anti-trafficking awareness campaigns. The government produced a video and information leaflet for a campaign targeting victim identification and assistance by healthcare providers, while another campaign for the general public, funded by the government but operated by an international organization, reached approximately 6,000 people. Programs to fund Romanian NGOs providing victim assistance and anti-trafficking assistance to Serbia, Kosovo, Bangladesh, and Nigeria, among others, continued during the reporting period. To minimize the potential for exploitation in the around-the-clock nursing services sector, the government proposed labor contract reforms to the cantons in 2018; in 2019, at least four cantons had enacted new regulations. The government effectively regulated labor recruitment companies during the reporting period; Swiss labor recruitment agencies required a license and were liable if foreign recruitment agencies did not uphold Swiss recruitment regulations. Although fraudulent labor recruitment remained a concern during the reporting period, the government did not report holding any labor recruitment agencies accountable for labor trafficking. Government authorities asserted that labor inspectors continued to lack the mandate to identify trafficking victims and were required to refer potential trafficking cases to police. However, during the reporting period, the government developed a brochure for labor inspectors to assist in the identification of labor trafficking victims. Civil society continued to note concerns regarding the under-prioritization of labor trafficking. The government participated in several programs that aimed to increase awareness of migrant worker's rights and engaged with the private sector and employers to address improved working conditions, regulatory compliance, and fair recruitment. The government did not demonstrate efforts to reduce the demand for commercial sex acts. While the government participated in several international law enforcement efforts to increase government collaboration on child sex tourism, the government did not demonstrate overall efforts to reduce the demand for international sex tourism by Swiss nationals and did not report investigating or holding any suspects from the prior reporting period accountable.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Switzerland. Traffickers can frequently be family members, friends, or romantic partners, as well as agencies offering fraudulent employment, travel, and marriage. Traffickers are both Swiss and foreign nationals; foreign traffickers typically have the same nationality as their victims. Although the vast majority of traffickers are male, female traffickers are not uncommon, especially women from Thailand and Nigeria. Traffickers are increasingly mobile and adaptable, switching industries and locations frequently. Sex traffickers exploit both foreign and domestic women, transgender people, and children. Labor traffickers exploit men, women, and children in domestic service, health care, agriculture, catering, postal courier services, construction, tourism, and in forced criminal activity. Authorities report an increase in young male traffickers, known as "lover boys," coercing vulnerable Swiss girls and women into sex trafficking, often through a sham romantic relationship. The majority of sex trafficking victims identified by the government are from Eastern Europe, West Africa, notably Nigeria, and Asia, particularly Thailand; traffickers continue to fraudulently recruit and later coerce Nigerian women and girls to stay in exploitative situations using a "voodoo oath" they are forced to swear. Foreign trafficking victims originate primarily from Central and Eastern Europe (particularly Romania, Hungary, and Bulgaria), with increasing numbers from Asia and Africa, especially from Thailand, China, and Nigeria, but also from Latin America, including from Brazil and Dominican Republic. Traffickers often force female victims among asylum-seekers from Nigeria, Eritrea, Angola, and Ethiopia into commercial sex and domestic servitude. Male victims among asylum-seekers come primarily from Eritrea and Afghanistan and are exploited in forced labor.

SYRIA: TIER 3

The Government of Syria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Syria remained on Tier 3. The government did not hold any traffickers criminally accountable, including complicit government officials, nor did it identify or protect any trafficking victims. The government's actions directly contributed to the population's vulnerability to trafficking, and it continued to perpetrate human trafficking crimes routinely. During the reporting period, there was a government policy or pattern of recruiting and using child soldiers. The government and pro-Syrian regime-affiliated militias continued to forcibly recruit and use child soldiers, resulting in children facing extreme violence and retaliation by opposition forces; the government also did not protect and prevent children from recruitment and use by armed opposition forces and designated terrorist organizations. The government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers, and punished them for unlawful acts traffickers compelled them to commit.



PRIORITIZED RECOMMENDATIONS:

Criminalize all forms of human trafficking. • Stop the forcible recruitment and use of child soldiers by government forces and pro-government militias. • Proactively identify victims of all forms of trafficking and provide them with appropriate protection services, including long-term care for demobilized child soldiers. • Ensure trafficking victims are not punished for crimes traffickers compelled them to commit, such as child soldiering. • Investigate, prosecute, and convict perpetrators of sex and labor trafficking and the unlawful recruitment and use of child soldiers, including complicit officials.

PROSECUTION

The government made no discernible anti-trafficking law enforcement efforts, and the government and government-affiliated militias remained complicit in the unlawful recruitment and use of child soldiers. The violent conflict continued to amplify the magnitude of human trafficking crimes occurring within Syria. Decree No.3 of 2011 appeared to criminalize some forms of sex trafficking and labor trafficking, but it did not include a clear definition of human trafficking. This decree prescribed a minimum punishment of seven years' imprisonment and a fine between one million and three million Syrian pounds ($2,300 and $6,900), a penalty that was sufficiently stringent but, with respect to sex trafficking, not commensurate with those prescribed for other serious crimes, such as rape. Law No.11/2013 criminalized all forms of recruitment and use of children younger than the age of 18 by the Syrian armed forces and armed groups; however, the government made no efforts to prosecute child soldiering crimes perpetrated by government and pro-regime militias, armed opposition groups, and designated terrorist organizations. The government did not report investigating, prosecuting, or convicting suspected traffickers, nor did it investigate, prosecute, or convict government officials complicit in human trafficking. The government did not provide anti-trafficking training for officials.

PROTECTION

The government did not identify or protect trafficking victims. The government did not protect children from forcible recruitment and use as soldiers and in support roles by government forces and pro-government armed groups, armed opposition groups, and terrorist organizations. The government continued to severely punish victims for unlawful acts traffickers compelled them to commit, such *as* child soldiering and prostitution. The government routinely arrested, detained, raped, tortured, and executed children for alleged association with armed groups and made no effort to offer these children any protection services. During the reporting period, the government also detained thousands of foreign women and children—including unaccompanied children—across northeastern Syria for suspected family ties to foreign Islamic State of Iraq and Syria (ISIS) fighters; some of these individuals may have been unidentified trafficking victims. The government neither encouraged trafficking victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

PREVENTION

The government made no effort to prevent human trafficking; the government's actions continued to amplify the magnitude of human trafficking crimes in the country. The government did not implement measures to prevent children from unlawful recruitment and use as combatants and in support roles by government, pro-regime militias, opposition armed groups, and terrorist organizations. The government did not raise awareness of human trafficking among the general public or officials. The government did not report efforts to reduce the demand for commercial sex acts, nor did it prevent child sex tourism by Syrian nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Syria, and traffickers exploit Syrian victims abroad. The situation in Syria continues to deteriorate amid the ongoing conflict with sub-state armed groups of varying ideologies exerting control over wide geographic swathes of the country's territory. As of December 2019, human rights groups and international organizations estimate between 220,000 and 550,000 people have been killed since the beginning of protests against the Bashar al-Assad regime in March 2011. This vast discrepancy is due in large part to the number of missing and disappeared Syrians, whose fates remained unknown. More than half of Syria's pre-war population of 23 million has been displaced; as of February 2019, more than 5.6 million have fled to neighboring countries and, as of December 2019, approximately 6.62 million are internally displaced. Syrians that remain displaced in the country and those living as refugees in neighboring countries are extremely vulnerable to traffickers. Syrian children are reportedly vulnerable to forced early marriages, including to members of terrorist groups such as ISIS—which can lead to commercial sexual exploitation and forced labor—and children displaced within the country continue to be subjected to forced labor, particularly by organized begging rings.

Despite the territorial defeat of ISIS at the beginning of 2019, it continued to force local Syrian girls and women in ISIS-controlled areas into marriages with its fighters, and it routinely subjected women and girls from minority groups into forced marriages, domestic servitude, systematic rape, and other forms of sexual violence. Incidents of human trafficking increased, and trafficking victims were trapped in Syria, particularly when ISIS consolidated its control of the eastern governorates of Raqqa and Deir al-Zour

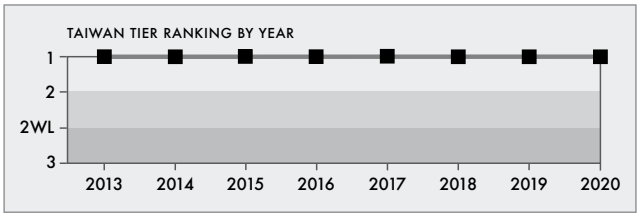
in 2014. In December 2014, ISIS publicly released guidelines on how to capture, forcibly hold, and sexually abuse female slaves. As reported by an international organization in 2015, ISIS militants' system of organized sexual slavery and forced marriage is a central element of the terrorist group's ideology. As of the end of 2019, according to the Iraqi Kurdistan Regional Government, approximately 3,000 Yezidi women and girls remain missing; reports indicate some of these women and girls remained with ISIS in eastern Syria or were held in Al-Hol. In June 2019, international media reported that a group of 21 women and children were rescued from ISIS in Syria and returned to Iraq, as confirmed by the Kurdistan Regional Government.

The recruitment and use of children in combat in Syria remains commonplace, and since the beginning of 2018 international observers reported a continuation in incidents of recruitment and use by armed groups. Syrian government forces, pro-regime militias, and armed non-state actors, including the Free Syrian Army (FSA) and FSA-affiliated groups, Kurdish forces, ISIS, Hayat Tahrir al-Sham, al-Qa'ida, and Jabhat al-Nusra—the al-Qa'ida affiliate in Syria—recruit and use boys and girls as child soldiers. Jabhat al-Nusra and ISIS also have used children as human shields, suicide bombers, snipers, and executioners. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment. Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces (NDF), or "shabiha," forcibly recruit children as young as six years old. ISIS actively deploys children—some as young as eight years old—in hostilities, including coercing children to behead Syrian government soldiers; the terrorist group has deliberately targeted children for indoctrination and used schools for military purposes, endangering children and preventing their access to education. Before the liberation of Raqqa in October 2017, ISIS operated at least three child training camps in the city, where it forced children to attend indoctrination seminars and promised children salaries, mobile phones, weapons, a martyr's place in paradise, and the "gift" of a wife upon joining the terrorist group. The Kurdish People's Protection Units (YPG and YPJ) in northwest Syria continued to recruit, train, and use boys and girls as young as 12 years old; since 2017, international observers reported that YPG and YPJ recruit—at times by force—children from displacement camps in northeast Syria. In June 2019, the Syrian Democratic Forces (SDF) and by association—the YPG and YPJ—took steps to end the recruitment and use of children and demobilize children within SDF ranks after adopting a UNSCR-mandated action plan. Several credible sources continue to widely report that Iran's Islamic Revolutionary Guard Corps (IRGC) and the Iranian Basij Resistance Force (Basij) actively recruit and use—through force or coercive means—Afghan children and adults, Afghan migrant and refugee men and children living in Iran, and Iranian children, to fight in IRGC-led and -funded Shia militias deployed to Syria.

The Syrian refugee population is highly vulnerable to sex trafficking and forced labor in neighboring countries, particularly Jordan, Lebanon, Iraq, and Turkey. International organizations report a high number of child and early marriages of Syrian girls among refugee populations, which increases their vulnerability to trafficking. Syrian refugee women and girls are also vulnerable to forced or "temporary marriages"—for the purpose of commercial sex and other forms of exploitation—and sex trafficking in refugee camps, Jordan, and cities in the Iraqi Kurdistan Region (IKR), including Sulaimaniya. Illicit prostitution rings in Turkey and Lebanon compel Syrian refugee women and girls into sex trafficking. In Turkey, some female Syrian refugees are reportedly exploited in sex or labor trafficking after accepting fraudulent job offers to work in hair salons, modeling, entertainment, or domestic work. In Turkey, Lebanon, and Jordan, Syrian refugee children continue to engage in street begging or peddling goods, some of which may be forced or coerced. Syrian children are also observed working in Turkey's agricultural sector and informally in textile workshops and the service sector, where they experience long working hours, low wages, and poor working conditions; children in these sectors may be vulnerable to forced labor. In Jordan and Lebanon, traffickers force Syrian refugee children to work in agriculture alongside their families; in Lebanon's Bekaa Valley, Syrian gangs force refugee men, women, and children to work in agriculture under harsh conditions, including physical abuse, with little to no pay. LGBTI persons among the Syrian refugee population in Lebanon are reportedly vulnerable to sex trafficking.

TAIWAN: TIER 1

Taiwan authorities fully meet the minimum standards for the elimination of trafficking. Authorities continued to demonstrate serious and sustained efforts during the reporting period; therefore Taiwan remained on Tier 1. These efforts included improved interagency coordination to combat trafficking; new policy initiatives intended to streamline investigations; continued oversight of vulnerable labor recruitment channels; and increased inspections and investigatory referrals of potential forced labor cases on fishing vessels. Although Taiwan met the minimum standards, significant challenges remained unaddressed. Official stakeholders operated under disparate and often ineffective victim identification procedures, complicating some victims' access to justice and protective care. Insufficient staffing and inspection protocols continued to impede efforts to combat forced labor on Taiwan-flagged and -owned fishing vessels in the highly vulnerable Distant Water Fleet (DWF). Thousands of migrant domestic caregivers remained at higher risk of exploitation in the absence of specific legislation ensuring their labor rights.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute and convict traffickers under the anti-trafficking law. • Sentence convicted traffickers to adequate penalties, which should include significant prison terms. • Increase inspections and, where appropriate, prosecute the senior crew and owners of Taiwan-owned and -flagged fishing vessels suspected of forced labor in the DWF, including vessels stopping in special foreign docking zones. • Enact and implement policies to expedite maritime forced labor investigations and reduce suspect flight. • Conduct comprehensive, victim-centered interviews to screen foreign fishing crewmembers for forced labor indicators during portside and at-sea vessel inspections. • Train maritime inspection authorities on victim identification, referral, and law enforcement notification procedures. • Formally include civil society input into the labor broker evaluation process. • Amend relevant policies and legislative loopholes to eliminate the imposition of all recruitment and service fees and deposits on workers, and by coordinating with sending countries to facilitate direct hiring.• Strengthen oversight of all foreign worker recruitment and placement agencies and processes to screen for abuse indicators, including illegal fee requirements and contract discrepancies. • Strengthen efforts to screen for trafficking among vulnerable

populations, including foreign students recruited to for-profit universities; individuals returned to Taiwan in connection with alleged overseas criminal activity; and foreign workers falling out of visa status within Taiwan after fleeing abusive working conditions and/or surrendering to immigration authorities under the voluntary departure program, and refer them to protective services. • Allocate increased resources for and streamline the maritime inspection process by requiring DWF vessels to use standard international maritime call signs, and by registering all Taiwan-owned and -flagged fishing vessel names, licenses, authorized operation areas, and foreign-hired crew manifests in a single, standardized database system. • Clearly define roles and responsibilities for, and increase coordination between, the agencies that oversee Taiwan-owned and -flagged fishing vessels. • Enact legislation that would address gaps in basic labor protections for household caregivers and domestic workers. • Enact a full ban on the retention of migrant workers' identity and travel documentation. • Extend trafficking victim identification authority to key stakeholder agencies. • Increase resources for and implement anti-trafficking training for police, prosecutors, and judges. • Strengthen efforts to publicize the foreign worker trafficking hotline number among migrant crewmembers of Taiwan-owned and -flagged fishing vessels.

PROSECUTION

Authorities maintained law enforcement efforts. The Human Trafficking Prevention and Control Act (HTPCA) criminalized all forms of trafficking and prescribed penalties of up to seven years' imprisonment and fines up to five million New Taiwan Dollars (NT) ($166,990); these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Observers noted ambiguities in HTPCA provisions complicated implementation in cases where victims received some financial compensation. Other HTPCA provisions protected laborers from having to remit "unreasonable payments of debt" to brokers or supervisors; observers expressed concern that these provisions were too vague to effectively prevent debt-based coercion. HTPCA amendments enacted in 2018 increased penalties to a maximum of one year in prison and a possible fine of 300,000 NT ($10,020) for individuals who, "through recruitment, seduction, shelter, arrangement, assistance, exploitation, or other means, cause a child to act as a host or hostess in a bar or club or engage in acts associated with tour escort and singing or dancing companion services that involve sexual activities." The amendment prescribed a maximum penalty of five years' imprisonment and a possible fine of 1.5 million NT ($50,100) for such crimes committed by means of "violence, coercion, drugs, fraud, hypnosis, or other means violating the free will of the child or youth concerned." To address some of the aforementioned shortcomings, an interagency working group continued to seek civil society input into additional draft amendments to the HTPCA, which remained in process at the end of the reporting period. Authorities continued to prosecute the majority of trafficking cases under other laws in the criminal code and the Child and Youth Sexual Exploitation Prevention Act (CYSEPA); some penalties prescribed for child sex trafficking offenses under these laws were not sufficiently stringent or commensurate with other grave crimes, such as rape, although other laws retained appropriate penalties.

Authorities conducted 143 trafficking investigations (32 labor trafficking and 111 sex trafficking) in 2019, compared with 166 total investigations in 2018 and 125 in 2017. Authorities newly prosecuted 122 individuals in 2019 (compared with 113 total in 2018, 248 in 2017, and 128 in 2016). This figure included 48 individuals tried under the CYSEPA, 23 under the HTPCA, and 51 under other laws and sections of the criminal code. The 23 individuals tried under HTPCA included nine charged with sex trafficking and 14 charged with labor trafficking. Authorities obtained a total of 50 convictions, including seven convictions for forced labor and 43 for sex trafficking (50 total in 2018 and 62 in 2017). In one illustrative case in December , a Kaohsiung court concluded prosecutions initiated in 2017 against 19 individuals for allegedly subjecting over 80 foreign fishermen to forced labor; seven of the defendants were convicted and sentenced to prison terms ranging from 10 to 18 months. In prior years, authorities ascribed the tendency to impose lenient penalties to Taiwan's judicial evaluation and promotion system, which reportedly penalized judges if courts granted convicted individuals' appeals to overturn or shorten their sentences. However, for the second consecutive year, sentences imposed on the majority of convicted traffickers (at least 27) were greater than one year imprisonment. Authorities continued to train law enforcement officers, prosecutors, and judges through a wide range of workshops, seminars, and conferences. Nonetheless, authorities and NGOs noted court personnel perceiving cases as labor disputes rather than trafficking crimes hindered effective prosecution of labor trafficking cases. Labor rights groups alleged some low-level corruption among local officials impeded action against forced labor in the fishing industry. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. Despite international law enforcement challenges presented by Taiwan's unique diplomatic status, authorities successfully conducted joint anti-trafficking investigations with Vietnam and Belgium.

Authorities reported 2,813 inspections of recruitment brokers in 2019 (compared with 2,827 in 2018; 2,701 in 2017; 2,429 in 2016; and 1,822 in 2015). However, unlike last year, they did not report any criminal investigations, prosecutions, convictions, or incarcerations of brokers engaged in illegal acts contributing to trafficking vulnerabilities. The Fisheries Agency (FA) reported conducting random inspections on 198 fishing vessels at domestic ports, foreign ports, and for the second consecutive year, on the high seas (139 in 2018; unreported in 2017). Inspectors uncovered 88 violations relating to contract issues, excessive overtime, and wage discrepancies (120 in 2018); authorities referred six of these vessels to prosecutors for investigation into possible violations of the Human Trafficking Prevention Act (three in 2018). Despite some improvements, civil society groups continued to decry systemic shortcomings in Taiwan's maritime anti-trafficking law enforcement, exacerbated by DWF ships' ability to operate without using standard international registration systems and by the absence of a single electronic database containing vessel names, licenses, crew manifests, and authorized areas of operation. Division of responsibility for foreign fishermen between the Ministry of Labor (MOL) and the FA continued to hinder prosecution of maritime forced labor. According to judicial officials, bureaucratic lags generated by complicated reporting hierarchies also impeded timely law enforcement response in maritime cases, allowing some alleged perpetrators to flee long before the competent authorities could begin formal investigations. In an effort to mitigate these delays, Taiwan's interagency anti-trafficking task force worked with the FA to produce a draft policy granting police the authority to initiate maritime forced labor investigations immediately upon receipt of complaints, rather than following lengthier bureaucratic approval processes. The policy remained in draft at the end of the reporting period.

PROTECTION

Authorities maintained protection efforts. By law, only police and prosecutors could formally identify victims, while MOL, the FA, the National Immigration Agency (NIA), and other relevant stakeholders were required to follow complex notification procedures to report possible victim status. NGOs and prosecutors

believed some victims went undetected under this arrangement; as such, they continued to advocate for authorities to allow social workers, labor inspectors, immigration officials, and other stakeholders to independently identify victims as well. NGOs also continued to report cases in which judges disagreed with law enforcement officers' or prosecutors' prior identification of victims and therefore dismissed relevant trafficking charges. Law enforcement authorities used standardized questions and evaluation forms when interviewing and referring potential trafficking victims, including among foreigners accused of having committed immigration violations. During the reporting period, they identified 300 trafficking victims (198 exploited in sex trafficking and 102 in forced labor), of which they referred 202 to shelters for assistance, compared with 302 identified and 216 referred to shelters in 2018. Of the 300 victims identified, 169 were foreign and 98 were children.

NGOs and official stakeholders continued to stress the need for Taiwan to pass a long-stalled domestic worker protection bill that would mandate hours of rest, days off, and annual leave. Amendments to the Employment Services Act that entered into force during the previous reporting period required employment agencies to report abuses their clients committed against migrant workers—especially foreign household caregivers—or face severe fines. The amendments also banned employers from retaining passports, work permits, or any identity documents of migrant domestic workers and fishermen without their consent. Civil society groups argued these amendments were insufficient to deter forced labor, as employers were reportedly able to threaten migrant workers into "voluntarily" turning over their identity documentation. Lawmakers reported easing respite care regulations in 2018 to encourage employers to grant workers annual leave, ostensibly mitigating a key freedom of movement concern for migrant workers employed as household caregivers. However, NGOs claimed these legislative reforms did little to enhance migrant domestic worker protections in implementation; instead, they called for an amendment to bring migrant domestic workers under the broader protections and jurisdictions outlined in Taiwan's Labor Standards Act.

NIA operated two shelters dedicated to foreign trafficking victims who had not acquired work visas. Citing security concerns, authorities limited shelter access for victims from the People's Republic of China to NIA shelters, while other nationals could access a wider array of NGO shelter services. MOL significantly increased its budget for overall victim protection to 18 million NT ($601,160) in 2019 under Taiwan's Employment Security Fund (10.75 million NT ($359,030) in 2018 and 10.34 million NT ($345,330) in 2017), of which it used 6.84 million NT ($228,440); NIA also spent 13.52 million NT ($451,540) for operation of the two shelters. NIA shelters provided both male and female trafficking victims with medical and psychological services, legal counseling, vocational training, small stipends, language interpretation, and repatriation assistance; authorities reported offering these services to a total of 2,697 foreign individuals, among whom 1,081 received interpretation assistance and 14 received legal aid (unreported in 2018). MOL subsidized an additional 22 "resettlement facilities" and operated a 24-hour hotline that trafficking victims could access; it received two calls related to possible sex trafficking and three related to suspected cases of forced labor (60 total in 2018). Unlike in prior years, MOL reported successfully identifying one forced labor victim through the hotline and referring the individual to protection services. Observers noted that migrant crewmembers aboard vessels in the DWF may have had difficulties accessing hotlines due to limited awareness of their existence and restrictions on their communication imposed by senior vessel crew. NIA also ran a 24-hour Chinese-English hotline, through which it received and investigated nine reports of possible sex trafficking and 11 reports of suspected forced labor; this led to the positive identification and referral of one victim (none in 2018). The National Police Agency also maintained a hotline, through which it reportedly identified and referred five victims of trafficking. Civil society contacts continued to call for expansion of formal victim designation authority in order to enhance identification through these and other channels.

Authorities encouraged victims to participate in their traffickers' criminal investigations by allowing them to testify outside of the courtroom or through video equipment. During the reporting period, the Judicial Yuan collected feedback from civil society organizations on enhancing victim participation in litigation procedures. This consultative process culminated in amendments to the code of criminal procedure requiring judges to protect the identities of victims and their families, including by separating victims from the accused during trial proceedings. The amendments also newly established that victims, or their representatives, can question defendants, and that they can formally express their opinions on all evidence presented and sentences imposed as part of the litigation process. Authorities conferred 56 temporary residence permits and 57 temporary work permits to foreign victims—a decrease from 90 and 88, respectively in 2018, and 126 and 159, respectively in 2017—but they extended 107 temporary residence permits conferred in a previous reporting period (unreported in 2018). MOL authorities provided repatriation assistance to 21 Taiwan victims overseas under the auspices of work visas, and NIA reported providing repatriation assistance to 38 Taiwan victims without work visas (66 total in 2018; 39 total in 2017). Authorities permitted victims to obtain compensation through out-of-court settlements or file civil suits against traffickers but required them to provide all relevant evidence themselves. The Legal Aid Foundation, which the Judicial Yuan funded, continued to seek compensation for hundreds of Indonesian caregivers subjected to wage withholding by an unscrupulous broker prior to the enactment of the HTPCA in 2008. At year's end, 254 valid applicants had settled with the accused and received an unspecified amount of compensation. District courts accepted five additional civil suits related to trafficking, four of which they concluded in favor of the plaintiffs with compensation orders totaling over 18.7 million NT ($624,540).

Taiwan's Labor Standards Act did not protect fishing workers hired overseas, who instead fell under the jurisdiction of the FA. The FA maintained regulations that standardized fishing workers' employment contracts, set a minimum wage with direct payment options, provided medical and life insurance, unified working hours and rest time, and established access to new complaint mechanisms. However, NGOs remained concerned that the minimum compensation established in these regulations remained below Taiwan's broader minimum wage and that senior vessel crew continued to delay or withhold salary remittance in violation of contractual pay schedules, leaving some foreign fishing workers vulnerable to debt-based coercion. Civil society contacts described the FA's purview over Taiwan fishermen's associations—which played a role in the approval of labor recruitment systems—as a possible conflict of interest. Some anti-trafficking activists alleged harassment by fishermen's associations purported to have close ties with local FA authorities. Observers reported insufficient FA oversight mechanisms in the DWF were permissive of forced labor and other abuses. In an effort to enhance this oversight, authorities passed a resolution outlining legislative "harmonization" with the contents of the International Labor Organization's Work in Fishing Convention (C188); the new language required standardized working conditions and benefits and raised the minimum wage for DWF and near-water migrant fishermen. However, implementation measures remained under consideration at the end of the reporting period. Proposed amendments to the HTPCA improving the victim identification process and expanding victim benefits, including by increasing visa validity to trigger eligibility for national health

insurance, remained in draft at the end of the reporting period for a second year.

Taiwan law provided victims with immunity for unlawful acts their traffickers compelled them to commit. Although there were no new allegations of victim penalization in 2019, civil society contacts reported limited or inconsistent understanding of trafficking among front-line law enforcement officers and judges, compounded by high turnover impacting institutional memory, continued to leave victims vulnerable to temporary detention, fines, and jail time. In 2018, authorities detained and initiated criminal investigations into 32 Taiwan individuals formally identified by the Slovenian government as victims of forced criminality in telephone scam operations. Taiwan authorities rejected their prior victim designation, after district attorneys conducted two interviews during which they reported carrying out standard victim identification procedures. In 2019, authorities began prosecuting the leaders of the scam under the HTPCA. Judicial officials reported initiating prosecutions against all 32 of these workers on the grounds that they had allegedly entered into the scam of their own volition and were subsequently forced to continue the work; however, citing their "simultaneous victim status," authorities prosecuted them under charges carrying lesser penalties. The cases were in process at the end of the reporting period.

PREVENTION

Authorities increased some efforts to prevent trafficking. A cabinet-level minister-without-portfolio continued to implement the national plan of action and oversee an interagency working group that met semiannually. The working group maintained two subgroups—one to focus on domestic workers and the other on migrant fishermen—that convened meetings more frequently and included participation from NGOs and academics. Various agencies continued to fund advertisements, public service announcements, and other materials on trafficking and held trainings for vulnerable populations, including youth, foreign workers, and fishing sector workers. The FA distributed multilingual cards containing information on worker rights and hotline numbers to foreign crewmembers during random inspections of ships docking at certain foreign ports. Authorities continued to operate international airport service counters and foreign-worker service stations around Taiwan to assist foreign workers and educate them on their rights. The FA conducted 199 random inspections of fishing vessels—82 in domestic ports, 74 at foreign ports, and 43 on the high seas—employing a total of approximately 3,500 foreign crewmembers (139 vessels involving 798 crewmembers in 2018; unreported in 2017).

Regulations promulgated in 2017 ostensibly aimed at better protecting foreign fishermen contained provisions allowing brokers to charge unlimited fees for recruitment and unspecified "reasonable service items," which likely perpetuated debt-based coercion. During the reporting period, MOL commissioned a local university to conduct a study on the efficacy of these regulations in protecting foreign workers hired overseas into Taiwan's fishing industry; the study issued several recommendations to improve hiring procedures and oversight into labor conditions. The FA also amended the regulations in October 2019 to strengthen language requiring brokers and/or vessel owners to explain crewmembers' rights prior to signature of contracts.

In an effort to reduce dependence on recruitment brokers, MOL held informational sessions to educate members of various industries on direct hiring options. An online direct hiring service center allowed employers to hire foreign workers without utilizing brokers who may charge illegally excessive fees; however, a relatively small number of employers listed vacancies through the service, and NGOs reported it was seldom in use. Authorities also began piloting a small direct-hire program to bring foreign workers into Taiwan's agricultural sector, but civil society contacts claimed the program had benefited only a handful of Indonesian migrant workers and was not designed to adequately screen for sending countries' compliance with recruitment fee elimination or other vulnerabilities. Most employers continued to deem it easier and more expedient to use brokers, and labor rights groups continued to call on the authorities to eliminate legal loopholes that enable excessive fees. Taiwan maintained a broker evaluation system initiated in 2015 that could revoke the business licenses of low-scoring brokerage firms and impose fines for certain violations, including imposition of illegal fees. However, civil society observers were concerned it could not be sufficiently objective or accurate in detecting abuses, including forced labor, because the authorities provided brokers with advance notification prior to inspections. Human rights NGOs claimed the system would be more effective with unannounced inspections and if the authorities granted NGOs a role in the formal approval and licensure review process. The FA reported inspecting 43 recruitment agencies, of which it fined two (four in 2018; six in 2017) and suspended two businesses for various violations (seven in 2018; five in 2017). Taiwan's laws criminalized sexual exploitation of children by Taiwan passport holders traveling abroad, but authorities have not investigated or prosecuted any child sex tourism offenses committed abroad since 2006. Authorities have signed memorandums of understanding on trafficking prevention with 20 countries, but contacts report Taiwan's unique diplomatic status limited opportunities for bilateral or multilateral cooperation. Among these agreements, some did not outline adequate screening for forced labor aboard Taiwan-owned or -flagged vessels docking at certain designated foreign vessel harbor areas. Authorities made efforts to reduce the demand for commercial sex acts, including through Tourism Bureau awareness campaigns and industry training sessions. To reduce vulnerability to immigration-based coercion, NIA continued implementing a "voluntary departure program" initiated in 2018 offering reduced penalties to foreign individuals overstaying their visas, including a small fine without detention and a shorter re-entry ban, if they willingly turned themselves in. More than 26,000 foreign nationals benefited from this program during the first half of 2019—a significant increase from 2,300 in early 2019; authorities reported carrying out standard trafficking victim identification procedures among these individuals, but they did not report identifying or referring any victims to protection services as part of the process. NIA published print and television advertisements explaining the process in several key demographic languages and established a hotline for self-reporting.

TRAFFICKING PROFILE

As reported in the last five years, human traffickers subject foreign men and women to forced labor and sex trafficking in Taiwan, and traffickers subject local men and women to forced labor and local women and children to sex trafficking. Taiwan women and children are subjected to domestic sex trafficking, including as part of an increasing trend in which traffickers induce and exploit Taiwan and foreign women's and children's drug addictions. Taiwan traffickers increasingly use the internet, smartphone apps, livestreaming, and other such online technologies to conduct recruitment activities, often targeting child victims, and to mask their identities from law enforcement. Taiwan traffickers also exploit persons with disabilities in sex trafficking.

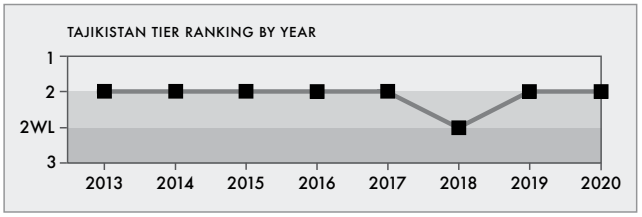
Traffickers lure women from China and Southeast Asian countries to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking. Many trafficking victims are migrant workers from Indonesia, the Philippines, Thailand, Vietnam, and, to a lesser extent, individuals from China, Cambodia, and Sri Lanka. Taiwan is host to more than 700,000

foreign workers, most of whom are hired in their home countries through recruitment agencies and brokers—including some from Taiwan—to perform low-skilled work as home caregivers and domestic workers, or in farming, manufacturing, meat processing, construction, and fishing. In order to pay brokers' often exorbitantly high recruitment fees and deposits, some foreign workers incur substantial debts, which the brokers or employers use as tools of coercion to obtain or retain their labor. After recruitment fee and guarantee deposit repayments are garnished from their wages, many foreign workers in Taiwan earn significantly less than the minimum wage. Foreign workers who leave their contracted positions—nearly 50,000 at any given time—are at particularly high risk of trafficking because they lose their immigration status and access to formal sector employment; some of them initially flee due to abusive work conditions, including forced labor. Domestic workers and home caregivers are also especially vulnerable to exploitation, since they often live in their employers' residences, making it difficult to monitor their working and living conditions. One NGO survey found that 90 percent of all migrant domestic caregivers have their travel and identity documents withheld by their employers as a coercive measure. Brokers in Taiwan sometimes assist employers in forcibly deporting "problematic" foreign employees should they complain, enabling brokers to fill the empty positions with new foreign workers facing continued debt-based coercion. Some traffickers use Indonesian-owned stores in Taiwan as illegal remittance channels, confining Indonesian workers and subjecting them to sex trafficking. Traffickers reportedly take advantage of Taiwan's "New Southbound Policy" visa-simplification program to lure Southeast Asian students and tourists to Taiwan and subject them to forced labor and sex trafficking. According to NGOs, more than 200 for-profit universities in Taiwan have begun aggressively recruiting foreign students—particularly Indonesians—and subsequently placing them into exploitative labor conditions under the pretense of educational opportunities. These students are often unaware of the work component prior to arrival and reportedly experience contract switching, prohibitive working hours, and poor living conditions contrary to their original agreements.

Documented and undocumented Chinese, Indonesian, Filipino, and Vietnamese fishermen working on Taiwan-owned and -flagged fishing vessels experience non- or under-payment of wages, long working hours, physical abuse, lack of food or medical care, denial of sleep and substandard safety equipment, and poor living conditions while indebted to complex, multinational brokerage networks. Migrant fishermen have reported senior crewmembers employ such coercive tactics as threats of physical violence, beatings, withholding of food and water, retention of identity documents, wage deductions, and non-contractual compulsory sharing of vessel operational costs to retain their labor. These abuses are particularly prevalent in Taiwan's DWF, comprising approximately 1,400 Taiwan-owned and -flagged fishing vessels operating thousands of miles from Taiwan and without adequate oversight. Senior crew force migrant workers to fish illegal stock, including threatened, endangered, and protected species, placing them at higher risk of criminal repercussions. Many ships remain at sea for years at a time, selectively disabling their transponders and stopping at "refrigeration mother ships" or remote, uninhabited islands to resupply, transfer victims to other ships, and offload illegally caught fish while avoiding detection by law enforcement. According to FA estimates, approximately 8,000 Filipinos and more than 20,000 Indonesians work onboard DWF vessels. Men and women from Taiwan engaged in telephone scams overseas reportedly present indicators of trafficking.

TAJIKISTAN: TIER 2

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tajikistan remained on Tier 2. These efforts included prosecuting significantly more traffickers, assisting more victims in the state-run trafficking shelter, adopting a law to provide residency to 20,000 vulnerable stateless persons, and continuing prevention activities against the use of child labor in the cotton harvest. However, the government did not meet the minimum standards in several key areas. Endemic corruption contributed to the transport of victims across borders, yet the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Courts issued weak sentences for some traffickers, the government did not provide victims with any form of witness protection, and gaps remained in the implementation of the victim protection law.



PRIORITIZED RECOMMENDATIONS:

Adopt and implement standard operating procedures for identifying trafficking victims and referring them to care. • Train law enforcement to screen for signs of trafficking among vulnerable groups, including adults in commercial sex and foreign migrant workers. • Ensure victims are not penalized for crimes committed as a direct result of being subjected to trafficking. • While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking. • Sentence traffickers to significant prison terms and ensure convicted traffickers serve those sentences in practice. • Continue to contribute funding and in-kind support to provide comprehensive care to victims. • Continue to monitor the prohibition of forced child labor in the cotton harvest and hold those in violation accountable. • Encourage victims' assistance in the investigation and prosecution of traffickers either directly or via partnerships with NGOs. • Ensure the screening of children returned from Iraq and Syria for child soldiering indicators and provide identified victims with rehabilitation and reintegration support. • Improve the collection of anti-trafficking law enforcement data. • Continue to provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement or facilitation of trafficking crimes. • Monitor private employment agencies for recruitment fees charged to workers and take steps to eliminate employee-paid fees.

PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. Article 130.1 and Article 167 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 167 defined child trafficking broadly to include illegal adoption without the purpose of exploitation. The government investigated 18

cases involving 23 suspected traffickers in 2019, compared to 21 cases involving 38 suspected traffickers investigated in 2018. The government continued to pursue a 2017 investigation of four private employment agencies that facilitated the trafficking of Tajikistani victims in Saudi Arabia. An investigation of a suspected Tajikistani trafficker allegedly residing in Germany also remained ongoing. The government prosecuted 20 criminal cases in 2019 involving 35 defendants, compared with nine cases involving 18 suspects in 2018. The courts convicted four traffickers; two received sentences of eight years' imprisonment and two were sentenced to five years' imprisonment, though courts later reduced those sentences to two years' probation for each individual. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Endemic corruption facilitated transport of victims across borders and through inspection points. Women in commercial sex, some of whom may have been unidentified trafficking victims, reported instances of sexual violence by law enforcement officials. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for new staff as part of its training academy curriculum. In partnership with NGOs, the government trained border guards, investigators, prosecutors, and judges on the 2014 victim protection law, victim-centered approaches, investigative techniques, and the national referral mechanism.

PROTECTION

The government increased protection efforts. The government identified 53 trafficking victims in 2019, the same number as reported in 2018. The government did not provide additional information, such as the victims' nationality, gender, or type or location of exploitation. An international organization reported assisting 24 victims of transnational trafficking, 19 of whom were referred by Tajikistani law enforcement (an increase from 11 in 2018), four by NGOs, and one by a foreign embassy; 21 were Tajikistani citizens and three were Vietnamese. Of the 24 victims assisted, 13 were adult males, 11 were victims of forced labor, and 13 were victims of sex trafficking. The government continued to implement the 2014 victim protection law, which set forth the provision of victim services; formalized the roles of agencies tasked with providing services; established government standards for service delivery among providers, including governmental agencies and NGOs; and mandated a national referral mechanism. However, gaps remained in the implementation of the victim protection law; some victims not referred to the government or an international organization lacked adequate access to attorneys during the investigation process and criminal proceedings. Tajikistani law enforcement agencies have not developed procedures to provide a legal status to victims, and some victims had to pay for legal and medical services that otherwise should have been provided by the government.

Most notably, authorities remained without a formal system for identifying trafficking victims and referring them to services. The government did not provide an update on whether the draft guidelines for victim identification, developed by a legislative reform working group and submitted to the government for approval in 2018, were adopted. Due to a lack of formal identification procedures, authorities may have penalized some unidentified victims for unlawful acts traffickers forced them to commit. Law enforcement officials routinely deported foreign migrant workers and did not attempt to identify trafficking victims proactively among men and women in commercial sex or forced labor. Officials also sometimes temporarily detained sex trafficking victims with their traffickers but later released and referred victims for assistance.

The government continued to operate the country's sole trafficking shelter. The government contracted an NGO to provide victim services and provided 242,000 somoni ($25,080) for the shelter's operating costs, medical assistance for victims, legal consultations, and partial funding of staff salaries, an increase compared with 190,000 somoni ($19,690) in 2018. The shelter assisted 20 victims in 2019, compared with six in 2018. Article 30 of the trafficking law mandated the creation of governmental and private institutions to directly aid victims with food and shelter, as well as social, legal, and reintegration assistance; however, outside of the funding for the shelter, an international organization funded most victim protection services.

Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses or their advocates. The law provided foreign victims the right to request temporary residency, which could be extended for one year following the completion of a criminal case based on the victims' cooperation with law enforcement agencies, although no such cases were reported in 2019. There was no formal policy encouraging victims' voluntary participation in legal proceedings; the 2014 victim protection law did not link other benefits to a victim's participation in a trial and provided services regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

PREVENTION

The government maintained efforts to prevent human trafficking. The 2014 law established a framework for the government to address human trafficking and a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. In December 2019, the anti-trafficking commission, in partnership with an international organization, held a national stakeholder dialogue in Dushanbe. In March 2019, the president signed the National Action Plan (NAP) for Counteracting Trafficking in Persons for 2019-2021. Civil society organizations, in coordination with trafficking victims, contributed to the NAP, and the government tasked state ministries to provide implementation updates every six months. The government operated a 24-hour hotline for potential victims; the government reported identifying 19 cases from calls in 2019 and referring the victims to an international organization, compared with 11 in 2018. In 2019, the Committee on Women and Family Affairs and the Committee for Youth Affairs and Sports continued to conduct awareness campaigns, including disseminating booklets and holding discussions on combating and preventing trafficking, especially among youth. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students.

The Ministry of Education continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. The government assigned an unspecified number of inspectors to conduct monitoring for child labor in the cotton harvest, continuing a practice begun in 2010, originally in cooperation with NGOs. NGOs continued to independently monitor the fields on an informal basis for forced labor concerns. The Ministry of Labor invited the ILO to conduct independent inspections during the 2019 cotton harvest season, but due to the lack of funding, ILO did not conduct these inspections.

Tajikistani law required entities engaged in recruitment of workers for employment abroad to obtain licenses from migration authorities and provided punitive measures for violations; however, Tajikistan is not a member of the ILO Convention on Private

Employment Agencies and did not monitor for illegal recruitment fees. The government reported four ongoing investigations against labor recruitment firms suspected of trafficking. The Ministry of Labor operated four pre-departure counseling centers in different regions of the country that provided migrants with information on the risk of trafficking prior to travel abroad. The government followed a road map for reintegrating returning migrants banned from re-entering Russia and sought to assist migrant workers diversify geographical options for work abroad. The stateless population in Tajikistan, mostly consisting of former Soviet citizens, was at risk for trafficking. In December 2019, parliament adopted a draft law providing amnesty to 20,000 stateless persons and enabling them to obtain a five-year residence permit and benefit from the same rights as Tajikistani citizens. The government did not report anti-trafficking training for its diplomatic personnel. The government made no efforts to reduce the demand for commercial sex.

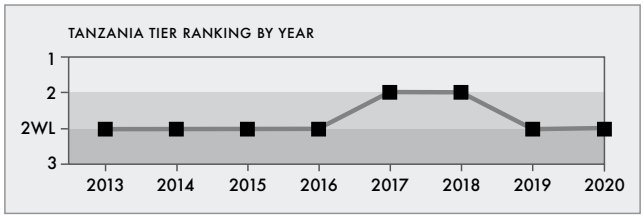
TRAFFICKING PROFILE

As reported over the past five years, traffickers exploit victims from Tajikistan abroad, and to a lesser extent, traffickers exploit domestic and foreign victims in Tajikistan. Extensive economic migration exposes Tajikistani men, women, and children to the risk of human trafficking. Labor traffickers exploit Tajikistani men and women in agriculture and construction in Russia, United Arab Emirates (UAE), Kazakhstan, Saudi Arabia, and to a lesser extent, in other neighboring Central Asian countries, Turkey, and Afghanistan. Labor traffickers exploit men in agriculture, construction, and at markets in Tajikistan; there are limited reports of domestic sex trafficking of men. Sex traffickers exploit women and children from Tajikistan primarily in Turkey, UAE, Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan.

Traffickers increasingly target women and minors. In some cases, migrant workers abandon their families, increasing the trafficking risk for women as sole providers for their families. The Russian re-entry ban has changed the nature of labor migration in Tajikistan. As of February 2019, 240,000 Tajikistani migrants remained banned, and although government data indicate a decline in the departure of prospective male labor migrants, Tajikistani women are departing in search of work at an increased rate. From 2015 to 2016, there was a 27 percent increase observed among women. Other migrants prefer to stay in irregular status in Russia and face greater risks of exploitation and deportation rather than risk being banned after visiting family in Tajikistan. International organizations estimate the number of Tajikistani citizens living and working in Russia is approaching one million. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Children of Tajikistani ISIS combatants in Iraq and Syria were at risk for child soldiering. Traffickers transport Tajikistani women and girls to Afghanistan for the purpose of forced marriage, which can lead to sex trafficking and forced labor in domestic service and forms of debt-based coercion. Traffickers exploited Tajikistani children in sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajikistani children and adults may be subjected to forced labor in agriculture, mainly during Tajikistan's fall cotton harvest—and in dried fruit production. The government may have subjected some citizens to participate in manual labor, such as cleaning roads and park maintenance. Some Afghan and Bangladeshi citizens are victims of forced labor in Tajikistan, including in the construction industry. In some cases, sex traffickers exploit LGBTI persons.

TANZANIA: TIER 2 WATCH LIST

The Government of Tanzania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by identifying and referring to care significantly more victims and increasing public awareness campaigns. The government also increased investigations and convictions compared to the previous year. In partnership with international organizations, the government facilitated several trainings for officials and created a National Guideline for Safe Houses. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not amend its law to remove sentencing provisions that allow fines in lieu of imprisonment. The government initiated fewer prosecutions than the past three years. The government failed to allocate resources to implement the 2018-2021 national action plan through the Anti-Trafficking Secretariat (ATS) and other government entities. The government did not fully implement the creation of the anti-trafficking fund nor disperse funds for implementation. The government lacked formal victim identification and protection mechanisms, consequently, penalizing victims and compromising their safety. Although the government maintained strong relationships with civil society for the protection of victims, the government's disparate and erratic usage of data collection and sharing systems impeded the success of law enforcement efforts and the protection of victims. Therefore Tanzania remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Fully implement the protection provisions of the 2008 anti-trafficking act, as outlined in the implementing regulations and the national action plan, including allocating resources to the victim assistance fund. • Continue to develop and implement standard operating procedures (SOPs) for victim identification and referral to services and train officials on SOPs, especially to identify vulnerable populations including impoverished and orphaned children, Tanzanians migrating for work abroad, and Burundian refugees. • Amend the 2008 anti-trafficking act to remove sentencing provisions that allow fines in lieu of imprisonment and align the procedural law pertaining to trafficking-related arrests within the act with the requirements for other serious crimes. • While respecting the rule of law and human rights, increase efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials, and impose adequate penalties. • Institutionalize the use of the national centralized anti-trafficking data collection and reporting tool and consider increasing information sharing. • Increase funding for the anti-trafficking committee and ATS to implement the national action plan to combat trafficking. • Implement strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting for fraudulent labor recruitment. • Increase migrant worker protections by eliminating recruitment fees charged to migrant workers, increasing employer security deposits, minimum salaries and pre-departure training for migrant workers, and establishing a mutually enforceable standard contract, a

complaints mechanism for returning workers, a public blacklist of abusive employers, and requiring exit interviews and embassy approval of residency permits of migrant workers. • Increase public awareness campaigns to families, schools, and community leaders. • Implement a systematic victim-witness support program.

PROSECUTION

The government maintained mixed anti-trafficking law enforcement efforts. The 2008 Anti-Trafficking in Persons Act criminalized sex trafficking and labor trafficking and prescribed punishments of two to 10 years' imprisonment, a fine between five million and 100 million Tanzania shillings (TZS) ($2,180 to $43,610), or both for offenses involving adult victims, and 10 to 20 years' imprisonment, a fine between five million and 150 million TZS ($2,180 to $65,420), or both for those involving child victims. These penalties were sufficiently stringent but, with regard to sex trafficking, by allowing a fine in lieu of imprisonment, the penalties were not commensurate with those for other serious crimes, such as rape. The ATS drafted an amendment to the 2008 anti-trafficking law; parliament had not yet reviewed the amendment by the end of the reporting period. The 2008 anti-trafficking act contained a separate procedural provision that required police to obtain a warrant before making a trafficking-related arrest; this provision created a higher threshold for law enforcement that does not exist for other similarly serious crimes, which may hinder prosecution efforts.

The government did not maintain comprehensive law enforcement statistics on trafficking. The government investigated 19 trafficking cases during the reporting period, compared with zero investigations during the previous reporting period. The government prosecuted at least 13 defendants and convicted at least five traffickers under the 2008 anti-trafficking act for sex trafficking; this is compared with 24 prosecutions and three convictions in the previous period. The government sentenced one sex trafficker to three years' imprisonment for exploiting two girls in the Singida region and sentenced two other traffickers to two years' imprisonment each; the government did not report the sentencing of the remaining two traffickers. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses; however, corruption within the judicial system and official complicity in crimes remained significant concerns and inhibited law enforcement action during the year.

Previously, the government worked with an international organization to develop and implement a data collection and reporting system, which uploaded and integrated national and regional information on trafficking cases and victim and trafficker profiles. The government reported utilizing aspects of the system during the reporting period; however, the government reported that due to outdated technology, disparate capacities amongst government ministries and entities, and the lack of training on the system, usage of the data system was erratic and minimal. The government continued to provide support for human trafficking modules in ATS training curricula, which invited law enforcement and other stakeholders, but the government did not report how many new police recruits received this training during the reporting period. The government reported incorporating information on how traffickers target vulnerable victims and effective use of victim referral manuals into the standard law enforcement training curricula during the reporting period. In collaboration with an international organization and with foreign donor support, the government trained 181 police officers, immigration officials, prosecutors, social welfare professionals, community leaders, and NGOs on human trafficking, including victim identification, and separately supported and facilitated workshops for 70 police, immigration officials, prosecutors, social welfare, community leaders, and NGOs. In partnership with foreign donors, the government also facilitated and supported six trainings for 218 government officials over the course of the reporting period.

PROTECTION

The government increased protection efforts. The government reported identifying 161 potential trafficking victims, a significant increase compared with 13 victims during the previous reporting period. The implementing regulations of the 2008 anti-trafficking act required police and immigration authorities to use standardized procedures and forms for case investigation and victim identification and referral. The government drafted standardized forms for identification and referral in a previous reporting period; however, the procedures were not fully implemented because the government did not fund their dissemination. The government reported referring all of the potential victims to assistance during this reporting period. Of the 170 government identified victims, 159 were female, two were male, one was an adult, and nine remained unknown. Additionally, NGOs reported assisting at least 87 identified victims during the reporting period. The 2008 anti-trafficking act mandated the government provide victims with psycho-social counseling, family tracing, family reunification, and temporary shelter. The government reported providing case management and services to victims it referred during the reporting period. The government reported coordinating information sharing between the ATS and the Department of Social Welfare. The government continued to rely on government-vetted NGOs to provide the vast majority of victim assistance. The government did not operate any domestic trafficking shelters; however, the government vetted and approved a new organization and its shelter, bringing the number of government accredited organizations to five, thence, eight government-vetted and accredited shelters. The government maintained referral agreements with vetted NGOs that manage shelters. The government, in collaboration with an international organization, created a national guideline for shelters on how to effectively operate safe shelters. NGO-run shelters provided medical care, psycho-social counseling, and family tracing for victims. The government continued to place children in specialized shelters, where they were enrolled in government schools or given vocational training and had separate accommodations for boys and girls. Although NGOs continued to report female adult trafficking victims could seek assistance at a shelter dedicated to young girls, there were no shelters available for adult male trafficking victims. Foreign victims were allowed the same access to assistance, counseling, medical care, and training as domestic victims; however, an international organization reported some NGO-run shelters do not accept foreign victims. Civil society, NGOs, and government officials reported close collaboration amongst one another in efforts to identify and refer victims to care and assistance.

The government assisted in the repatriation of seven Tanzanian victims and three foreign victims; two of the foreign victims were repatriated to Mozambique and one to South Africa, compared with eight total repatriations in the previous reporting period. The government identified and referred to care and assistance ten Tanzanian additional trafficking victims abroad including one in Uganda, two in Thailand, two in Iraq, and five in Kenya. The anti-trafficking law provides foreign victims legal alternatives to their removal to countries where their safety or that of their families may be endangered; however, during the reporting period, the government did not grant residency or temporary stay to any trafficking victims. The government reported it was able to provide assistance to foreign victims, by facilitating travel documents, providing secure passage to a border, and resettling victims to a third country when their return to countries where their safety or that of their families may be endangered.

The government did not report penalizing victims for unlawful

acts traffickers forced them to commit; however, due to a lack of formal identification procedures, authorities reportedly deported or detained some unidentified trafficking victims. Observers reported 1,324 Ethiopians, who they believed to show indicators of trafficking, had been arrested and remained in detention for immigration violations; the government did not investigate or screen these cases for trafficking. The government signed an agreement with the Government of Ethiopia to commute the sentences of the detained Ethiopians in order for an international organization to repatriate them with foreign donor funding. The sentences were commuted and the Ethiopians were removed in 14 groups over the course of February and March 2020 through an airline's assistance. The government also reported that children and adults are frequently incarcerated in the same detention centers, increasing children's risk for further exploitation and abuse; ATS continued to advocate for changing this policy. The government took proactive measures to restructure ATS to increase the number of staff and its budget allocation. By the end of the reporting period, the government had not allocated funding for the anti-trafficking fund for victim assistance.

Victims typically testify in trafficking cases, but the Whistle Blowers and Witness Protection Act of 2015 and the 2008 anti-trafficking act gave any victim of a crime, including trafficking victims, the option to refuse to participate in prosecution efforts. The government took steps to implement a witness protection program, but by the end of the reporting period, it did not fully implement it, deterring some victims from testifying in court. Victims could testify during trial in private sessions or via video testimony; however, the government did not report victims using private sessions during trial or video testimony to protect trafficking victims' confidentiality and privacy during the reporting period. The anti-trafficking law entitled victims to restitution from convicted traffickers; however, the government did not report awarding restitution during the reporting period.

PREVENTION

The government minimally maintained efforts to prevent trafficking. The government allocated a budget of 100.5 million TZS ($43,830) to the ATS, the working level anti-trafficking body, a similar amount as the year prior in 2019. The anti-trafficking committee, the governmental entity responsible for the oversight and direction of ATS, had a mandate to meet quarterly but only met once during the reporting period due to a lack of funds. The government implemented some aspects of its 2018-2021 national action plan. ATS partnered with an NGO to organize and facilitate a training for teachers, community development officers, police officers from gender desks, social welfare officers, and representatives from local government. ATS offered in-kind support to an NGO on a collaborated awareness-raising program in the eastern region in November 2019. The government co-organized and offered support and resources for a public awareness event in which over 500 members of the government and public attended; the event was also broadcast on national television. The government continued to fund and publicize a national hotline operated by a local NGO to report child abuse, including child trafficking. The government reported victims identified from the hotline received assistance, although it was not able to provide disaggregated data on the number of trafficking victims it referred.

Government agencies in mainland Tanzania and Zanzibar performed periodic inspections of large employers in an effort to detect cases of forced labor, but they did not report identifying any forced labor cases. During the previous reporting period, the Ministry of Labor, Employment, and Youth Development suspended the registrations of all labor recruitment agencies and required them to reapply to ensure proper vetting. During the reporting period, the government provided 30 business licenses to labor recruiting agencies, which are usually one-year operating licenses. During the reporting period, the government did not report pursuing any investigations or prosecutions for fraudulent labor recruitment.

The government continued to recognize that additional bilateral labor agreements with destination countries, a comprehensive labor migration law, pre-departure and vocational skills training, and funding for labor attachés at diplomatic missions abroad were critical protections needed to protect Tanzanian migrant workers who remained vulnerable to trafficking; however, the government did not report efforts to implement these migrant worker protections. The government reportedly had a bilateral labor agreement in place with Qatar but did not report implementing the agreement or signing any new agreements with other destination countries. The government continued to require Tanzanians to have valid passports and labor contracts with salary, leave, and health care provisions in order to obtain the necessary training certificate, a letter of permission, and an exit permit to migrate for work. The government continued to suspend the issuance of travel documents to departing Tanzanian migrant workers who could not provide a relevant training certificate for the overseas job; while positively intentioned, this step may have increased their vulnerability to trafficking when some subsequently chose to migrate through unregulated ways. The Companies Act of 2002 required recruitment agencies to be registered and licensed and the government required recruitment agencies to provide migrant workers with training on worker rights and destination countries' laws prior to departure. Tanzanian embassies abroad continued to require employers to submit security deposits to the embassy to ensure that the employer would present the migrant worker upon arrival, so the embassy could verify that the worker arrived and possessed the proper documentation, including contract and passport. However, the government continued to report that, in practice, recruitment agencies were not providing pre-departure training to migrant workers, and an NGO previously argued the deposit amount was too small and an insufficient incentive for employers to present migrant workers upon arrival to the Tanzanian embassy. Observers continued to report ongoing challenges faced by migrant workers, including that Tanzanian contracts were often different from the destination country contract and usually not enforceable, sometimes migrant workers paid recruitment fees, there was no "blacklist" available for migrant workers to avoid previously abusive employers, and recruitment agencies operating in Tanzania would sometimes use "sub-agents," thereby skirting the registration requirements. The government continued to lack a complaint mechanism for returning migrant workers. While the government continued to provide anti-trafficking training to its diplomatic personnel, the staff at foreign embassies were not always trained to identify and assist trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Tanzania, and traffickers exploit victims from Tanzania abroad. Traffickers often dupe family members, friends, or intermediaries into aiding traffickers' in their exploitive tactics by offering assistance with education and better living conditions or securing employment in urban areas and abroad. The government reported that brokers sometimes enter into communities to recruit and transport victims into trafficking situations. Impoverished and orphaned children from the rural interior remain most at risk to trafficking. Traffickers exploit girls in domestic servitude throughout the country and in sex trafficking, particularly in tourist hubs and along the border with Kenya. An NGO stated that traffickers target young girls from rural and

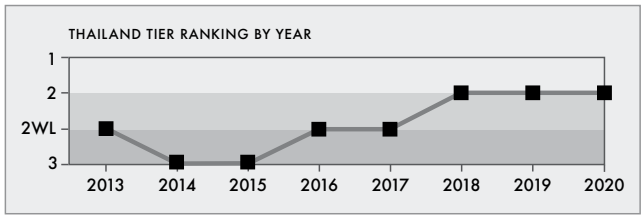
impoverished villages, pay their parents a small fee, and coerce the girls in sex trafficking to business people who believe a myth that having intercourse with a "virgin" will allow their business to prosper. Traffickers subject children to forced labor on farms—including as cattle herders and occasionally as hunters—and in gold and gemstone mines and quarries, the informal commercial sector, and on fishing vessels operating on the high seas. Some unscrupulous individuals manipulate the traditional practice of child fostering—in which poor parents entrust their children into the care of wealthier relatives or respected community members—who subject children to forced labor as domestic workers.

Tanzanian fishermen work on fishing vessels with indicators of trafficking. In 2017, an NGO reported 14 Indonesian trafficking victims were identified aboard a Malaysian-flagged fishing vessel, and in 2018, another NGO reported that 12 Tanzanian trafficking victims were identified aboard a Chinese-flagged fishing vessel, both in Tanzanian territorial waters. Previous media reports indicate that traffickers transported Tanzanian children with physical disabilities to Kenya and forced them to work as beggars or in massage parlors. In 2018, the Kenyan government identified 29 female Tanzanian potential victims in Kenya; the girls were to be taken to the United Arab Emirates (UAE) and to pay for their transportation fees with a kidney.

Traffickers sometimes subject Tanzanians to forced labor, including in domestic service, and sex trafficking in other African countries, the Middle East, Europe, Asia, and the United States. Observers reported traffickers and their victims increasingly transited Zanzibar en route for forced labor in domestic service in Oman and the UAE. In 2019, there were reports of Burundians identified as meeting indicators of trafficking en route to the UAE and Kenya, whom Tanzanian immigration officers deported to Burundi. Citizens of neighboring countries may transit Tanzania before traffickers subject them to domestic servitude or sex trafficking in Kenya, South Africa, Europe, and the Middle East. Children from Burundi and Rwanda are increasingly subjected to child forced labor in Tanzania. Trafficking victims subjected to forced labor in Tabora were reportedly from rural areas of Kigoma—the location of refugee camps and settlements. During 2019, North Koreans working in Tanzania may have been forced to work by the North Korean government.

THAILAND: TIER 2

The Government of Thailand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Thailand remained on Tier 2. These efforts included providing anti-trafficking training to judges and working with NGOs to provide trauma-informed care training to police, prosecutors, and shelter staff. The government investigated more suspected cases of labor trafficking compared to the previous reporting period, sentenced convicted traffickers to significant terms of imprisonment, increased the amount of compensation provided to victims through the anti-trafficking fund, and successfully provided restitution to victims of trafficking for the first time during the reporting period. However, the government did not meet the minimum standards in several key areas. Officials continued to conflate trafficking and smuggling during the reporting period, effective victim identification remained inadequate, and the government did not provide adequate psycho-social care to victims or provide victims residing in government shelters sufficient freedom of movement. The government initiated the fewest number of trafficking investigations since 2014, convicted the fewest number of traffickers since 2015, and only initiated investigations of two complicit officials. The government amended the 2008 anti-trafficking law to include a separate "forced labor or services" provision which prescribed significantly lower penalties for labor trafficking offenses than those already available under the existing trafficking provision of the law.



PRIORITIZED RECOMMENDATIONS:

Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims. • Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate prison sentences. • Ensure government and NGO-operated shelters provide victims with adequate trauma-informed care, such as legal assistance and psychological care, including by increasing the number of full-time interpreters and psychologists employed in shelters. • Increase the ability of victims, especially adults, to move freely in and out of shelters and access communication devices, and reassess shelter placements periodically to ensure victims are not required to remain in shelters longer than necessary. • Improve training provided to labor, provincial and local police, immigration, and social welfare officials to increase proactive victim identification among vulnerable populations, including adults and children in commercial sex, children engaged in begging and street vending, migrants working in agriculture, manufacturing, fishing, seafood processing, construction, and domestic service industries, and among North Korean workers. • Extend the period in which officials are required to formally identify a potential victim in order to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities. • Do not make victims' formal identification and access to services dependent on their willingness to participate in investigations against their traffickers. • Ensure victims of trafficking identified under the definitions set forth in Sections 6 and 6/1 of the trafficking law, as amended, are afforded the same rights and access to services. • Increase efforts to ensure employers provide workers copies of contracts in a language they understand. • Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases. • Increase collaboration with local civil society organizations in migrant worker assistance centers, post-arrival centers, and government shelters, including in the provision of services to victims. • Continue to increase efforts to ensure victims receive court-order restitution from their traffickers. • Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing new amendments to dismiss cases filed with dishonest intent or to intimidate defendants. • Provide technical and financial support for NGO-operated shelters to enable more to assist victims. • Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes. • Enforce regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents.

PROSECUTION

The government maintained law enforcement efforts. Section 6 of the 2008 anti-trafficking law, as amended, criminalized sex trafficking and labor trafficking and prescribed penalties of four to 12 years' imprisonment and a fine of 400,000 to 1.2 million baht ($13,440 to $40,310) for offenses involving an adult victim, and six to 20 years' imprisonment and a fine of 600,000 to two million baht ($20,150 to $67,180) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. In April 2019, the government amended the 2008 anti-trafficking law to include a separate provision under Section 6/1, specifically addressing "forced labor or services," which prescribed penalties of six months' to four years' imprisonment, a fine of 50,000 to 400,000 baht ($1,680 to $13,440) per victim, or both. This new provision prescribed significantly lower penalties for labor trafficking offenses than those already available under the existing human trafficking provision of the law. In 2019, the government reported investigating 288 potential trafficking cases (304 in 2018), initiating prosecutions of 386 suspected traffickers (438 in 2018), and convicting 304 traffickers (316 in 2018). The government reported investigating 76 potential cases of labor trafficking—including four cases involving the fishing sector—compared to 43 in 2018. Courts sentenced approximately 74 percent of convicted traffickers to five or more years of imprisonment. During the reporting period, law enforcement increasingly conflated trafficking and smuggling crimes, and local observers reported that pressure from Royal Thai Police (RTP) leadership to provincial police to increase the number of trafficking cases resulted in police, sometimes knowingly, identifying cases of migrant smuggling as trafficking. The trafficking litigation unit of the Office of the Attorney General (OAG) did not find sufficient evidence of trafficking in approximately 18 percent of cases with arrested suspects referred to the unit by law enforcement in 2019, which was an increase compared to nine percent in 2018 and two percent in 2017. The absence of legislation criminalizing human smuggling crimes may have increased the likelihood that officials identified smuggling cases as trafficking.

The government operated specialized anti-trafficking divisions within the Bangkok Criminal Court, the OAG, Department of Special Investigation (DSI), and the RTP. The Thailand Anti-Trafficking in Persons Task Force (TATIP) specialized in investigating complex cases and comprised law enforcement, social workers, and NGOs. Local observers reported the anti-trafficking division of RTP sometimes referred trafficking cases to inexperienced local agencies or did not properly manage the oversight of cases investigated by suspected complicit local police. The Thai Internet Crimes Against Children Task Force (TICAC) investigated 26 cases of internet-facilitated child sex trafficking (19 in 2018). In 2019 courts issued forfeiture orders for assets valued at 401,014 baht ($13,470) which had been subjected to restraint and seizure orders in 15 trafficking cases litigated by the anti-money laundering office (AMLO). Thai authorities continued to hold bilateral meetings with neighboring countries to facilitate information-sharing and evidence-gathering in trafficking cases. In addition, law enforcement officials cooperated with foreign counterparts to investigate the trafficking of Thai victims abroad. While interagency coordination was effective in major cities, in some provinces observers reported ineffective communication among agencies and civil society. In January 2020, the police anti-trafficking division held a meeting with local NGOs to discuss collaboration on trafficking cases, with a focus on cases involving forced labor. In addition, the Courts of Justice organized a roundtable meeting with police, prosecutors, and NGOs to discuss laws and procedures relevant to trafficking cases.

Some victims continued to report reluctance to participate in prosecutions due to fear of detention and extended shelter stays, fears of experiencing retaliation from traffickers, and language barriers. In an attempt to increase victims' willingness to participate as witnesses, Thai courts admitted advance and video testimony as evidence in trials; courts conducted 15 advanced hearings for 41 witnesses in 2019. Thai authorities also worked with authorities in neighboring countries to enable testimony from witnesses outside of Thailand, although some local NGOs reported an unwillingness among local police and prosecutors to do so. Prosecutors worked with NGOs to prepare victims to testify, and courts allowed NGO lawyers to serve as co-plaintiffs in some cases to legally support victims. The government provided approximately 2.44 million baht ($82,000) for witness protection services for 193 witnesses in trafficking cases in 2019, compared to 2.45 million baht ($82,290) for 15 witnesses in 2018. The OAG partnered with an NGO to organize trainings for prosecutors on trauma-informed procedures in trafficking cases and organized trainings on forced labor for police and prosecutors in southern and central Thailand. The government partnered with an NGO to organize seminars for police, prosecutors, and social service providers to promote increased coordination in child sex trafficking cases, and RTP organized trainings for police on internet-facilitated sex trafficking. The office of the judiciary collaborated with UNODC and a university to provide training to criminal, civil, and labor court judges on trafficking laws and best practices for overseeing trafficking cases. In addition, the Courts of Justice collaborated with a foreign government to organize a seminar for 30 judges on trafficking. MSHDS provided training to 200 police officers on the Beggar Control Act and identification of forced begging cases. However, first responders, prosecutors, and judges sometimes did not properly interpret or apply trafficking laws, especially for labor trafficking. Prosecutors and multi-disciplinary teams (MDTs) frequently looked for evidence of physical abuse, and cases of labor trafficking were frequently directed to labor courts rather than criminal prosecution. The frequent rotation of police officers also meant officers with experience working trafficking cases were rotated out of their positions, and often replaced with inexperienced officers. For the first time, a Thai court permitted a judgement against a convicted trafficking network from a foreign court as evidence in a related prosecution, which resulted in a successful conviction.

Corruption and official complicity facilitated trafficking and continued to impede anti-trafficking efforts. Some NGOs' perceptions of corruption made them reluctant to work with the government or certain agencies in some cases. Observers continued to report a reluctance by some law enforcement officials to investigate influential boat owners and captains, including those whom they perceived to have connections with politicians. Further, some police may have purposely compromised investigations and failed to provide prosecutors sufficient evidence to prosecute trafficking cases. The government reported two new investigations of official complicity in 2019. The Public Sector Anti-Corruption Commission and Department of Special Investigations (DSI) referred four officials to prosecutors. In 2019, the government reported convicting 14 officials complicit in trafficking crimes (16 in 2018), sentencing six to terms of imprisonment ranging from 34 to 225 years' imprisonment; sentencing for eight officials convicted for soliciting child sex trafficking victims was pending at the end of the reporting period. In addition, courts increased the terms of imprisonment of previously convicted officials complicit in the trafficking of Rohingya migrants. The government utilized administrative punishments against some suspected complicit officials rather than criminally investigating and prosecuting them. The government did not report investigating or prosecuting immigration officials who facilitated trafficking by accepting bribes at border checkpoints.

PROTECTION

The government demonstrated uneven progress to identify and protect victims. The government identified 868 victims of sex and labor trafficking in 2019, compared to approximately 631 victims identified in 2018. However, the government also reported identifying an additional 950 individuals as trafficking victims subjected to "extortion," many of whom were likely irregular Burmese or Rohingya migrants transiting Thailand seeking employment in third countries, particularly Malaysia. This apparent conflation of trafficking with smuggling crimes resulted in overcrowding at government-operated trafficking shelters and may have decreased the quality of services provided to sex and labor trafficking victims. Of the 868 sex and labor trafficking victims identified by Thai officials, 258—who were mostly Thai—chose not to reside in government shelters, and 28 victims resided in NGO government-registered shelters. The 610 sex and labor trafficking victims whom the Ministry of Social Development and Human Security (MSDHS) reported assisting in government and NGO shelters (401 in 2018), included 134 Thai and 476 foreign victims, and 170 victims of sex trafficking and 440 victims of labor trafficking. Immigration authorities did not identify any victims among the 7,156 migrants screened in immigration detention centers, compared to 15 identified in 2018; NGOs reported authorities decreased efforts to cooperate with NGOs to screen for trafficking victims among this population during the reporting period.

MDTs, which comprised government agencies and NGOs, utilized standard screening guidelines to formally identify victims and refer them to services. The government collaborated with an international organization to provide a training for 30 trainers from Bangkok and high-risk provinces on labor trafficking victim identification and protection. In addition, MOL organized numerous trainings for labor officers and inspectors on identifying trafficking. MSHDS trained 1,000 MDT participants on victim identification, with a focus on forced labor following the 2019 amendment to the anti-trafficking law. Government agencies worked with NGOs to revise the preliminary victim identification form to include victims of forced labor, as defined under Section 6/1 of the amended anti-trafficking law; the government approved the revised form in January 2020 and assigned MSDHS to develop additional guidelines for MDT victim interviews and organize trainings on the new form. Nonetheless, the absence of clear guidance on the application of the forced labor amendment in victim identification during the majority of the reporting period led to confusion among front-line officers. Although the government reported victims of forced labor under Section 6/1 were afforded the same rights to services as all other victims of trafficking, civil society groups reported that proposed implementing regulations, including those that provide permission for trafficking victims to remain in Thailand and allow victims to obtain compensation from the anti-trafficking fund, may not apply to those identified as victims of forced labor. Effective implementation of identification procedures by MDTs continued to be inconsistent. Observers reported some officials utilized practices during MDT victim interviews that hindered the ability of victims to recount their exploitation. For example, they reported officials allowing employers of potential victims to be present during victim interviews, some MDT interviews involved an excessive number of officials, and insufficient coordination between officials during interviews. One local NGO reported DSI officers more frequently utilized victim-centered practices during MDT interviews than local police officers. MDTs were also sometimes reluctant to make identifications unless a case was likely to result in a successful prosecution.

Labor inspectors and members of the Royal Thai Navy screened migrant workers for trafficking during inspections, and were required to refer all potential trafficking victims to MDTs for formal identification and service referral. Some officials failed to recognize trafficking cases that did not involve physical force or overt signs of coercion, such as delayed or non-payment of wages, debt-based coercion, and document confiscation. In addition, some officials did not routinely identify victims who initially consented to travel to Thailand or consented to work in the industry in which they were later exploited. Officials sometimes encouraged exploited workers who were likely victims of forced labor to mediate their situation with their employer or referred their cases to labor courts, rather than recognizing them as trafficking victims. Anecdotal reports suggested some government officials were reluctant to receive complaints or to identify victims due to fears it would indicate law enforcement incompetence or a failure of the government's efforts to combat trafficking. Labor inspectors could be held personally liable for claims of abuse of power under Thai law, which may have discouraged them from reporting suspected exploitation.

The government could only provide temporary assistance to potential victims for up to eight days, and formal identification by MDTs was necessary for victims to obtain a legal right to services. This acted as a significant barrier for some victims who were not physically or psychologically prepared to undergo the MDT identification process to obtain services. Further, the absence of a suitable reflection period during which victims could access stabilizing services from the government, did not allow officials sufficient time to build rapport and trust with victims, including to obtain sufficient information to make a formal identification and to encourage victims' participation in investigations. Consequently, victims frequently sought temporary care from NGOs, who did not receive government funding, before they were prepared to undergo the MDT interview process. The government continued to refer victims formally identified by MDTs to government-operated shelters where they had access to counseling, legal assistance, medical care, civil compensation, financial aid, witness protection, education or vocational trainings, and employment opportunities. However, authorities made the provision of services contingent upon a victim's willingness to participate in law enforcement investigations. In addition, the government did not consistently provide repatriation assistance to victims who declined to participate in law enforcement investigations. MSDHS operated 76 short-stay shelters and nine long-term regional trafficking shelters, including four dedicated to adult male victims and families, four for female victims, and one for male child victims. The government continued to distribute a handbook in seven languages informing victims of their legal rights under the trafficking law, including access to services. The government only permitted foreign victims who held a valid visa or work permit at the time of their identification to stay outside government shelters during legal proceedings against their traffickers. Undocumented foreign victims of trafficking were required to remain in shelters while the government processed applications for permits to stay and work in Thailand. MSDHS trafficking shelters did not allow victims—including adults—to leave without permission, which was often denied; only victims who received permission to work outside shelters could leave the shelter on a regular basis for work. Further, victims were often required to stay in shelters until the completion of proceedings against their traffickers, even in cases in which they were physically and psychologically ready to exit the shelter system. In addition, shelter staff required victims to obtain permission to make personal phone calls and often monitored their calls. Requiring victims to remain in shelters longer than necessary, combined with the restrictions on their movement and communication during shelter stays, likely contributed to some victims' re-traumatization and inhibited their ability to earn an income. The government did not report how many victims it permitted to work outside shelters in 2019—compared to 65 in 2018 and 149 in 2017. While the government made efforts to reduce the length of prosecutions and thereby decrease the amount of time victims had to stay in shelters, NGOs reported the required shelter

stays continued to deter foreign victims from cooperating with law enforcement, with some preferring to instead be deported to their home countries. The government permitted some victims to reside at and obtain services at three government-registered NGO shelters; although victims obtaining these services could still obtain compensation from the government's anti-trafficking fund, the government did not provide these shelters with additional funding to support their operations. In addition, observers reported strict requirements for NGO-operated shelters to receive permission to assist formally identified victims made it challenging for additional NGOs to obtain this registration. Due to the increase in victims and smuggled migrants authorities identified during the reporting period and the subsequent overcrowding within the nine trafficking shelters, the government placed 55 victims in two of the short-term government-operated shelters.

Government shelters often lacked adequate numbers of psychologists and staff trained on trauma-informed care, inhibiting victims from obtaining psycho-social and individualized care. In collaboration with an NGO, MSDHS organized training on trauma-informed care and trust-based relational interventions for shelter staff in both government and NGO-operated shelters. Contacts reported shelters did not always provide victims with private counseling and instead relied on group counseling sessions with social workers. MSDHS shelters did not provide specialized care to boys and LGBTI victims; in addition, authorities did not maintain guidelines for determining where to place transgender victims and required some to stay in shelters based on their sex assigned at birth. NGOs reported difficulty accessing victims they had supported once they entered MSDHS shelters; this, combined with insufficient communication from shelter staff, discouraged NGOs from further cooperating with the government or referring victims to authorities. MSDHS employed more than 300 interpreters, an increase compared to 251 in 2018, but often relied on interpreters provided by NGOs and international organizations during rescue operations. In addition, government shelters often lacked sufficient numbers of interpreters, which weakened their ability to provide adequate services to victims. MSDHS provided vocational training activities in shelters, and victims could earn a minor income from activities such as craft-making. However, observers continued to report inadequate options for vocational training and work offered in shelters. Thai law permitted foreign trafficking victims and witnesses to stay and work in Thailand for up to two years upon the completion of legal proceedings against their traffickers; however, the government did not report if any victims received this benefit during the reporting period.

Authorities facilitated the return of 123 Thais exploited abroad (103 in 2018), including 25 confirmed trafficking victims, by providing funding for travel expenses, legal assistance, job placement, and other reintegration services. MSDHS reported it assigned social workers to maintain contact with Thai victims for at least one year after their reintegration. The government worked with an NGO shelter in South Korea to provide assistance to Thai sex trafficking victims. Officials utilized approximately 2.17 million baht ($73,000) from the government's anti-trafficking fund for aiding in the repatriation of foreign victims exploited in Thailand; the government did not report how many victims it repatriated in 2019, compared to 201 in 2018. In coordination with the Government of Cambodia, Thai agencies established standard operating procedures for repatriation and reintegration of victims between Cambodia and Thailand. However, Thai authorities did not consistently follow procedures for safely repatriating foreign victims.

The government opened two new child advocacy centers, which served as child-friendly spaces where law enforcement, NGOs, and social workers could conduct forensic interviews of child trafficking victims; this brought the total number of centers to seven. Local observers reported the government often deployed female officials to conduct identification interviews of female victims. Some judges lacked sufficient understanding of trauma-informed care, which resulted in harmful treatment of victims during court proceedings. While courts reportedly followed protocols to protect victims and witnesses in most instances, NGOs reported some incidents where the court failed to provide a non-confrontational cross examining area, despite advance request, and asked witnesses to verbally confirm sensitive information in front of the suspects during proceedings.

The 2016 Beggar Control Act provided for health and social services to individuals engaged in begging activities, including trafficking victims. The government reported identifying only seven victims of forced begging in 2019. NGOs reported the government lacked clear policies related to the protection of children compelled to sell items on the street and noted there was no agency responsible for protecting this population. MSDHS developed a mobile application for trafficking victims and witnesses to report exploitation and request protective services, including interpretation, and it provided information on the rights of trafficking victims in seven languages. MSDHS and MOL operated hotlines with operators fluent in 19 foreign languages. In 2019, the MSDHS trafficking hotline received calls related to 162 possible trafficking cases, including 19 involving forced labor (139 cases in 2018); officials referred 106 of these cases to related authorities but only referred 28 to the police anti-trafficking division. In 2019, MOL employed 91 language coordinators (84 in 2018) and 99 interpreters (69 in 2018), and the Department of Labour Protection and Welfare (DLPW) conducted training on labor laws and trafficking for 82 language coordinators.

In 2019, the government provided 11.88 million baht ($398,990) to trafficking victims from its anti-trafficking fund, including 1.68 million baht ($56,430) allocated to victims residing outside government shelters, an increase from 6.15 million baht ($206,580) in 2018. Thai law legally obligated prosecutors to file restitution claims when a victim expressed intention to make a claim. The Human Trafficking Criminal Procedures Act allowed judges to award compensation or restitution to victims, including in the absence of a victim request for these funds. The government did not report how many restitution claims prosecutors filed on behalf of victims in 2019 (116 in 2018) but reported courts ordered 3.3 million baht ($110,850) in restitution for 14 victims in two cases in 2019. The government reported that for the first time, two victims successfully received court-ordered restitution from their traffickers; nonetheless, the execution of court orders to pay restitution for victims remained ineffective, particularly for non-Thai victims. MSDHS operated a unit under its anti-trafficking division to provide victims legal assistance and file compensation claims and utilized guidelines to enhance the efficacy of filing such claims. The government drafted an amendment to the Anti-Money Laundering Act of 1999 to expand the right of victims of trafficking to obtain compensation from assets forfeited from traffickers, which was pending the Thai Cabinet's approval at the end of the reporting period.

The law protected victims from prosecution for unlawful acts their traffickers compelled them to commit; however, flaws in the government's implementation of victim identification procedures increased the risk of authorities penalizing victims, including for prostitution and immigration violations. Employers reportedly convinced Thai law enforcement to bring criminal charges against exploited workers for theft when workers attempted to leave or change jobs. In addition, the government's criminal defamation laws continued to allow companies to pursue criminal charges against potential victims and advocates during the reporting period, and the government did not report investigating company owners for subjecting these workers to exploitation. For example,

in December 2019, courts convicted and sentenced a reporter to two years' imprisonment for criminal libel for making comments on social media related to a poultry farm that was previously ordered to compensate 1.7 million baht ($57,100) to 14 Burmese workers who were subjected to conditions indicative of forced labor; since 2016, this company has pursued more than 36 complaints against rights advocates. Despite making amendments to the Criminal Procedure Code in March 2019 that would enable courts to immediately dismiss cases filed with dishonest intent or to intimidate the defendants, as well as amendments in February 2019 that strengthened the rights of defendants in cases where their employers filed criminal defamation charges, the government did not report utilizing these amendments to drop criminal defamation charges pursued against advocates during the reporting period. The government also amended the anti-trafficking law in 2015 to provide protection to whistleblowers but has never reported applying this provision.

PREVENTION

The government increased efforts to prevent trafficking. The prime minister oversaw the government's anti-trafficking efforts through the Supervisory Policy Committee on Addressing Trafficking in Persons, and the government continued to monitor its progress to combat trafficking through data collection and annual reports to the prime minister and the Cabinet. In 2019, the government allocated approximately 3.8 billion baht ($127.9 million) towards its prevention and suppression of trafficking budget, compared to approximately 3.64 billion ($122.3 million) allocated in 2018. It conducted campaigns through newspapers, television, radio, social media, billboards, and handouts to raise public awareness throughout the country. Officials conducted numerous outreach activities to raise awareness of trafficking among school children, teachers, and community leaders. In addition, the foreign affairs ministry produced and shared a video clip on television and social media that included indicators of trafficking among Thai nationals abroad and methods to report suspected cases. In January and March 2020, MSDHS hosted a forum with NGOs, government agencies, international organizations, and the private sector to discuss anti-trafficking efforts and encourage increased collaboration; the government collected recommendations from participants at the January forum and presented them to the anti-trafficking committee in March. In June 2019, the government published the first nationally representative survey of children in the workplace, which was produced in collaboration with an international organization, and found approximately 177,000 children were involved in child labor, including 133,000 in hazardous working conditions.

Thai law permitted recruitment agencies to charge recruitment fees to Thais seeking overseas employment, and excessive fees incurred by some workers made them vulnerable to debt-based coercion. Through government-to-government formal migration channels, the government assisted 11,886 Thais to obtain employment abroad in 2019, including by providing job placement assistance. In addition, 14 provincial employment offices provided training, including on trafficking risks, to 4,803 Thai workers prior to their overseas employment. In November 2019, the Department of Employment (DOE) signed a memorandum of understanding (MOU) with the South Korean Immigration Service that aimed to increase coordination to address the prevalence of undocumented Thai migrants working in South Korea and to prevent their exploitation in forced labor. In 2019, the government inspected 181 employment agencies that recruited Thai workers and found unlawful practices in four, resulting in license suspensions and revocations. It initiated prosecutions against 239 illegal brokers (416 in 2018) under the Employment and Job-Seeker Protection Act, resulting in the issuance of arrest warrants in seven cases. The government operated 12 labor offices in countries with large numbers of Thai workers; these offices conducted 887 inspections, assisted more than 5,980 workers, and trained 758 labor volunteers to assist in the identification of labor violations and trafficking among Thai workers.

In August 2019, the government approved the extension of stay for Cambodian, Laotian, and Burmese workers who obtained legal work permits through the nationality verification process, which allowed undocumented workers to obtain identity documents without leaving Thailand, by two years. Nonetheless, the complicated nature of government registration under the nationality verification process and in many cases, low levels of literacy, resulted in workers' reliance on brokers and employers, who often overcharged workers to obtain documents, thereby increasing their vulnerability to debt-based coercion. The government also maintained bilateral MOUs with neighboring countries to recruit migrant workers to Thailand, and 413,536 workers were recruited through this system in 2019. However, high costs, difficulties in obtaining identity documents in home countries, and other administrative barriers continued to impede greater usage of this mechanism and also resulted in workers' reliance on brokers assistance. The government also permitted migrants to obtain 30-day and 90-day border passes to work in non-seasonal agricultural or manufacturing jobs, including within 10 developing special economic zones, but such temporary working arrangements did not provide workers access to social protections. NGOs reported employers increasingly encouraged workers to obtain these border passes. The government reported labor inspectors conducted inspection of 146 establishments in border areas in 2019 and found 71 in violations of the law; however, the government did not report identifying any cases of trafficking through these efforts and only issued corrective orders in all but one case. In 2019, the government inspected 244 migrant worker recruitment agencies, compared to 67 in 2018, and found four operating in violation of the law.

Weaknesses in Thailand's labor laws preventing migrant workers from forming labor unions may have contributed to exploitation. The 2018 Royal Ordinance on Management of Migrant Workers required employers to provide workers a copy of their employment contracts and to cover costs (excluding personal expenses such as passports, medical checks, and work permits) associated with bringing migrant workers to Thailand and back to their home countries when employment ends, such as recruitment fees and transportation costs. The decree prohibited employers from deducting more than 10 percent of workers' monthly salaries for personal expenses and the retention of travel or other personal documents; the law prescribed penalties of fines ranging from 10,000-100,000 baht ($340-$3,360) and up to six months' imprisonment for employers who violated these rules. The government found 2,333 businesses and employers guilty of employing migrant workers without valid work permits in 2018, a sharp increase compared to 716 in 2018; the government collected 16 million baht ($537,450) in fines from 586 of these employers. However, NGOs reported the regulations on recruitment fees were poorly defined and enforced, and recruitment agencies and brokers still required workers to pay recruitment fees and transportation costs. The government did not report investigating illegal salary deductions and observers reported that while DLPW was responsible for monitoring for illegal deductions, DOE conducted labor inspections of recruitment agencies but did not frequently refer suspected cases of illegal deductions to DLPW. Recent research reported fewer migrant workers, including those employed in the fishing industry, who were recruited in their home countries paid recruitment fees prior to starting their employment in Thailand. However, many employers and brokers, who bore the upfront costs associated with bringing workers to Thailand, indebted workers to pay these fees through illegal salary deductions, often without workers' knowledge. The Ministerial Regulation on Labor Protection for Sea Fishers required

employers to pay workers' salaries at least once per month through electronic deposits and to share catch profits. While this system received overall praise from civil society observers, some reported concerns some workers were unable to access their funds due to a lack of ATMs near some ports, insufficient training on how to use the system, and the withholding of workers' ATM cards and PINs by vessel owners, captains, or brokers. In addition, while the electronic payment system increased the ability of labor inspectors to verify wage payments, unscrupulous employers continued to make regular electronic payments in their employees' accounts to satisfy the legal requirement but made illegal withdrawals. The lack of a requirement that employment contracts be written in both Thai and migrant workers' languages, and a lack of clear guidance to measure work and rest hours for workers aboard fishing vessels heightened their risk of trafficking. Employers rarely provided workers a contract to keep or in their language, and research indicated migrant fishermen were less likely to have signed a contract in their own language than in previous years; contacts attributed this decrease to the government ceasing to proactively provide a standard contract that had been made available in multiple languages in previous years. NGOs and international organizations widely reported the government did not adequately enforce minimum wage laws and lacked legislation mandating minimum wages in sectors with high employment of migrant workers, such as seasonal agriculture. In November 2019, the government passed the Fishery Workers Protection Act to increase protections for fishermen, including by requiring health and safety protections, medical care at sea, rest periods, and other protections; however, it was not fully enforced by the end of the reporting period because the government had not approved seven out of 11 subordinate laws. Although government regulations permitted exploited migrant workers to change employers, some policies restricted their ability to do so in practice. Provincial labor offices required workers recruited under MOUs to present many documents that workers often could not provide without NGO or brokers' assistance in order to approve job changes. By law, MOU employers could recover costs associated with recruiting a migrant worker from the new employer when a worker requested to change jobs before the end of their employment contract, and some employers charged these workers to obtain their documents, making them susceptible to debt-based coercion. The government did not report investigating employers who illegally charged fees to such migrant workers.

The government operated five post-arrival and reintegration centers that assisted migrant workers who entered Thailand through the MOU process by providing information on labor rights, Thai culture, employment contracts, trafficking awareness, and complaint mechanisms; in 2019, these centers assisted 413,536 migrant workers. However, due to the limited amount of time workers were present at these centers, which was usually immediately after workers' arrival in Thailand, officials were only able to provide them with limited information in practice. In addition, observers reported labor officials interviewed workers in the presence of their employers, brokers, and armed police at post-arrival centers, which may have deterred workers from reporting exploitation. MOL also worked with NGOs to provide services at 10 migrant worker assistance centers. During the reporting period, the government held a meeting with civil society, government agencies, and the private sector to evaluate these centers. The government worked with NGO-operated centers located near fishing markets to provide skills training, health screenings, and other resources to raise awareness of workers' rights. Provincial labor offices, migrant worker assistance centers, and other government agencies did not adequately investigate migrant workers complaints or refer suspected labor violations, including those indicative of forced labor, to relevant agencies. In addition, workers' past negative interactions with authorities and a lack of availability of interpreters at some labor offices deterred migrant workers from reporting exploitation.

During the reporting period the government transferred the authority of the Command Center for Combating Illegal Fishing (CCCIF), which operated 32 port-in port-out (PIPO) centers and 19 additional forward inspection points (FIP), to the Department of Fisheries, while the newly established Thai Maritime Enforcement Command Center (Thai-MECC) oversaw PIPO and FIP operations. PIPO centers performed inspections to verify whether fishing vessels were operating legally and implemented a risk-based assessment system to identify target vessels for inspection. Labor inspectors working in PIPO teams verified crew lists using biometric data and worker interviews. The government banned long-haul Thai-flagged vessels from operating in international waters from 2016 to 2018 and permitted two vessels to renew their licenses to fish in international waters in 2019, with requirements that they return to Thailand every year. From February to September 2019, PIPO centers conducted 53,860 inspections at-port and 6,605 at-sea and found 23 and 330 infringements, respectively. Among these, authorities identified only two cases involving labor violations, which involved failure to provide an employment contract and failure to pay workers' wages via bank transfer. The government has never reported identifying trafficking victims as a result of PIPO labor inspections. In addition, resource constraints during the transition of inspection authority from CCCIF to Thai-MECC resulted in reduced inspection rates for two months during the year. The government introduced a manual for PIPO centers on standardized inspection practices and, although still inconsistent, centers increasingly utilized universal checklists for inspection operations compared to previous years. In addition, observers reported inspectors more frequently conducted interviews with victim-centered practices, and all PIPO centers had translators available for inspections. Nonetheless, some inspection teams lacked translators for some workers' languages, did not board vessels during inspections, did not separate workers away from owners, captains, or brokers for interviews, or conduct pre- and post- inspection team meetings away from vessel owners or captains; these practices likely deterred some workers or inspectors from revealing information due to fears of retaliation. In addition, at-sea inspections did not sufficiently include checks for labor violations or consistently have translators available for interviewing foreign crewmembers. PIPOs did not universally apply a standardized procedure for referring cases of fishermen who went missing at sea, including to identify indicators of trafficking on the vessels in which they went missing, and an increasing number of crewmembers went missing at sea during the reporting period.

The government did not report how many inspections of adult entertainment businesses officials conducted in 2019, compared to 7,497 in 2018. In 2019, DLPW conducted 2,116 inspections at high-risk workplaces, including sugarcane farms, garment factories, seafood processing facilities, pig farms, and poultry farms, finding 1,017 workplaces operating in violation of labor laws. Some local observers reported some factories received advance warning of labor inspections, which may have hampered the ability of officials to identify labor violations, including those indicative of forced labor. The government continued to grant citizenship to stateless persons. The government made efforts to reduce the demand for commercial sex acts, including by displaying a video in four languages discouraging child sex tourism in Thai airports and on Thai airline flights. In addition, the government coordinated with foreign governments to deny entry to known sex offenders. The government provided anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Thailand, and traffickers exploit

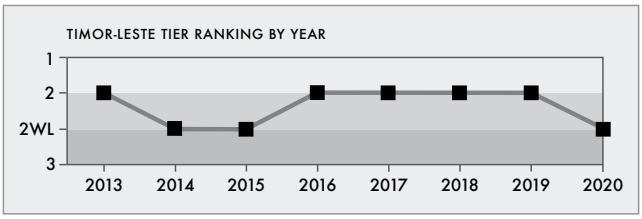
Thai victims abroad. Traffickers subject Thai nationals to forced labor and sex trafficking in Thailand and in countries in North America, Europe, Africa, Asia, and the Middle East. Members of ethnic minorities, highland persons, and stateless persons in Thailand have experienced instances of abuse indicative of trafficking. Labor and sex traffickers exploit women, men, LGBTI individuals, and children from Thailand, other Southeast Asian countries, Sri Lanka, Russia, Uzbekistan, and some African countries in Thailand. Traffickers use Thailand as a transit country for victims from China, North Korea, Vietnam, Bangladesh, India, and Burma whom traffickers subject to sex trafficking and forced labor in countries such as Malaysia, Indonesia, Singapore, Russia, South Korea, the United States, and countries in western Europe. The North Korean government may have forced North Koreans to work in Thailand. Children from Thailand, Burma, Laos, and Cambodia are victims of sex trafficking in brothels, massage parlors, bars, karaoke lounges, hotels, and private residences. Traffickers increasingly induce young Thai girls and boys to perform sex acts through videos and photos on the internet, sometimes by blackmailing victims with explicit images. Children in orphanages are at risk of trafficking. Some parents or brokers force children from Thailand, Cambodia, and Burma to sell flowers or other items in streets, beg, or work in domestic service in urban areas.

Labor traffickers exploit Thai and migrant workers in commercial fishing and related industries, the poultry industry, manufacturing, agriculture, domestic work, and street begging. Traffickers exploit some migrants in labor trafficking often through debt-based coercion, deceptive recruitment practices, retention of identity documents and ATM cards, illegal wage deductions, and other means. Brokers, recruitment agencies, and others impose excessive fees on workers before and after they arrive in Thailand. Vessel owners, brokers, and senior vessel crew traffickers subject Thai, Burmese, Cambodian, Vietnamese, and Indonesian men and boys to forced labor on Thai and foreign-owned fishing boats. Some are paid little or irregularly, incur debts from brokers and employers, work as much as 18 to 20 hours per day for seven days a week, and without adequate food, water or medical supplies. Some boat captains threaten, beat, and drug fishermen to work longer. Some trafficking victims in the fishing sector had difficulty returning home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel. Employers in fishing and seafood processing often made confusing wage deductions for documentation fees, advances, and other charges, making it difficult for workers to account for their wages accurately. Various research published in 2019 and 2020 found that between 14 and 18 percent of migrant fishermen were exploited in forced labor in the Thai fishing industry, indicating traffickers exploited thousands of workers on fishing vessels.

Corruption continues to undermine anti-trafficking efforts. Some government officials are directly complicit in trafficking crimes, including through accepting bribes or loans from business owners and brothels that exploit victims. Corrupt immigration officials facilitate trafficking by accepting bribes from brokers and smugglers along Thai borders. Credible reports indicate some corrupt officials protect brothels, other commercial sex venues, factory owners, and fishing vessel owners from raids, inspections, and prosecutions and collude with traffickers. Some local police reportedly withhold information from prosecutors to protect traffickers. Some government officials profit from bribes and direct involvement in extortion from and exploitation of migrants.

TIMOR-LESTE: TIER 2 WATCH LIST

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Those efforts included re-establishing funding to NGOs for victim services and integrating an anti-trafficking curriculum, created and provided by a foreign government, in some of its trainings for officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. For the fourth consecutive year, the government did not obtain any trafficking convictions. The only potential trafficking victim, compared with 65 potential victims in 2018, was identified by an NGO—the government did not confirm any trafficking cases and significantly decreased the number of trafficking investigations. Victim protection services remained inadequate, and the government did not finalize or approve government-wide standard operating procedures (SOPs) for victim identification for the fifth consecutive year—a critical need as official understanding of trafficking remained low and authorities continued to detain and deport potential trafficking victims for immigration violations without performing screening procedures. Therefore Timor-Leste was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Increase investigations of trafficking offenses, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials, in accordance with anti-trafficking laws. • Finalize, implement, and train all relevant officials on formal procedures for victim identification among vulnerable populations, including individuals in commercial sex, domestic workers, and migrant workers on fishing vessels, and employ proper screening procedures upon detention or prior to initiating deportation. • Amend the anti-trafficking provision of the penal code to ensure that force, fraud, or coercion are not a required element of sex trafficking cases involving 17-year old children. • Strengthen efforts to protect victims from arrest, deportation, or other punishment for unlawful acts which traffickers compelled them to commit. • Increase resources for protective services focusing on trafficking victims and proactively offer male victims the same services offered to female victims. • Establish SOPs on referring victims to appropriate care and train officials on their use. • Establish the human trafficking commission. • Develop a current national action plan on trafficking and adequately fund its implementation. • Finalize data collection procedures.

PROSECUTION

The government decreased law enforcement efforts. Articles 163 and 164 of the criminal code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of eight to 25 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a sex trafficking offense involving a 17-year old child, and therefore did not criminalize all forms of child sex trafficking. The government did not collect detailed data on trafficking, and the government only collected aggregate data on vulnerable persons and not trafficking-specific data. The government reported it investigated 13 potential trafficking cases—a significant decrease from 65

in 2018, 267 in 2017, and 176 in 2016. The government closed four cases for insufficient evidence while nine cases remained pending at the end of the reporting period. In addition, four case investigations from previous reporting periods remained ongoing. Local NGOs identified and referred one trafficking case to the government during the reporting period; however, the prosecutor general's office (PGO) did not open an investigation. Subsequently, the government did not confirm any trafficking cases, a substantial decrease from five in 2018, nine in 2017, and 79 in 2016. Authorities did not initiate any trafficking indictments in 2019, compared with four in 2018. For the fourth consecutive year, the government did not obtain any convictions during the reporting period. In 2018, a district administrator was accused of raping a child sex trafficking victim and attempting to bribe her to not report the case; at the end of this reporting period the case was still with the PGO for review while the district administrator remained in his position. In a previous reporting period, the government reported referring a case of an immigration official who allegedly facilitated labor trafficking of Bangladeshi workers to the PGO; the government reported for the second consecutive year the case was ongoing.

The government included anti-trafficking curriculum, created and provided by a foreign government, in its judicial sector training. The Legal Training Center and the Office of the Prosecutor General also reported the inclusion of this curriculum in training for new judges, prosecutors, defense attorneys, and for current members of the judiciary, and confirmed delivering the training to five prosecutors in the PGO and five investigators from the Central Cabinet of Organized Crime in the PGO during the reporting period. The National Police confirmed recruits received training on how to identify trafficking victims as part of their onboarding curriculum. The government did not report the number of officials trained on anti-trafficking during the reporting period; officials' understanding of trafficking or the requirements of the law reportedly remained inadequate, hindering overall progress.

PROTECTION

The government decreased efforts to protect victims. Immigration and police officials reported their ad hoc use of trafficking indicators based on the Bali Process to identify victims; however—for the fifth consecutive year—the government has not finalized or disseminated comprehensive, government-wide SOPs for victim identification. The government did not report its proactive identification of any victims; NGOs referred one potential trafficking victim to the government—but the PGO did not open a formal investigation and therefore did not confirm any individuals as trafficking victims. This was a significant decrease from the 65 potential trafficking victims identified in 2018. The police provided emergency services to immediately stabilize a potential victim, and a government-funded NGO provided subsequent rehabilitative, mental health, and travel coordination services. The government re-established providing $8,000 each to two NGOs to provide shelter, legal, and psycho-social services to trafficking victims, despite limited availability of funds for the government. While one of the NGOs provided services to the potential trafficking victim it identified, the government's technical field officers and 97 national police victim protection unit investigators charged with the identification and referral of victims to services did not report identifying or referring any trafficking victims to services. Adult victims may leave shelters unattended. An international organization continued to assess the availability and the quality of victim care as poor and below international standards and noted that while the government stated it provided services to both men and women, its existing victim assistance was structured for domestic violence victims, who were overwhelmingly female.

Law enforcement routinely performed raids on areas known for commercial sex, which was legal in the country, in part to assess immigration status. According to immigration officials, police, and media sources, authorities detained en masse foreign women in commercial sex—who may have been possible victims of sex trafficking—during such raids and deported them without screening for trafficking indicators. In May 2019, authorities arrested and deported 13 women in commercial sex from Vietnam, China, and Indonesia, for visa violations, without screening the women for trafficking indicators, similar to a case reported in the previous reporting period. Immigration officials reported traffickers coached victims to state they were voluntarily in commercial sex, which officials reported made it difficult for them to identify victims. The government had not yet completed implementing regulations and guidance on the 2017 Law on Preventing and Combating Human Trafficking, which stated trafficking victims may not be detained, accused, or judged for having entered or resided illegally in Timor-Leste, nor for having participated in unlawful acts committed as a direct consequence of the victim's trafficking situation. The government did not provide foreign victims with alternatives to their removal to countries where they may face hardship or retribution. Although the government did not officially identify any victims of trafficking, the government funded the one NGO-identified potential victim's repatriation.

PREVENTION

The government decreased efforts to prevent trafficking. Though the government did not create a commission to combat trafficking as mandated in the 2017 trafficking law, it continued to use the interagency anti-trafficking working group, led by the Office of the Prime Minister and Ministry of Justice (MOJ), to coordinate anti-trafficking efforts. The working group met six times during the reporting period. The MOJ previously drafted a national action plan in 2018; MOJ had not yet presented the plan to the Council of Ministers. The government had yet to approve the working group's request from an earlier reporting period for a budget to implement the action plan. The government did not conduct research to assess the human trafficking problem in its country, nor did it systemically monitor its anti-trafficking efforts. The government did not have an anti-trafficking hotline. The government did not take measures to reduce the demand for commercial sex.

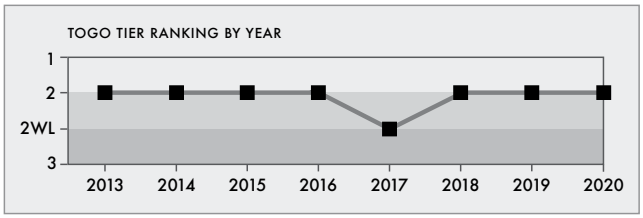
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Timor-Leste, and traffickers exploit victims from Timor-Leste abroad. Traffickers lead Timorese women, girls, and occasionally young men and boys from rural areas to the capital with the promise of employment or education and exploit them in sex trafficking or domestic servitude. Traffickers exploit Timorese men in forced labor in agriculture, construction, and mining. Some Timorese family members place children in bonded household and agricultural labor, primarily in domestic rural areas but also abroad, to pay off family debts. Traffickers deceive young men and women and adult women with promises of scholarship opportunities or employment in Indonesia, Malaysia, and other countries in the region; often, traffickers take the victim to a different country than promised, withhold their passports, pay them little to nothing, and force them into labor, including domestic servitude. Frequently, Timorese victims overseas first transit through the porous border with Indonesia; some remain and are exploited in Indonesia. Sex traffickers in Timor-Leste prey on foreign women from East and Southeast Asia. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, who rotate foreign victims of sex trafficking in and out of the country for the length of a 30-day tourist visa to avoid raising the suspicions of law enforcement officers through visa overstay violations. Traffickers also recruit Timorese women, send them to

China, Indonesia, or Malaysia, and force them into commercial sex. Police accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally. Traffickers exploit foreign fishing crews in forced labor on foreign-flagged vessels that transit Timor-Leste waters.

TOGO: TIER 2

The Government of Togo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Togo remained on Tier 2. These efforts included identifying an increased number of victims and investigating and prosecuting more suspected traffickers. However, the government did not meet the minimum standards in several key areas. Authorities convicted fewer traffickers, and officials failed to update the government's national action plan for the 12th consecutive year. Additionally, the government did not finalize its pending decree to create a national anti-trafficking committee, despite the support of law enforcement officers, judicial officials, and civil society organizations.



PRIORITIZED RECOMMENDATIONS:

Council of Ministers finalize and adopt the pending decree to create a Trafficking in Persons National Committee to improve governmental coordination. • Update existing victim referral manuals to include victim identification standard operating procedures (SOPs) and train law enforcement and justice sector personnel on those procedures to increase the number of victims identified and referred to protective services. • Provide anti-trafficking training to law enforcement and judicial officials to increase their ability to effectively prosecute trafficking cases. • Enact anti-trafficking legislation that includes provisions for victim protection, and implement measures that incentivize victims to participate in the law enforcement and judicial process, including witness protection, as well as the provision of shelter, medical care, and psycho-social services. • Work with NGOs and international organizations to increase the provision of protective services to all trafficking victims. • Draft and implement an updated national action plan that incorporates adult victims and increases coordination with NGOs, neighboring countries, and regional organizations. • Develop a data collection and information management system to organize law enforcement and victim referral data, in collaboration with NGOs and international organizations.

PROSECUTION

The government maintained law enforcement efforts. Articles 317 through 320 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 20 years' imprisonment and fines between 10 million and 50 million West African CFA francs (FCFA) ($17,180 and $85,910) for offenses involving an adult victim and 20 to 30 years' imprisonment and fines between 20 million and 50 million FCFA ($34,360 and $85,910) for offenses involving a child victim. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The Ministry of Justice's anti-trafficking cell reported investigating 60 cases involving 95 suspects in 2019, compared with investigating 62 suspected traffickers in 2018. Officials reported prosecuting 54 suspects in 2019 versus 49 in 2018. During the reporting period, authorities convicted three traffickers, compared with eight during the previous reporting period; courts sentenced the three traffickers to between 12 months' to 10 years' imprisonment. The government did not report investigating, prosecuting, or convicting any officials complicit in human trafficking offenses, although judicial corruption may have hindered some trafficking investigations during the reporting period. Officials reported adjudicating some forced child labor cases through informal mediation processes.

The government continued to provide written instructions on victim identification to its law enforcement and immigration officials through the course of their basic training. One urban law enforcement unit stated the government provided comprehensive trafficking in persons training for 10 of the unit's 30 officers during the reporting period, although frequent turnover hindered the development of the unit's institutional knowledge. In December 2019, the government finalized its tripartite agreement with Benin and Burkina Faso to synchronize law enforcement efforts on transnational trafficking cases, although officials did not report using the agreement to investigate any cross-border cases or extradite any suspects.

PROTECTION

The government increased efforts to identify victims but did not report if it referred and provided care to all victims. In 2019, officials reported identifying 225 child victims of trafficking (19 boys and 206 girls) and 87 adult victims (38 men and 49 women), compared with 118 child victims and 86 adult victims in 2018. Officials used written manuals from 2007 to identify and refer victims to services in coordination with NGOs; however, the manuals did not include SOPs for identifying victims among high-risk populations. NGOs reported the government's victim identification and referral processes were effective and the Ministries of Social Action, Labor, and Justice were key partners on prevention, protection, and investigation efforts, respectively.

In Lomé, the Ministry of Social Affairs (MSA) continued to run a toll-free helpline, Allo 10-11 16 hours per day, seven days a week; officials reported out of 13,769 calls the hotline received in 2019, 5,506 were substantive, resulting in the identification of 97 child trafficking victims (12 boys and 85 girls). The MSA provided cell phones to Allo 10-11's network of 150 contacts to facilitate nationwide coverage and utilized an informal referral system when callers identified potential victims. In 2018, officials reported the hotline received approximately 118 trafficking-specific calls resulting in an unknown number of victims identified. The government did not report repatriating any victims in 2019, compared with repatriating nine trafficking victims in 2018.

The Directorate-General for Child Protection provided psycho-social and health services in addition to shelter to 147 child victims in 2019. MSA continued to operate the Reference Center for the Guidance and Care of Children in a Difficult Situation (French acronym CROPESDI). The CROPESDI shelter, located in Lomé, received victims referred by the Allo 10-11 hotline and provided shelter, legal, medical, and social services before transferring them to NGO-managed care facilities. Officials did not report the number of victims these shelters served during the reporting period. The government reportedly provides foreign trafficking victims the same access to shelters as domestic victims and

performs a risk evaluation before it repatriates potential victims.

The government did not have a formal process to encourage victims' participation in the investigation and prosecution of their traffickers. While there were no reports the government penalized any trafficking victims for unlawful acts traffickers compelled them to commit, authorities may have detained or deported some victims due to the lack of victim identification SOPs and some officials' limited understanding of the crime.

PREVENTION

The government demonstrated mixed efforts to prevent trafficking in persons; while its nationwide awareness campaign reached more people, it decreased funding for the campaign, and the government's lack of overall coordination continued to hinder its anti-trafficking efforts. The government managed its anti-child trafficking efforts and dissemination of information through the National Committee for the Reception and Social Reintegration of Child Victims of Trafficking (French acronym CNARSEVT), which routinely convened during the year. CNARSEVT acted as the government's central hub of information for trafficking in Togo; however, data collection and reporting remained weak during the reporting period. The government drafted but did not finalize a decree to create a Trafficking in Persons National Committee—a key recommendation of NGOs and working-level officials to mitigate Togo's coordination challenges—and has not updated its anti-trafficking national action plan since 2008.

The government allocated seven million FCFA ($12,030) to continue a nationwide awareness campaign during the reporting period, compared with reportedly budgeting 174.6 million FCFA ($300,000) to the Directorate for Child Protection to launch the awareness campaign in 2018. The campaign targeted urban and rural areas, used radio interviews, and featured signage in schools, public buildings, and traditional chiefs' halls. Officials estimated the initiative reached approximately 30,000 citizens during the reporting period in the Maritime, Kara, and Savanes Regions where many trafficking victims originate or transit; the government reported the campaign reached approximately 20,000 Togolese over the course of the previous reporting period. The government included French, Kabiyé, and Ewe languages in the campaign, which involved parents, community-based organizations, government officials, and religious leaders. Additionally, officials collaborated with the Governments of Benin and Ghana to sensitize communities along the Abidjan-Lagos corridor. The government continued to employ a network of "vigilance committees" in more populated villages across the country to provide education on trafficking and report cases to the government, although the effectiveness of these committees varied greatly.

Similar to last year and despite reports of fraudulent recruiters facilitating the exploitation of Togolese abroad, authorities did not report investigating any foreign labor recruiters for trafficking crimes. The Ministries of Labor and Social Action regulated labor recruitment firms, but the government's weak information management systems hindered its ability to provide enforcement statistics. The government worked to reduce the demand for forced child labor by continuing to partner with traditional religious leaders to eliminate exploitation in religious "apprenticeships." These "apprenticeships" involve parents entrusting their children to religious leaders for education and employment purposes, who exploit the children in forced domestic work, or sexual slavery when parents are unable to pay "apprenticeship fees." The government distributed an unknown number of birth certificates in coordination with NGOs; the lack of identification documents contributed to an increased vulnerability to trafficking in persons.

The government did not take any discernible measures to reduce the demand for commercial sex acts. Officials provided anti-trafficking training to Togolese troops prior to their deployment abroad on international peacekeeping missions. The Ministry of Foreign Affairs provided its diplomats a guide to hiring domestic workers but did not report delivering trafficking-specific training.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Togo, and traffickers exploit victims from Togo abroad. The western border of the Plateau region, which provides easy access to major roads between Lomé and Accra, Ghana, remained a primary area traffickers used to transport victims during the reporting period. NGOs noted the Abidjan-Lagos corridor remains a prominent route for movement-based trafficking of persons—as well as the smuggling of illicit goods—with criminals using Togo as a transit country. Civil society actors and law enforcement officers reported the country's rise as a regional economic and logistics hub has led to a corresponding increase in trafficking and smuggling. Families and trusted intermediaries take advantage of high levels of poverty throughout the country to exploit many Togolese trafficking victims, with the Centrale and Savanes regions serving as primary source regions. Traffickers force Togolese children to work in the agricultural sector—particularly on coffee, cocoa, and cotton farms—as well as in stone and sand quarries, where children and adults break rocks by hand. Observers stated trafficking networks are predominantly community-based and loosely organized by local actors.

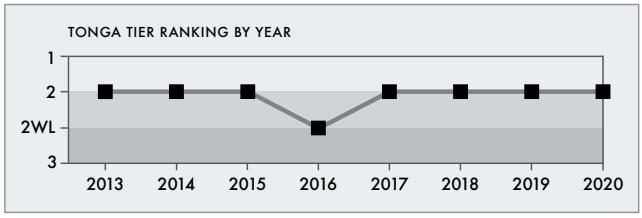
NGOs and government officials reported markets selling Togolese children for commercial sex acts ("small girls markets" or *devissime*) exist in Lomé and elsewhere in the country. Traffickers visit rural areas in the north and central regions to recruit children from impoverished parents to sell in these markets. These illicit recruiters promise lucrative employment for the children and pay parents an advance before transporting the minors to Lomé, where traffickers subject minors to forced labor as domestic servants, roadside vendors, and porters, or exploit them in child sex trafficking. Togolese businesspeople exploit boys through forced labor in construction, salvage yards, mines, and as mechanics, often involving hazardous machinery.

Transnationally, fraudulent recruiters work with loosely affiliated networks to transport victims to Benin, Burkina Faso, Cote d'Ivoire, Gabon, Ghana, and Nigeria. Traffickers force victims to work in the following sectors: cocoa harvesting in Ghana and Cote d'Ivoire; palm wine production in rural Nigeria; gold mining in Burkina Faso; domestic service in urban Nigeria; and sex trafficking in Beninese and Nigerian bars and restaurants. Traffickers recruit children from Benin and Ghana and transport them to Togo for forced labor. Illicit networks exploit Ghanaian girls in sex trafficking in Togo. Every year from September to April, in order to search for economic opportunities, many Togolese adults and children migrate to Benin, Burkina Faso, Mali, and Niger, where criminal elements may exploit them in forced labor and sex trafficking. Nigerians force Togolese men to work in agriculture and Togolese women in domestic service in Nigeria. Some fraudulent labor agencies recruit Togolese and West African women for employment in Kuwait, Lebanon, Oman, Qatar, and Saudi Arabia, where wealthy families exploit them in domestic servitude or sex trafficking. Officials noted sex tourists from Lebanon, France, and Nigeria exploit children in Togo.

TONGA: TIER 2

The Government of Tonga does not fully meet the minimum

standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tonga remained on Tier 2. These efforts included training more police recruits on victim identification and trafficking investigations and providing funding for an NGO available to assist trafficking victims. Tongan police continued to utilize an Asian liaison officer trained to speak Mandarin Chinese to engage with Chinese citizens living in Tonga who may be vulnerable to trafficking. However, the government did not meet the minimum standards in several key areas. Authorities did not conduct any new trafficking investigations, develop procedures to proactively identify victims, or effectively coordinate governmental anti-trafficking efforts.



PRIORITIZED RECOMMENDATIONS:

Develop and fully implement procedures for proactive identification of trafficking victims among vulnerable groups. • Increase efforts to proactively investigate and prosecute trafficking crimes. • Amend trafficking laws to criminalize all forms of trafficking in line with the definition under international law, including offenses lacking cross-border movement. • Develop, adopt, and implement a national action plan. • Utilize the Asian liaison position to facilitate proactive identification of foreign victims and their referral to care. • Provide explicit protections and benefits for trafficking victims, such as restitution, legal and medical benefits, and immigration relief. • Develop and conduct anti-trafficking information and education campaigns. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The Counter Terrorism and Transnational Organised Crime Act of 2013 did not criminalize all forms of trafficking because it required transnationality to constitute a trafficking offense. Additionally, inconsistent with the definition of trafficking under international law, the law did not include force, fraud, or coercion as an essential element of the crime. The law prescribed penalties of up to 15 years' imprisonment for trafficking offenses involving adult victims and 20 years' imprisonment for offenses involving children; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. The government did not investigate any potential trafficking cases, compared to one investigation during the previous reporting period. Since convicting its first trafficker in April 2011, the government has not prosecuted or convicted any trafficking cases. The Tongan police force provided trafficking training to 30 new police recruits in 2019, compared with an unknown number of officials trained in 2018. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. Since the government's identification of four potential trafficking victims in 2015, the government has not identified any victims of trafficking. The government did not develop or employ systematic procedures for victim identification among at-risk groups, such as migrant workers or women in commercial sex. Tongan police utilized an Asian liaison officer trained to speak Mandarin Chinese to engage with Chinese citizens living in Tonga who may be vulnerable to trafficking. The government had procedures to refer victims of crime, including potential trafficking victims, to an NGO. The government provided an unknown amount of funding to an NGO for operations to assist adult female and child victims of crime, including shelter, counseling, and legal services, compared with 60,000 pa'anga ($27,160) in 2018 and 2017. Although no victims were identified during the year, adult female and child victims of trafficking would be eligible for these services. There were no shelter facilities available to male victims older than 14 years old; however, male counselors were available to assist male victims of any age. Under the immigration act, the principal immigration officer had broad discretionary authority to grant victims permits to stay in the country for any length of time necessary for their protection. Victims could receive asylum in Tonga if they feared retribution or hardship in their country of origin, although no trafficking victim has ever requested asylum.

PREVENTION

The government maintained efforts to prevent trafficking. The government's trafficking task force was responsible for leading anti-trafficking efforts alongside the transnational crime unit of the police force. The government did not develop a national action plan, which reportedly continued to hinder governmental anti-trafficking coordination. The government did not conduct awareness campaigns. The government provided Fijian domestic workers with temporary work permits while their employers applied for permanent permits. Authorities provided briefings to Tongans participating in seasonal worker programs overseas, which included information on workers' rights. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel. Tonga is not a party to the 2000 UN TIP Protocol.

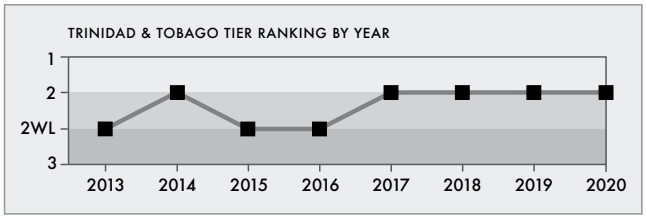
TRAFFICKING PROFILE

As reported over the past five years, some Tongan and foreign individuals are vulnerable to trafficking in Tonga, and some Tongans are vulnerable to trafficking abroad. East Asian women, especially those from China, who are recruited from their home countries for legitimate work in Tonga, are vulnerable to sex trafficking in clandestine establishments operating as legitimate businesses. Some Tongan women and children are vulnerable to forced labor in domestic work; Tongan children are vulnerable to sex trafficking. Reports indicate Fijians working in the domestic service industry in Tonga experience mistreatment indicative of labor trafficking. Tongan adults working overseas, including in Australia and New Zealand, are vulnerable to labor trafficking, including through withholding of wages and excessive work hours. Employers rush some workers to sign employment contracts they may not fully understand, and others are unable to retain copies of their contracts, exacerbating the potential for employers to exploit these workers in labor trafficking.

TRINIDAD AND TOBAGO: TIER 2

The Government of Trinidad and Tobago does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Trinidad and Tobago remained on Tier 2. These efforts included screening and identifying more victims,

investigating traffickers, including three potentially complicit officials, prosecuting eight suspected traffickers, and increasing anti-trafficking training for its officials. However, the government did not meet the minimum standards in several key areas. The government had yet to secure a conviction under its 2011 anti-trafficking law, funding for victim assistance was reduced, and the laws did not provide immigration relief for victims or allow educational opportunities for vulnerable refugee children.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials and staff. • Provide adequate funding for robust trafficking investigations and victim services, including accommodations. • Train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence of trafficking. • Increase proactive victim identification, screening, and protection among migrants, asylum-seekers, and refugees so that they are not penalized for crimes traffickers compelled them to commit. • Reduce court delays and pretrial detention and ensure that private video testimony facilities are offered to victims. • Improve cooperation between the Counter Trafficking Unit (CTU), prosecutors, judiciary, and NGOs to increase the number of cases that proceed to trial. • Strengthen oversight, regulation, and inspections of private labor recruitment agencies and domestic work locations. • Increase trauma-informed training on trafficking for NGO, shelter, social services, and law enforcement staff to improve their ability to identify and care for potential trafficking victims. • Increase civil society representation on the anti-trafficking task force. • Draft a national action plan for the period beginning 2021.

PROSECUTION

The government maintained law enforcement efforts. The Trafficking in Persons (TIP) Act of 2011 criminalized sex trafficking and labor trafficking and prescribed penalties of no less than 15 years' imprisonment and a fine of no less than 500,000 Trinidad and Tobago dollars (TTD) ($74,660) for offenses involving an adult victim and no less than 20 years' imprisonment and a fine of no less than one million TTD ($149,320) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government's anti-trafficking unit investigated 36 possible cases of sex trafficking and labor trafficking, compared with 39 in 2018 and 38 in 2017. The government initiated two prosecutions and charged eight suspected traffickers in 2019, compared with four in 2018 and two in 2017. The government reported no convictions for trafficking during the reporting period and had not yet convicted a trafficker under its 2011 anti-trafficking law, due in part to a dramatic court backlog, causing cases to take several years to make their way through the system. The government passed several laws to reform the justice system's lengthy delays in criminal trials, evidence collection issues, and insufficient judiciary personnel.

The Counter Trafficking Unit (CTU), under the Ministry of National Security, had the sole mandate for investigating human trafficking cases. The CTU collaborated with the national police Special Operations Response Team (SORT) and the intelligence-led task force to identify and monitor suspicious establishments. This team conducted six high-profile operations during the reporting period, resulting in the June 2019 release of two Chinese national forced to work in a factory and the detention of 15 perpetrators, eight of whom were charged under the TIP Act. Officials in law enforcement and observers reported that government officials have facilitated trafficking by accepting bribes from brothel owners to transport victims to various locations. During the reporting period, the government arrested three police officers on suspicion of trafficking and detained a police officer among other suspected traffickers in an anti-trafficking raid in November at a sports bar. In February, authorities arrested two other police officers in connection with trafficking, one of whom they charged with child trafficking. The case of a 2017 government employee charged with trafficking was still pending.

The government did not provide its budget allocations to the CTU for the reporting period for 2019 or 2018, compared to a seven million TTD ($1.05 million) budget reported in 2017. Officials confirmed the CTU is not adequately funded or staffed to handle trafficking for the entire country. The government collaborated with India to extradite a forced labor suspect and signed the CARICOM Arrest Warrant Treaty to facilitate regional law enforcement cooperation. In November, newspapers reported that the SORT team arrested a male Chinese national and a female Venezuelan national suspected of sex trafficking. The police academy with an international partner delivered a two-day combined live and video conference training for 116 officers from Trinidad and Tobago on the components of human trafficking in government facilities. The CTU provided anti-trafficking training to 130 defense force members, 582 local police, prison officers, and 142 front-line officers. The CTU also provided trafficking sensitization training to 15 judges and magistrates and presented a weekly bilingual radio program directed at the community of migrants and Venezuelan refugees.

PROTECTION

The government increased some protection efforts. The government identified 34 trafficking victims, an increase from 14 victims identified in 2018, 14 in 2017, and 13 in 2016. There were 33 adult and minor Venezuelan females identified as victims of sex trafficking and one male from India identified as a labor trafficking victim out of 180 vulnerable individuals law enforcement officials screened. A separate group of 46 female potential trafficking victims released from a group of suspected traffickers reported by media were also screened for trafficking. Authorities reported all identified victims received care and 22 victims from prior years continued to receive assistance during the reporting period, compared with 29 victims in 2018 and 14 in 2017. The CTU reported spending 120,000 TTD ($17,920) on victim protection and assistance in 2019, a decrease from 203,100 TTD ($30,330) in 2018 and 198,900 TTD ($29,700) in 2017. The government provided additional funding to children's homes and adult victim accommodation through the Ministry of Social Development and Family Services. NGOs reported identifying and referring many additional victims to the CTU, but as the NGOs did not receive assistance or case follow-ups, NGOs reported they stopped referring them to the CTU. Outside experts noted there was insufficient government funding and personnel for comprehensive victim care. Some observers indicated that following police actions or immigration raids, authorities detained some foreign victims for violating immigration laws without screening for trafficking indicators or victim care—even though those unlawful acts occurred as part of the trafficking crime and traffickers may have compelled victims to commit them. The CTU reported intervening on behalf of some foreign victims to have them removed from detention centers to alternate sites.

The government jointly provided victim care services in conjunction

with NGOs, which included accommodation, counseling, legal aid, consular services, medical and psychological services, assistance in their native language, reintegration for domestic victims and relocation for foreign victims, and in some cases skill and English language training. Observers reported a lack of appropriate shelters with adequate staff and security personnel. In February 2020, the cabinet established the Working Committee for the Delivery of Care to Trafficking Victims to improve quality of victim care. The government housed adult victims in a variety of locations; this varied from NGO-run shelters, government-funded accommodation, to international organization-funded accommodation based on the level of security risks and threats to the victim. Most female victims were housed in domestic violence shelters with strict rules restricting unchaperoned freedom of movement or communication outside. Observers noted that these restrictions caused some victims to run away from shelters or ask to be repatriated before investigations were completed. The government placed adult male victims at safe houses run by the security services. The Children's Authority placed child victims in government-funded children's homes in the community, although observers reported a lack of specialized care. While the government indicated victims were allowed to work and stay in country, in practice a majority were not allowed to work because of safety concerns. The government did not provide immigration relief to victims. Although the government agreed that an international body could conduct refugee status determinations, there was no impact on a trafficking victim's legal status in country and refugee children could not access public education, rendering them more vulnerable to trafficking. Language interpretation services were not always available for counseling sessions and police interviews; experts reported shelters did not have bilingual staff or volunteers. In addition, some government officials noted a shortage of interpreters available to assist with foreign victim care and testimony. The CTU provided 24/7 security for victims who participated in court proceedings. Experts noted working-level staff at NGOs and shelters needed more training on trafficking indicators to better identify potential trafficking victims.

PREVENTION

The government increased efforts to prevent trafficking. The National Task Force Against Trafficking in Persons (task force) collaborated with the CTU on anti-trafficking efforts. The task force included the ministries of labor, immigration, national security, social development, foreign affairs, finance, the national police, the children's authority, airports authority, and the director of public prosecutions. Experts continued to note a need for the government to add more NGO representation to the task force to strengthen government-NGO partnerships and receive more NGO input into government decision-making. The government continued implementation of the 2016-2020 national action plan, including delivering anti-trafficking training to 150 members of women's NGOs. Quarterly reports of some of the activities are submitted to the task force and annual reports are prepared on the government's anti-trafficking efforts and made available via open hearings and press releases.

The government conducted a series of awareness campaigns on sex and labor trafficking targeting children and the general public. The government used social media, airport advertisements, billboard advertisements, and publicized the hotline with flyers on trafficking distributed in movie houses and promoted the hotline during a weekly bilingual radio program. Authorities screened movies about trafficking at law and immigration trainings and on five local television stations as part of the World Day Against Trafficking. The labor ministry (MOLSED) produced three videos and a radio advertisement on labor trafficking and conducted outreach in schools, summer camps, and community councils to explain about child labor trafficking and distributed bookmarks to students on sex and labor trafficking. Forced labor cases are referred to the labor inspectorate for investigation, and the inspectorate meets with employers about paying employees for unpaid wages. Observers noted the oversight and regulation of domestic workers remained weak although domestic workers must be registered by their employers within 14 days or face a 5,000 TTD ($750) fine. The government did not report on the implementation of a new migration policy begun in 2018. MOLSED and the CTU drafted a memorandum of understanding to increase collaboration on sex trafficking and labor trafficking, including training for labor inspectors to enable them to refer potential trafficking victims to the police or immigration. The government operated a national trafficking hotline, which reported 30 calls resulting in the screening of six individuals and two identified foreign victims. Observers noted the need for more Spanish language services in the hotlines. The government made efforts to reduce the demand for commercial sex acts by targeting men and boys at schools, barbershops, and in communities with an awareness-raising program directed by the Office of the Prime Minister.

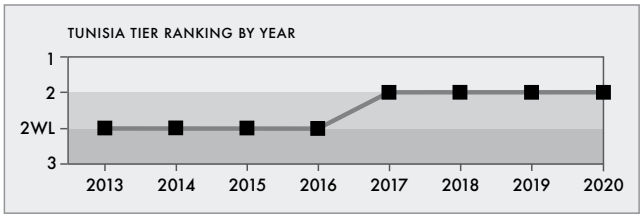
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Trinidad and Tobago, and traffickers exploit victims from Trinidad and Tobago abroad. The ongoing humanitarian crisis in neighboring Venezuela has contributed to an influx of refugees and migrants who are at high risk for trafficking. Traffickers lure women and girls from Colombia, the Dominican Republic, and Venezuela with offers of employment, many via social media, and subject them to sex trafficking in brothels and clubs. Traffickers are increasingly targeting and accompanying vulnerable foreign young women and girls between the ages of 15 and 21. Other vulnerable economic migrants arrive from countries in Africa, China, and other Caribbean countries. LGBTI persons are at risk for sex trafficking. Many victims enter the country legally via Trinidad's international airport, while others enter illegally via small boats from Venezuela, which is only seven miles offshore. Migrants from the Caribbean region and from Asia, in particular those lacking legal status, are at risk for forced labor in domestic service and the retail sector. Corruption in police and immigration has been associated with facilitating commercial and sex trafficking.

TUNISIA: TIER 2

The Government of Tunisia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tunisia remained on Tier 2. These efforts included an increase in investigations of alleged traffickers and an increase in victim identification efforts. It also implemented the national victim referral mechanism, directly provided more than 150 identified victims with protection services—including medical and psycho-social assistance—and continued to coordinate with civil society organizations to provide additional services to victims and to train officials. The government also established a network of trafficking survivors to advise the government on anti-trafficking measures and best practices. However, the government did not meet the minimum standards in some key areas. The government's efforts to prosecute and convict traffickers decreased. Continual lack of understanding of trafficking among judicial and law enforcement officials inhibited authorities from effectively bringing traffickers to justice. While the government provided some services for victims, overall government services appropriate for the needs of

all trafficking victims—including male, female, and child victims—across the country remained limited.



PRIORITIZED RECOMMENDATIONS:

Fully implement the national victim referral mechanism using a victim-centered approach to ensure officials refer all trafficking victims to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care. • Implement formal procedures for all relevant officials to screen and proactively identify sex and labor trafficking victims—particularly among vulnerable groups such as domestic workers, undocumented migrants, street children, and persons in commercial sex—and train officials on their use. • Provide adequate protection services to male, female, and child victims of all forms of trafficking, including appropriate shelter, psycho-social, and rehabilitative services tailored specifically to trafficking victims. • Train staff at government-operated centers for vulnerable populations to provide trafficking victims with appropriate and specialized care, and increase resources for provision of care at these centers. • Use the anti-trafficking law to investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Train and build the capacity of judicial and law enforcement officials on application of the anti-trafficking law, investigative techniques and evidence collection specific to trafficking cases, witness and victim protection best practices during trial, and alternatives to victim testimony. • Improve coordination among government ministries to combat trafficking. • Provide funding or in-kind support to NGOs that provide care to trafficking victims. • Develop procedures, especially for law enforcement, judicial, and border officials, to ensure victims are not punished for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations.

PROSECUTION

The government increased efforts to investigate potential trafficking cases but decreased efforts to prosecute and convict alleged traffickers. Tunisia's anti-trafficking law, Organic Law 2016-61, enacted in July 2016, criminalized sex trafficking and labor trafficking and prescribed penalties of 10 years' imprisonment and a fine of 50,000 Tunisian dinar (TND) ($18,040) for offenses involving adult victims and 15 years' imprisonment and a fine of 50,000-100,000 TND ($18,040-$36,080) for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as kidnapping. The National Authority to Combat Trafficking in Persons ("National Authority")—the government's lead agency coordinating anti-trafficking efforts—reported the lack of an independent budget and insufficient capacity building hindered the government's efforts to fully implement the law. Furthermore, civil society organizations reported there continued to be a low level of awareness among police and judicial authorities on the application of the anti-trafficking law and handling of trafficking cases. Due to their lack of familiarity with the law, some judicial officials used other laws that had less stringent sentences to prosecute and convict trafficking offenders. Observers also reported that courts dismissed several potential trafficking cases due to lack of evidence on the exploitative nature of the crime; lack of victim or witness testimony also created challenges for officials to successfully prosecute and convict trafficking offenders.

From April 2019 to January 2020, the Ministry of Interior (MOI) conducted a total of 775 investigations, which included 361 cases of forced labor, 348 cases of "economic exploitation" (forced labor), 54 cases of sexual exploitation, and 12 cases of "slavery-like practices." The majority of economic exploitation cases involved female victims from Cote d'Ivoire, and the cases of sexual exploitation involved female Tunisian victims. This demonstrated a significant increase from the 349 investigations the government initiated in the previous reporting period. The National Authority—with the assistance of a legal aid NGO—reported the government prosecuted 31 alleged traffickers, which included 23 forced labor cases and six sex trafficking cases; however, none of the cases were tried under the anti-trafficking law. The government did not convict any traffickers during the reporting period. These statistics represented a significant decrease from the 66 prosecutions and one conviction the government initiated in the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

Every tribunal in Tunisia had a prosecutor and investigative judge responsible for overseeing human trafficking cases and leading anti-trafficking training programs for judicial officials. Additionally, the MOI's special victims unit, established in 2017, included brigades of judicial police and national guard officers throughout the country who were specialized in cybercrimes and assistance to victims of trafficking and gender-based violence. The Ministry of Justice (MOJ) continued to monitor and maintain statistics on human trafficking cases brought before the judiciary through a specialized office; this office also had the authority to conduct research on the application of the anti-trafficking law and advise the minister of justice on policies related to the implementation of the law. However, lack of a judicial database and bureaucratic delays prevented the MOJ from providing detailed data on trafficking prosecutions and convictions during the reporting period. Throughout the reporting period, the government—in coordination with international and civil society organizations—conducted a wide variety of anti-trafficking trainings for law enforcement and judicial officials, healthcare practitioners, and social workers. Nevertheless, insufficient training of judicial and law enforcement officials hindered investigative techniques and victim identification efforts. During the reporting period, the government expanded cooperation with the governments of Senegal and Cote d'Ivoire to exchange information about potential trafficking cases.

PROTECTION

The government significantly increased efforts to proactively identify trafficking victims and it provided some victims with protection services. Between April 2019 and February 2020, the National Authority identified 1,313 trafficking victims from among the potential victims referred to it by government agencies—including the MOI and the Ministry of Women, Family, Childhood, and the Elderly (MWFCE)—and civil society organizations; this represented a substantial increase from the 780 victims it identified in the previous reporting period. More than half of identified victims were women and children, and the majority were foreign victims of economic exploitation primarily from Cote d'Ivoire. The government referred or directly provided assistance to all identified victims of trafficking. The Ministry of Health (MOH) provided healthcare to 69 trafficking victims, including both Tunisian and foreign victims, and the Ministry of Social Affairs (MSA) provided psychological and socio-economic assistance to 83 victims. NGOs reported that the government

continued to collaborate with civil society organizations to provide assistance to the remaining victims in need. The government also repatriated and provided psycho-social, medical, and employment assistance to three female Tunisian trafficking victims, who Tunisian authorities identified abroad in 2019.

At the end of the reporting period, the government finalized and began implementation of the national victim referral mechanism, which streamlined all stages of the referral process from victim identification and assistance to civil and criminal proceedings. Judicial and border police continued to have practices in place to screen for potential trafficking victims among those who overstayed their legal residency or who were subject to expulsion after serving a prison sentence. The government also prepared a practical guide for security officers and judicial police on victim identification techniques. In addition, the MSA continued to train all labor inspectors to identify potential trafficking victims; there were 25 labor inspectors and 24 social workers in the MSA's labor inspectorate that were trained as specialized points of contact for child trafficking victims. Despite these efforts, the national anti-trafficking commission and MOI special victims unit were the only government entities authorized to officially identify trafficking victims, thereby allowing victims access to state-run services and providing exemptions from exit visas for foreign victims. NGOs continued to report that the limited number of ministries who could legally identify a trafficking victim slowed the process for victims to receive care. Moreover, insufficient interagency coordination and resources reportedly hindered the timely identification and referral to services for trafficking victims. In addition, civil society organizations reported the special victims unit did not have sufficient personnel or resources to provide adequate assistance to trafficking victims, nor did personnel have the cultural understanding or training to communicate with vulnerable migrants from the sub-Saharan African population, including potential trafficking victims. Civil society organizations also expressed concern that the government's process to provide exemption from visa penalties for foreign trafficking victims was slow and cumbersome, thereby creating difficulties for civil society to assist victims in a timely manner. Due to a lack of systematic victim identification procedures and policies, authorities may have punished some unidentified victims for unlawful acts traffickers compelled them to commit, such as prostitution or immigration violations.

The MSA continued to operate two centers in Sousse and Sfax that had designated areas available for victims of all forms of trafficking where victims could enter and exit freely and return on a regular basis for assistance seeking employment. The MSA—in collaboration with an international organization—continued to provide training for the centers' staff on rehabilitation and care for trafficking victims. The MSA and National Authority continued to uphold an agreement, signed in January 2019, for the MSA to dedicate one room in all social care centers for victims of trafficking and violence. An MOH-operated hospital in Tunis continued to have a unit with trained personnel dedicated to caring for victims of violence, including sexual exploitation, which offered psycho-social support, medical documentation, and legal expertise; the government did not report if this unit assisted any trafficking victims during the reporting period. The government ran 79 youth centers around the country that provided psycho-educational services to at-risk children ages six to 18, including child trafficking victims, one of which was dedicated solely for abandoned or otherwise vulnerable children, including child trafficking victims; however, the government did not report if any child trafficking victims received assistance at this center during the reporting period. Civil society contacts reported there were overall limited services throughout the country for child trafficking victims, especially long-term, reintegration, and relocation services. Despite the centers and services provided by the MSA and MOH, the National Authority and civil society partners continued to report the country lacked sufficient shelters to support vulnerable populations, including trafficking victims. Although the National Authority and NGOs partnered to reintegrate victims into society, the lack of resources, trained personnel, and sufficient shelter beds created challenges in doing so. Additionally, civil society organizations reported there were not adequate shelter or safe spaces available for male victims of trafficking and other forms of violence; there were only three government-run shelters that could accommodate male trafficking victims, but those shelters did not provide access to trained counselors, economic reintegration programs, or legal support. The government offered foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution. Under the anti-trafficking law, the government offered all identified foreign trafficking victims relief from deportation, and victims had the right to free legal aid to assist them in engaging in civil and criminal proceedings against their traffickers. During the reporting period, the government provided temporary relief from deportation for all identified foreign trafficking victims. The anti-trafficking law also allowed victims and witnesses of trafficking crimes access to psychological and physical protection services.

PREVENTION

The government significantly improved efforts to prevent trafficking. The government continued to implement its 2018-2023 national strategy to combat trafficking, and the MOJ continued to lead the National Authority, which included representatives from 12 ministries and experts from civil society. In July 2019, the government issued decree law number 2019-653, which established operating procedures and guidelines for the National Authority and four specialized commissions to focus on monitoring and evaluation, research, training and development, and tracking victim cases. Additionally, during the reporting period, the National Authority established a network of trafficking survivors that served as a council to share experiences, advise, and present recommendations to the committee to help improve its work. In February 2020, the National Authority—in partnership with an international organization—launched an online platform to provide training on how to combat and prevent human trafficking. The National Authority also strengthened its partnership with the Ministry of Foreign Affairs (MFA) during the reporting period, which resulted in the MFA's first victim referral and assistance repatriating Tunisian victims of trafficking abroad. During the reporting period, the National Authority completed an annual report that detailed its activities and recommendations on how to improve the government's fight against human trafficking, which it presented at an international anti-trafficking conference in Tunis in January 2020. The government continued to conduct numerous anti-trafficking public awareness and information campaigns, at times in partnership with civil society organizations. The MOI also continued to place announcements on social media sites and newspapers to inform the public about fraudulent work contracts and forced labor. The government continued to operate a hotline to report potential trafficking cases, which was operational five days a week during regular business hours and whose operators spoke Arabic, French, and English. During the reporting period, the hotline received 3,960 calls that resulted in the identification of seven potential trafficking victims. Limited financial and personnel resources remained challenges to the government's overall ability to address trafficking.

The government continued to make efforts to address fraudulent labor recruitment practices. The Agency for Placement Abroad in Private Establishments (EPPA) filed complaints against 30 private employers for cases of fraud, extortion, or abuses of Tunisian workers abroad; it also formally requested the MOI to shut down seven private employers who recruited workers

without proper registration with the EPPA. In addition, the EPPA continued to periodically disseminate announcements in the media to raise awareness of unfair or illegal recruitment practices and informed the public about information on EPPA facilities and services. In addition, the Directorate General for Immigration continued to coordinate with the Minister of Vocational Training and Employment to combat illegal job recruitment agencies. The government maintained bilateral labor migration agreements with France and Switzerland, which contained provisions to prevent unfair labor recruitment practices and labor trafficking. Nevertheless, civil society organizations reported concerns the government did not provide sufficient initiatives to address the internal child domestic servitude problem. The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism.

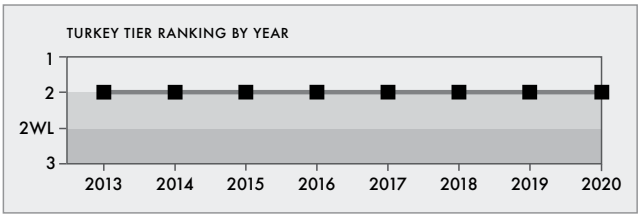
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Tunisia, and traffickers exploit victims from Tunisia abroad. Some Tunisian children are vulnerable to forced labor and sex trafficking in Tunisia. Some Tunisian girls working as domestic servants for wealthy families in Tunis and major coastal cities are highly vulnerable to trafficking, experiencing restrictions on movement, physical and psychological violence, and sexual abuse. According to experts, in 2017 Tunisian children—many of whom had dropped out of school and were between the ages of 11 and 12 years old—worked in small workshops, auto mechanic garages, and domestic work; some of these children may be vulnerable to trafficking. International organizations report a continued presence of street children selling goods on street corners and rural children working in agriculture to support their families in Tunisia; these children are vulnerable to forced labor or sex trafficking. Tunisian officials reported in 2017 that organized gangs reportedly forced street children to serve as thieves and beggars and transport drugs. Tunisian women are reportedly exploited in sex trafficking under false promises of work both within the country and elsewhere in the region, such as Lebanon, United Arab Emirates, and Jordan.

Foreign migrants are particularly vulnerable to sexual exploitation, domestic servitude, and other forms of forced labor in Tunisia. According to an NGO, in 2017 and 2018, foreign trafficking victims typically arrived in Tunisia on a valid tourist or student visa and remained in an exploitative situation for an average of five to 13 months, surpassing the validity of their visa. Civil society and international organizations continue to report an increase in traffickers exploiting women, primarily from West Africa and increasingly from Cote d'Ivoire, in domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. An NGO also reported in 2018 that traffickers forced some men from Cote d'Ivoire to work on farms and construction sites. Traffickers reportedly coerce Ivoirians to smuggle cannabis and opioids into Tunisia. According to a Tunisian NGO, recruiters in Cote d'Ivoire target both well-educated and non-skilled individuals in the country with false and fraudulent promises of work in Tunisia. Well-educated Ivoirians, who pay a recruiter to assist them to find work in Tunisia, are promised jobs that do not exist upon arrival in Tunisia, held in debt bondage, and forced into domestic servitude in Tunisian households. Recruiters also target unskilled and uneducated individuals primarily from San Pedro, Cote d'Ivoire, to work in domestic work, construction, or agriculture in Tunisia; these individuals are then required to repay the transportation costs and recruitment fees upon arrival and thereby held in debt bondage by their employers. Civil society organizations continue to report that traffickers appear to coach some of their victims on how to answer questions about their trafficking experiences so that victims can access benefits, such as a reprieve from exit fines, which would further allow the traffickers to exploit their victims. An NGO reported in 2018 a new trend where female victims of domestic servitude and other forms of forced labor, whose employers hold them in debt bondage, are further exploited by nightclub owners that cater to sub-Saharan African communities in Tunisia. The nightclub owners falsely promise to pay the women's debts in exchange for working in the nightclubs as servers, but the owners subsequently force the women into commercial sex for the nightclubs' clientele. Civil society organizations also reported in 2018 that male migrants from sub-Saharan Africa who work in poor working conditions could be vulnerable to forced labor. Tunisian LGBTI rights associations reported in 2018 that migrants and asylum-seekers from neighboring countries who escaped violence or discrimination due to their gender identity or sexual orientation may be particularly vulnerable to sex trafficking and forced labor in Tunisia. NGOs and international organizations observed in 2017 a slight increase in boys from Sub-Saharan and West Africa, including Cote d'Ivoire, who were vulnerable to trafficking after accepting fraudulent offers of soccer careers in Tunisia.

TURKEY: TIER 2

The Government of Turkey does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Turkey remained on Tier 2. These efforts included identifying more victims and interviewing more potential victims. The government conducted surveys and consultations to draft a new national action plan and organized robust trainings on various anti-trafficking issues. The government allocated funds for financial assistance to victims, and the national commission and six provincial commissions implemented anti-trafficking efforts. Observers reported the Directorate General for Migration Management (DGMM) improved its ability to accurately identify victims and refer them to assistance. However, the government did not meet the minimum standards in several key areas. Prosecutors and judges lacked experience and resources to prosecute complex cases, and cases were often dropped, acquitted, or reclassified to lesser offenses due to a lack of evidence, particularly testimonies, as victims and witnesses rarely participated in court proceedings. The government provided limited specialized assistance, including victim assistance programs and opportunities to encourage victims to cooperate in investigations. Some domestic civil society groups remained excluded from anti-trafficking efforts. The government, in some cases, penalized victims for unlawful acts traffickers compelled them to commit due to inadequate identification efforts, including limited proactive identification efforts for internal trafficking victims, forced labor victims, and victims among migrants, refugees, and asylum-seekers.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Institutionalize and provide training to investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including advanced training on trafficking investigations and

prosecutions. • Increase proactive victim identification efforts among vulnerable populations, such as refugees and asylum-seekers, persons in LGBTI communities, migrants awaiting deportation, Turkish and foreign women in commercial sex, and children begging in the streets and working in the agricultural and industrial sectors. • Establish procedures or specialized units to ensure trafficking cases are handled by trained prosecutors. • Expand partnerships with civil society to better identify victims and provide victim services. • Strengthen specialized services including shelter and psycho-social support for all victims. • Improve interagency cooperation and adopt a national action plan. • Encourage victims' participation in investigations and prosecutions, including using remote testimony or funding for travel and other expenses for victims to attend court hearings.

PROSECUTION

The government maintained law enforcement efforts. Article 80 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 12 years' imprisonment and a fine equivalent to "10,000 days," which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government did not report the number of investigations in 2018 or 2019. The Ministry of Justice (MOJ) prosecuted 52 new trafficking cases with 237 defendants in 2019 (43 new trafficking cases with 198 defendants in the first three quarters of 2018). The MOJ continued to prosecute 192 cases with 1,384 defendants from previous years (172 cases with 1,617 defendants in 2018). Courts convicted 43 traffickers in 2019 (37 traffickers in the first three quarters of 2018); judges sentenced one trafficker with imprisonment, one trafficker with a fine, and 41 traffickers with both imprisonment and fine, but the government did not report the length of the sentences and the amount of the fines. Courts acquitted 258 suspected traffickers (177 suspected traffickers in the first three quarters of 2018).

Turkish National Police (TNP) maintained the Department of Combatting Migrant Smuggling and Human Trafficking, comprising 30 officers at headquarters with 22 provincial offices. The Gendarmerie also operated the Department of Counter Smuggling and Trafficking with 16 provincial offices. The government did not designate specialized prosecutors for trafficking cases, and a lack of experience and specialization among prosecutors and judges regarding trafficking, particularly after the dismissal of more than 150,000 government workers during the 2016-2018 state of emergency, limited the judiciary's ability and means to prosecute complex crimes like trafficking. For example, GRETA reported law enforcement lacked sufficient resources to fully investigate labor trafficking. Experts continued to report misperceptions about trafficking among law enforcement authorities, including confusion between sex trafficking and "encouragement of prostitution" (Article 227) or between labor trafficking and "violation of freedom of work and labor" (Article 117). Judiciary officials reported cases were dropped or reclassified to lesser offenses due to a lack of evidence, particularly testimonies, as victims and witnesses rarely participated in court proceedings. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government maintained institutionalized training programs for TNP and gendarmerie officers in specialized units but did not provide specialized training for judges and prosecutors. The government, independently and with technical and financial support from international organizations, provided various anti-trafficking training for 3,001 officials, including TNP, coast guard, gendarmerie, prosecutors, and judges. The government did not provide information on extraditions or international investigations.

PROTECTION

The government increased victim protection efforts. DGMM identified 193 victims (134 victims in 2018); 134 were victims of sex trafficking, 35 of labor trafficking, 16 of forced captivity, four of forced begging, three of domestic servitude, and one of child soldiering (95 were victims of sex trafficking and 39 of forced labor in 2018); 173 were female and 20 were male (111 were female and 23 were male in 2018); 20 were children (15 were children in 2018); 191 were foreign victims and two were Turkish nationals (all were foreign victims in 2018). Standard operating procedures provided guidelines for identifying and referring victims to assistance and required first responders to refer potential victims to DGMM, which officially recognized victims. DGMM maintained two identification experts in each of the 81 provincial offices to interview victims; DGMM interviewed approximately 4,500 potential victims (3,612 in 2018). While in previous years, DGMM's ability to identify victims varied among provinces, and some staff were reluctant to act on cases referred by civil society, an international organization reported improved efforts by DGMM to accurately identify victims and refer them to assistance. The government operated 134 mobile teams for street children in all 81 provinces that conducted outreach work, and the Ministry of Family, Labor, and Social Services (MOFLSS) continued to deploy specialized staff to government-operated migrant and refugee temporary accommodation centers to screen camp residents for indicators of trafficking. However, observers and the government reported the government faced limitations in identifying victims in highly vulnerable refugee and migrant communities outside of camps and had difficulty offering protection resources to address trafficking in these communities. Observers reported the need for improved training for first responders and proactive identification efforts, particularly for forced labor, Turkish nationals, and persons in the LGBTI community. Police reported difficulties in identifying sex trafficking victims due to victims' fear of deportation, and labor inspectors and asylum officers did not receive training or guidance on victim identification. Additionally, media and civil society reports indicated a small number of forced removals to Syria without screening for indicators of trafficking.

The law entitled officially identified trafficking victims to services, including shelter, medical and psycho-social services, work options, education, translation services, temporary residency, repatriation assistance, financial assistance, vocational training, and legal counseling. The government provided shelter to 43 victims (134 in 2018). The government did not report the total amount allocated for anti-trafficking efforts, compared with 1.05 million Lira ($176,710) in 2018. The government allocated 878,000 Lira ($147,760) to international NGOs working on trafficking-related projects, compared with 4.75 million Lira ($799,390) in 2018; it did not provide funding to domestic NGOs. The government also spent approximately 100,000 Lira ($16,830) for financial assistance to victims in specialized shelters. DGMM operated two specialized shelters for victims of trafficking, one in Kirikkale and a second in Ankara, with the capacity to accommodate 40 victims. The DGMM was also in the process of opening a larger specialized facility. In addition to the specialized shelters, the MOFLSS operated more than 100 shelters which provided accommodation for victims of violence, including men and children, and 32 locally administered shelters offered general support services to trafficking victims. The DGMM-run shelters and MOFLSS-run shelters required victims to have an escort to leave the shelter during their initial stay but allowed victims to leave the shelter voluntarily once security officials completed an assessment and deemed conditions safe. Government-operated Monitoring Centers for Children provided support to child victims of violence, including trafficking. However, GRETA reported "serious concerns" about the limited capacity of specialized shelters to accommodate victims and the lack of specialized assistance. The government cooperated with

international organizations and NGOs to provide training. In previous years, experts and civil society actors expressed similar concern that the government's victim protection efforts precluded funding of independent organizations and the government's exclusion of some NGOs from identifying and providing services to victims.

The government inadequately identified victims, which later resulted in penalizing victims for unlawful acts traffickers compelled them to commit. For example, observers reported authorities arrested, detained, and deported sex trafficking victims and charged potential victims with indicators of trafficking with offenses related to lacking valid documents. The government did not provide guidance on non-penalization of victims to law enforcement authorities. The law entitled identified victims to a temporary residence permit for 30 days, which authorities could extend up to three years with the option to apply for a work permit; the government issued 98 permits (82 in 2018). DGMM voluntarily repatriated 86 victims with support from an international organization (52 in 2018). Judges and prosecutors reported procedural law does not allow victim statements prior to repatriation as evidence in court proceedings. The law provided witness protection and legal aid, but observers reported that limited opportunities to encourage victim cooperation in prosecutions with victim-centered approaches, protection measures, and legal assistance resulted in a high number of acquittals and downgraded cases. The government did not report how many victims participated in criminal investigations or legal procedures. The government maintained judicial interview rooms, which allowed victims to testify in private to reduce re-traumatization. The government also operated a directorate to support victims with psychologists and social workers in seven pilot court houses.

PREVENTION

The government maintained prevention efforts. The government did not update its national action plan, in place since 2009, but conducted surveys and consultations to draft a new plan. A national commission coordinated interagency anti-trafficking efforts and convened in November 2019. Six provincial coordinating commissions for anti-trafficking implemented anti-trafficking efforts at the provincial level. The commission and DGMM continued to publish annual data reports. DGMM maintained a migration-related national hotline that also handled trafficking calls; the government did not report the number of trafficking-related calls to the hotline (258 in 2018). The law required recruitment agencies to maintain a license and approve all contracts with the government; the government adequately enforced the law.

The government continued efforts to identify vulnerable populations and limit trafficking by maintaining comprehensive migrant registration protocols for the nearly four million Syrian and other refugees, including by providing birth registrations for newly born refugee children. The law allowed both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they were registered in the province they wished to work in for at least the preceding six months. Applying for a work permit was the responsibility of the employer, and refugee advocates reported the procedure was burdensome and costly, resulting in few employers pursuing that path. As a consequence, the vast majority of both conditional refugees and those under temporary protection largely remained without legal employment options, leaving them vulnerable to exploitation, including trafficking. The government, in collaboration with an international organization and domestic labor unions, implemented various efforts to decrease child labor, including training businesses on regulations for employing children and awareness campaigns. MOFLSS fined 27 workplaces for violating child labor laws (50 in 2018); however, resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private agricultural enterprises employing 50 or fewer workers, resulting in enterprises vulnerable to exploitative or forced labor. The government made efforts to reduce the demand for commercial sex acts, including by organizing an awareness campaign.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Turkey, and traffickers exploit victims from Turkey abroad. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Azerbaijan, Indonesia, Morocco, and Syria. Of the 134 victims identified in 2019, most were Uzbeks (44), followed by Syrians (31), Moroccans (28), Kyrgyz (26), and Indonesians (11). Traffickers reportedly exploited some Georgian men and women in forced labor and some Turkish men in trafficking and forced labor in Moldova. Romani children from marginalized communities often were seen on the streets in major cities where they worked as garbage collectors, street musicians, and beggars, raising concerns about exploitative conditions and forced labor. Human rights groups reported commercial sexual exploitation remained a problem in the LGBTI community, which faced discrimination and hostility from both authorities and the local population.

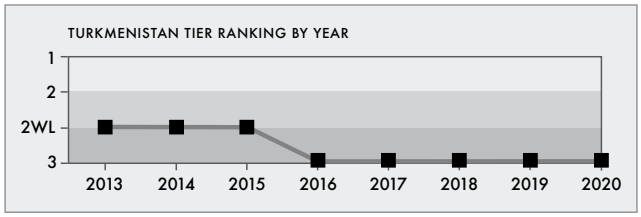
The world's largest refugee population of approximately four million displaced Syrians and more than 350,000 refugees of other nationalities resided in Turkey during the reporting period. Despite government efforts to register refugees and asylum claimants, refugee groups in certain areas remain vulnerable to trafficking and exploitation. Some Syrian and other refugees, including children, are vulnerable to forced or exploitative labor, including street begging. Experts report some refugee children work long hours with low wages, in some cases in substandard working conditions. Demographic surveys indicate 50 percent of Syrian women in Turkey are married by age 18. NGOs and others working with refugees have noted that in some cases, Syrians and girls of other nationalities were sold into marriages in which they were vulnerable to domestic servitude and sex trafficking.

Reports indicate some youth in Turkey joined the Kurdistan Workers' Party (PKK), a U.S.-designated terrorist organization. The government alleged the PKK recruited and forcibly abducted children for conscription, while many in the country's Kurdish community asserted that youth generally joined the terrorist group voluntarily. Reports document one victim who was forced to join the group at age 13 and children as young as 11 who were lured by promises of monetary compensation and taken to PKK training camps in Iraq.

TURKMENISTAN: TIER 3

The Government of Turkmenistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Turkmenistan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including approving the 2020-2022 national action plan, continuing to participate in anti-trafficking awareness campaigns, working with international organizations on combating trafficking in persons, providing training to its diplomatic corps on human trafficking, identifying potential trafficking victims at the international airport, and continuing to purchase machinery to mechanize cotton harvesting and planting. However, during the reporting period, there was

a government policy or pattern of forced labor; the government continued to direct policies that perpetuated the continued mobilization of adult citizens for forced labor in the annual cotton harvest and in public works projects. No officials were held accountable for their role or direct complicity in trafficking crimes and state surveillance practices continued to dissuade any monitoring of the harvest during the reporting period. The government did not report any information on prosecutions and convictions, identified no victims, did not implement legal provisions on victim protection, and did not fund any victim assistance programs.



PRIORITIZED RECOMMENDATIONS:

Take further action to end government policies or actions that compel forced labor, to include eliminating the quota for cotton, which creates pressure for mobilization of labor. • Grant independent observers full access to monitor cotton cultivation and cease harassment, detention, and abuse of individuals for documenting labor conditions. • Eliminate the practice of requiring fees for replacement pickers or contributions from businesses and entrepreneurs to support the harvest. • Adhere to the 2016 anti-trafficking law and provide victim care services directly or by otherwise funding organizations to do so. • Adopt the national referral mechanism to identify and refer victims to protection services and train police, migration officers, and other relevant officials on such procedures. • While respecting due process, investigate and prosecute suspected sex and labor trafficking offenses under Article 129/1 of the criminal code and convict and punish traffickers. • Hold complicit officials criminally accountable for their involvement in trafficking crimes, including the mobilization of forced labor. • Train police to recognize and investigate sex and labor trafficking crimes. • Expand training for relevant government authorities on implementation of the provisions of the 2016 anti-trafficking law and article 129, as amended in 2016. • Increase awareness of trafficking among the general public through government-run campaigns or financial and in-kind support for NGO-run campaigns.

PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. Article 129/1 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years' imprisonment for offenses involving adult victims, and eight to 15 years' for offenses involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

The government reported initiating one criminal investigation in Balkan province related to trafficking in persons. The government did not report the number of prosecutions, compared with one case in 2018, and three each in 2017, 2016, and 2015. For the second consecutive year, the government did not report the number of convictions, compared with the conviction of one trafficker in 2017, three in 2016, and nine in 2015. The government reported it trained law enforcement on trafficking prevention; however, it provided no information on the types or number of personnel trained. The government did not provide in-kind support to an international organization for law enforcement training, as it had in prior years. Despite continued reports of widespread corruption, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, nor did it report any efforts to end officials' mobilization of persons for forced labor in the cotton harvest and public works projects. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not report any international investigations or extraditions of suspected traffickers. Independent media and civil society continued to report heightened state security surveillance throughout the 2019 cotton harvest. After serving his full three-year prison sentence, the government released Gaspar Matalaev, a reporter who had been convicted for fraud for his work contributing to an article documenting the use of forced labor in the cotton harvest; a UN working group stated the arrest and detention of Gaspar Matalaev was arbitrary.

PROTECTION

The government maintained negligible protection efforts. The government did not identify any victims in 2019, compared with eight victims in 2018, one victim in 2017, and 11 victims in 2016. An international organization that works closely with the government reported assisting 24 Turkmen victims, including 12 females and 12 males, but estimated the total number of victims was significantly higher, as evidenced by the 8,132 calls to the foreign-funded trafficking hotlines in Ashgabat and Turkmenabat, a 16 percent increase in volume compared with 2018. Despite international organizations utilizing thorough victim identification protocols accepted by the wider international community, the prosecutor general's office believed most claims were fraudulent. The anti-trafficking law required the provision of a wide range of services from the government to trafficking victims; yet for the fourth consecutive year, the government did not provide comprehensive services to all trafficking victims, nor did it fund international organizations or NGOs to provide such services. An NGO operated one shelter for female and male trafficking victims in Turkmenistan with foreign-donor funding. The shelter provided comprehensive services to five female victims in 2019 (seven females in 2018), including local reintegration and job placement. In partnership with an international organization, the government drafted standard operating procedures for victim identification and referral in 2018. However, the government failed to adopt and implement them, leaving authorities without formal written procedures to identify victims or refer them to care providers. Officials also did not report referring any victims in an ad hoc manner to an international organization for assistance in 2019. Some law enforcement agencies only reported individuals as identified trafficking victims if their cases led to trafficking convictions. The prosecutor general's office reported victims could apply for physical protection and assistance in obtaining free medical care; however, officials did not provide details of specific cases in which such assistance was provided during the year, and NGOs indicated previously that some victims were required to pay for their own medical treatment.

The anti-trafficking law provided that victims, including those who participate in criminal proceedings, were exempt from administrative or criminal liability for unlawful acts traffickers compelled them to commit and were guaranteed employment. It also required law enforcement agencies to respect the confidentiality of victims. The amended legal code provided for free legal assistance to trafficking victims who applied for official victim status; as the previous year, the government did not report providing any legal assistance to victims. There were no reports of victims seeking or obtaining damages in civil suits. The government made no attempts to identify sex trafficking victims among women arrested for engaging in prostitution.

Consequently, officials may have penalized sex trafficking victims for prostitution offenses. After some Turkmen citizens, including trafficking victims, were deported from other countries who had failed to screen them for trafficking indicators, the migration service reportedly blocked them from exiting Turkmenistan for a period of up to five years.

PREVENTION

The government maintained negligible efforts to prevent human trafficking. The government did not have an active national action plan (NAP) for 2019 but reported it collaborated with an international organization to implement its 2016-2018 NAP. In December 2019, the government, with assistance from an international organization, approved its 2020-2022 NAP; the government did not allocate financial resources to implement the plan but provided some in-kind contributions. The government did not take any steps to eliminate state policies that perpetuated government-compelled forced labor during the cotton harvest or in public works projects. The government reported it purchased cotton picking and planting machinery in an effort to mechanize the harvest to reduce dependency on human labor; however, the government did not report the implementation and effectiveness of the machinery and, due to a lack of independent observation, the impacts of mechanization were unknown. Despite the absence of formal observation by international organizations, informal observers have noted a visible decline in recent years of forced labor in cotton harvesting and sowing, likely due to mechanization, the availability of low-wage labor, and possibly other factors. Independent media and civil society continued to report local government officials in some areas required public sector workers pay for a replacement picker through an unregulated, informal system, creating a penalty for not participating in the forced labor system and a means of extortion for corrupt officials. Informal observation suggested forced child labor in the harvesting and sowing of cotton seemed to be minimal or non-existent.

The 2016 anti-trafficking law assigned responsibilities for anti-trafficking efforts among government agencies and charged the cabinet of ministers with planning, funding, and implementing anti-trafficking policy. It also called for the creation of an interagency anti-trafficking committee, comprising several cabinet-level agencies and under the authority of the cabinet of ministers, to coordinate, plan, monitor, and report on the government's anti-trafficking efforts and analyze trends, improve victim protection measures, raise awareness, and monitor implementation of the NAP. The government established the interagency anti-trafficking committee in 2019; an international organization assisted convening the group. The law required the Ministry of Internal Affairs to record data on trafficking crimes; however, for the fourth year, the government did not report any systematic efforts to monitor its anti-trafficking efforts and did not make publicly available government data on the incidence of trafficking and trafficking-related prosecutions and convictions. The government cooperated with NGOs to conduct awareness campaigns in rural areas targeting vulnerable populations. The campaigns included trainings, information sessions, workshops, round tables, movie demonstrations, and school discussions. According to civil society, the government charged NGOs fees to place anti-trafficking awareness material in a government-owned public space. The government did not have procedures to regulate labor recruiters and did not report efforts to punish labor recruiters or brokers involved in the fraudulent recruitment of workers. The stateless population in Turkmenistan, mostly consisting of former Soviet citizens, was vulnerable to trafficking; in 2019, the government granted citizenship to 863 stateless persons permanently living in Turkmenistan, compared with 735 persons in 2018. State migration officials routinely prevented individuals from departing the country by stopping them at the Ashgabat airports; anecdotal evidence suggests thousands of people were prevented from exiting Turkmenistan in 2019. The government reported that it restricted the travel of young women in particular as a preventative measure against being exploited by traffickers abroad. The government, in partnership with an international organization, provided anti-trafficking trainings to its diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts by criminalizing the purchase of commercial sex.

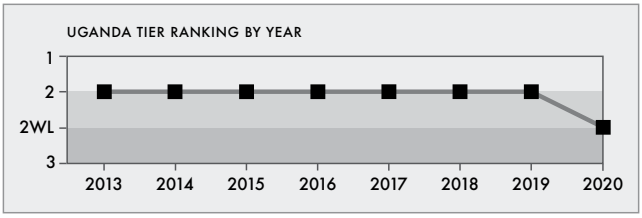
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims in Turkmenistan, and traffickers exploit victims from Turkmenistan abroad. State policies continued to perpetuate government-compelled forced labor; in 2016, an ILO Committee of Experts' report noted "with deep concern the widespread use of forced labor in cotton production," and in its 2020 report expressed "concern at the continued practice of forced labor in the cotton sector." To meet government-imposed quotas for the cotton harvest, government officials required some employees at private-sector institutions, soldiers, and public sector workers (including teachers, doctors, nurses, and others) to pick cotton without payment and under the threat of penalty, such as dismissal, reduced work hours, or salary deductions. Reports of local officials coercing public sector workers to pay for replacement pickers through an unregulated, informal system remained. Authorities threatened farmers with loss of land if they did not meet government-imposed quotas. In addition, the government compulsorily mobilized students, teachers, doctors, and other civil servants for public works projects, such as planting trees and cleaning streets and public spaces in advance of presidential visits. Public servants and students have also been forced to serve in support roles during government-sponsored events, such as the 2018 World Weightlifting Championship, without receiving compensation. Workers in the construction sector are vulnerable to forced labor. Turkmen men and women are subjected to forced labor after migrating abroad for employment in the textile, agricultural, construction, and domestic service sectors. Sex traffickers exploit Turkmen women abroad. Turkey, Russia, and India are the most frequent destinations of Turkmen victims, followed by other countries in the Middle East, South and Central Asia, and Europe. The government routinely denies freedom of movement to citizens attempting to leave the country, which leaves Turkmen vulnerable to trafficking while attempting to leave Turkmenistan through unofficial channels. Residents of rural areas in Turkmenistan are most at risk of becoming trafficking victims, both within the country and abroad.

UGANDA: TIER 2 WATCH LIST

The Government of Uganda does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating allegations of complicit officials, implementing the protection and prevention provisions of the 2009 anti-trafficking act, increasing convictions for alleged traffickers, and announcing plans to create an anti-trafficking department within the police force. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government reported the lowest number of investigations in the past five years and reported a substantial decrease in prosecutions. The government did not report training law enforcement and immigration officials compared with doing so during the previous four reporting periods. The government identified and referred significantly fewer victims compared with previous reporting periods. The government severely underfunded The Coordination

Office for Prevention of Trafficking in Persons (COPTIP) which inhibited efforts to coordinate and combat trafficking nationally. The government did not employ systematic procedures to refer or assist victims and did not allocate resources to NGOs that provide protective services. Therefore Uganda was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Finalize and approve a formal national mechanism to systematically identify and refer trafficking victims to appropriate care. • Expand protective services for victims through partnerships with NGOs, including by allocating resources. • Increase efforts to investigate trafficking cases and prosecute alleged traffickers, including allegations of official complicity in trafficking crimes and prosecute and convict complicit officials. • Increase training for Ugandan embassy staff on assisting trafficking victims abroad, including victim identification, providing temporary shelter or identifying local NGO shelters for victim referral, and facilitating the repatriation of victims. • Where feasible, assign labor attachés to Ugandan embassies. • Further prioritize investigating and prosecuting traffickers who exploit children, especially from the Karamoja region, in forced begging and child sex trafficking in brothels. • Implement strong regulations and oversight of recruitment companies, and improve enforcement, including by continuing to prosecute those involved in fraudulent labor recruitment. • Increase bilateral negotiations with destination country governments on migrant worker rights, including on the release and repatriation of Ugandan migrant workers exploited by employers abroad, and on mutually enforceable standard contracts. • Implement and monitor the stipulations of the bilateral labor agreements already in place. • Proactively investigate and punish labor recruiters who fraudulently recruit Ugandans and eliminate all worker-paid recruitment fees. • Increase resources dedicated to anti-trafficking efforts. • Establish a unified system of documenting and collecting data on human trafficking cases. • Enact witness protection legislation and implement a systematic victim-witness support program. • Increase national awareness raising efforts, specifically to teachers, parents, and community leaders. • Increase quality of trafficking investigations and improve coordination between law enforcement and prosecutors, including conducting prosecution-led investigations and systematic case referral to the Office of the Director of Public Prosecutions. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained mixed law enforcement efforts. The 2009 anti-trafficking act criminalized sex trafficking and labor trafficking and prescribed punishments of up to 15 years' imprisonment for offenses involving adult victims and up to life imprisonment for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The law also criminalized the use of a child in any armed conflict and prescribed penalties of up to the death penalty. The Children Amendment Act of 2016 conflicted with the 2009 anti-trafficking act in some respects—for example, it defined child sex trafficking to require force, fraud, or coercion, which was inconsistent with the definition of trafficking under international law, and it prescribed substantially lower penalties for the crime.

In 2019, the government reported investigating 120 suspected trafficking cases—30 domestic and 90 transnational cases; this was a decrease compared with investigating 286 cases in 2018. The government prosecuted 50 suspected trafficking cases for trafficking-related crimes; compared with 63 cases in 2018. Courts convicted 15 traffickers in 2019, an increase compared with six traffickers convicted in 2018. Officers focusing on trafficking previously operated under the Criminal Investigation and Crime Intelligence Department; however, in July 2019, the Uganda Police Force (UPF) announced the formation of the Anti-Trafficking in Persons Department. The government reported the new department will have approximately 250 officers across the country working on anti-trafficking efforts, including at border posts, and will be headed by the Deputy Assistant Superintendent of Police. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In August 2019, the State House Anti-Corruption Unit launched an investigation following complaints of government officials' involvement in trafficking; however, the government did not publish any reports nor did it arrest any officials by the end of the reporting period. In 2018, the government reported investigating security officers at Malaba Border and Entebbe Airport, as well as officials of the Civil Aviation Authority and Ground Handling Companies at Entebbe Airport, for alleged involvement in trafficking crimes, but it did not report any updates on these cases. The government did not report initiating investigations into media allegations from the previous reporting period that police officers were complicit in sex trafficking of child and female refugees. Additionally, the media and the senior government officials reported some of the labor recruitment companies suspected of involvement in trafficking were associated with, or partially owned by, high-level officials, which impeded law enforcement agencies' ability to investigate their operations. An NGO continued to report that some complicit immigration officers at border crossings facilitated passage of trafficking victims, and several NGOs alleged that some senior police officials in Kampala protected traffickers from arrest and prosecution. The government did not report progress on prosecution of a case from 2014 involving the former Commissioner from the Ministry of Finance charged with child trafficking; the former Commissioner absconded and the government issued a warrant for his arrest.

The government maintained a trafficking-specific desk in the Director of Public Prosecutions' (DPP) office responsible for prosecuting trafficking crimes. The government did not report training front-line officials on anti-trafficking in 2019, compared with reporting training to 303 front-line officials on the anti-trafficking act and other laws related to illegal labor recruitment and training immigration officials on investigations and prosecutions during the previous reporting period. COPTIP reported that the training curriculum for both new and experienced police and immigration officers incorporated modules on human trafficking; however, the government did not report how many officials received the training during the reporting period. In February 2020, an NGO trained 31 police officers; officers selected represented regions throughout the country, including border posts. Contrary to 2018, when the government provided training on victim identification to 25 South Sudanese immigration officials, the government did not provide training to foreign officials in 2019. Ugandan police and immigration officers continued to lack an understanding of the anti-trafficking law and may have misclassified cases or encouraged victims to accept financial compensation from traffickers in exchange for dropping their cases. Law enforcement officials did not always coordinate with the DPP, frequently resulting in cases that did not proceed to prosecution or courts dismissed, because the investigations were incomplete and did not comply with protocols for admissible

evidence. In January 2020, 200 Ugandan and Kenyan officers jointly identified and referred 96 Ugandan female victims in Nairobi, including 41 minors as young as 14 and as old as 18, and separately on the same day intercepted 96 Ugandan victims at Jomo Kenyatta International Airport in Kenya as they prepared to board a flight to the United Arab Emirates (UAE). This operation resulted in the largest number of trafficking victims assisted at one time since the governments of Kenya and Uganda commenced cooperation efforts. The DPP initiated information and evidence sharing with foreign officials from the Government of Malaysia for an ongoing prosecution case in Uganda, but it did not provide further details.

PROTECTION

The government decreased protection. While the government drafted national victim identification and referral procedures, it had not finalized or approved them by the end of the reporting period. The government identified 455 victims—71 domestic and 384 transnational—in 2019, compared with identifying 650 victims in 2018. A majority of the domestic victims identified were teenage girls while the majority of transnational victims identified were women; most identified victims were subjected to forced labor. According to the government, authorities intercepted 2,334 Ugandan potential victims attempting to depart to countries officials had assessed as high risk for trafficking or for which travelers were unable to adequately explain the purpose of their travel. However, the government did not report if those individuals were identified as victims, referred to assistance, or received proper services, compared with 599 intercepted during the previous reporting period.

The Minister of Justice approved and published the implementing regulations for the 2009 anti-trafficking act during the last reporting period; these regulations outlined responsibilities for relevant stakeholders including law enforcement, medical professionals, and civil society members to combat trafficking and went into effect in March 2020. The government did not track or report how many victims it referred to care or directly assisted. It continued to collaborate on NGOs and international organizations to provide the vast majority of victim services via referrals to NGO-operated shelters, which provided psychological counseling, medical treatment, family tracing, resettlement support, and vocational education without contributing in-kind or financial support. Victim care, although high quality, remained inadequate in quantity, and available services were primarily for children and women, with few NGOs offering shelter for adult males. The government reported continuing to fund the resettlement of street children identified by officials. The government reported training law enforcement and police officers on how to conduct child-friendly rescues of children from the street. In previous years, child victims in need of immediate shelter often stayed at police stations, sometimes sleeping in impounded vehicles, or at a juvenile detention center while awaiting placement in more formal shelters. In 2019, foreign governments identified 2,384 Ugandan victims abroad. The government assisted in the facilitation of repatriating 170 of those victims back to Uganda.

The lack of embassies in many destination countries hindered repatriation efforts of Ugandan victims abroad. Where embassies existed, they often lacked the capacity to provide adequate assistance for Ugandan nationals abroad. The government provided replacement travel documents to facilitate the repatriation of its citizens and ad hoc assistance including shelter and food in embassies; however, some trafficking victims continued to allege officials denied them temporary travel documents in order to return to Uganda. NGOs provided funding for return travel. The government continued to implement its agreement with the Government of Kenya to share information on traffickers and facilitate the repatriation of potential trafficking victims; however, the government did not report the number of potential victims that were repatriated during the reporting period, compared with 63 in 2018. Ugandan victims are also able to access shelter at Kenyan embassies abroad. The government did not report if it continued to use a temporary shelter in UAE and an emergency fund in Saudi Arabia for distressed Ugandan nationals, including trafficking victims. In response to the continued abuse of migrant workers' rights abroad, the Uganda Association of External Recruitment Agencies, a private sector entity, continued to employ a labor liaison office in Saudi Arabia during the reporting period; however, because the duties of a labor attaché are traditionally addressed by governments where victim identification and assistance is the priority, some civil society members expressed concern about possible conflicts of interest since this organization represented private businesses.

Judicial officers often encouraged trafficking victims to participate in the investigation and prosecution of their traffickers to prevent the victimization of others, but some reports indicated that law enforcement's limited capacity and inadequate sensitivity in engaging trafficking victims discouraged many from cooperating in investigations. The absence of victim-witness protection legislation and a protection program hindered some investigations and prosecutions because perpetrators would threaten and blackmail victims and witnesses to discourage their participation in trials. There was no formal policy to provide cooperating victims and witnesses with assistance, support, or safety in a systematic way. Generally, in high court cases, victims and witnesses were provided with transportation, physical protection, shelter, interpretation services, and legal counsel, but it was ad hoc and inconsistent. Some reports indicated that police would temporarily shelter cooperating victims in their homes. Ugandan law permitted foreign trafficking victims to remain in Uganda during the investigation of their cases and to apply for residence and work permits, but the government did not report granting any victims such benefits during the reporting period. The law permitted victims to keep their identities anonymous by using voice distortion and video link facilities, but the practice had not yet been implemented. The law allowed victims to file civil suits against the government or their alleged traffickers for compensation, which two victims utilized during the reporting period.

While the 2009 anti-trafficking act prohibits the penalization of trafficking victims for unlawful acts their traffickers coerced them to commit, reports from prior years indicated the government detained and placed on bond some trafficking victims, including children, in an attempt to compel them to cooperate with and periodically report to law enforcement in support of criminal investigations. NGOs reported cases in which police pursued charges against victims who had used forged paperwork to escape their exploitative situations and cases where recruitment companies sued victims for their breach of contract. An NGO reported the government improved its ability to identify minors as victims and not file criminal charges against them due to increased awareness. Previous reports claimed that police sometimes treated street children as criminals and arbitrarily arrested and detained them in detention facilities without screening for trafficking indicators. During the reporting period, authorities reported rounding up 725 children from the streets of Kampala, of which approximately 70 percent were girls from the Karamoja region, and sending them to two children shelters where they received care and assistance and eventually were returned to their families, compared with 283 children in the previous reporting period. Many NGOs reported that the government did not adequately address or prioritize internal trafficking of children from the Karamoja region, including forced begging and child sex trafficking in brothels.

PREVENTION

The government decreased prevention efforts. The National Task Force, led by the Ministry of Internal Affairs (MIA) Permanent Secretary, with COPTIP serving as its secretariat, continued to coordinate anti-trafficking efforts. The government directed the COPTIP coordinator to be transferred to another office and a new coordinator replaced him in November 2019; the government reported that the COPTIP report was delayed as a result of this transition. COPTIP reported their budget remained insufficient and hindered the government's ability to collect data, conduct thorough investigations, and provide protection to trafficking victims during the reporting period. COPTIP continued to maintain authority to publish an annual report on government and non-government bodies' anti-trafficking efforts; however, the government did not publish the report during the reporting period. COPTIP wrote and submitted a national action plan, which awaited final approval from MIA at the end of the reporting period. In May 2019, the government passed the Kampala Child Protection Ordinance 2019, which criminalized giving money, food, or clothing to children on the street; criminalized children loitering in public places, begging, or soliciting, vending, or hawking; and banned the sale of alcohol and drugs to children. The law allowed authorities to fine offenders 40,000 Ugandan shillings (UGX) ($10.90), sentence offenders to up to six months' imprisonment, or both. The government did not operate an anti-trafficking hotline during the reporting period; however, the government's child helpline identified 42 victims through calls in 2019.

Immigration officials continued to scrutinize travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries. The government continued to implement its ban on Ugandans traveling abroad to Oman due to ongoing reports of abuse and trafficking. While the government signed a labor agreement with the UAE in June 2019, officials acknowledged this agreement and Uganda's other agreements with Jordan, and Saudi Arabia did not adequately protect Uganda workers. In January 2020, the government signed a cooperation agreement with East and Central African countries in which labor ministers discussed the harmonization of labor laws to better protect migrant workers traveling to the Middle East and other regions. The Ministry of Gender Labor and Social Development (MGLSD) encouraged Ugandan workers to seek employment only in countries with which it has labor agreements. However, the government had still not established the joint implementation committees needed to implement many of the stipulations and migrant protections within these bilateral agreements. The government's external employment management system, which functioned as a "one stop" internet portal where Ugandans could search and apply for all pre-vetted overseas employment opportunities through licensed recruitment companies had ceased functioning in January 2019. The system reopened and remained operational again at the end of the reporting period.

The 2005 Employment Regulations, required labor recruitment companies to register, undergo a thorough vetting process, and maintain a minimum bank deposit and a credit line, to ensure they could repatriate workers. The government reported vetting all labor requests received by local companies and all contracts executed between international employers and the Ugandan business. The government continued its oversight of labor recruitment agencies and reported investigating 30 labor export companies following complaints including fraud and companies charging high administrative fees. The government made three arrests from the complaints and charged the perpetrators with trafficking, compared with investigating 234 individuals and companies for trafficking-related and illegal recruitment offenses and prosecuting 76 individuals in 2018. Corruption, insufficient staffing and funding, and loopholes in law reportedly inhibited oversight of labor recruitment firms. Previously, the government reported unlicensed labor recruitment companies were responsible for trafficking more than 90 percent of the registered victims, although licensed labor recruitment companies were reportedly involved at times. The government allowed legal placement fees of 50,000 UGX ($13.70). On February 4, 2020, the government announced all labor export companies must refund any fees in excess of this amount by February 17, 2020. On February 28, 2020, the government suspended the licenses of six labor export companies for charging potential workers illegal registration and placement fees, compared with canceling the licenses of three companies and suspending seven in 2018. MGLSD contracted private companies to conduct mandatory pre-departure training for domestic workers who were traveling to the Middle East and utilizing registered labor recruitment companies. The weeklong residential trainings, paid for by the recruitment company and usually taken by 60-70 women each week, included training on domestic work, contract appreciation, understanding of the bilateral agreements, how to contact help, and the rights of the worker. The government conducted announced child-labor inspections in three gold mines—a sector in which forced labor occurs—to mark World Day Against Child Labor 2019; however, due to limited funds, enforcement agencies only carried out inspections after receiving complaints. As mandated by the 2015 Registration of Persons Act, the government continued to register its citizens and provide them with national identification numbers. The government continued to provide anti-trafficking training to some of its diplomatic personnel and provided guidance in the form of handbooks to the rest. The government provided anti-trafficking training to Uganda's troops prior to their deployment abroad as part of international peacekeeping missions. The government did not make discernible efforts to reduce the demand for commercial sex acts. Uganda is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Uganda, and traffickers exploit victims from Uganda abroad. Ugandan children as young as 7 years old are exploited in forced labor in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, carpentry, steel manufacturing, street vending, bars, restaurants, gold mining, and domestic service. Traffickers exploit girls and boys in commercial sex. Recruiters target girls and women aged 13-24 for domestic sex trafficking, especially near sports tournaments and road construction projects. An international organization estimates there are between 7,000 to 12,000 children exploited in sex trafficking in Uganda. An international organization and NGO reported that most internal trafficking victims are Ugandans, many of whom are from the northeastern region, specifically Karamojong children whom traffickers exploit in forced begging and commercial sex in brothels. In February 2020, the government and civil society reported children from Karamoja were sold at markets in the eastern region for 20,000-50,000 UGX ($5.46-$13.70); traffickers exploited them in forced labor as beggars, domestic workers, and in commercial sex. An NGO reported local authorities' intervention to remove internally trafficked children from the streets caused children to move to work as vendors in markets where they are vulnerable to exploitation. Researchers reported there are approximately 3,800 children living on the streets of Kampala and three other major towns and an additional 11,700 children working on the streets but sleeping elsewhere. Reportedly, traffickers, called "elders," force some street children to beg and exploit the girls in commercial sex. The "elders" are a well-organized network of traffickers and NGOs have alleged complicit officials allow the practice to continue. A local organization reported parents in the Acholi subregion in northern Uganda, who failed to pay their debts were required to have their children work on farms until the debt was

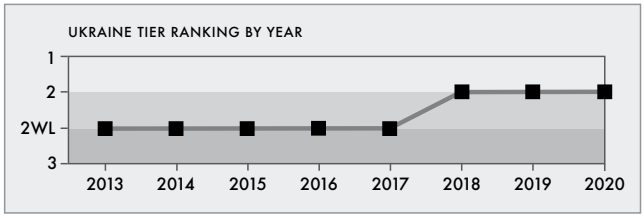
paid. In 2018, an NGO alleged that traffickers recruited children from Napak district, northeastern Uganda, and then sold them as domestic workers for 20,000 UGX ($5.46). Media reported that some parents sell their children to middlemen who resell the children for approximately 30,000 UGX ($8.20). In 2018, an international organization reported separating four Ugandan children from armed groups in the Democratic Republic of the Congo (DRC). Authorities subjected some prisoners in pre-trial detention to forced labor.

Traffickers compel some children from the DRC, Rwanda, Burundi, Kenya, Tanzania, and South Sudan into forced agricultural labor and sex trafficking in Uganda. In 2017, individuals from Rwanda and Somalia, including a Somali refugee from Nakivale Refugee Settlement, were victims of internal trafficking. South Sudanese children in refugee settlements in northern Uganda are at risk of trafficking. In 2018, there were several media reports of alleged complicity of police officers in the sex trafficking of child and female refugees.

Young women remained the most at risk for transnational trafficking, usually seeking employment as domestic workers in the Middle East; at times traffickers fraudulently recruited Ugandan women for employment and then exploited them in sex trafficking. Traffickers subject Ugandans to forced labor and sex trafficking in UAE, Saudi Arabia, Oman, Qatar, Kuwait, Iraq, Iran, Egypt, Turkey, Algeria, Malaysia, Thailand, Bahrain, Jordan, China, and Kenya; India has increasingly become a destination for sex trafficking. In 2019, media reported traffickers sold girls from markets in Katakwi district and transported the girls to Nairobi where they were exploited as domestic workers; some of the girls worked for Somali immigrants in Nairobi and were further transported to Somalia where they were exploited by al-Shabaab terrorist group. In 2018, media and government officials alleged Ugandan girls were being sold in a "slave market" in the UAE. Extremely high recruitment fees sometimes led to situations of debt bondage. To circumvent the government ban on migrant work in Oman, some licensed and unlicensed agencies send Ugandans through Kenya and Tanzania. Official complicity may have hindered government oversight of labor recruitment agencies. COPTIP reported that traffickers appear to be increasingly organized and some may have formed regional trafficking networks. The government and an NGO reported an increase in victims with university degrees as traffickers target graduates with the promise of skilled jobs abroad. The government and NGOs reported cases involving victims that were recruited by licensed companies in which victims paid high administrative fees based on promised high-paid jobs abroad; however, upon arrival, they found themselves locked into contracts in low-paid domestic work. NGOs reported that traffickers are frequently relatives or friends of victims, or may pose as wealthy women or labor recruiters promising vulnerable Ugandans, frequently from rural areas, well-paid jobs abroad or in Uganda's metropolitan areas. Reportedly, pastors, imams, and local leaders at churches and mosques in Uganda have also assisted in the recruitment of domestic workers abroad, mostly for Middle Eastern countries; these leaders encourage female domestic workers to take these jobs and in turn receive a fee per worker from recruiters. Some traffickers threatened to harm the victims' family or confiscated travel documents.

UKRAINE: TIER 2

The Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ukraine remained on Tier 2. These efforts included increasing investigations, more than doubling the number of traffickers convicted, investigating more cases of forced labor, proposing draft legislation to eliminate recruitment fees, and granting official status to more victims who were incarcerated abroad for crimes their traffickers compelled them to commit. However, the government did not meet the minimum standards in several key areas. Courts were slow to review cases, aggravated by chronic understaffing, and issued many suspended sentences, likely aggravated by corruption, resulting in the majority of convicted traffickers avoiding imprisonment. This effort was inadequate to deter trafficking. The moratorium on labor inspections continued to hamper law enforcement investigations on labor trafficking cases. Reports of officials, including senior anti-trafficking police officials, complicit in human trafficking persisted; the government initiated criminal investigations and prosecutions of several allegedly complicit officials during the reporting period but had not secured any convictions. The government certified fewer victims in 2019; international organizations continued to identify far more victims than the government, indicating the government's inadequate identification efforts and a continuing lack of trust in the government's ability to protect victims.



PRIORITIZED RECOMMENDATIONS:

Punish convicted traffickers with significant prison terms. • Clearly define administrative chains of responsibility and competencies of service providers throughout the decentralization process to minimize disruption in the processes of identification, referral, and assistance to trafficking victims. • Vigorously investigate and prosecute trafficking crimes, including public officials complicit in trafficking crimes. • Identify and certify the status of more victims to ensure they are afforded their rights under the trafficking law and modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge sensitive information. • Increase law enforcement investigations of recruitment firms engaged in fraudulent practices and end the moratorium on random labor inspections. • Increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, particularly on forced labor, a victim-centered approach, and how to gather evidence outside of victims' testimony. • Undertake a systemic effort to implement victim-witness protection measures and take active measures to prevent intimidation of victims during legal procedures. • Increase training for officials on victim identification, particularly in proactive screening for labor trafficking and of vulnerable populations, such as women in commercial sex, children in sex trafficking, foreign migrant workers, and internally displaced persons. • Enact legislation to strengthen protections for foreign victims. • Establish a dedicated, independent counter-trafficking coordinator position with support staff.

PROSECUTION

The government increased law enforcement efforts. Article 149 criminalized sex trafficking and labor trafficking and prescribed penalties of three to eight years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 297 trafficking

offenses in 2019, compared with 275 in 2018. These included 135 instances of labor trafficking, 112 for sex trafficking, 47 for forced involvement in criminal activity, and three for forced begging. Authorities continued to report investigations and arrests of multiple organized crime groups facilitating forced labor and sexual exploitation in Ukraine and abroad. Law enforcement referred 233 notices of suspicion, a necessary precursor to a court trial, involving 120 suspects in 2019, compared with 185 cases involving 133 suspects in 2018. Prosecutors pursued 201 of these referrals in court, compared with 148 in 2018, and moved 199 prosecutions of cases past the indictment stage in court in 2019, compared with 68 cases in 2018. Eighty-five cases from 2019 remained ongoing in the courts, compared to 55 in 2018. The government reached final judgment on 40 cases and convicted 35 traffickers in 2019 under Article 149, an increase from 15 traffickers in 2018. Of the 35 convicted traffickers sentenced in 2019, only 13 (37 percent) received prison sentences, which ranged from two to 10 years; the government confiscated assets from one defendant, while the remaining convicted traffickers received suspended sentences or were freed from serving their sentences under leniency provisions. Authorities collaborated with foreign governments on multiple transnational investigations and nine extraditions, including Russia, Moldova, Belgium, the United States, and other European and Asian countries.

Institutional reforms over the past five years—in addition to parliamentary and presidential elections in 2019—led to widespread turnover in many government institutions, notably within the ranks of the national police and the judiciary. The process of court reorganization changed some court jurisdictions, which risked the lengthening of the judicial process for cases that were reassigned to new panels. The recertification and restructuring of police units continued, which helped reduce

the number of officers suspected of corruption and included mandatory training and testing on trafficking with assistance from an international organization. Despite overall improvements, challenges resulting from structural reforms and personnel changes hampered efforts at the local level. The government, in conjunction with international funding and partners, continued training for judges, prosecutors, law enforcement, and other officials. The Office of the Prosecutor General and National Police added anti-trafficking to their professional education curricula, and State Border Guard Service offered a new online distance-learning course to its staff. Officials also participated in international training and anti-trafficking fora throughout the year.

Endemic corruption plagued the police and judiciary, and cases of officials complicit in human trafficking persisted. The government continued to report investigations of officials allegedly complicit in trafficking; however, there were no new convictions. For instance, in December 2019, the government issued notices of suspicion to the deputy commanders of the National Police and Kyiv City counter-trafficking unit for allegedly covering up unlawful brothel activities in exchange for bribes; both were suspended from official duties pending criminal investigation. The National Police also opened forced labor investigations against managers of a state orphanage in Zakarpattya suspected of exploiting children and against staff of a state-run shelter for persons with disabilities in Zaporizhzhya. Other high-profile cases remained pending with the court for years, including the former commander of the Kyiv City police counter-trafficking unit, three police officers, recruiters for trafficking Ukrainians into a drug-trafficking ring in Russia, and a teacher at a government-run boarding school for orphans in Kharkiv who attempted to sell one of her students.

PROTECTION

The government decreased efforts in some areas of protection. In October 2019, Parliament did not pass draft legislation introduced in 2017 intended to increase the safety of persons with disabilities from exploitation, improve procedures for establishing victim status, expand the network of victim service providers, and improve protections for foreign victims and stateless persons. The police identified 262 victims in 2019, compared with 275 in 2018 and 349 in 2017; 145 victims were male, 107 female, and 10 children. Authorities approved 185 of 283 applications requesting official victim status, compared with 214 of 266 in 2018 and 195 of 273 in 2017. The majority of victims were Ukrainians exploited abroad; only one domestically identified victim was foreign. The government continued to use a simplified application process for potential victims incarcerated abroad, which included waiving the in-person interview requirement; the government granted official victim status to 40 individuals incarcerated abroad in 2019, compared with 28 in 2018. Civil society reported the government rejected more applications in 2019 due to stricter internal procedures to classify cases as trafficking crimes or prove exploitation under non-trafficking articles as well as large-scale personnel turnover within the office that approved the applications. Authorities did not approve 72 applications reportedly due to police not qualifying the crime as trafficking and returned 10 applications for additional information; the reason(s) for rejection of the other 16 applications remained unknown. The government continued to rely on international organizations and NGOs, with international donor funding, to identify victims and provide the vast majority of victim protection and assistance. According to an international organization, the national referral mechanism did not formalize a process for NGOs to access state funding. An international organization in Ukraine assisted 1,345 victims, compared with 1,265 in 2018. International organizations reported the majority of their identified victims were exploited by labor traffickers; the government reported identifying an increased number of victims subjected to labor trafficking in 2019. Victims not requiring specialized services may have chosen not to pursue official victim status, although NGOs reported the emphasis on documents deterred some labor victims and members of the Romani community from applying. The government cooperated with NGOs on victim identification through the national referral mechanism. Changes in administration, personnel turnover, and ongoing decentralization reforms continued to obscure local communities' chains of responsibility for decisions regarding provision of key social services, including identifying, referring, and assisting trafficking victims; however, NGOs continued to report the strengthening of local self-governance expanded local decision-making powers and secured more solid financing over the reporting period.

The government allocated 548,000 hryvnia ($23,130) to the national budget for anti-trafficking measures in 2019, compared with the same amount in 2018 and disbursements of 98,800 hryvnia ($4,170) in 2017. For the past four years, funding for local budgets remained the same at 219,220 ($9,250) hryvnia. The government increased financial assistance to each officially recognized victim in amounts already greater than the official subsistence level. Ukraine's trafficking law entitled victims to housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training, regardless of whether a criminal case proceeded or the victim cooperated with law enforcement. Authorities assigned victims with official status a case management team, which provided referrals to care facilities, NGOs, or other services according to an individualized plan. Some victims requiring shelter stayed at a rehabilitation center run by an international organization. The center received funding from international donors and was housed in a state-run hospital. Adult victims could also stay at government-run centers for socio-psychological assistance for up to 90 days and receive psychological and medical support, lodging, food, and legal assistance. Authorities could accommodate child victims in centers for socio-psychological rehabilitation of children for up to 12

months and administer social, medical, psychological, education, legal, and other types of assistance. The government maintained 21 centers for socio-psychological assistance, 24 shelters for domestic violence opened to trafficking victims, as well as 692 social services centers. The government reported it implemented a family-based approach, opening services to victims' families as needed; 157 families received psychological services, 114 received legal assistance, 34 received medical assistance, and 18 families received housing assistance. Despite a continued pledge, the government did not provide funding or resources to an international organization's victim rehabilitation center. Observers reported the provision of assistance was problematic due to funding shortfalls and a lack of coordination between state bodies at the regional level. The government, often in cooperation with international organizations, provided training for officials on victim identification and assistance. The government reported it assisted the repatriation of one Ukrainian victim from Thailand.

The Witness Protection Law provided protections for victims, but courts rarely utilized any protection measures in practice. Victims commonly suffered threats and intimidation throughout the legal process. NGOs reported the release of alleged traffickers on bail increased the risk to victims; in some cases, alleged traffickers lived in the same community as their victims. However, the government did not report whether it provided any victims with witness protection or protective measures inside courtrooms. NGOs reported the government often did not provide legal assistance or other support to victims during criminal cases. The government did not report cases of courts ordering restitution payments for victims in 2019.

Officials reported screening illegal migrants for indicators of trafficking and identified one foreign victim in 2019; international organizations did not report identifying any foreign victims in 2019. Foreign victims were entitled to the same benefits as Ukrainian citizens and had additional access to interpretation services, temporary legal stay, and voluntary repatriation. There was no legal way for foreign victims who remained in Ukraine less than three years to extend their stay, change legal residency, secure employment rights, or seek protection from deportation to countries where they would face hardship or retribution.

PREVENTION

The government maintained prevention efforts. The Ministry for Social Policy (MSP) continued to coordinate anti-trafficking efforts at the national and local levels, but restructuring and staffing gaps continued to limit its activities. These gaps were due to sweeping personnel changes because of a new presidential administration. The government maintained a 2016-2020 national action plan. MSP published a report on the implementation of the government's anti-trafficking policies for the first half of 2019. In December 2019, the Cabinet of Ministers issued a decree to establish a pilot hotline for trafficking, domestic or gender-based violence, and child abuse. A counter trafficking and migrant advice hotline was operated by a local NGO and funded by international donors. In 2019, the hotline received 22,053 calls, compared with 20,425 in 2018; 83 potential victims were identified and referred to responsible local agencies and NGOs for assistance. Authorities, in coordination with NGOs, international organizations, and local partners, continued to conduct a wide range of awareness campaigns throughout the country, including television and movie programs, street advertising, public events, and community policing. MSP, in coordination with an international organization, conducted multi-site awareness events on Child Protection Day and World Day Against Trafficking in Persons.

Police continued to monitor and investigate formal and informal recruitment networks, including companies advertising jobs abroad, and participated with other stakeholders to raise awareness about known recruitment schemes. The MSP continued to maintain a list of licensed recruitment companies; in December 2019, licensing responsibility was transferred to the Ministry of Economic Development. In October 2019, parliament introduced a draft law that banned recruitment companies from charging fees to citizens seeking employment abroad. The government hired 190 additional labor inspectors; however, it extended a moratorium on random labor inspections throughout 2019. The government allowed inspections when credible information of trafficking existed; however, observers reported the number of inspectors, inspections, and resources dedicated to overseeing labor laws and monitoring recruitment agencies' compliance remained inadequate, and a lack of training hampered inspectors' ability to identify trafficking victims. The government did not demonstrate efforts to reduce the demand for commercial sex acts. The government, with assistance from an international organization, continued to provide victim identification and referral training to diplomats.

TRAFFICKING PROFILE

As reported over the past five years, human trafficking of domestic and foreign victims occurs in Ukraine, and human trafficking of victims from Ukraine takes place abroad. Ukrainian victims are exploited in sex trafficking and forced labor in Ukraine as well as in Russia, Poland, Germany, and other parts of Europe, People's Republic of China, Kazakhstan, and the Middle East. Some Ukrainian children and vulnerable adults are exploited via forced begging. Traffickers target persons from the Roma community, due in part to their lack of access to state social assistance programs. A small number of foreign nationals are exploited in forced labor in Ukraine. A growing number of forced labor victims in Ukraine and abroad are exploited in a variety of sectors, including construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging. The number of foreign victims in Ukraine has fallen dramatically since the beginning of hostilities in eastern Ukraine, although smuggled migrants transiting Ukraine are vulnerable to trafficking. Increasingly, low-skilled laborers remain vulnerable to labor exploitation. Traffickers target low-skilled workers transiting Ukraine. The approximately 104,000 children institutionalized in state-run orphanages are at especially high risk of trafficking. Officials of several state-run residential institutions and orphanages were allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

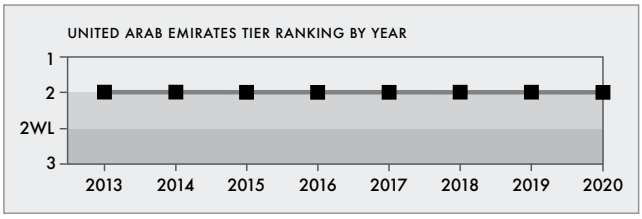
Fueled by Russian aggression, the conflict in eastern Ukraine and Russia's occupation of Crimea has displaced more than three million people, and this population is especially vulnerable to human trafficking throughout the country. In areas of eastern Ukraine controlled by Russia-led forces, employment options are limited and Russia's proxy "authorities" place restrictions on international humanitarian aid intended to help meet civilian needs. Traffickers reportedly kidnap women and girls from conflict-affected areas for sex and labor trafficking in Ukraine and Russia. Traffickers targeted internally displaced persons and subjected some Ukrainians to forced labor on territory not under government control, often via kidnapping, torture, and extortion. International organizations reported the demographics of Ukrainian trafficking victims has shifted since the beginning of the conflict to include more urban, younger, and male victims exploited increasingly in forced labor and criminality, such as drug trafficking and couriers.

Uncorroborated reports of Russia-led forces using children as soldiers, informants, and human shields continued, but the number of such reports has decreased since the early years of the conflict. Then, Russian backed forces in territories not controlled by the Ukrainian government reportedly used children to take direct and indirect part in the armed conflict to perform armed duty at

checkpoints, as fighters, and served as guards, mailpersons, and secretaries. The recruitment of children by militant groups took place in territory not under the control of the government and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict.

UNITED ARAB EMIRATES: TIER 2

The Government of the United Arab Emirates (UAE) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the UAE remained on Tier 2. These efforts included increasing the number of sex trafficking prosecutions and doubling the number of sex trafficking convictions. Officials launched robust awareness campaigns in strategic locations, which reached a substantial number of vulnerable populations, expatriates, and government stakeholders. It piloted its wage protection system that included domestic workers' salaries for the first time and signed agreements with four prominent labor-sending countries to stringently regulate domestic worker recruitment. In addition, the government fully implemented regulations for the domestic worker law that expanded legal protections for this vulnerable population and adopted and enforced an associated bylaw during the reporting period. However, the government did not meet the minimum standards in several key areas. The government did not report convicting any labor traffickers during the reporting period or providing protective services for any labor trafficking victims. Despite some initial reforms, the sponsorship system continued to heighten some foreign workers' vulnerability to trafficking. The government did not routinely employ its proactive identification and referral mechanism, which resulted in the penalization of some potential victims and rendering others without care.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute and convict labor trafficking offenses under the anti-trafficking law. • Increase efforts to identify and provide protective services for labor trafficking victims. • Regularly employ standard procedures for victim identification among foreign workers, particularly women in commercial sex and domestic workers who have fled their employers, to ensure authorities do not penalize victims. • Develop and expand reforms to the sponsorship-based employment system, including wage protection system coverage to all employees, specifically domestic workers. • Report the number of trafficking investigations, and investigate forced labor indicators, such as passport retention, withholding of wages, labor violations, and complaints of abuse, as potential trafficking crimes. • Execute implementing regulations for and strengthen enforcement of the domestic worker law that expands legal protections for domestic workers. • Increase trainings for shelter staff on how to identify and care for labor trafficking victims. • Strictly enforce prohibitions on withholding workers' passports.

PROSECUTION

The government reported overall increased anti-trafficking law enforcement efforts, but efforts to address forced labor remained weak. Federal Law 51 of 2006 and its amendments in Federal Law No.1 of 2015 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from five years to life in prison, as well as fines ranging from 50,000 to 99,100 UAE dirham (AED) ($13,610 to $26,980) and deportation for non-citizens. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Federal Law No. 10 of 2017 provided additional protections for domestic workers, as well regulations for recruitment agencies and employers of such workers, including those pertaining to hiring practices, working conditions, and employment contracts. Federal Law No. 10 protected workers' rights to retain their own identity documents, but did not stipulate penalties for employers who confiscated workers' passports.

The government historically had not reported statistics on investigations of suspected trafficking cases. However, according to media reports, during the reporting year the government prosecuted 38 sex trafficking cases across the seven emirates, compared with 30 cases (including one for forced labor) the year prior. Officials reported conviction of 67 sex traffickers (media reported conviction of 22 sex traffickers) and administered sentences ranging from six months to life imprisonment, with the vast majority of perpetrators receiving five years or more. Six cases remained ongoing at the close of the reporting period, and one forced labor case stemming from 2018 also remained pending. During the previous year, the government convicted 35 sex trafficking defendants under trafficking laws and handed down similar punishments. The government did not report convicting any labor traffickers during the reporting period, on trend with previous years. In one specific case during the year, after receiving a trafficking-related tip, the Dubai police set up an undercover operation at a local nightclub and discovered 18 young females forced to work as erotic dancers. Officials referred the underage girls to the government-run shelter for care and charged the nightclub owner and four other accomplices with trafficking. Media reported the defendants doctored the ages on the victims' passports and lured them to Dubai with promises of well-paying jobs then subsequently subjected them to sex trafficking. The government found the five defendants guilty of trafficking and sentenced them to five years in prison each.

The government did not routinely investigate as possible trafficking crimes violations of Emirati labor laws that exhibited trafficking indicators, such as passport confiscation, delayed or nonpayment of wages, physical abuse or fraud, and contract switching; the government treated these cases most often exclusively as regulatory violations, levying administrative fines or the cancellation of business licenses in lieu of criminal proceedings. Labor violations, including those involving forced labor, continued to be addressed by Ministry of Human Resources and Emiratization (MOHRE)-administered dispute resolution processes and labor courts instead of specific human trafficking laws. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking crimes during the reporting year. Relevant authorities held a series of lectures and training programs in workers' residences and in recruiting offices to raise awareness on the types of trafficking crimes and ways to communicate with law enforcement authorities and shelters. The Dubai Police Human Trafficking Crime Control Center (HTCCC), the Dubai Judicial Institute (DJI), and the National Committee to Combat Human Trafficking (NCCHT), in collaboration with an international organization, planned and hosted its sixth iteration of a five-week diploma program on ways to detect and prevent trafficking, protect victims, and raise societal awareness of the problem. This program reached 384 government officials from 22

different police agencies nationwide. Dubai police also facilitated a three-week "train the trainers" seminar for 18 graduates of the aforementioned diploma program. The public prosecutor's office facilitated a workshop on technical rules for investigating, handling, and preparing human trafficking files; the workshop also included an overview of the primary indicators of trafficking, as well as mechanisms for probing the crime effectively. Around 35 prosecutorial personnel participated in this workshop.

PROTECTION

The government maintained overall efforts to protect trafficking victims, which continued to focus exclusively on victims of sex trafficking. In 2019, the media reported the government identified and referred 19 victims (including three minors) to care, in addition to 13 victims the Dubai Foundation for Women and Children (DFWAC) reported assisting during the same year, for a total of 32 sex trafficking victims. This was compared with 51 and 25 (primarily sex trafficking) victims identified and referred to care during the previous two years, respectively. While the government had standard procedures for victim identification among foreign workers, officials did not regularly employ these procedures proactively and continued to rely predominantly on third-party referrals to identify victims, including from foreign embassies, religious institutions, or tips received through government hotlines, smartphone applications, and the internet. Authorities continued to implement a formal referral process to transfer suspected trafficking victims from detention centers, hospitals, houses of worship, or facilities run by source country embassies or consulates, to government shelters upon the completion of victim identification. At times, female or male police officers in plain clothes—intended to allay victims' anxieties—escorted victims, identified by law enforcement, from a government-run detention center to a shelter; however, reports persisted that some victims were unwilling to approach law enforcement officials due to (real or perceived) fear of being sent to prison for immigration or other violations rather than being accepted into a shelter.

The shelters were largely funded through individual donations, notably from the ruling family of Abu Dhabi emirate, as well as contributions from public and private companies and religious institutions. The government maintained oversight and funding for shelters in four of the seven emirates (Dubai, Abu Dhabi, Ras Al Khaimah, and Sharjah), offering housing and assistance for all female and child sex trafficking and abuse victims across the country. The government operated one shelter for men in Abu Dhabi, but it did not serve any male victims during the year. Protective services included medical, psychological, legal, educational, rehabilitation and reintegration, vocational training and certificates, and voluntary repatriation that included prolonged follow-up care after the victim returned home. Children received services tailored to their needs, including separate living sections and supervisors, as well as teachers who provided age-appropriate educational and psycho-social support. All police departments had a special room for interviewing children and other vulnerable victims. The Philippines, Indian, and Sri Lankan embassies in Abu Dhabi and the Philippines, Indonesian, and Sri Lankan consulates in Dubai provided shelter and other protective services to an unspecified number of female nationals who had been subjected to trafficking during the reporting period. Other consulates used "foster families" of the same nationality to host victims until their cases were resolved. During the reporting year, officials allocated 207,500 AED ($56,490) to the trafficking victims support fund, which financially supported repatriation or resettlement to prevent recidivism.

Shelter staff claimed that identified sex trafficking victims were not jailed, fined, or prosecuted for violations committed as a result of their being subjected to trafficking. However, other independent observers alleged authorities reportedly jailed some potential victims for prostitution offenses, consensual sex outside marriage, or absconding from their employers. Because the government did not routinely use victim identification procedures or screen for potential trafficking crimes among vulnerable populations, it may have prosecuted some unidentified victims during the year. In January 2020, local media reported on Ras Al Khaimah Criminal Court's sentencing of four women to three years in jail for commercial sex however, the details of the cases and associated allegations remained unclear, although the media claimed traffickers exploited the women in sex trafficking. The government reported it exempted from fines forced labor victims who had overstayed their visas or sex trafficking victims but did not report the exact number of those who benefitted from this exemption during the reporting period. The government did not provide permanent or formal temporary residency status to victims; however, it permitted victims to stay in shelters and participate in court proceedings, and worked with international organizations to resettle in third countries victims who could not return to their countries of origin. Interior officials amended the status of a few victims to assist them in seeking follow-on job opportunities in the UAE. Laborers whose employer had not paid them for 60 days were entitled to legally remain in country and search for a new employer. The government reported funding repatriation in July 2019 for at least nine male victims but did not report a total number repatriated during the reporting period. Shelter staff noted they assisted an unknown number of trafficking victims in finding new employment or sponsors on an ad-hoc basis. The government encouraged victims to assist in the investigation and prosecution of traffickers and provided victim-witness protective services, including private interview rooms, free legal counseling, and safe transportation to court hearings. Police took counter-retaliation measures and prohibited communication between the victim and suspect. Police also enforced two governmental decrees aimed at ensuring the media adhered to victims' privacy and that shelters adequately protected victims. According to the NCCHT, victims were informed and assured of their rights when giving testimony. Both police and shelter representatives reported victims often chose immediate repatriation at the UAE's expense rather than remaining in country to testify against alleged traffickers or see a case through to final adjudication. Laborers were entitled to freely seek new employment in the country after 60 days of wage non-payment by their existing employer by going through the Ministry of Interior to arbitrate the process. During the reporting year, nearly 8 percent of the private sector workforce changed employers.

PREVENTION

The government increased efforts to prevent trafficking but did not demonstrate any new steps to dismantle the sponsorship system. Various government and quasi-government organizations held numerous training programs, organized lectures, and conducted workshops throughout the reporting period in an effort to raise awareness of trafficking among authorities and vulnerable populations. The government continued to carry out its national action plan to address trafficking, driven chiefly by the NCCHT. The plan focused on prevention, protection, prosecution, punishment, promotion of international cooperation, redress, rehabilitation, reintegration, and capacity building. During the year, a senior Emirati delegation participated in Bahrain's inaugural Middle East anti-trafficking forum, and committed to regionally specific efforts to include reformation of the notorious *kafala* system. The government amplified awareness on trafficking through increased informational notices at airports, training courses for high-risk groups, and the dissemination of publications in various languages directed at the most at-risk communities, effectively reaching tens of thousands of individuals during the year. The campaigns raised awareness of penalties for trafficking and publicized hotlines for

more information or direct assistance. Airport banners specifically targeted terminals based on nationalities with high workforce numbers in the UAE. The government educated passengers at Dubai International Airport (DXB) about trafficking through clips, broadcasts, flyers, and tactically-situated massive banners in nine prominent languages. Dubai Police, NCCHT, and DXB, in partnership with an international organization, launched a two-year campaign in July 2019 entitled "Don't Turn a Blind Eye." The campaign aimed to raise awareness of airport employees and travelers on how to detect trafficking crimes, given DXB remained one of the busiest international hubs in the world. Government shelter staff maintained a partnership with art galleries for visual art exhibits that showcased art made by trafficking victims, to both increase awareness and raise funds for other victims. DFWAC partnered with government-owned real estate developer Nakheel to run awareness campaigns at the developer's shopping centers, particularly in its Dubai International City area, where many domestic workers resided and worked, to combat internal trafficking. Fujairah Police carried out anti-trafficking awareness campaigns via social media platforms and SMS functions. During the reporting year, local media ran a report on human trafficking, and presented numbers to call for help, including DFWAC and police in Abu Dhabi, Dubai, and Sharjah; the program also highlighted relevant UAE laws. Launched in April 2019 by Interior officials, the "Community Awareness" phone application promulgated information about a range of issues, including child protection, the duties of employers and employees, and trafficking in Arabic, Chinese, English, Filipino, Malay, and Urdu. Emirates Airlines, which is owned by the Dubai government, trained its cabin crewmembers and other airport ground staff on detecting instances of human trafficking at check-in and on flights. The government funded and ran a 24-hour toll-free hotline for reporting cases of trafficking, delayed wage payments, or other labor violations, which operated in Arabic, English, Hindi, Russian, Tagalog, and Urdu. Calls were categorized and automatically alerted police in suspected trafficking cases. In Dubai, authorities ran a separate line, and UAE-wide there remained a 24-hour toll-free number for migrant laborers to vocalize workplace complaints or general inquiries. Analogous to the year prior, the government did not report how many trafficking or trafficking-related calls any hotline received during the reporting year.

The government implemented Federal Law No.10 of 2017 to improve the work conditions and welfare of domestic employees and adopted Cabinet Resolution No. 22 of 2019, which grants domestic workers the right to terminate their employment if an employer fails to meet contractual obligations or if the employee is subject to sexual harassment or physical or verbal abuse by the employer. However, the government did not strengthen regulatory enforcement of in-home inspections and workplace grievance resolution. In addition, sociocultural and legal barriers against government interference with private households continued to hamper monitoring and enforcement efforts of its domestic worker law. This law included the right for employees to retain personal documents, sign standardized contracts with unequivocally designated working conditions, access specialized tribunals for settling workplace grievances, and observe mandatory time off. It also stipulated in-home inspections on the basis of complaints or reasonable evidence of law violations. Under the law's provisions, a recruitment agency or person who hindered law enforcement, anyone who disclosed information unveiled in an investigation, or anyone who facilitated the abandonment of a domestic worker may be jailed for a minimum of six months and ordered to pay a 10,000 to 100,000 AED ($2,720 to $27,230) fine.

MOHRE primarily oversaw, regulated, and enforced labor-related complaints. Efforts by MOHRE to combat forced labor across the UAE included an extensive labor inspection program that incorporated routine and unannounced inspections of housing and work sites by a team of full-time labor inspectors, in addition to seven dedicated anti-trafficking inspectors. Authorities usually dealt with labor law violations administratively and did not report investigating such cases for trafficking indicators or referring any for criminal prosecution. The government continued its monitoring and inspection program for regulation of private sector laborers, including through the wage protection system (WPS), which electronically monitored salary payments via vetted banks, currency exchanges, and financial institutions for all onshore companies employing more than 100 workers (96 percent of the private sector workforce). The WPS automatically flagged delayed salary payments of more than 60 days or payments that were less than contractually agreed upon, and after a designated period, authorities administered fines and other enforcement actions, including criminal proceedings after an unknown number of labor-related inspections. However, a local news investigation in the previous reporting period estimated that almost 50 percent of all small private construction and transport companies circumvented the WPS to pay workers only 60 percent of their contractual salaries. Media and diplomatic sources reported some companies retained workers' bank cards or accompanied workers to withdraw cash, coercively shortchanging the employees even though the WPS showed the proper amount paid. Such cases were difficult to prove in labor courts, given the WPS documented accurate payments via designated bank accounts. On trend with previous years, the government did not report the number of complaints of unpaid wages it investigated as a result of its dispute resolution process or the WPS, which were intended to ensure workers were paid according to their contracts and not subjected to forced labor. If employers were punished with administrative and financial penalties for compliance failure, it also did not report investigating such cases for trafficking indicators or referring any for criminal prosecution. Workplace grievances routinely resulted in fines, suspended permits to hire new workers, or the cancellation of business licenses, though the official number of these punishments was unknown. Domestic worker salaries were not required to be paid via the WPS and, coupled with cultural norms and the lack of legal provisions requiring inspections of domestic worker accommodations, wage payment, and work hour abuses, among other acts indicative of forced labor, rendered domestic workers vulnerable to exploitation. However, during the reporting period, officials successfully rolled out a trial phase of the WPS that included domestic worker salaries.

Officials continued to employ public-private partnership recruitment centers for domestic workers, known as "Tadbeer Centers," mandated to regulate the recruitment and training of domestic workers, educate them on their legal rights, resolve employer-employee disputes, and verify worker accommodations for compliance with domestic worker law minimum standards. Each center was equipped with a room solely for grievance mediation, with a video connection to MOHRE for official oversight. In practice, however, these centers were inhibited as they were not generally able to enter or inspect private homes. There were 23 operational Tadbeer Centers across the UAE as of the end of the reporting period. The centers were integral to the movement of domestic worker recruitment from the Ministry of Interior to MOHRE, a change aimed at improving recruitment regulation and standards. In September 2019, the UAE and Government of the Philippines signed a trafficking-specific memorandum of understanding (MOU), which adopted procedures and created a joint taskforce to combat the crime as well as share best practices, exchange information, promote human rights, and provide assistance in the protection, repatriation, recovery, and rehabilitation of trafficking victims in accordance with domestic laws. In June 2019, the government signed several MOUs with labor sending countries to regulate recruitment mechanisms. The agreements with The Gambia, Nepal, and Pakistan outlined a recruitment mechanism that required designated ministries

in said countries to review and approve a worker's job offer before submission to the MOHRE, where an electronic copy was filed to prevent contract switching. These MOUs also facilitated the recruitment of domestic workers to the UAE solely through Tadbeer Centers. The UAE had other MOUs with Armenia, Australia, Azerbaijan, Indonesia, and Thailand. The government did not enforce a prohibition on employers withholding workers' passports, which remained a pervasive problem. The government did not take measures to reduce the demand for commercial sex acts in the UAE. The Ministry of Foreign Affairs maintained provision of workshops and awareness programs on human trafficking for its diplomatic personnel.

TRAFFICKING PROFILE

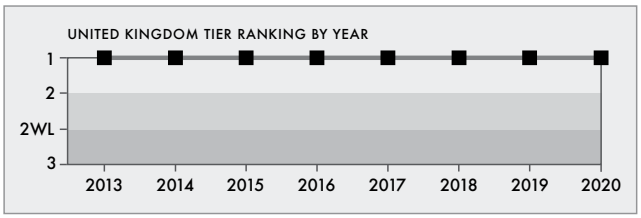
As reported over the past five years, human traffickers exploit foreign victims in the UAE. Foreign workers comprise nearly 90 percent of the UAE's population and are recruited globally. Lower wage labor, including most manual labor and a significant portion of the service sector, is provided almost entirely by migrant workers predominantly from South and Southeast Asia and the Middle East, with a growing percentage from East and West Africa. It is not uncommon for employers to subject some of these workers to conditions indicative of forced labor, such as passport retention, non-payment of wages and unpaid overtime, restrictions on movement, contract switching, fraudulent employment promises, substandard food and housing provisions, or a failure to meet other contractual agreements. Women and men from some of these countries travel willingly to the UAE to work as domestic workers, security guards, drivers, gardeners, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but traffickers subject some of them to forced labor or sex trafficking after arrival. Reports indicate the UAE serves as a trafficking hub where recruiters sell migrants to families who subsequently illegally transport them to other countries in the Gulf. The UAE has in recent years become a primary destination for Ugandans seeking employment as domestic workers and security guards. Many Pakistanis are reportedly hired on promises they will receive handsome salaries, medical benefits, and accommodations, but after reaching the UAE the promises go unfulfilled, with some Pakistanis discovering that the companies that hired them are fraudulent. For expatriate workers and domestic workers especially, the *kafala* or sponsorship system in the UAE restricts their ability to leave a position without prior notice. Despite legal measures allowing workers to change sponsors or terminate their employment, some employers continue to exercise unilateral power over foreign workers' movements, deny laborers working illegally the ability to change employers, restrict permission for them to leave the country, and threaten employees with abuse of legal processes, which heightens their vulnerability to trafficking. Traffickers subject some women, predominantly from Central Asia, South and Southeast Asia, East Africa, Eastern Europe, Iraq, Iran, and Morocco, to sex trafficking in the UAE, and most trafficking cases registered in the UAE are classified as sexual exploitation despite significant labor trafficking concerns. Per media sources, some cases of child sex trafficking involve traffickers forging ages on passports to facilitate undetected entry into the UAE. Other reporting claims recruiters in some source countries work as individual agents rather than for regulated companies, complicating law enforcement and monitoring efforts.

Although illegal under UAE law, many source-country labor recruiters charge workers exorbitant fees in their home countries (outside of UAE jurisdiction), causing workers to commence employment in the UAE owing debts in their respective countries of origin, increasing their vulnerability to trafficking through debt-based coercion. Despite new laws to prevent the practice, reports of employers engaging in the practice of contract-swapping persist, leading to less desirable and lower paying jobs for laborers post-arrival in the UAE. Traffickers often recruit victims from the large foreign population already in the country; they may deceive or compel a migrant worker in the UAE, willingly on a tourist or work visa, into forced labor or sex trafficking. Additionally, some laborers enter the UAE on tourist visas and start working for an employer who subsequently opts to not change the tourist visa to a work one in order to grant legal residency, a common method of exploitation. According to UAE shelter staff, migrant workers will sometimes start with one employer and for various reasons, including abuse or exploitation, low salary, or simple dissatisfaction with the job, will follow alternate employment opportunities that ultimately prove fictitious, as traffickers in the UAE are adept at using manipulation to entice laborers with "higher salaries." North Koreans working in the UAE may have been forced to work by the North Korean government. In October 2017, the UAE pledged to stop issuing new visas and company licenses to North Korean workers and, in late 2019, closed the last DPRK businesses in the UAE. According to the UAE's assessment in 2020, the number of DPRK workers in the UAE has been reduced to seven from approximately 500.

During the previous reporting period, an international organization alleged the government, a member of a multi-nation coalition that commenced military operations against Houthi rebel forces in Yemen in 2015, provided training and coordinated operations with the Security Belt Forces, Hadhrami Elite Forces, and Shabwani Elite Forces—proxy militias fighting Houthi forces and terrorists in Yemen that allegedly recruited and used children as soldiers. Media also previously reported officers associated with Sudan's Rapid Support Force took bribes from families to permit minors to serve as combatants in Yemen during that reporting year. Emirati officers supposedly trained and commanded some Sudanese combatants during the previous reporting period. While the UAE did not directly commission those forces, there were Sudanese units under the Saudi-led Coalition fighting with Emirati and Yemeni Government forces during those years. However, during the current reporting year, there were no allegations the UAE recruited, used, or detained any child soldiers, and in September 2019, the UAE reportedly ceased providing direct support to Security Belt Forces after the signing of the Riyadh Agreement.

UNITED KINGDOM: TIER 1

The Government of the United Kingdom (UK) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore the UK remained on Tier 1. These efforts included increasing prosecutions and convictions; identifying significantly more potential victims; and increasing funding for anti-trafficking efforts. Additionally, the government expanded child services to one-third of all local authorities across England and Wales and created a new International Modern Slavery and Migration Envoy position. Furthermore, to address trafficking in its own supply chains, the government published a statement detailing efforts to ensure its operations and supply chains are free of trafficking, and required all of its departments to ensure bidders of government contracts published such statements. Although the government meets the minimum standards, protection services for child victims continued to need increased attention and resources, and long-term care and reintegration support for victims remained inadequate. The government did not compile comprehensive data on sentences imposed on convicted traffickers. Some victims were cautious about entering the national referral system due to delays in review of their status leading to inconsistent availability of longer-term care.



PRIORITIZED RECOMMENDATIONS:

Expand nationwide the Independent Child Trafficking Guardians (ICTG) program and train more social workers and care providers to better safeguard child victims. • Implement reforms to the National Referral Mechanism (NRM), including timely determination of victim status, to encourage more victims to come forward. • Extend the period of victim support across all UK jurisdictions and expand long-term care and reintegration support. • Establish a database on investigations, prosecutions, convictions, and prison sentence data across the UK, categorized by type of trafficking. • Provide sufficient resources for expeditious processing of trafficking investigations and prosecutions. • Ensure the statutory definition of trafficking under the Modern Slavery Act of 2015 (MSA) and similar provisions in Northern Ireland do not require movement of the victim as an element of the crime. • Provide adequate information to foreign workers, especially the most vulnerable, on their legal rights and how to maintain their status in the UK post-exit from the EU. • Provide a trafficking-specific long-term alternative for foreign victims at risk if returned to their home country.

PROSECUTION

The government increased prosecution efforts. The MSA, applicable to England and Wales, and similar statutes in Scotland and Northern Ireland, criminalized sex trafficking and labor trafficking and prescribed penalties of up to life imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the laws in England, Wales, and Northern Ireland required the element of movement of a victim in the definition of "trafficking." However, these jurisdictions criminalized "slavery and servitude, and forced or compulsory labour" in other provisions of their law, which could be utilized to prosecute trafficking offenses that did not involve victim movement. Scotland, by contrast, did not require victim movement in the definition of trafficking.

As of October, the government reported 1,090 police trafficking investigations in England and Wales, compared with 1,124 in 2018. The Crown Prosecution Service (CPS), which handled cases in England and Wales, prosecuted 349 defendants on trafficking charges with 251 convictions in 2019, compared with 294 prosecutions and 191 convictions in 2018. CPS data did not differentiate between sex and labor trafficking, nor did the government provide data on the range of sentencing of convicted traffickers or percentage of convicted traffickers serving prison time. During the reporting period, courts convicted a man serving as a special constable for the Metropolitan Police Service to four years' imprisonment for sex trafficking. In 2019, Scotland reported one prosecution and one conviction, compared with 10 prosecutions and no convictions in 2018. Police Scotland had a specialized anti-trafficking unit to coordinate information and intelligence and work with law enforcement agencies across Europe to investigate trafficking cases. In 2019, authorities in Northern Ireland arrested two traffickers for domestic servitude—the first arrest for domestic servitude in Northern Ireland. Additional 2019 data was unavailable; however, in 2018, authorities in Northern Ireland reported five prosecutions and two convictions. According to its Ministry of Justice, the greatest impediment to the timely prosecution of alleged traffickers in Northern Ireland remained inherent delays in the legal system, often taking two or more years from the time of initial arrest to conviction. In 2019, the Police Service in Northern Ireland added five new detectives to the anti-trafficking unit to help manage the potential increase in cases as a result of the UK leaving the EU, in light of Northern Ireland's land border with the EU.

The government provided a wide variety of anti-trafficking training to law enforcement officers, prosecutors, and justice officials at multiple levels. The national-level College of Policing continued to offer training to all front-line officers. The Modern Slavery Police Transformation Unit (MSPTU) received £3.1 million ($4.09 million) in supplementary funding to develop intelligence, identify best practices, and share information to equip law enforcement with the knowledge to respond to trafficking. The MSPTU also provided guidelines to police on all aspects of investigations, including victim identification. The CPS had 14 Complex Case Units in jurisdictions across England and Wales that provided initial specialized advice in investigations and prosecutions wherever human trafficking offenses had been committed. During 2019, the CPS conducted mandatory training for all prosecutors responsible for trafficking cases. Police forces in England and Wales used Anti-Slavery Commissioner guidelines and manuals in their training, and sentencing councils in England and Wales provided judges with sentencing guidelines for significant offenses, including trafficking. The Scottish government conducted five 90-minute training sessions for 70 social workers to raise awareness on trafficking. Likewise, the Gangmasters and Labour Abuse Authority conducted 20 sessions on trafficking in Scotland.

The National Crime Agency's (NCA) International Liaison Officer Network worked with a wide range of law enforcement partners in other countries to develop capacity and capabilities to combat trafficking. The UK participated in 24 Joint Investigation Teams (JITs) with seven EU Member States, including 11 JITs with Romania. Subsequently, the UK employed a CPS Liaison Magistrate in Romania to work closely with Romanian law enforcement on prosecutions resulting from JITs. In July, authorities from the UK and Poland partnered in the largest trafficking operation to date in the UK, involving the arrest of eight traffickers and rescue of more than 400 trafficking victims. Furthermore, the UK and Vietnam partnered to undertake investigations of illicit finances of traffickers and established a Joint, Serious Organized Crime Working Group to fight trafficking and child sexual abuse. In an October incident that received international media coverage, the bodies of 39 Vietnamese nationals were found in the back of a refrigerated truck in Essex; the driver of the truck was charged with manslaughter as well as trafficking and immigration offenses. The case remained ongoing at the end of the reporting period. In 2019, prompted by a case of a foreign diplomat accused of enslaving a domestic worker in the UK, the Employment Tribunal ruled that claiming diplomatic immunity did not protect against trafficking charges.

PROTECTION

The government increased protection efforts. Through the NRM, authorities referred 10,627 potential trafficking victims for care nationwide in 2019, a 52 percent increase from 6,993 in 2018. The Home Office maintained a detailed database online with disaggregated information, including source of referral, nationality, jurisdiction, handling the referral, type of trafficking, and disposition of review. Of the referred victims, 3,391 were female; 7,224 were male; one was transgender; and the gender of 11 was unknown. Authorities identified 4,550 minors, an increase from 3,137 in 2018, due in large part to heightened awareness among the public and authorities about "County Lines" gang recruitment of children as couriers of drugs across the country. While the

authorities reported potential victims came from 91 nationalities, the majority of identified victims were UK citizens (6,564). Labor trafficking was the most common form of exploitation in adults and minors. In Scotland, the number of victims referred to the NRM increased by 74 percent from 2018 to 2019. Similarly, in Northern Ireland, officials reported a significant increase in the number of potential victims referred to the NRM from 42 in 2018 to 94 in 2019.

The NRM was the framework for identifying and providing care and support for victims. In September, the Home Office deployed the referral process online. First responders, such as police, Border Force, local authorities, and specified NGOs typically generated referrals. Written guidelines existed to assist in victim identification and referral. The Home Office instituted a single case management unit to handle all NRM referrals to improve comprehensive attention to victims, consolidate the work of the NCA and UK Visas and Immigration, and make a "reasonable grounds" decision on whether an individual could be a trafficking victim. A "reasonable grounds" decision for adults triggered provision of victim support and protection measures, whereby the victim started a minimum 45-day reflection period with access to services such as accommodation, health care, and counseling, and decided whether to assist in the investigation and prosecution of the perpetrator. During this period, the unit assessed the individual's status as a victim and made a "conclusive grounds" decision, which if positive allowed the victim 45 additional days of transitional support. The MSA required a final determination of victim status within 45 days in England and Wales, although in many cases the government extended this deadline. Scotland's law provided a 90-day timeframe, and Northern Ireland remained at a single 45-day period. NGOs warned of victims being re-trafficked while waiting for final determination of victim status, which at times took longer than a year. Furthermore, NGOs expressed concern that the lack of long-term support for victims after they left the NRM put them at greater risk of re-trafficking. Subsequently, in 2019, the government funded pilot programs to assess long-term support and best practices for victims departing the NRM and transitioning back into communities.

The government provided £20 million ($26.39 million) to an NGO through 2020 to coordinate the provision of care for adult victims in England and Wales under the NRM. The Scottish government provided approximately £1 million ($1.32 million) to the two NGOs providing victim protection and support for 2018-2019, and it committed to a three-year funding agreement with both NGOs. The NCA continued its "Vulnerable Persons Team," which granted victim assistance to avoid re-victimization after completion of an investigation. Similarly, the Wales Anti-Slavery Leadership Group's "Survivor Care Pathway" provided a long-term post-NRM individualized plan for survivors. The government encouraged efforts of private companies to assist in reintegration, particularly through employment of survivors. Under the "Bright Future" campaign, a national retail cooperative continued to hire and train survivors in partnership with an NGO, a model the government promoted for expansion.

Children received care through children's services offices in local jurisdictions. The MSA also provided for the appointment of ICTGs as an additional source of support and advocacy for trafficked children. In 2019, the government expanded the ICTG service to one-third of all local authorities across England and Wales. NGOs reported nearly a quarter of the children referred to the service went missing, mostly on a temporary basis, and approximately 34 percent went missing before meeting with their ICTG. Local authorities highlighted concerns over the high number of children who either left or were missing from care or foster homes and were especially vulnerable to trafficking by gangs. NGOs estimated up to two-thirds of all child victims go missing within 72 hours of placement for care and up to 20 percent remain missing. The MSA review committee recommended implementation of the ICTG system nationally, along with sufficient duration for providing services to child victims, in addition to requiring police to track cases of missing children until they are located, regardless of timeframe. NGOs expressed concern that when victims reach the age of 18 and were no longer eligible for the ICTG service, they were once again at risk of re-trafficking. In 2019, the government published a report evaluating the impact of ICTG services. The report recommended that more work needed to be done to help transition children into adult services that may not have a focus on trafficking victims and suggested that prior to the national rollout of the service, the Home Office needed to conduct a review into why a high rate of children went missing after six months of receiving ICTG services. Scotland and Northern Ireland also required appointment of independent legal guardians for child trafficking victims and trained them on the support services available.

Foreign victims were not automatically granted status in the UK; both detention and deportation were considered on a case-by-case basis. Foreign victims who assisted with investigations were eligible for residency. Foreign victims who were granted a reflection period could not be removed from the UK during that period; however, NGOs reported authorities attempted to deport victims who were already in the NRM system. As a result, some foreign victims were reluctant to seek assistance or opted to petition for asylum instead of entry into the NRM, given the potential for longer residency in the UK. Additionally, as the UK prepared to separate from the EU, NGOs expressed concern that victims would be more reluctant to come forward due to lack of awareness of their legal rights and fear of making their immigration status known to authorities. Foreign overseas domestic workers (ODW) could legally change employers during the six-month period of their visa. Workers on the ODW visa identified as trafficking victims could apply for a two-year visa as a domestic worker, although NGOs contended workers who had suffered abuse would be unlikely to want to return to the same sector. Foreign nationals identified as trafficking victims could apply for discretionary leave to remain in the UK if supporting the investigation, seeking compensation through a civil claim against the perpetrator, or in some cases based on personal circumstances. Foreign victims could petition for asylum, based on risks faced if returned to their country of origin.

Victims had a statutory defense for crimes committed as a direct result of being subjected to trafficking, and courts allowed victims during hearings to testify by video, behind a screen, or with the public removed from the courtroom. Courts could confiscate assets of traffickers and compensate victims through a reparation order, but only after conviction of the trafficker. NGOs noted victims found this remedy difficult to access given the small number of legal aid providers available to file such claims.

PREVENTION

The government increased prevention efforts. The prime minister continued to chair a national coordinating task force. The Independent Anti-Slavery Commissioner released a two-year strategy, identifying top anti-trafficking priorities. The Home Office published its 2019 annual report in October, with detailed data on anti-trafficking efforts across the UK, as well as outlining achievements and remaining challenges in fully implementing the MSA. In May, a government-commissioned committee completed a review of the effectiveness of the MSA, recommending increasing the independence of the role of the anti-slavery commissioner, improving corporate reporting on transparency in supply chains, and expanding protections for children under the ICTG system across all regions of the UK. The government accepted or partially accepted most recommendations, including creating

and appointing a new International Modern Slavery and Migration Envoy position to drive forward the global response to trafficking and work closely with the Independent Anti-Slavery Commissioner, who is domestically focused.

Total direct government spending to fight human trafficking, on both the domestic and global fronts, increased significantly to £61 million ($80.47 million) for 2018-2019 from £39 million ($51.45 million) for 2017-2018. The government invested £10 million ($13.19 million) over a five-year period to fund a new Modern Slavery Policy and Evidence Centre to better understand trafficking and how to confront it and develop research to inform policy choices. The government conducted awareness campaigns across the UK to help educate citizens, including online and television advertising campaigns, news articles, and documentaries, as well as extensive training for first responders. In England and Wales, the government conducted a "Hidden in Plain Sight" campaign to highlight labor exploitation and labor trafficking, targeting front-line professionals in the financial, health care, and recruitment sectors in three English regions. The UK Border Force shared awareness-raising training and support materials with airline, ferry, and rail carriers to educate employees on trafficking indicators. The Scottish government commissioned a survey on public perceptions of trafficking—what it is, where it occurs, and how to report concerns. The justice department in Northern Ireland conducted a training needs assessment, analyzing knowledge gaps among front-line professionals starting with the health care sector.

The MSA required organizations with annual revenue exceeding £36 million ($47.49 million) to publish an annual statement detailing efforts to ensure its operations and supply chains are free of human trafficking. Critics noted inconsistent quality of organizations' statements and the lack of a penalty for non-compliance. To address trafficking in its own supply chains, the government published a statement in 2019 and required all of its departments to ensure bidders of government contracts published statements. In preparation for the UK's exit from the EU, a future migration policy was in development, including a seasonal workers pilot, aimed to ensure that fruit and vegetable farmers could legally employ migrant farmers for seasonal work for up to six months. NGOs continued to criticize the government for ineffective implementation of labor recruitment law and regulations, suggesting workers recruited from overseas were often unaware of their rights. The Department for International Development allocated £3 million ($3.96 million) to NCA to investigate child sex tourists in high risk destination countries, especially the Philippines, and establish and deploy a team of specialized officers to support law enforcement agencies in those countries. The government did not make efforts to reduce the demand for commercial sex acts.

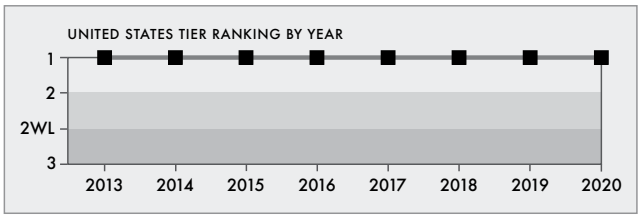
The government funded a wide range of anti-trafficking programs globally, including continued implementation of programs under the £33.5 million ($44.2 million) Modern Slavery Fund, of which the government committed £7.5 million ($9.9 million) mainly to training in 2019. The government provided support in both Nigeria and Vietnam on strengthening the operational law enforcement response to trafficking cases, including capacity building training and provision of resources to the National Agency for the Prohibition of Trafficking in Persons and to the judiciary in Nigeria and training law enforcement officials in Vietnam. The government funded workshops in Romania, teaching Romanian Orthodox clergy how to recognize indicators of trafficking, refer victims to services, and support victim reintegration into their community following exploitation. The government also worked on improving understanding of trafficking among Romanian child support social workers in regions where child exploitation was prevalent. In Lithuania, the UK embassy worked with the Lithuanian government and a Lithuanian NGO to develop and conduct a campaign raising awareness about labor exploitation in the Lithuanian diaspora in Cambridgeshire. This included training on recognizing potential signs of exploitation, running social media advertisements in both English and Lithuanian, and dispersing leaflets translated into Lithuanian around community hubs such a social clubs and churches. The UK's Commonwealth Parliamentary Association works with Commonwealth countries to pass human trafficking legislation, using a tailored approach suited to each country's needs and capacity. The government committed £20 million ($26.39 million) in cooperation with the United States, other governments, and private donors, to target programs in coordination under the Global Fund to End Modern Slavery.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the UK. The government reports 10,627 potential victims came through the NRM, with the latest government estimates of up to 13,000 trafficking victims present in the UK. Potential victims comprise 91 nationalities with the largest source countries being the UK, Albania, and Vietnam. Twenty-six percent of potential victims assert their exploitation occurred entirely outside of the UK. Labor trafficking is the most common form of exploitation among adults and minors. Nearly half of all victims identified are children. Children in the care system and unaccompanied migrant children are particularly at risk of trafficking. Youth trafficked by gangs are forced to act as drug couriers from larger cities into rural areas across the UK. Traffickers force adults and children to work in agriculture, cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, the hospitality industry, and car washes, as well as on fishing boats. In Scotland, most victims are from Vietnam with many forced to work in agriculture, particularly cannabis farms, and nail bars. In Northern Ireland, there are cases of perpetrators forcing victims into shoplifting and the cultivation and distribution of illicit drugs. Young women and girls from Albania, Bulgaria, and Romania, including ethnic Roma, remain vulnerable to sex trafficking in Northern Ireland.

UNITED STATES OF AMERICA: TIER 1

The Government of the United States fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore the United States remained on Tier 1. These efforts included increasing the number of investigations, increasing the amount of funding for victim services, and increasing enforcement of the prohibition of imports made wholly or in part by forced labor. Although the government meets the minimum standards, it prosecuted fewer cases and secured convictions against fewer traffickers, issued fewer victims trafficking-specific immigration benefits, and did not adequately screen vulnerable populations for human trafficking indicators. Anti-trafficking advocates reported a continued lack of sustained effort to address labor trafficking, increased obstacles for foreign nationals to secure victim protections, and a systemic inability to prevent traffickers from using employment-based and other nonimmigrant visa programs.



PRIORITIZED RECOMMENDATIONS:

Increase investigation and prosecution of labor trafficking cases. • Reduce obstacles for victims to appropriately obtain trafficking-specific immigration options. • Increase the number of trafficking investigations and prosecutions. • Increase and diversify efforts to proactively identify potential trafficking victims among populations vulnerable to human trafficking. • Seek to ensure immigration enforcement does not hinder human trafficking criminal law enforcement or victim protections. • Increase access to victim services for men, boys, LGBTI individuals, and labor trafficking survivors, and improve access to stable housing for all victims. • Screen all individuals in immigration detention or custody for human trafficking indicators. • Increase the number of requests by federal law enforcement officials for Continued Presence. • Mitigate vulnerabilities in employment-based or other nonimmigrant U.S. visa programs, including by providing protections for those who report program violations to encourage others to come forward. • Encourage state and local authorities to implement policies not to prosecute victims for the unlawful acts their traffickers compelled them to commit. • Develop and implement early intervention services approaches and inclusive government policies that reduce the vulnerabilities of marginalized and disadvantaged communities traffickers often target. • Train prosecutors and judges to increase the number of forfeiture orders and mandatory restitution orders for trafficking victims. • Increase survivor engagement, including by more systematically incorporating survivor input when forming policies, programs, and trainings. • Strengthen efforts to reduce the demand for commercial sex. • Increase enforcement of the law that prohibits the importation of goods made wholly or in part by forced labor. As described in the Methodology section of this report, these recommendations were drawn from input from multiple anti-trafficking stakeholders, including NGOs and advocates, as well as from government agencies and reports, on the degree to which the United States meets the minimum standards set forth in the TVPA.

PROSECUTION

The government maintained prosecution efforts. The government increased the number of investigations, but the number of prosecutions decreased for the second year in a row, and the number of convictions decreased. The TVPA, as amended and codified at Title 18 U.S. Code sections 1581, et seq., criminalizes sex and labor trafficking. The penalties prescribed under these provisions, which can include up to life imprisonment, are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. U.S. law also prohibits conspiracy and the attempt to violate these provisions, as well as obstruction of the statutes' enforcement and the financial benefit from these acts. Additionally, a criminal statute on fraud in foreign labor contracting prohibits the use of fraud to recruit workers abroad to work in the United States or on a U.S. government contract performed outside the United States, on U.S. property, or on military installations outside the United States.

The Department of Justice (DOJ), Department of Homeland Security (DHS), Department of State (State), and Department of Defense (DoD) are the primary investigating agencies for federal human trafficking and other related offenses, with DOJ prosecuting federal human trafficking cases. DOJ, DHS, and State also support victims by engaging law enforcement victim assistance specialists during trafficking investigations and prosecutions, including by connecting identified victims to victim service providers. In fiscal year (FY) 2019, DHS increased the number of its forensic interview specialists from six to 30 and increased the number of its victim assistance specialists from 27 to 35. DOJ, in coordination with DHS and the Department of Labor (DOL), continued to develop complex human trafficking investigations and prosecutions through the Anti-Trafficking Coordination Team (ACTeam) Initiative. Districts participating in the second phase of this initiative increased the number of trafficking defendants charged and convicted by 75 and 106 percent, respectively, as compared to about seven and 28 percent, respectively, in non-ACTeam districts. DOJ, DHS, and DOL initiated an analysis of resource commitments necessary to launch the third phase of the ACTeam Initiative. In addition to previously funded Enhanced Collaborative Model (ECM) anti-trafficking task forces, DOJ provided $21 million in FY 2019 to fund 15 task forces, which include 13 state and local law enforcement agencies and 12 victim service providers, compared to $23.1 million for 17 ECM task forces funded in FY 2018. Several federal agencies participated in other human trafficking task forces nationwide consisting of federal, state, and local law enforcement, as well as victim service providers.

Survivor advocates called on federally funded task forces to continue to increase engagement with local survivor leaders.

The federal government reports its law enforcement data by fiscal year, which may include joint federal and state or local initiatives but does not include separate state law enforcement data. In FY 2019, DHS opened 1,024 investigations related to human trafficking, an increase from 849 in FY 2018. DOJ formally opened 607 human trafficking investigations, a decrease from 657 in FY 2018. State reported opening 134 human trafficking-related cases worldwide during FY 2019, a decrease from 148 in FY 2018. In FY 2019, DoD reported investigating 65 human trafficking-related cases involving DoD military, civilian, and contractor personnel, a decrease from 119 in FY 2018. (Last year, the 119 cases involving DoD personnel in FY 2018 were reported separately as two human trafficking cases (2019 TIP Report, page 485) and 117 cases of alleged violations of DoD's prohibition on procuring commercial sex (2019 TIP Report, page 490).

DOJ initiated a total of 220 federal human trafficking prosecutions in FY 2019, a decrease from 230 in FY 2018, and charged 343 defendants, a decrease from 386 in FY 2018. Of these FY 2019 prosecutions, 208 involved predominantly sex trafficking and 12 involved predominantly labor trafficking, compared to 213 and 17 in FY 2018, respectively.

During FY 2019, DOJ secured convictions against 475 traffickers, a decrease from 526 convictions in FY 2018. Of these, 454 involved predominantly sex trafficking and 21 involved predominantly labor trafficking, compared to 501 and 25 in FY 2018, respectively.

These prosecutions and convictions include cases brought under trafficking-specific criminal statutes and non-trafficking criminal statutes, but they do not include child sex trafficking cases brought under non-trafficking statutes. Among the 266 traffickers sentenced to prison in cases brought under trafficking-specific criminal statutes, which excludes trafficking cases brought under non-trafficking statutes, terms ranged from one month to life imprisonment, with more than 78 percent of defendants receiving prison sentences of five or more years. Four traffickers received a probation-only sentence, and 11 received a suspended sentence.

DOJ convened consultations among DOJ's anti-trafficking

experts nationwide to address factors contributing to decreases in trafficking prosecutions. DHS collaborated with DOJ to train federal investigators and prosecutors on building effective human trafficking cases.

DOJ and DHS continued to advance bilateral investigations and prosecutions of transnational trafficking enterprises operating across the U.S.-Mexico border and facilitate exchanges of leads, intelligence analytics, and case mentoring between U.S. and Mexican anti-trafficking authorities. During the reporting period, DOJ increased its engagement with Mexican state-level human trafficking task forces through this initiative. The Department of the Treasury (Treasury) continued to analyze and disseminate information received from financial institutions related to human trafficking and partnered with domestic and foreign government stakeholders to support human trafficking investigations. In May 2019, Treasury launched a bilateral anti-corruption initiative with Mexico targeting four priorities, including human trafficking, which led to the formation of a task force to hold human traffickers and perpetrators of related financial crimes accountable. Treasury also has anti-money laundering and sanctions authorities, which it may use to target the finances of international human traffickers worldwide. Treasury convened more than 100 NGOs, industry, and government partners to enhance coordination on illicit finance and human trafficking networks. In FY 2019, DOL assisted in two criminal prosecutions that resulted in the incarceration of two traffickers and restitution of nearly $400,000. DOJ continued to train federal human trafficking prosecutors on restitution for victims. In FYI 2019, the first two operations of the Department of Health and Human Services (HHS) Inspectors General's Initiative to find children missing from foster care, including those at risk for human trafficking, led to the identification of more than 40 missing children, five arrests, and four human trafficking investigations.

Advocates continued to call for federal prosecutors to seek, and for courts to award, mandatory restitution for both sex and labor trafficking cases, citing concerns about both the low number of cases in which it was ordered and the low rate of payment of restitution to trafficking victims consistent with restitution orders. One NGO noted the number of defendants convicted of a crime that triggered mandatory restitution ordered to pay restitution in 2019 remained at approximately 40 percent. Advocates also called for increased training of prosecutors and judges on mandatory restitution, urged the government to use its available authorities, such as forfeiture and impoundment, to ensure compliance with restitution orders, and noted that, while not required, victim witnesses lack independent legal counsel to assist in obtaining restitution on their behalf.

Advocates reported very few labor trafficking cases they referred to law enforcement were investigated and called for increased training of relevant officials and efforts to identify, investigate, and prosecute labor trafficking cases. NGOs and a study released during the reporting period noted insufficient resources dedicated to investigating and prosecuting labor trafficking cases. They also cited a lack of familiarity with how forced labor takes place in various employment settings inhibited law enforcement's ability to increase such cases.

State laws form the basis of most criminal actions in the United States. All U.S. states and territories have anti-trafficking criminal statutes. In addition, 45 states had laws allowing survivors to seek a court order vacating, expunging, or sealing criminal convictions entered against them that resulted from unlawful acts traffickers compelled them to commit, although in four of these states such relief only applied to child trafficking victims. At least 34 states had "safe harbor" laws, which are meant to prevent child sex trafficking victims from being prosecuted for commercial sex.

One NGO reported the degree of relief available under some state vacatur laws for trafficking victims with criminal records resulting from unlawful acts traffickers compelled them to commit was limited. In addition, NGO and survivor advocates called for the adoption of federal vacatur legislation.

Advocates continued to report trafficking victims were arrested at the state and local levels for the unlawful acts their traffickers compelled them to commit, including commercial sex, drug trafficking, and possession of false identification documents, and even in some states with "safe harbor" laws, child victims were arrested. One NGO noted only 18 states protected child sex trafficking victims from being prosecuted for crimes other than commercial sex, including loitering, drug possession, and indecent exposure. An NGO expressed concern with the practice of law enforcement threatening criminal charges against trafficking victims to compel them to cooperate in a case against their trafficker.

The federal government continued to collect state and local data on human trafficking investigations during the reporting period through the Uniform Crime Reporting (UCR) Program. Data from 2018 collected from participating jurisdictions are publicly available. Participating jurisdictions represented 94 percent of U.S. states in 2018, compared to 90 percent the previous year. (The 2017 percentage [90] represents a correction to the percentage cited last year [78].) Not all agencies within all states have the ability to report data to the UCR Program. In 2018, participating jurisdictions reported a total of 548 human trafficking offenses resulting in arrest or solved for crime reporting purposes, a slight increase from 545 in 2017. There is no other formal mechanism for the federal government to track prosecutions at the state and local levels.

The government took actions to address alleged complicity in human trafficking by government employees. Two active duty military officers were charged with sex trafficking. A U.S. naval officer was found guilty of sex trafficking. A municipal law enforcement officer was sentenced to 14 years in federal prison for sex trafficking involving two children.

The U.S. government continued to build the capacity of law enforcement, judges, military personnel, and labor inspectors, among others, to more effectively respond to human trafficking cases. DOJ conducted new training for law enforcement and financial units on asset forfeiture, restitution, and how money laundering and financial charges can enhance human trafficking prosecutions. DOJ, in coordination with an international association of police chiefs, developed and implemented training to increase investigative and prosecutorial capacity to address labor trafficking. DOJ also funded the delivery of new training to state and local practitioners on effective strategies to investigate and prosecute labor trafficking. In October 2019, DOJ held a workshop for federal human trafficking prosecutors in which survivors provided training on victim-centered, trauma-informed approaches to law enforcement. DOJ also released a series of web-based trainings for prosecutors that featured survivor experts training on victim-centered approaches. DHS launched new introductory-level human trafficking awareness training for 110 federal, state, local, tribal, and territorial law enforcement officers in FY 2019. DHS also trained more than 2,800 federal law enforcement officers on human trafficking indicators in its federal training centers' basic training programs and trained foreign law enforcement, prosecutors, and victim service providers from 50 countries. DoD requires all its investigative professionals to take training on human trafficking investigations. DoD integrated trafficking in persons scenarios into its joint exercises and trainings for more than 2,100 foreign personnel and military members from 110 partner countries. The Department of the Interior (DOI) provided training to about 900 of its law enforcement officers,

first responders, contracting officers, as well as other federal, state, tribal, and local organizations on human trafficking. State trained its agents and analysts who investigate and support human trafficking cases to identify networks and engage with survivors using a victim-centered approach. In 2019, State's six international law enforcement training facilities hosted 11 courses on trafficking in persons and child exploitation, developing nearly 400 contacts from 24 countries. State also trained more than 8,200 foreign law enforcement and immigration counterparts through other programs.

One NGO called for more training on trauma-informed care during the criminal justice process to avoid retraumatizing victims who choose to testify against their trafficker. Survivor advocates called on the government to ensure law enforcement trainings, including on labor trafficking investigations and cultural sensitivity, are developed in consultation with survivor leaders.

PROTECTION

The government decreased protection efforts. While the government increased funding for victim assistance for trafficking victims from the previous year, the number of victims served decreased. The number of victims granted T nonimmigrant status also decreased, and the government granted fewer Certification Letters providing access to benefits and services to foreign national adult victims of trafficking.

The government had formal procedures to guide officials in victim identification and referral to service providers; funded several federal tip lines, including an NGO-operated national hotline and referral service; and funded victim assistance organizations that provided trafficking-specific services. Comprehensive victim assistance funded by the federal government includes case management and referrals for medical and dental care, mental health and substance use disorder treatment, sustenance and shelter, translation and interpretation services, immigration and legal assistance, employment and training, transportation assistance, and other services.

DOJ provided funding for victim-centered services for both foreign national and domestic trafficking victims. Record-keeping systems used by DOJ and HHS did not allow for cross-referencing to determine which victims were served by both agencies. HHS issued Certification and Eligibility Letters to foreign national victims of severe forms of trafficking to be eligible to apply for benefits and services to the same extent as refugees, provided grant funding for comprehensive case management for foreign national and domestic trafficking victims, and funded capacity-building grants for community-based organizations and child welfare systems to respond to trafficking.

During FY 2019, DOJ provided $42.9 million for 65 victim service providers offering comprehensive and specialized services across the United States. This represents a significant increase from 45 providers receiving $31.2 million in FY 2018. In addition, DOJ provided new funding to support several different initiatives: for specialized services for child victims of trafficking ($15.5 million), for filling gaps and improving the victim services field's response to human trafficking ($4.4 million), and for training and technical assistance to improve services offered to labor trafficking victims nationwide ($1 million). DOJ also provided $4.7 million to support specialized services and mentoring for child and youth victims of sex trafficking and sexual exploitation, compared to $1.8 million in FY 2018. DOJ grantees providing victim services reported from July 1, 2018, to June 30, 2019, 8,375 open trafficking client cases, a decrease from 8,913 open client cases the previous year. Of these open client cases, 5,090 were new clients, an increase from 4,739 new clients reported the previous year. DOJ's grantees reported 62 percent of clients served during the reporting period were U.S. citizens or lawful permanent residents, 35 percent were foreign nationals, and the citizenship for two percent was unknown. Grantees reported 62 percent of clients served were victims of sex trafficking, 22 percent were victims of labor trafficking, seven percent were identified as victims of both sex and labor trafficking, and the form of trafficking for nine percent was unknown. In March 2020, DOJ released its FY 2020 funding opportunities, which did not include a restriction on the use of victim assistance funding to represent survivors in vacatur and expungement cases.

During the reporting period, the Department of Housing and Urban Development (HUD) postponed a $13.5 million grant program (with funding transferred to HUD by DOJ in FY 2017) for specialized housing and services for survivors of human trafficking. The funding was transferred back to DOJ, which released a new housing funding opportunity in December 2019. In February 2020, the government convened government and civil society experts on legal aid to discuss best practices for providing legal services to victims of human trafficking, including ways to ensure restitution is paid to victims.

HHS awarded $10.9 million in FY 2019 for the provision of case management services to foreign national victims through a nationwide network of NGO sub-recipients, an increase from $7.5 million in FY 2018. Through this program, HHS supported 82 NGOs that served 1,573 individuals, including 968 victims of trafficking and 605 qualified family members in 48 states and U.S. territories, a decrease from 1,612 individuals served from the previous year. HHS's grantees reported 68 percent of clients served were victims of labor trafficking, 20 percent were victims of sex trafficking, and 12 percent were identified as victims of both sex and labor trafficking. HHS continued to fund the provision of case management services to domestic victims of human trafficking, which served 825 victims of trafficking in 12 states through collaborative partnerships with 169 service providers, a significant decrease from 1,149 individuals served the previous year. HHS's grantees reported 87 percent of clients served were victims of sex trafficking, two percent were victims of labor trafficking, two percent were identified as victims of both sex and labor trafficking, and the form of trafficking for nine percent was unknown. HHS also provided $2.3 million to address human trafficking in the child welfare system in FY 2019, the same amount as FY 2018. In FY 2019, HHS also provided $7 million in matching funds through title IV-E of the Social Security Act for administrative activities to serve any child or youth in the placement, care, or supervision of a foster care agency who is at risk of becoming a sex trafficking victim, identified as a sex trafficking victim, or missing from foster care, an increase from $6.7 million in FY 2018.

A Certification Letter enables foreign national adult victims of severe forms of trafficking in persons to be eligible to apply for benefits and services to the same extent as refugees when DHS issues Continued Presence or when a victim has a bona fide or approved application for T nonimmigrant status, as described further below. An Eligibility or Interim Assistance Letter enables foreign national children to apply for benefits and services to the same extent as refugees. HHS issues such letters when the Department receives credible information the child is or may be a victim of a severe form of trafficking in persons under the TVPA. HHS issued 311 Certification Letters to foreign national adults in FY 2019, representing a significant decrease from 412 in FY 2018, and issued 892 Eligibility Letters to foreign national children in FY 2019, representing a significant increase from 466 in FY 2018. Of the 311 foreign national adult victims certified in FY 2019, 211 were labor trafficking victims, 67 were sex trafficking victims, 22 were victims of both sex and labor trafficking, and 11 cases were unknown. More than half of all adult victims certified in FY 2019 were female. Out of 892 foreign national child victims certified in FY 2019, 614 were labor trafficking victims, 251 were

sex trafficking victims, and 27 were victims of both labor and sex trafficking. Slightly more than half of all foreign national child victims were male.

When foreign national children are placed in the care and custody of HHS, they are screened for human trafficking. When appropriate, HHS makes a determination of eligibility for benefits and services, which may include long-term assistance. In FY 2019, HHS assisted 228 foreign national child victims of trafficking, including 69 new enrollments, through its Unaccompanied Refugee Minors Program, compared to 199 foreign national child victims of trafficking, including 87 new enrollments in FY 2018. This program requires states to provide such child victims with the same assistance, care, and services available to foster children.

NGOs continued to call for expanded services, including legal services, for unaccompanied foreign national children without lawful immigration status upon their release from HHS care and custody.

Advocates reported a lack of services available for men, boys, LGBTI individuals, and labor trafficking survivors. Advocates also reported a need for increased access to affordable and trauma-informed healthcare and mental health services, including services available to a victim's family. NGOs and survivor advocates continued to report insufficient access to housing, including transitional housing and long-term housing options for trafficking victims. Advocates called for more culturally competent and inclusive services, including language access, and increased availability of victim-centered, trauma-informed, and survivor-informed services for trafficking victims. Survivor advocates reported a lack of specialized services for American Indians and Alaska Natives, individuals with disabilities, and the elderly. Advocates also called for improvements to education services, including financial education and resources, job training, and job placement for survivors, as well as increased access to trauma-informed childcare.

DHS provides immigration options specifically for victims of trafficking through Continued Presence, which is a temporary immigration designation, and T nonimmigrant status, which is a temporary immigration benefit commonly referred to as the T visa. Both immigration options strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking by encouraging victims to engage and cooperate with law enforcement regardless of their immigration status. To qualify for Continued Presence, an individual must be identified by law enforcement as a victim of human trafficking who may be a potential witness in the investigation or prosecution of the trafficker. To qualify for a T visa, an applicant must demonstrate that they (1) are a victim of a severe form of trafficking in persons; (2) are physically present in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry on account of trafficking; (3) have complied with reasonable requests from law enforcement, unless they are younger than the age of 18 or unable to cooperate due to trauma suffered; and (4) would suffer extreme hardship involving unusual and severe harm upon removal from the United States. T visa applicants may sponsor certain family members, including certain extended family members who face a present danger of retaliation. T nonimmigrants and their derivative family members are authorized to work and are eligible for certain federal public benefits and services. T nonimmigrant status is granted for a period of four years and may be extended under certain limited circumstances. After three years, or upon the completion of the investigation or prosecution, T nonimmigrants may be eligible to apply for lawful permanent resident status and eventually may be eligible for citizenship. DHS granted T nonimmigrant status to 500 victims in FY 2019, a decrease from 576 victims in FY 2018, and granted T nonimmigrant status to 491 eligible family members of victims in FY 2019, compared to 703 family members in FY 2018. (The FY 2018 number of T nonimmigrant status [576] represents a correction to the number cited last year [580]; the FY 2018 number of eligible family members [703] represents a correction to the number cited last year [698].) The processing time for T visas was between 19.5 months to 26.5 months in FY 2019, an increase from 16 months to 23.5 months in FY 2018. In March 2020, DHS announced it would enforce current regulations and form instructions and would reject forms where required fields are left blank or incomplete (and allow applicants to resubmit applications). In July 2019, DOL amended its policy of certifying applications for T visas, which now requires a referral to criminal law enforcement prior to DOL certification.

Advocates again reported increased obstacles to obtaining a T visa. Advocates noted a continuing rise in the number of requests for additional evidence by adjudicators, which tends to increase processing times, and reported increased T visa denials that they believed improperly interpreted relevant statutes and regulations, such as denials based on unlawful acts traffickers compelled victims to commit or narrower interpretations of the physical presence requirement. Some NGOs reported DHS denied T visa applications involving polyvictimization, such as when an application detailed an experience of domestic violence or smuggling in addition to human trafficking. NGOs continued to call for DHS to improve training for adjudicators that includes detailed guidance on current regulations, a trauma-informed approach, and instructions for drafting victim-centered requests for additional evidence developed with input from survivors. Advocates expressed concern with lengthy and increasing T visa processing times, citing added vulnerabilities for survivors who lack legal status or whose time-limited support services expire. NGOs also noted the amended DOL certification policy creates additional barriers to obtaining a T visa and may deter victims from coming forward.

DHS manages all requests from federal, state, and local law enforcement for Continued Presence, authorizing foreign nationals identified by law enforcement as trafficking victims who may be potential witnesses to remain lawfully and work in the United States during the investigation and prosecution of the crime. In FY 2019, DHS issued Continued Presence to 125 trafficking victims, who were potential witnesses, compared to 121 in FY 2018. DHS granted 48 extensions of Continued Presence, compared to 31 in FY 2018. DHS updated its Continued Presence brochure and publicly released Continued Presence training videos to promote consistent messaging that encourages federal, state, and local law enforcement requests and provide clarification that applications should be submitted immediately upon identification of a victim.

Advocates reported continued concern with the low number of Continued Presence requests made by law enforcement and called for enhanced collaboration between DHS and DOJ to prioritize an increase in the number of requests submitted by federal law enforcement working on cases in the field. NGOs also called for targeted training of law enforcement in geographic areas with the lowest numbers of requests and for granting federal victim assistance specialists the authority to request Continued Presence. NGOs reported survivors of sex trafficking were more likely to obtain Continued Presence than survivors of labor trafficking.

DHS issued a new notice of proposed rulemaking in November 2019 that would change its fee waiver determination process for certain immigration applications and petitions, including filings related to the T visa. However, under this rulemaking, applications for T nonimmigrant status, would remain fee-exempt, and applicants would still be permitted to seek a fee waiver for related filings if their household income is at or below 125 percent of the federal

poverty guidelines, a change from 150 percent.

In February 2020, DHS implemented a final rule that amended regulations used to determine an applicant's inadmissibility to the United States based on the likelihood of becoming a public charge (i.e., depending on public resources for basic needs). Applicants for T visas, certain T nonimmigrants seeking to adjust status, petitioners for U visas, and U nonimmigrants seeking to adjust status are exempt from the public charge ground of inadmissibility. To align with this DHS rule, State implemented a similar new rule for applicants of immigrant and nonimmigrant visas outside the United States.

Advocates continued to report an increasing number of foreign national survivors are afraid to report their cases to law enforcement, pursue immigration options, or seek services due to heightened immigration enforcement policies and increased fear of removing victim witnesses from the United States. Advocates called for the reversal of the policy DHS implemented in November 2018 to allow notices to appear to be issued to individuals denied T visas and who are removable upon denial, thus initiating removal proceedings with the immigration court. Advocates further stated the policy undermines the intent of the TVPA to safeguard victims of trafficking. Advocates expressed concern with DHS's proposed revisions to the fee waiver determination process impeding access to immigration benefits, noting the TVPA permits survivors to apply for a waiver. Advocates also continued to report increased denials of fee waivers for T visa applicants, which placed a heightened financial burden on survivors, and reported increasing requests for greater proof of financial hardship. NGOs called for DHS and State to rescind the new policy revision regarding admissibility on public charge grounds. NGOs reported that, as a result of the rule, survivors are afraid to access public assistance programs to which they are entitled and their clients were withdrawing from or choosing not to enroll in programs.

Another immigration benefit available to certain human trafficking victims is U nonimmigrant status (commonly referred to as the U visa) for victims of certain qualifying crimes, including human trafficking, who are helpful in the investigation or prosecution of the qualifying criminal activity and meet other specific eligibility requirements. While DHS has conducted an analysis on a random sample of U visa petitions, it is unable to accurately track the number of U visas issued based on the specific underlying crimes for which they were issued. In December 2019, pursuant to current regulations and form instructions, DHS implemented new U visa receipt changes that reject any application if required fields in the form are left blank.

NGOs and media reports raised concern with this change, reporting increased obstacles to obtaining U visas.

In FY 2019, a State program reunified 204 family members with identified victims of trafficking in the United States, a significant decrease from 262 in FY 2018. This program assisted one survivor to return home.

The U.S. government continued to provide and fund training to federal, state, local, and tribal officials, as well as to NGO service providers and health and human service providers, to encourage more consistent application of victim-centered and trauma-informed approaches in all phases of victim identification, assistance, recovery, and participation in the criminal justice process. In FY 2019, HHS provided training and technical assistance to more than 25,000 health and human service professionals and expanded its online training program to more than one million health care providers. DOJ's specialized training and technical assistance providers assisted organizations in strengthening their anti-trafficking responses related to housing, employment, legal services, trauma-informed care, courts, and investigations and prosecutions. DOJ also funded a new initiative in FY 2019 to invest in organizations to build capacity, navigate resources, and strengthen networks to serve victims of all forms of human trafficking.

DHS screens certain individuals for human trafficking, including unaccompanied foreign national children without lawful immigration status and some detained individuals, and, in cases where potential victims were identified, referred cases to law enforcement for further investigation. In the case of foreign national adults apprehended, interdicted, or in detention pending removal from the United States, DHS does not mandate screening of such individuals for trafficking indicators.

Advocates called for DHS to conduct human trafficking screening for foreign national adults and accompanied foreign national children, citing concerns that potential victims who would otherwise be eligible for relief could be removed from the United States. Advocates also reported concerns that trafficking survivors are held in immigration detention, with one NGO identifying at least five victims in detention. One NGO report noted the government removed some individuals with pending applications for trafficking-specific immigration benefits or pending appeals for such benefits. A state government and a group of NGOs each filed a lawsuit challenging the DHS practice of conducting federal immigration arrests in and around state courthouses without judicial warrants, including of human trafficking victims. The lawsuits, as well as an NGO report released during the reporting period, claim the arrests are increasing and have deterred victims from appearing in court or assisting law enforcement in cases, bolstering traffickers' ability to use the threat of removal from the United States to control victims.

One NGO called for standardized trafficking screening within the judicial and penal system to identify potential victims, especially child victims. Advocates continued to report that survivors with criminal records resulting from unlawful acts their traffickers compelled them to commit often remain excluded from employment, housing, and higher education; are ineligible for government programs; and face difficulties meeting needs essential to their safety and recovery. Advocates also noted the need for better trafficking screening of individuals with disabilities to improve the identification of potential victims.

PREVENTION

The U.S. government increased efforts to prevent trafficking. Federal agencies conducted numerous educational and training activities for their own personnel, state, local, and tribal officials, and other stakeholders. During the reporting period, the president signed an executive order that included the creation of a position within the Executive Office of the President focused on human trafficking and directed the federal government to improve prevalence estimate methodologies and law enforcement coordination. The U.S. Congress added the Department of Commerce to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF). To enhance transparency and stakeholder input, the PITF reported on agency accomplishments and future efforts and again invited members of the presidentially appointed survivor advisory council to join its meeting.

The government continued public outreach measures on the causes and consequences of human trafficking and continued efforts to increase victim identification among vulnerable populations and sectors and to seek and incorporate survivor input into policies and programs. HHS continued to fund an NGO to operate the national human trafficking hotline. In FY 2019, the hotline received 136,990 calls, texts, chats, online tips, and emails, identified 11,852 potential human trafficking cases, and

provided resources and referrals to 3,828 potential victims. The hotline also received information on 4,692 potential traffickers and 1,849 types of businesses facilitating human trafficking. Of the potential human trafficking cases identified, the hotline reported 3,599 potential cases to law enforcement and received information that at least 1,086 investigations were opened as a result. More than 10,300 signals, which includes calls, texts, and web chats, came from individuals who identified themselves as potential victims of trafficking seeking help, with calls being the most common method of communication. The U.S. government operated other tip lines that received calls or messages related to suspected human trafficking cases. U.S. embassies and consulates worldwide continued to provide the "Know Your Rights" pamphlet to applicants for temporary work and exchange visitor visas and play a related video in certain consular waiting rooms in an effort to help visa applicants better understand their rights and raise awareness of human trafficking. In FY 2019, the pamphlet generated 156 signals to the national hotline, a decrease from 294 calls generated in FY 2018.

In 2020, DHS published its first strategy to combat human trafficking, the importation of goods produced with forced labor, and child sexual exploitation. In FY 2019, DHS law enforcement held more than 1,350 training and engagement events, and DHS continued its nationwide human trafficking awareness Blue Campaign, which held 10 training and outreach engagements with NGOs and law enforcement. In FY 2019, HHS supported 93 training and technical assistance activities, compared to 61 in FY 2018, reaching 5,090 training participants. HHS also developed human trafficking prevention resources and training tailored for programs that serve families and at-risk youth. For the third year, HHS continued its leadership academy composed of survivors and anti-trafficking professionals that developed recommendations for improving services focusing on two-generation, whole-family approaches to prevention. The Department of Transportation (DOT) and DHS continued to train aviation personnel and, in FY 2019, formed six new partnerships with airlines and aviation industry organizations for a total of 25 partners. The DOT advisory committee on human trafficking, composed of representatives from transportation sectors, labor associations, NGOs, and law enforcement, submitted its final report with recommendations for DOT and best practices for the state and local departments of transportation, private industry, NGOs, transportation authorities, and other transportation stakeholders. During the reporting period, DOT's initiative of transportation leaders aligned against human trafficking secured 413 pledges from leaders representing airports and air carriers; urban and rural transit agencies; trucking, bus, and rail companies; ports; state departments of transportation; and modal associations. DOT also launched a new grant award to incentivize the development of innovative solutions that increase human trafficking prevention efforts among transportation stakeholders; awarded more than $430,000 in grants to support state efforts through driver's license standards and programs; and committed $5.4 million in grants to address public safety, including human trafficking. DOJ released a new public online training series on trauma-informed and victim-centered approaches to human trafficking, and DOJ grantees reported providing training to more than 82,000 anti-trafficking partners and stakeholders. In FY 2019, the Equal Employment Opportunity Commission (EEOC) participated in 188 outreach events that addressed human trafficking, reaching more than 11,200 individuals, and continued efforts to increase public awareness about human trafficking with its human trafficking resource guide. The EEOC also conducted 57 training sessions for EEOC staff and the staff of state and local partners on identifying and developing trafficking-related charges of discrimination and trauma-informed investigative techniques. The Department of Education developed a department-wide plan to combat human trafficking, including activities to increase awareness and to promote the prevention of human trafficking in the education community, with special emphasis on the most vulnerable student populations and strategies for successfully reintegrating trafficking survivors. In April 2019, State worked with an NGO to launch a new set of targeted online risk-management tools for food and beverage companies to address forced labor in their global supply chains. Congress made available more than $92 million in FY 2019 foreign assistance resources to State and the U.S. Agency for International Development to support anti-trafficking initiatives in more than 50 countries.

Advocates continued to call for a more comprehensive and proactive approach to address the factors and conditions that increase vulnerabilities, including ensuring government requirements and regulations maintain protections and resources dedicated to reducing vulnerabilities among communities at higher risk for human trafficking, partnering with community-based providers to develop early intervention responses to communities' needs, and better tailoring education and prevention programs to underserved or at-risk populations.

DOL, DHS, and State screen and approve employers and workers for temporary worker programs to ensure compliance with program requirements, including worker protections. To reduce workers' vulnerability to exploitation, including human trafficking, the United States bars employers participating in these programs or their agents from seeking or receiving payments from workers for any activities related to obtaining labor certification or employment. These include job placement and recruitment fees, and salary and wage deductions, and requires that the terms of employment be disclosed. DOL seeks to ensure employer compliance through audits and investigations and does not accept temporary labor certification applications if the employer discloses it charges a prohibited fee to the worker.

NGOs reported weak oversight of employment-based and other nonimmigrant visa programs, noting human trafficking cases involving workers in the United States on these programs. Advocates continued to call for enhanced protections for workers in temporary worker programs, including regulatory changes to uncouple employment visas from an employer or sponsor, and to protect individuals in certain temporary worker programs to the same extent as other workers. In addition, advocates continued to call for increased transparency and accountability for temporary worker programs and for agencies to develop a more accessible system to share visa applications and job-related information with workers in real time, including the names of employer petitioners.

In FY 2019, DOL signed bilateral cooperative agreements regarding the H-2 programs with Honduras and Guatemala that requires those countries to begin performing labor recruitment directly or to create and maintain a registered foreign labor recruiter monitoring program. These agreements aim to increase transparency, accountability, and safeguards for temporary workers in the H-2 programs, including protection from labor recruitment practices that heighten workers' vulnerability to exploitation.

NGOs continued to report formal and informal recruiters, labor contractors, and agents charged workers prohibited fees and noted weak government enforcement of the recruitment fee ban. Advocates called on the government to require employers furnish information regarding the services their foreign labor contractors and subcontractors provide commercially, including the cost of the services and who is responsible for payment. Advocates reported employers commonly and intentionally remain uninformed about the recruitment process to escape culpability for any payment of prohibited fees by workers. With regard to DOL's certification of U.S.-based farm labor contractors, where U.S. law requires DOL to exclude contractors convicted for certain felonies within

the last five years, one NGO stated the statutory screening and eligibility criteria were not sufficient, citing examples of farm labor contractors convicted or sued for labor trafficking violations that remained certified.

Advocates noted the government's practice of denying visas to applicants who reported paying recruitment fees, combined with the risk of retaliation or blacklisting by employers and recruiters, disincentivized applicants from reporting violations to authorities and allowed unscrupulous employers and recruiters to continue operating without penalty. Advocates called for the government to provide protections for workers who report paying such fees or experience other prohibited employment or recruitment practices.

State continued its oversight of the Exchange Visitor Program (EVP or J-1 visa program), which includes the Summer Work Travel (SWT), Camp Counselor, Intern, and Au Pair programs. State continued to monitor exchange visitors to help safeguard their health, safety, and welfare and to identify and investigate program fraud and abuse. State conducted outreach throughout 2019 to raise program sponsors' awareness of their administrative oversight and reporting obligations to State with respect to the health, safety, and welfare of exchange visitors. State requires EVP sponsors to provide all exchange visitors with the "Know Your Rights" pamphlet during orientation sessions. State conducted field monitoring across all EVP categories in 2019, visiting 1,529 exchange visitors in 364 sites in 24 states, the District of Columbia, and the U.S. Virgin Islands and enhanced its virtual outreach to SWT exchange visitors. State also supported community outreach efforts in 23 states with significant SWT populations, which included outreach with local host organizations and exchange visitors to raise awareness about human trafficking. State continued to liaise with law enforcement on criminal investigations relating to the EVP.

NGOs continued to report the need for additional steps to reduce the risks of exploitation in the SWT and au pair programs, noting concerns with exorbitant program fees and exploitative work conditions. NGOs called for further reforms of the SWT program to increase protections under U.S. labor and employment laws with oversight by DOL, stricter regulations over the recruitment of participants, and greater transparency about employers and occupations.

In April 2019, in accordance with the TVPA, State suspended the A-3 visa sponsorship privileges afforded to Malawi bilateral mission members because of an unpaid final judgment for approximately $1.1 million rendered by a federal district court in a civil human trafficking case. State continued to administer its domestic worker In-Person Registration Program for A-3 and G-5 visa holders employed by foreign mission and international organization personnel, respectively, in the Washington, D.C. area. State expanded the program to the New York metropolitan area and Houston, Texas, and announced the program's expansion to Los Angeles and San Francisco, California. State launched an In-person Registration Program for domestic workers employed by members of the UN Permanent Mission community and announced the program's expansion to cover domestic workers employed by UN personnel.

During the reporting period, lawsuits in Colorado, Georgia, Texas, Washington, Maryland, and California remained pending against privately owned and operated detention facilities contracted by DHS. These lawsuits allege the contractors forced immigration detainees to work in violation of the TVPA during their federal immigration detention. DHS is not party to the lawsuits, nor are any of its component agencies.

NGOs stated the government should address the allegations of forced labor in immigration detention facilities.

Civil enforcement of federal laws continued to be a significant component of the government's anti-trafficking efforts. DOL investigated complaints and conducted targeted civil labor investigations involving workers in industries and sectors known to be vulnerable to labor trafficking. In FY 2019, DOL continued enforcement activities in industries including agriculture, construction, landscaping, hotels, restaurants, seafood, and reforestation. In FY 2019, DOL made or received 20 referrals to federal, state, and local law enforcement agencies or task forces regarding allegations of human trafficking, including three cases referred to DOL, six requests for DOL assistance, and nine cases referred to other law enforcement agencies. To enhance DOL field staff's ability to detect and refer potential human trafficking cases to law enforcement, DOL piloted initiatives to raise awareness of human trafficking through advanced human trafficking training, coordinated enforcement, and participation in local task forces.

NGOs reported a significant reduction in DOL investigations into workplaces due to insufficient resources, which inhibits meaningful or systematic enforcement of labor laws and detection of forced labor in industry supply chains. Survivor advocates called for more resources to be allocated to DOL to enhance efforts to identify labor trafficking cases.

During the reporting period, the EEOC, which enforces federal employment discrimination statutes, continued to investigate charges on behalf of and seek compensation for victims of trafficking. In FY 2019, the EEOC received six new charges of discrimination linked to human trafficking compared to eight in FY 2018. It recovered $56,000 in monetary benefits for charging parties through the administrative process, compared to $244,000 in FY 2018. As of September 30, 2019, the EEOC had six pending charges linked to human trafficking.

Federal law also allows a trafficking victim to independently file a civil cause of action, and there were cases in which individuals filed and successfully pursued civil causes of action during the reporting period.

The government made efforts to reduce the demand for commercial sex acts, including by prosecuting individuals for sex trafficking who pay or attempt to pay for commercial sex involving children. In March 2019, DOJ issued departmental guidance on emphasizing that individuals who knowingly patronize or solicit sex trafficking victims are guilty of a federal crime and ordered DOJ components to continue to identify and prosecute individuals involved in sex trafficking. DOJ also provided training on demand reduction for federal prosecutors. DoD, in partnership with local law enforcement, continued to investigate cases of service members allegedly violating DoD's prohibition on procuring commercial sex.

NGOs continued to call for increased efforts to address the demand for commercial sex in order to address human trafficking comprehensively, including calls for increased education and awareness for potential buyers and efforts to prevent child sex trafficking.

The government proactively investigated allegations of child sexual exploitation offenses perpetrated overseas by U.S. citizens and partnered with foreign law enforcement counterparts to share information regarding international travel of registered child sex offenders. In FY 2019, DHS launched a new center to improve its ability to notify countries of the potential travel of registered child sex offenders. Eleven defendants were convicted of federal child sex tourism charges in FY 2019, compared to three in the previous reporting period. Offenders who abuse children abroad may have been prosecuted under other statutes, and prosecutions based on other statutes are not reflected in this statistic.

DOJ and other federal law enforcement agencies received one allegation of forced labor or recruitment fees required of third-country nationals working on certain U.S. government contracts abroad. There were no federal criminal prosecutions of employers or labor contractors for such violations in connection with U.S. government contracts abroad in FY 2019.

The Office of Management and Budget finalized its guidance on anti-trafficking risk management best practices and mitigation considerations, which enhances the effectiveness of anti-trafficking requirements in federal acquisition and helps contractors manage and reduce the burden associated with meeting these responsibilities. DoD requires its acquisition personnel to take human trafficking training once every three years. In FY 2019, DoD updated its instruction that outlines the anti-trafficking roles and responsibilities for DoD components, services, and agencies. In FY 2019, DoD reported investigating 13 forced labor or related cases, compared to 23 cases in FY 2018, and took action against noncompliant employers or labor contractors from U.S. programs resulting in six non-compliance requests. In addition to the six non-compliance requests, five cases remained pending, one was unsubstantiated, and one was resolved through corrective actions by the company. Where appropriate, DoD refers these cases for criminal investigation or pursues criminal investigations for these cases.

An inspector general report released within the reporting period found DoD officials did not consistently enforce regulations on the identification and oversight of trafficking in persons in Kuwait, and DoD contracting personnel did not always ensure contracts in Kuwait complied with federal acquisition regulations on human trafficking. Upon release of the report, DoD took steps to implement the recommendations to improve enforcement and oversight, including updating a combatant command's human trafficking regulation.

DHS enforced the law that prohibits the importation of goods mined, produced, or manufactured, wholly or in part, under forced labor conditions, including forced child labor. DHS received 53 allegations and issued six Withhold Release Orders within the reporting period for shipments of goods on grounds they were produced by forced labor, resulting in the detention of more than $15 million in goods, compared to two Withhold Release Orders within the previous reporting period. The government continued to enforce a law that extends this prohibition to any imports produced by North Korean nationals. DOJ continued to engage in extensive interagency consultations to clarify legal and jurisdictional challenges to addressing forced labor in fishing in international waters. The U.S. Congress ratified a trade agreement that requires the parties to prohibit the importation of goods produced by forced labor. DOL announced $27.2 million in new grants to help Mexico meet its labor obligations under the trade agreement, including the enforcement of its labor laws and addressing child labor and forced labor in its supply chains. In October 2019, the United States Trade Representative suspended trade preferences for Thailand based on its failure to protect workers, including from forced labor.

NGOs called for the federal government to enact a supply chains transparency law that would establish a registry of businesses and require disclosure of supply chain statements, among other measures. One NGO called on DHS to issue more guidance for the evidentiary standards it relies upon when issuing Withhold Release Orders to ensure those seeking to bring forward allegations include the necessary information.

In FY 2019, HHS held four regional American Indian and Alaska Native consultation sessions to discuss how to better prevent human trafficking within those communities. HHS also launched online training to educate health care providers serving American Indians, Alaska Natives, Native Hawaiians, and Pacific Islanders regarding human trafficking and its impact on their communities. For the second year, HHS provided funding for an NGO-run hotline for American Indians and Alaska Natives affected by domestic and dating violence, as well as human trafficking. In FY 2019, this hotline received 803 calls, chats, and text messages reporting sex trafficking and forced labor. In FY 2019, DOI delivered awareness training to more than 12,000 DOI employees, as well as tribal and state victim and social service providers, tribal council members, and tribal community members. DOI and HHS held a listening session with American Indian and Alaska Native representatives, where topics included human trafficking. HHS developed resources and engaged tribal and Native youth on the impact of human trafficking on indigenous communities and how cultural practices such as storytelling can raise awareness of trafficking. DOJ provided technical assistance funding to increase its grantees' capacity to respond to sex trafficking, including safety planning for victims, developing interagency cooperation in responding to sex trafficking, and expanding service providers' understanding of trafficking involving Native women and children. DOJ also trained American Indian and Alaska Native law enforcement to better understand and investigate child sex trafficking cases. DOJ awarded $550,000 to increase services for urban American Indian and Alaska Native victims of sex trafficking.

U.S. INSULAR AREAS

Trafficking in persons occurs in the U.S. insular areas, including American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands (USVI).

In Guam and CNMI, members of DOJ-led human trafficking task forces continued to engage with community partners to provide victim services, train law enforcement, and share strategies for improving victim identification. DOJ also continued to advance an initiative that enhances coordination with stakeholders in the Pacific Region on victim services, law enforcement responses, training, community outreach, and prevention programs. DOJ and DHS held public awareness events in USVI and continued to participate, along with local authorities in Puerto Rico, in the crimes against children task force. DOJ developed human trafficking training for prosecutors, law enforcement officers, and service providers within USVI.

HHS provides comprehensive case management services to foreign national victims of trafficking in American Samoa, Guam, CNMI, Puerto Rico, and USVI, and two DOJ grantees provided comprehensive and legal services to victims of all forms of trafficking in CNMI during the reporting period. In FY 2019, HHS provided grant-funded training and technical assistance in Guam and CNMI to improve the health and safety outcomes for survivors of human trafficking and intimate partner violence and to promote human trafficking prevention. In FY 2019, DOJ provided training and technical assistance to support the development of multidisciplinary anti-trafficking task forces in Puerto Rico, USVI, and American Samoa. In FY2019, HHS conducted a site visit in Guam and CNMI to better understand the unique challenges and requirements related to combating human trafficking in the region. In response, HHS issued grantee guidance clarifying that certain insular areas are eligible for grant-funded victim assistance programs.

As part of the prosecution statistics previously mentioned, DOJ filed four new human trafficking cases in Puerto Rico and USVI and convicted five defendants in Puerto Rico within the reporting period. Authorities pursued lesser charges in one federal case in USVI that contained elements of human trafficking, including victims being forced to work to repay debts, destruction of travel

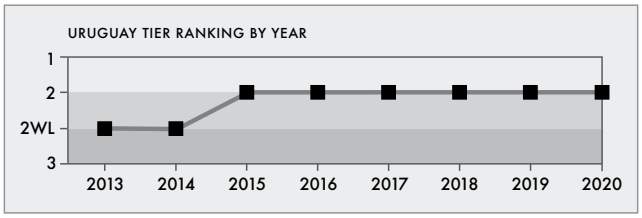
documents, and physical threats.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign national victims in the United States, and traffickers exploit victims from the United States abroad. Human trafficking cases have been reported in all 50 states and the District of Columbia. Traffickers compel victims to engage in commercial sex and to work in both legal and illicit industries and sectors, including in hospitality, traveling sales crews, agriculture, janitorial services, construction, landscaping, restaurants, factories, care for persons with disabilities, salon services, massage parlors, retail, fairs and carnivals, peddling and begging, drug smuggling and distribution, religious institutions, child care, and domestic work. Individuals who entered the United States with and without legal status have been identified as trafficking victims. Victims originate from almost every region of the world; the top three countries of origin of federally identified victims in FY 2019 were the United States, Mexico, and Honduras. Individuals in the United States vulnerable to human trafficking include: children in the child welfare and juvenile justice systems, including foster care; runaway and homeless youth; unaccompanied foreign national children without lawful immigration status; individuals seeking asylum; American Indians and Alaska Natives, particularly women and girls; individuals with substance use issues; migrant laborers, including undocumented workers and participants in visa programs for temporary workers; foreign national domestic workers in diplomatic households; persons with limited English proficiency; persons with disabilities; LGBTI individuals, and victims of intimate partner violence or domestic violence. Advocates reported a growing recognition of trauma bonding in human trafficking cases, which occurs when a trafficker uses rewards and punishments in cycles of abuse to foster a powerful emotional connection with the victim. Some U.S. citizens engage in child sex tourism in foreign countries.

URUGUAY: TIER 2

The Government of Uruguay does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Uruguay remained on Tier 2. These efforts include convicting eight traffickers, opening a new victim services center, and launching expanded public awareness campaigns. However, the government did not meet the minimum standards in several key areas. Law enforcement officials did not proactively and systematically identify victims, and the government did not have adequate victim services or provide consistent access to shelters. Despite increased convictions, efforts to prosecute traffickers remained insufficient. Some victims declined to participate in trials against their traffickers due to doubts about the government's ability to ensure their safety.



PRIORITIZED RECOMMENDATIONS:

Provide adequate services and shelter for all victims, especially those outside the capital. • Increase training for law enforcement officials, labor inspectors, coast guard, prosecutors, judges, and social workers to proactively identify victims of sex and labor trafficking, particularly among foreign workers and individuals in commercial sex. • Allocate a dedicated anti-trafficking budget and increase funding for victim services. • Establish a facility accessible to victims while shelters are closed during the day. • Expand long-term and reintegration services, including vocational training. • Proactively screen foreign workers for trafficking indicators, including through inspections aboard foreign-flagged vessels in Uruguayan waters and docked at port. • Vigorously investigate and prosecute forced labor, forced commercial sex, and child sex trafficking. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Reinforce the 2018 trafficking law by training judges, law enforcement officials, and prosecutors on the irrelevance of initial consent into prostitution, as well as non-physical coercion. • Revise the definition of trafficking under Uruguayan law to align with the definition in the 2000 UN TIP Protocol. • Consider legislation requiring foreign fishing vessels to register in country and abide by Uruguayan labor laws given reported indicators of forced labor. • Fund the implementation of the anti-trafficking law and the national action plan. • Ensure the safety of victims participating in trials against their traffickers as required by law and inform victims of available protective measures. • Operationalize a centralized database to systematize official statistics on anti-trafficking law enforcement and victim identification efforts. • Enhance international cooperation to investigate cases and protect foreign victims.

PROSECUTION

The government slightly increased prosecution efforts. Article 78 of the 2008 immigration law criminalized sex trafficking and labor trafficking, prescribing penalties of four to 16 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The penalties were increased by one-third to one-half if the trafficking offense involved a child victim. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, and coercion as aggravating factors rather than as essential elements of the crime.

The government did not collect comprehensive data on anti-trafficking law enforcement efforts and did not maintain a system for tracking court cases. In 2019, the government initiated 18 trafficking investigations—11 for sex trafficking and seven for labor trafficking—compared with 17 in 2018 and 10 in 2017. The government reported initiating four new prosecutions in 2019, compared to the same number in 2018 and 23 in 2017. There were two additional prosecutions for soliciting child sex trafficking victims. The government reported convicting eight traffickers, compared to zero in 2018. Over the previous six years, the government convicted five traffickers out of 43 investigations and 52 prosecutions. The government reported convicting two additional traffickers on pimping charges, but it was not clear if these cases met the definition of trafficking under international law. Judges sentenced three of the eight traffickers to 18 to 22 months' imprisonment; the government did not report sentencing statistics for the other five convicted traffickers. In Montevideo, two gender-based violence units within the attorney general's office focused on investigating and prosecuting crimes related to trafficking and the exploitation of children; there were no specialized units outside of the capital. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government made limited efforts to train law enforcement officials responsible for victim identification and investigation; observers indicated law

enforcement officials did not employ systematic procedures to identify victims proactively but displayed an improved understanding of the irrelevance of initial consent. Uruguayan officials cooperated with a foreign government in the arrest of an individual accused of purchasing commercial sex acts from a minor. The government offered some training to strengthen law enforcement and border officials' capacity to identify victims.

PROTECTION

The government maintained protection efforts. In 2019, the Ministry of Social Development (MIDES) assisted 83 newly identified victims, most of whom were foreign nationals; it was unclear what agency identified these victims or how many were victims of sex trafficking versus forced labor. There were, by comparison, 95 victims identified in 2018. The National Institute for Children and Adolescents Affairs (INAU) reported monitoring 240 incidences of child sex trafficking but did not specify how many victims were involved or how many of these cases were new in 2019. The government had a variety of victim protection protocols and written referral mechanisms on assisting victims. MIDES was the principal provider of services for victims of all crimes, but specialized services for victims of trafficking did not exist in Uruguay. INAU was responsible for assisting child and adolescent victims. Civil society and government agencies worked together to provide services for female victims; however, the government provided services to LGBTI and male victims on a case-by-case basis, and some organizations expressed concern about the lack of formality in victim referral. The government had an interagency response system that established a referral mechanism for cases. The government and civil society continued to operate a 14-member mobile team of psychologists, social workers, and lawyers that responded to cases located in the interior of the country. During the reporting period, INAU established a program for up to 20 child and adolescent victims. MIDES inaugurated a second victim assistance center in 2019, where it provided services to 21 female victims during the reporting period. The Ministry of Health trained 2,500 health professionals on new protocols for treating potential victims of gender-based violence, including trafficking. The government provided venues, technical support, and allowed staff to attend trainings in victim identification and assistance conducted by an international organization.

The government contracted with NGOs to provide victims services similar to those given to other vulnerable populations, such as the homeless, refugees, and citizens on welfare; there were no specialized services for trafficking victims. Government officials had some facilities that could temporarily house victims; however, civil society expressed concerns about the suitability of these facilities, as they did not meet the needs of trafficking victims. Civil society reported challenges finding shelter for trafficking victims, particularly for those identified outside the capital. Observers identified a need for daytime facilities and programming for victims staying in overnight-only shelters. Civil society reported government services focused mostly on psycho-social and legal assistance, while long-term services, such as housing, vocational support, and job placement, were insufficient. The government did not report on its funding for victim protection and assistance. Although the government had a protocol to provide security and protection measures to victims, observers reported the government did not ensure victims' physical safety, and fear of retaliation prevented victims from participating in trials against their traffickers. Victims could file civil suit to seek compensation from their traffickers, but the government did not report if any victims did so in 2019. Foreign victims were entitled to work permits and permanent residency status and had 180 days to decide whether to stay in the country, return to their country of origin, or resettle in a third country. However, the government did not report issuing residency permits to any foreign victims during the reporting period.

PREVENTION

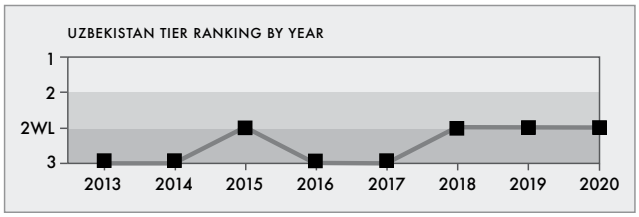
The government slightly increased prevention efforts. The national trafficking council, composed of high-level participants and led by MIDES, and its working groups met regularly throughout the reporting period. The council was responsible for the implementation of recommendations from international organizations and institutional oversight on the implementation of law 19.643 and the 2018-2020 national action plan. The national trafficking council conducted an annual review of its anti-trafficking efforts, which it publicized during a World Day against Trafficking event. The government did not allocate funding to implement the trafficking law or the national action plan, and the trafficking council lacked an operational budget. The government distributed informational materials outlining how to identify and report trafficking to the public. Government agencies conducted awareness campaigns that reached more than 800 people via workshops, seminars, social media, print media, and radio broadcasts. The government operated a free, 24-hour hotline directing victims to police or MIDES; the government did not report how many calls involved trafficking cases. MIDES launched a cellphone app version of the hotline to promote its use among younger audiences. The Ministry of Labor's inspectors received training to identify labor trafficking indicators and performed regular labor inspections, including in establishments known to facilitate commercial sex, but lacked specific procedures to identify trafficking. The government took initial steps to assess vulnerability to sex trafficking in communities near a new industrial complex and encouraged its developers to adopt an anti-trafficking code of ethics. The government made efforts to prevent child sex tourism but did not otherwise make efforts to reduce the demand for commercial sex acts. The government and an NGO collaborated on an awareness campaign to prevent child sex tourism in tourism hotspots.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Uruguay, and traffickers exploit victims from Uruguay abroad. Uruguayan women and girls—and, to a more limited extent, transgender adults and male adolescents—are exploited in sex trafficking within the country. Traffickers force Uruguayan women and LGBTI individuals into commercial sex in Spain, Italy, Argentina, and Brazil. Traffickers exploit women from Cuba, the Dominican Republic, Haiti, and, to a lesser extent, from South American countries, in sex trafficking in Uruguay. Foreign workers, mainly from Bolivia, Brazil, Cuba, the Dominican Republic, Paraguay, and Argentina, are exploited in forced labor in construction, domestic service, cleaning services, elderly care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Sex traffickers exploited migrants from Cuba in border cities. Since 2013, an average of one dead crewmember per month has been associated with Taiwan- and Chinese-flagged fishing vessels docked at the Montevideo port and in Uruguay's waters. Foreign workers aboard these vessels are subjected to abuses indicative of forced labor, including unpaid wages, confiscated identification, and physical abuse, and there are anecdotal reports of murder at sea. Citizens of other countries, including China and the Dominican Republic, may transit Uruguay en route to other destinations, particularly Argentina. Domestic workers employed in the less-monitored interior of the country are at greater risk of trafficking.

UZBEKISTAN: TIER 2 WATCH LIST

The Government of Uzbekistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included steps to address the use of forced adult labor during the annual cotton harvest through increasing remuneration to those picking cotton and improving working conditions to attract voluntary workers. The government ceased the systemic mobilization of students, teachers, and health care workers during the 2019 harvest. The government continued to allow unimpeded access to international third-party monitors, who assessed a continued overall decrease in the number of Uzbek citizens forced to pick cotton, and incorporated independent human rights activists into monitoring plans. The government also committed to eliminate cotton picking quotas—a contributing factor to forced labor—beginning in the fall 2020 harvest. The government created a high-level National Commission on Trafficking, including all relevant state agencies, as well as regional commissions, chaired by the regional governor, in every area of the country. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. There were continued reports of corrupt officials requiring public sector employees to pick cotton or pay for a replacement worker, creating a penalty for not participating in the cotton harvest and a lucrative means of extortion for these officials. The government investigated and prosecuted fewer suspected traffickers for the sixth consecutive year. Authorities identified fewer victims of trafficking and did not identify any foreign victims. Less than one third of all convictions carried a prison sentence. The government has not reported criminal proceedings against officials for compelling people to participate in cotton cultivation and harvesting. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Uzbekistan was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Uzbekistan remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Continue substantive action to end all government-compelled forced labor and hold complicit officials accountable. • Continue efforts to ensure all citizens are aware of their "right to refuse" participation in the cotton harvest or other work outside their professional duties and the requirement to pay for replacement workers without suffering consequences. • Respecting due process, increase investigations and, when sufficient evidence exists, criminally prosecute persons complicit in human trafficking, including officials involved in mobilizing forced labor. • Continue granting independent observers full access to monitor cotton cultivation and fully cease harassment, detention, and abuse of activists for documenting labor conditions; investigate and, when sufficient evidence exists, criminally prosecute persons complicit in human trafficking identified by observers. • Implement procedures for identifying trafficking victims to ensure they are systematic and proactive, including those developed with international partners. • Continue training law enforcement officials on proper handling of trafficking cases. • Train all first responders to officially identify potential trafficking victims and refer to care. • Continue implementing the national action plan for improving labor conditions in the agricultural sector. • Continue grants that fund anti-trafficking NGOs assisting and sheltering victims who were not admitted to the state-run shelter. • Adopt and implement draft mechanisms to ensure victims are not penalized for unlawful acts traffickers compelled them to commit, including for illegal border crossing and losing personal identification documents. • Adopt draft amendments to the criminal code to protect the identities of trafficking victims. • Encourage prosecutors to proactively seek victim restitution in criminal cases. • Monitor private employment agencies for recruitment fees and ensure they are paid by employers rather than prospective job applicants.

PROSECUTION

The government decreased the number of investigations, prosecutions, and convictions. Article 135 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to five years' imprisonment for offenses involving an adult victim and eight to 12 years' imprisonment for those involving a child victim, which were sufficiently stringent. However, with respect to sex trafficking, by allowing for house arrest in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime. Forced labor violations were criminalized in 2019 but considered as administrative violations for first offenses with increased fines levied by the labor inspectorate; only repeat offenses were considered criminal. The June 2019 Presidential decree "On Additional Measures to Further Improve the System of Combating Trafficking in Persons and Forced Labor" included a directive to align Article 135 more closely to international law; legislative changes remained in draft at the close of the reporting period.

The government provided more detailed law enforcement data compared to previous years. For the sixth consecutive year, investigations, prosecutions, and convictions declined, although transnational law enforcement efforts increased over the reporting period. The government conducted 66 investigations and prosecuted 53 cases (50 of sexual exploitation and three of forced labor) for crimes related to trafficking in 2019, compared with 123 investigations and 168 prosecutions in 2018 and 609 investigations and 314 prosecutions in 2017. Authorities reported convicting 64 defendants for crimes involving trafficking in 2019, compared with 230 in 2018 and 405 in 2017. Of the 64 convicted traffickers, courts sentenced 18 to imprisonment, 22 to house arrest, 19 to probation, required two to pay fines, and granted three amnesty. NGOs noted some victims reached financial settlements outside of the justice system, in some cases with the facilitation of low-level officials.

The Ministry of Interior (MOI) maintained an investigatory unit dedicated to trafficking crimes. The June 2019 presidential decree mandated the MOI to establish a law enforcement trafficking data repository. In partnership with international organizations and civil society, the government provided trafficking-specific training to police, judges, and other authorities. In September 2019, the Ministry of Employment and Labor Relations conducted training for its increased staff of labor inspectors on identification, investigation, and prevention of forced and child labor with an emphasis on the international and national legislation governing those crimes. In addition to attending state-funded training, government officials participated in seminars and conferences sponsored by the government and taught by NGOs, international organizations, and foreign governments. They also participated

in regional anti-trafficking conferences. The MOI helped organize a "Stop Trafficking" law enforcement operation in March 2020 with Kazakhstan, Kyrgyzstan, and Tajikistan. According to the government, the operation launched 2,861 raids that uncovered 41 trafficking crimes and 87 administrative violations.

Despite complicity of local officials in forced labor crimes, particularly in the cotton harvest, the government did not report criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking. Uzbek law treated the first instance of officials complicit in forcing individuals to work in the cotton harvest as administrative violations rather than criminal offenses; in 2019, the government increased the fines imposed and criminalized repeat offenses. The government reported issuing administrative fines for forced labor violations to 259 officials in 2019, an increase compared with 206 officials in 2018 and 14 officials in 2017. A new law enacted in April 2019 increased the administrative fine by up to 10 times.

PROTECTION

The government demonstrated mixed protection efforts; while it decreased victim identification, it increased funding for victim protection. The government continued to lack comprehensive standard operating procedures (SOPs) to proactively identify victims from vulnerable populations and refer them to care. The government formally identified 95 victims of trafficking in 2019, a steady decrease compared with 208 in 2018, 440 in 2017, and 714 in 2016. Of the 95 victims, 90 were women and five were men; sex traffickers exploited 89 victims and labor traffickers exploited six victims. Fifteen of these victims endured exploitation in Uzbekistan; the majority of victims were exploited abroad. The government did not identify any victims of foreign origin. NGOs identified and assisted hundreds of victims during the reporting period (579 in 2018 and 676 in 2017), the vast majority of whom traffickers exploited in Kazakhstan or Russia; police referred 171 victims to NGOs. NGOs filed 1,346 applications to initiate criminal cases on behalf of victims; the amount that actually resulted in official investigations was unknown, compared with 457 in 2018.

With the assistance of international partners, the government developed a draft law that includes provisions for the protection of victims of trafficking. Per Article 42 of the draft law, victims of human trafficking who committed actions subject to administrative or criminal liability under any form of coercion cannot be placed in a detention facility or jail during an administrative or criminal proceeding or during administrative or pre-trial investigation. International observers argued the government's lack of SOPs for victim identification may have led to the penalization of potential victims, particularly of vulnerable populations, such as individuals in commercial sex and migrant workers. Current law did not exempt transnational sex and labor trafficking victims from facing a criminal penalty for illegally crossing the border, which deterred some victims from reporting their traffickers. Some victims initially faced a criminal penalty for illegally crossing the border, but NGOs reported authorities dropped these charges when NGOs proved to authorities the victims were subjected to human trafficking.

The June 2019 Presidential Decree mandated the establishment of a national referral mechanism, which it had been developing with international partners, but the government did not report its finalization or implementation. Police, consular officials, and border guards who were able to identify potential trafficking victims could refer them to either a state-run shelter or NGOs for services. The government reported it amended victim assistance protocols. In 2019, victims did not have to file a criminal complaint to receive government-provided rehabilitation and protection services; the government did not report the number of victims who received services without lodging a criminal complaint. NGOs reported local officials regularly referred victims who did not wish to pursue a criminal case to NGO offices for assistance. The majority of identified victims were reluctant to contact or cooperate with law enforcement because of their distrust in authorities and fear for their safety or the safety of their families due to corruption in law enforcement agencies. Uzbekistan's diplomatic missions abroad helped repatriate 51 victims, an increase from 15 victims in 2018, by issuing travel documents and working with an international organization to provide food, clothing, and transportation to victims to facilitate their repatriation to Uzbekistan. The government increased its support for its own citizens in Russia and South Korea by expanding representative offices of the Agency for External Labor Migration in order to assist vulnerable populations. An NGO in Kazakhstan noted positive collaboration with the Government of Uzbekistan.

In 2019, the government allocated approximately 1.2 billion soum ($126,320), an increase from 475 million soum (approximately $50,000) in 2018, to operate its Tashkent-based trafficking rehabilitation center for men, women, and children with official victim status. The government assisted 220 victims at this facility in 2019, compared with 195 victims in 2018. This center provided shelter, medical, psychological, legal, and job placement assistance. The center had the capacity to accommodate foreign victims, but the government has not served any foreign victims in the shelter since its opening. The government operated 197 centers to assist vulnerable women, including trafficking victims; these centers were managed and funded by regional governments, some of which coordinated with local anti-trafficking organizations. NGOs continued to report cooperation with the government for victim assistance but reported difficulties working with authorities to open legal cases on behalf of the victim; in 2019, the government continued to provide in-kind support to local NGOs for the provision of victim assistance, such as food and clothing. While the government did not provide tax benefits for NGOs, it did provide one NGO free use of a government-owned building. Some NGOs competed for and received grant funding from a general governmental assistance fund; the government reported distributing 817 million soum ($86,000) to these NGOs. NGOs noted MOI officials increasingly complied with legal requirements to maintain victim confidentiality; however, victims' identities were not kept confidential during court proceedings. Victims could bring civil suits against traffickers, but the government did not provide legal representation for victims, and most victims could not afford legal representation on their own; the government reported no cases were filed in 2019.

PREVENTION

The government increased prevention efforts. In July 2019, the president of Uzbekistan created the National Commission on Trafficking in Persons and Forced Labor (the Commission) and appointed the chair of the Senate as the national rapporteur. The Commission was composed of two high-level sub-committees: one on trafficking in persons, chaired by the Minister of Internal Affairs, and one on forced labor, chaired by the Minister of Employment and Labor Relations. The Commission initiated the creation of regional commissions chaired by the governors of the country's 12 regions, one autonomous republic, and one independent city (Tashkent). The Commission convened monthly, and the regional commissions met every 14 days. Members of the anti-trafficking community from Uzbekistan's civil society participated in the national and regional meetings. The government adopted a national action plan, a roadmap developed by an NGO, and a series of recommendations submitted to the government by an international organization.

The government continued to take significant steps to reduce the mobilization of its citizens for the forced picking of cotton,

including by increasing wages to cotton pickers by 15 percent above 2018 rates for the first pass, maintaining its commitment to not mobilize students, improving working conditions for pickers, and fulfilling its new commitment to not mobilize teachers and medical workers. The 2019 harvest marked the sixth consecutive year the government conducted a nationwide campaign to raise public awareness of its prohibition of child labor in the cotton harvest. The government continued to uphold its ban against the use of child labor in the annual cotton harvest; while there were isolated reports of children working in the fields, there continued to be no reports of systemic mobilization. The government, in coordination with the ILO, continued to conduct awareness-raising campaigns to ensure all citizens were aware of their labor rights. During the 2019 harvest, the central government continued to set cotton production quotas and demand farmers and local officials fulfill these state-assigned quotas, which subsequently led to the mobilization of adult forced labor in some places. Farmers who were unable to fulfill their quotas risked losing the rights to farm their government-leased land. In March 2020, the government announced it would permanently eliminate the cotton quota system for the 2020 fall harvest and onwards.

In previous reporting periods, the government coerced government-employed teachers and medical workers to perform fieldwork without pay and under threat of penalty, including dismissal from their jobs. During the 2019 fall harvest, however, the central government emphasized through wide-reaching awareness campaigns the ban on mobilization of teachers and medical workers. The ILO reported the government effectively implemented the prohibition on forcing students, teachers, nurses, and doctors; independent third-party monitors did not observe these groups picking cotton. Observers continued to credit the increased remuneration for attracting more voluntary cotton pickers in the first weeks of the harvest, including a large number of otherwise unemployed pickers. The government reported it also exempted pickers' wages from income tax (12 percent) and compulsory savings (seven percent). After the first picking round of the harvest, voluntary laborers decreased, as cotton became less plentiful and the weather worsened. Reports of forced labor increased, particularly in the regions of Syrdarya, Surkhandarya, Khorezm, and Tashkent. To fill the voluntary labor void, local government officials in some regions mobilized other public employees, among others, those at factories, grain mills, utility companies, banks, law enforcement agencies, firefighters, and soldiers, as well as prisoners. The ILO and civil society reported instances of local government officials in some areas requiring public sector employees to pick cotton, or pay for a replacement worker through an unregulated, informal system, creating a penalty for not participating in the forced labor system and a lucrative means of extortion for corrupt officials. In some cases, local governments pressured private businesses to provide pickers or pay fees to support the harvest, although it was not always clear if the fees funded payment of local administrative costs, or were a means of extortion. NGOs reported many of the voluntary pickers preferred to be hired as replacement pickers by those seeking to avoid the cotton fields, which enabled them to earn income beyond the picking wages.

For the fifth consecutive year, the government allowed the ILO to monitor the cotton harvest for child and forced labor, and ILO monitors had unimpeded access to the cotton fields for observations and to interview laborers. The ILO assessed the government forced approximately 102,000 pickers out of an estimated 1.75 million member workforce to work in the 2019 harvest; a decrease compared with 170,000 in 2018 and 336,000 in 2017. However, the ILO noted that in 2019 the annual rate in the reduction of forced laborers has slowed compared with previous years. Some experts continued to criticize the ILO's methodology and assessed that the ILO findings underestimated the level of forced labor in the harvest; however, the experts agreed the government was making concerted efforts to reduce forced labor. For the second year, the government granted the ILO access to data acquired through the government's Cotton Harvest Feedback Mechanism, which included telephone hotlines and messaging applications dedicated to receiving reports of labor violations; the mechanism received 1,563 complaints related to forced labor during the cotton harvest season, and the government allowed the ILO to observe how it addressed such complaints. The government doubled the number of labor investigators assigned to look into these complaints across the country to 400. The government reported these complaints resulted in fines to 259 officials totaling 550 million soum ($57,890), compared with 202 fines in 2018. The government did not share additional details on the total number of forced labor victims, including children, identified through the mechanism. Observers continued to report concerns about the effectiveness of the feedback mechanism, stating some pickers were concerned about reprisal or the effectiveness of investigations. For the second year, the government included independent human rights activists in plans to monitor the harvest, conduct field interviews, participate in awareness raising activities, and review cases gathered through the mechanism. Observers reported isolated incidents in which local government officials harassed and temporarily detained independent civil society who attempted to monitor the cotton harvest. Media, including state media outlets, continued to report on forced labor practices, problems, and violations without penalization or censorship.

The government continued to implement ILO recommendations, further reduced land allocated for cotton cultivation, and purchased more machinery to work toward the mechanization of the harvest. In 2019, the government reported opening an additional 61 private textile-cotton clusters (13 in 2018), which accounted for 63 percent of cotton production land. The clusters processed cotton from cultivation to finished textile products and paid higher wages to workers. While the ILO reported a reduced risk of forced labor within clusters, the central government still set quotas for these private clusters during the reporting period, and independent observers continued to identify instances of forced labor on cluster farmlands.

In the previous reporting period, the government reported encouraging ministers to use a special fund under the Ministry of Employment and Labor Relations to recruit unemployed individuals for public works, instead of compelling civil servants and students to perform public works. The government did not report how much money it allocated to the fund in 2019, compared with allocating 714 billion soum ($75.16 million) to this fund in 2018. The Ministry of Employment and Labor Relations did note it had collected 6.6 billion soum ($694,740) in fines for labor violations which were contributed to the fund. In 2019, the government ratified four ILO conventions; Convention 144 on tripartite consultation (international labor standards), Protocol P029 of 2014 to the forced labor convention, Convention 129 on labor inspection in agriculture, and Convention 81 on labor inspection and industry and trade. An NGO reported the central government continued to set silk cocoon production quotas; officials stated their intent to significantly increase silk production in private homes, despite the hazardous nature of home silk production. The government continued to call for *hashar*, or volunteer workdays, throughout the country; some local leaders characterized cotton picking and street cleaning as *hashar*.

The government provided support to labor migrants abroad, including victims of forced labor, and allocated a budget of 200 billion soum ($21.05 million) for assistance to labor migrants. The Uzbekistan Agency for Foreign Labor Migration continued outreach to prospective labor migrants, serving to reduce potential

risks of trafficking among this population. The Agency conducted pre-departure consultations on labor and migration laws in the country of destination, which issued health insurance, cell phone SIM cards, and provided detailed information about how to legally enter, remain, and work in Russia. The government also operated a 24-hour hotline in Russia that provided Uzbek labor migrants with legal advice and advised them of their rights, and directed them to the nearest consulate for assistance. The government maintained employment agreements to protect citizens' labor rights with Japan, Poland, Russia, South Korea, and Turkey. Private companies, including foreign and local, had official permission from the government to recruit Uzbek citizens for jobs abroad and within Uzbekistan. Although the companies were required to obtain licenses, the government did not report the number of licenses granted nor any monitoring of recruitment fees charged to job applicants.

The expanded labor inspectorate conducted 21,172 inspections and investigated 18,332 complaints in 2019; the inspectorate did not provide additional information on forced labor cases, or report screening for trafficking indicators or referring any cases for criminal investigation. The labor inspectorate was not empowered to bring criminal charges for first time violations of the law against forced labor. Authorities continued to hold wide-scale public awareness efforts on transnational sex and labor trafficking, including through events, print media, television, and radio, often through partnering with and providing in-kind support to NGOs. The government maintained a 24-hour hotline; in 2019, the line received 422 trafficking-related phone calls, of which 75 were identified as trafficking victims. An NGO maintained a foreign donor-funded hotline. The government did not conduct efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

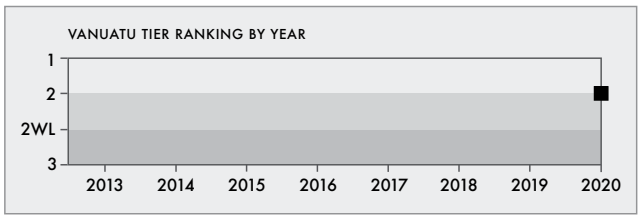
As reported over the past five years, human traffickers exploit domestic victims in Uzbekistan, and traffickers exploit victims from Uzbekistan abroad. During 2019, the government continued to demand farmers and local officials fulfill state-assigned cotton production quotas or face penalties, which caused local officials to compel work in the annual cotton harvest. The ILO and observers noted the systemic mobilization of child labor was eliminated in the 2017 harvest, although isolated reports of the use of child labor continue. During the 2019 cotton harvest, the ILO reported a decrease in the use of government-compelled forced labor, citing no evidence of systemic mobilizations of students, teachers, nurses, and doctors. However, local officials forced other groups of public employees to work in the cotton harvest when there was a lack of voluntary workers. International reports indicate some adults who refused to pick cotton, did not pay for a replacement worker, or did not fulfill their daily quota could face the loss of social benefits, termination of employment, or other forms of harassment. Some employees and market vendors could choose to hire a replacement picker directly, pay a fee for the mobilizer to find a replacement picker, or pay a fine rather than pick cotton, a coercive, though illegal, system that penalized those who chose not to participate in the harvest and created a lucrative means of extortion for corrupt managers and officials. Private companies in some regions mobilized employees for the harvest under the threat of increased government inspections of, and taxes on, their operations.

Government-compelled forced labor of adults remained in other sectors as well. In years past, there were isolated reports stating that local officials forced farmers to cultivate silk cocoons, and uncorroborated reports that they removed children from school to harvest the cocoons. Despite an April 2018 government prohibition, there continued to be instances of local officials forcing teachers, students (including children), private businesses employees, and others to work in construction and other forms of non-cotton agriculture and to clean parks, streets, and buildings. Officials occasionally compelled labor by labeling these tasks as *hashar*, voluntary work for the community's benefit.

Traffickers exploit Uzbek women and children in sex trafficking in the Middle East, Eurasia, and Asia, and internally in brothels, clubs, and private residences. Children in institutions were vulnerable to sex trafficking. Traffickers subject Uzbek men, and to a lesser extent women, to forced labor in Kazakhstan, Russia, Moldova, Turkey, and in other Asian, Middle Eastern, and European countries in the construction, oil and gas, agricultural, retail, and food sectors. An NGO noted that Uzbek citizens who had traveled with official employment contracts to Russia under a 2017 migrant labor agreement were vulnerable to forced labor, as the employers in Russia failed to properly register the migrants with the authorities, forced them to live in barracks, and underpaid or did not pay them at all.

VANUATU: TIER 2

The Government of Vanuatu does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government continued prosecution of the country's first trafficking case and provided some victim support services. However, the government did not meet the minimum standards in several key areas. The government did not initiate any additional trafficking investigations during the reporting period, nor did it conduct public awareness campaigns or administer systematic anti-trafficking training for its law enforcement officials. Contrary to a victim-centered protection approach, in the aforementioned ongoing case, the government forced some victims to stay in the country for the duration of the prosecution without allowing them to earn an income, possibly increasing their indebtedness and vulnerability to re-trafficking upon repatriation.



PRIORITIZED RECOMMENDATIONS:

Amend anti-trafficking legislation to remove sentencing provisions that allow for the payment of fines in lieu of imprisonment for sex trafficking offenses. • Increase efforts to prosecute and convict traffickers under anti-trafficking laws and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Allocate increased resources for and implement victim protection benefits, including permission to work for foreign victims who wish to participate in prosecutions against their alleged traffickers and a formalized process to consider requests to remain in the country permanently, taking into consideration humanitarian and compassionate factors. • Cease compelling foreign victims to remain in Vanuatu for the length of prosecutions against their alleged traffickers. • Develop and implement standard operating procedures (SOPs) for victim identification, referral, and protection. • Provide training on victim identification and anti-trafficking legislation for all relevant officials. • Institute a campaign to raise public awareness of trafficking, including among remote communities. • Improve anti-trafficking coordination with international partners, including by increasing information sharing with sending countries

and instituting standard repatriation procedures. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government undertook law enforcement efforts. Vanuatu law criminalized sex trafficking and labor trafficking. Article 34 of the Counter Terrorism and Transnational Organized Crime (CTTOC) Act criminalized trafficking in persons offenses involving adult victims and prescribed penalties of up to 10 years' imprisonment, a fine of up to 50 million Vanuatu Vatu (VT) ($443,260), or both. Article 35 criminalized trafficking in persons offenses involving child victims and prescribed penalties of up to 15 years' imprisonment, a fine of up to 75 million VT ($664,890), or both. These penalties were sufficiently stringent; however, with respect to sex trafficking, by allowing fines in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes, such as rape.

In March 2019, Vanuatuan authorities arrested four Bangladeshi nationals for their role in a forced labor case involving 101 Bangladeshi victims. The following November, the government initiated court proceedings—the first trafficking prosecution in the country's history—against the four suspects. The government charged the suspects with slavery, money laundering, and "threatening" under the Penal Code Act (Cap 135), in addition to trafficking- related charges under the CTTOC. The four alleged traffickers remained in detention for the duration of the trial; the case was ongoing at the end of the reporting period.

Other than the aforementioned prosecution, the government did not report any new trafficking investigations, prosecutions, or convictions during the reporting period. The National Intelligence Unit (NIU) within the Vanuatu Police Force was the leading agency on trafficking investigations; however, insufficiencies in the country's anti-trafficking policy infrastructure reportedly constrained NIU officials' ability to adequately investigate trafficking cases. An international organization provided trafficking-related training to immigration officials and a standard operating manual for victim identification; however, there was no standard anti-trafficking training for government and law enforcement officials, and the government did not maintain or implement comprehensive SOPs. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government undertook efforts to protect victims. In 2018, with assistance from an international organization, the government identified 101 Bangladeshi adult male victims in forced labor in the construction industry and in domestic service. Immigration officials, in partnership with an international organization, developed SOPs for border control mechanisms, including a section on trafficking victim identification; however, the government lacked comprehensive, government-wide victim identification and referral SOPs. The government, with support from an international organization, provided housing, health services, and food for the victims. Formal shelters were not available to male victims; the government provided, on an ad hoc basis, the 101 victims with three furnished properties. Officials reportedly diverted funds from other government entities to provide services for the victims, specifically from the fuel budget for immigration officials' vehicles. Protection services were intended to be time-limited, and authorities conditioned some services on the victims' participation in court proceedings against the alleged traffickers. The government required some of the victims to remain in Vanuatu to serve as witnesses in the ongoing prosecution and stated it would not repatriate them until it had secured a court ruling. The government did not have a process in place to change victims' immigration status in order to grant them permission to work while awaiting the conclusion of the court process, intensifying some victims' indebtedness. Authorities reportedly did not share information or coordinate with their Bangladeshi counterparts on repatriation options, despite repeated requests for information from the Government of Bangladesh.

The government provided victims who participated in the court proceedings with longer-term shelter options, immigration support, legal support, and witness protection services and advocacy; those who did not participate in the trial received only short-term housing. Thirteen of the 101 victims testified against the alleged traffickers and the courts took steps to protect their identities during the proceedings. The government provided interpretation throughout the court proceedings for the victims. An international organization reported the government's requirement that victims remain in country and serve as witnesses may have re-traumatized several victims. An international organization funded and facilitated flights back to Bangladesh for the majority of the victims who did not testify in the trial. The government did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

PREVENTION

The government undertook efforts to prevent trafficking. The Transnational Crime Unit had a national action plan, which included anti-trafficking equities; however, the plan did not address all forms of trafficking, and limited resources hindered the implementation of the plan. In 2019, the government created a national security strategy containing trafficking-related action plan items, including developing a framework to aid individuals displaced by natural disasters, creating support systems for victims of crime, and enhancing the monitoring of Vanuatu's territorial waters; implementation was ongoing at the end of the reporting period. The government did not conduct any anti-trafficking awareness campaigns during the reporting period. The government did not have a trafficking hotline and lacked an adequate research system to assess the scope of its trafficking problem or evaluate its anti-trafficking efforts. The labor department licensed and monitored agencies that could recruit workers from Vanuatu for overseas work. The government prohibited the imposition of recruitment fees for seasonal employment work outside of Vanuatu and issued a notice of "non-compliance" to agents who charged migrant workers recruitment fees. The government did not make efforts to reduce the demand for commercial sex acts. The government provided its diplomats with training that included anti-trafficking content. The government, in partnership with an international organization, established a system to digitize and streamline citizen access to voter cards, citizenship documents, and national identification cards. Vanuatu is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

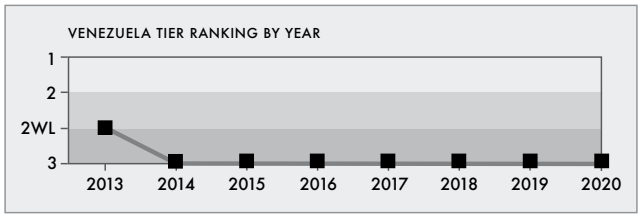
Human traffickers exploit domestic and foreign victims in Vanuatu, and traffickers exploit victims from Vanuatu abroad. Labor traffickers exploit individuals from China, Thailand, Bangladesh, and the Philippines in Vanuatu. Traffickers target migrant women in the hospitality and tourism sectors and low skilled foreign workers in high-risk sectors, such as agriculture, mining, fishing, logging, construction, and domestic service. Chinese and South Asian migrant women are particularly at risk for labor trafficking in bars, beauty salons, and massage parlors. Bangladeshi criminal groups have reportedly lured Bangladeshi individuals with false promises of high-paying job opportunities in Australia, transported them through Fiji, India, and Singapore, and then subjected them to forced labor in the construction industry in Vanuatu. Some of the victims take out loans averaging $30,000 to pay relevant travel

expenses, which the traffickers exploit through debt-based coercion. Foreign fishermen working on board Vanuatuan-flagged, Taiwan-owned vessels have experienced indicators of forced labor, including deceptive recruitment practices, abuse of vulnerability, excessive overtime, withholding of wages, physical and sexual violence, and abusive living and working conditions on board.

Natural disasters and climate-induced displacement significantly increases Vanuatuans' vulnerability to trafficking, particularly as a majority of the population relies on small-scale and subsistence agriculture. As many as 11,000 Vanuatuans evacuated from active volcanic areas in 2018 are at higher risk of trafficking due to the economic hardships ensuing from their ongoing displacement. Women and girls may also be at risk of debt-based coercion in sex trafficking and domestic servitude via the customary practice of bride-price payments. The incidence of bride-price payments is linked to broader economic hardship and vulnerability, particularly in the context of the country's frequent natural disasters. Children are also subjected to trafficking through child swapping—brokered as an inter-familial cultural practice or to pay off debts. There were reports of children exploited in commercial sex facilitated by taxi drivers. Forced labor and commercial sexual exploitation of children occur on fishing vessels in Vanuatu. Foreign tourists aboard boats reportedly approach remote Vanuatuan communities and offer money in exchange for marriage with underage girls as a ploy for short-term sexual exploitation. Locals onshore, acting as recruiters, also reportedly take underage girls aboard vessels and subject them to commercial sexual exploitation by foreign workers, often for weeks at a time. The local recruiters, and in some instances the families, receive payment for recruiting and transporting the girls to the boats. Children may also experience conditions indicative of forced labor in the illegal logging industry and in newspaper sales.

VENEZUELA: TIER 3

The Government of Venezuela does not fully meet the minimum standards for the elimination of trafficking and is not making any efforts to do so; therefore Venezuela remained on Tier 3. On January 10, 2019, the term of former president Nicolas Maduro ended. On January 23, 2019, Juan Guaido, assumed the role of interim president; however, former president Maduro refused to cede control preventing interim president Guaido from exercising authority within the country. Despite the lack of significant efforts, in 2019, Venezuelan authorities under Maduro created a specialized prosecutor's office to oversee trafficking investigations and prosecutions and according to press reports, began legal proceedings against three complicit officials in a notable case involving potential victims of trafficking who disappeared at sea. However, authorities did not report assisting any victims, or investigating, prosecuting, or convicting any traffickers. Venezuelan authorities did not make sufficient efforts to curb the forced recruitment of Venezuelan children by Colombian illegal armed groups operating in their territory with impunity and did not make any efforts to screen Cuban medical professionals for trafficking indicators.



PRIORITIZED RECOMMENDATIONS:

Investigate, prosecute, and convict trafficking cases, including complicit officials and anyone involved in the forcible recruitment of children into illegal armed groups. • Provide specialized services for all trafficking victims, including repatriated victims, child soldiers, men, boys, and LGBTI individuals. • Draft and enact comprehensive anti-trafficking legislation criminalizing all forms of trafficking, including the criminalization of child sex trafficking without elements of force, fraud, or coercion, and the trafficking of men and boys. • Increase staffing and funding for the office of the special prosecutor to combat trafficking. • Educate Venezuelans fleeing the country on the risks of human trafficking, as well as where and how to seek services. • Train all migration and law enforcement officials operating in border crossings on trafficking indicators. • Given significant concerns about forced labor indicators in Cuban Medical Missions, screen Cuban medical professionals for trafficking indicators and refer those identified to appropriate services. • Work in partnership with civil society organizations and other service providers to assist victims. • Implement formal procedures and training for identifying victims among vulnerable populations, such as individuals in commercial sex, and for referring victims for care. • Develop and publish an anti-trafficking action plan taking into account present challenges and allocate resources for its implementation. • Enhance interagency cooperation by forming a permanent anti-trafficking working group. • Improve data collection on government anti-trafficking efforts and make this data publicly available.

PROSECUTION

Venezuelan authorities under Maduro maintained very weak law enforcement efforts. Venezuelan law did not criminalize all forms of trafficking. Venezuelan law criminalized labor trafficking and some forms of sex trafficking of women and girls through a 2007 law on women's rights that prescribed penalties of 15 to 20 years' imprisonment. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute child sex trafficking and therefore, did not criminalize all forms of trafficking. Venezuelan law failed to criminalize trafficking of men and boys when perpetrators were not part of an organized criminal organization. The law addressing organized crime criminalized trafficking by organized criminal groups of three or more individuals with penalties of 20 to 30 years' imprisonment. The penalties for these trafficking crimes were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The organized crime office (ONCDOFT), with a staff of approximately 60 employees, continued to be the lead investigative entity for trafficking crimes; however, most officers did not investigate trafficking or trafficking-related offenses. Venezuelan authorities did not report any training or operations in 2019, despite an increase in reports of trafficking of Venezuelans in border regions. Authorities did not report investigating, prosecuting, or convicting anyone for trafficking; however, press reports indicated 17 individuals were either arrested or indicted for trafficking crimes in 2019, compared with 99 in 2018. In a notable case, authorities under Maduro arrested and indicted nine individuals, including three complicit officials, with trafficking crimes after a ship en route to Trinidad and Tobago, alleged to have been transporting 90 fleeing Venezuelan migrants, was found wrecked at sea. According to stakeholders, traffickers sometimes abandon ships at sea and exploit women and girls in sex trafficking in nearby Caribbean islands. In November, the Maduro regime's attorney general created a special prosecutor's office to investigate trafficking crimes against women, develop anti-trafficking policies, and facilitate victims' access to justice. Stakeholders commended the decision but indicated the office remained understaffed with one prosecutor for the entire country, and its mandate did not include trafficking

crimes against transgender individuals, children, or men. As a result, they are left unprotected and at risk of re-victimization.

Authorities did not report investigating complicity in trafficking crimes; however, some observers reported Venezuelan authorities facilitated and sometimes actively participated in trafficking crimes near border areas. According to stakeholders, officials at high levels linked to Maduro were complicit in trafficking crimes perpetrated by illegal armed groups, which operate in Venezuelan territory with impunity. An investigation conducted by the democratically elected National Assembly indicated coast guard officials, armed forces, and security services were acquiescent in transnational trafficking crimes, allowing the departure of vessels transporting trafficking victims to Caribbean islands.

PROTECTION

Venezuelan authorities did not report making efforts to identify or protect victims. According to media sources, the ONCDOFT continued to operate a 24-hour hotline to receive general reports of abuse against women, including trafficking allegations; however, several of the numbers provided were often inactive. Venezuelan authorities did not report identifying trafficking victims among vulnerable populations or referring victims to services. In 2019, one civil society organization estimated authorities under Maduro had identified approximately 273 victims exploited by trafficking rings between January and June.

In previous reporting years, victim referrals to different Venezuelan authorities, including ONCDOFT and the women's ministry, occurred on an ad hoc basis. The availability of victim services remained limited, and there were no specialized shelter for trafficking victims in the country. Civil society and religious organizations provided some assistance to victims of trafficking, including services for child victims of forced labor in Táchira state; outpatient psychological assistance for adult and child victims of sexual exploitation, including trafficking; and shelter for women victims of sexual exploitation, including trafficking. Historically, victims could reportedly access government centers for victims of domestic violence or at-risk youth, although services for male victims were minimal. Venezuelan law and authorities under Maduro did not conceptualize males as potential victims of trafficking; therefore, it was likely services for male victims of trafficking, particularly for men, did not exist. Authorities under Maduro reportedly made psychological and medical examinations available to trafficking victims, but additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, were extremely limited. International media sources continued to report on the growing number of Venezuelan victims identified abroad, many repatriated or deported back to Venezuela; authorities under Maduro did not report what assistance, if any, they provided victims upon the victims' return or if authorities coordinated with foreign governments to ensure the protection of those victims.

PREVENTION

Venezuelan authorities under Maduro maintained inadequate prevention efforts. No permanent anti-trafficking interagency body existed, and although, authorities allegedly had a national action plan since 2006, it was unclear if it was used or updated to include present challenges, such as the increase in cases of forced labor in domestic service, a greater number of victims repatriated from other countries, and efforts necessary to mitigate the exploitation of those leaving the country as a result of the economic crisis. ONCDOFT organized a film screening with the participation of volunteer police officers to raise awareness of trafficking crimes, and the Ministry of Women in Miranda State convened a forum to discuss trafficking issues. In both cases, it was unclear who attended or what the audience was. Venezuelan authorities did not provide anti-trafficking training for its diplomatic personnel and did not report any specific activities to reduce the demand for commercial sex acts.

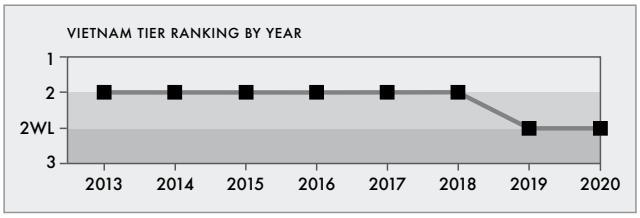
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Venezuela, and traffickers exploit Venezuelan victims abroad. As the economic situation continued to spiral into critical deterioration, more than 5 million Venezuelans have fled Venezuela to neighboring countries. The UN estimates approximately 6.5 million Venezuelans will have fled the country by the end of 2020. Traffickers have exploited Venezuelan victims in Aruba, The Bahamas, Bolivia, Brazil, Colombia, Costa Rica, Curacao, Dominican Republic, Ecuador, Guyana, Macau, Mexico, Panama, Peru, Spain, Suriname, and Trinidad and Tobago. Venezuelan women and girls were particularly vulnerable to sex trafficking in Colombia and Ecuador. An uncorroborated press report alleged the Spanish Ministry of Interior reported that by mid-2019, 391 Venezuelan victims of trafficking had been identified in Spain. While Spanish authorities did not confirm the exact number of Venezuelan victims identified, they reported in 2019, Venezuela was the number one source country for victims exploited in Spain. NGOs noted sex trafficking and forced labor in domestic service within the country increased in 2019. Traffickers increasingly exploit Venezuelan men in forced labor in other countries, including islands of the Dutch Caribbean. Dissident Colombian illegal armed groups, especially near border regions, subjected Venezuelans to forced criminality and forced recruitment. In 2019, the UN, foreign governments, media outlets, and credible NGOs reported Venezuelan government officials, including members of security forces and local authorities, mostly those near border regions, colluded with, tolerated, and allowed Colombian illegal armed groups to operate in Venezuelan territory with impunity. Venezuelan officials acting at the behest of former president Nicolas Maduro and his inner circle or in their own personal interests, including out of fear for their safety, reportedly provided support and safe haven described below to FARC dissidents and the ELN. These groups grew through the recruitment of child soldiers and exploitation of children in sex trafficking and forced labor. Illegal armed groups lure children in vulnerable conditions and dire economic circumstances with gifts and promises of basic sustenance, denied to them and their families by the humanitarian situation in the country, to later recruit them into their ranks. These groups, including the ELN and FARC dissidents, recruit children to strengthen their operations and terrorize border communities in Venezuela and neighboring countries, especially Colombia, in areas with limited regime presence. A report published in 2019 documented the presence of six dissident movements comprising ex-FARC combatants in at least seven of 24 Venezuelan states, including Amazonas, Apure, Bolívar, Guárico, Mérida, Táchira, and Zulia, five of which are border states. Colombian authorities estimated there were approximately 36 ELN camps located on the Venezuela side of the Colombia-Venezuela border. Members of the former Maduro regime heavily relied on ELN, FARC dissidents, criminal groups, and pro-regime armed groups' criminal and terrorist activities inside of Venezuela, including human trafficking, to maintain their illegitimate control. According to documents reportedly from Venezuela's intelligence agency (SEBIN), a senior commander of the Armed Forces ordered members of the Army, National Guard, and militias loyal to former president Maduro operating in four states along with Colombia-Venezuela border to avoid engaging Colombian illegal armed groups in Venezuelan territory and encouraged them to aid and support their operations. Members of Maduro's former regime provided support and safe haven, which allowed the unhindered growth of these groups and threatened to destabilize the region, as they grow their ranks exploiting children in sex trafficking, forced labor, and forced recruitment. According to NGOs, forced labor is a common punishment for violating rules imposed by armed groups. Illegal

armed groups exploited Venezuelans, including children, into forced labor in mining areas and women and girls in sex trafficking. Traffickers subject Venezuelan women and girls, including some lured from poor interior regions to Caracas, Maracaibo, and Margarita Island, to sex trafficking and child sex tourism within the country. Traffickers, often relatives of the victims, exploit Venezuelan children in forced labor for domestic service within the country. Venezuelan officials and international organizations have reported identifying sex and labor trafficking victims from South American, Caribbean, Asian, and African countries in Venezuela. Foreign nationals living in Venezuela subject Ecuadorians, Filipinos, and other foreign nationals to forced labor in domestic service. Illegal mining operations exist in some of the country's most remote areas, including Bolivar state, where traffickers exploit girls into sex trafficking, forcibly recruit youth to join armed criminal groups, and forced children to work in the mines under dangerous conditions. In 2019, there was an increase in sex and labor trafficking in the informal mining sector. It was estimated roughly 45 percent of miners in Bolívar state were underage and extremely vulnerable to trafficking. Armed groups exploit civilians and kidnapping victims into sex trafficking and forced labor, including farming, domestic service, and construction. Workers recruited from other areas of the country were victims of forced labor and manipulated through debt, threats of violence, and even death. Traffickers exploited women and girls, especially those from indigenous communities. The Cuban government may have forced some Cubans participating in its government-sponsored medical missions in Venezuela to work. Some Cuban medical professionals posted in Venezuela indicated Cuban minders withheld their documentation and coerced them to falsify medical records.

VIETNAM: TIER 2 WATCH LIST

The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included providing trafficking victims the affirmative right to legal representation in judicial proceedings; increasing the amount of time victims could remain in a shelter by one month and the amount of financial support provided to them for certain basic needs; continuing to operate large-scale awareness campaigns in communities vulnerable to trafficking, including workers migrating overseas; and training law enforcement officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. For the third consecutive year, the government identified significantly fewer victims than the previous year. Victim identification and assistance procedures remained cumbersome, slow, and ineffective. A lack of interagency coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection roles and responsibilities continued to impede anti-trafficking efforts. Labor recruitment firms—most affiliated with state-owned enterprises—and unlicensed brokers reportedly charged workers seeking overseas employment higher fees than the law allows; those workers incurred high debts and were at heightened risk for forced labor, including through debt-based coercion. Despite reports of official complicity, the government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses. Therefore Vietnam remained on the Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Adopt a 2021-2025 national action plan that clarifies the roles of national and subnational entities across ministries; stipulates law enforcement, protection, and prevention actions; is informed by disaggregated trafficking data collection; and allocates sufficient resources to implementation. • Vigorously prosecute all forms of trafficking and convict and punish traffickers, including in cases involving forced labor or complicit officials. • Amend the penal code to criminalize all forms of sex trafficking of 16- and 17-year-old children, consistent with international law. • Continue to train officials on implementing guidelines for Articles 150 and 151 of the penal code, with a focus on identifying and investigating forced labor and internal trafficking cases, including those involving male victims. • In coordination with civil society, update implementing guidelines on victim identification to reduce bureaucratic obstacles preventing victim detection and train cross-sectoral officials on their usage. • Invite independent verification of the termination of forced labor within drug treatment centers and provide results of such verification. • Coordinate and effectively implement policies across government agencies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in commercial sex, child laborers, and North Koreans and train relevant officials on these procedures. • Take steps to eliminate all worker-paid recruitment fees and predatory recruitment practices for workers migrating abroad or to Vietnam, including by strengthening efforts to monitor labor recruitment companies and third-party sub-brokers and prosecuting predatory or illegal sub-brokerage networks. • Expand training for social workers, first responders, and the judiciary on victim-centered approaches to working with victims of trafficking, including trauma-informed care. • Increase national funding available to provincial-level authorities to provide services to reintegrated victims of trafficking.

PROSECUTION

The government decreased law enforcement efforts but improved its anti-trafficking training. Article 150 of the penal code criminalized labor trafficking and sex trafficking of adults and prescribed penalties of five to 10 years' imprisonment and fines of 20 million to 100 million Vietnamese dong (VND) ($860 to $4,320). Article 151 criminalized labor trafficking and sex trafficking of children under the age of 16 and prescribed penalties of seven to 12 years' imprisonment and fines of 50 million to 200 million VND ($2,160 to $8,630). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape. Inconsistent with international law, Article 150 applied to children between the ages of 16 and 17 years old and required a demonstration of force, fraud, or coercion to constitute a sex trafficking offense; therefore, it did not criminalize all forms of child sex trafficking. Civil society previously reported this led to confusion on how to treat cases involving 16- and 17-year-old children, especially for cases involving labor trafficking, resulting in victims being treated as adults. The government sought to address this issue administratively, but illustrative examples in specific cases were not known by the close of the reporting period.

For the third consecutive year, the government reported a decline in investigations, prosecutions, and convictions of trafficking

cases during the reporting period. Because the government did not disaggregate its data by trafficking type, it did not report—for the eighth consecutive year—whether it prosecuted any suspected traffickers under labor trafficking provisions of the anti-trafficking law. According to the Ministry of Foreign Affairs (MFA), the Ministry of Public Security (MPS) and Vietnam Border Guards (under the Ministry of Defense) identified 175 trafficking cases, a decrease from 211 in 2018 and 350 in 2017, involving 229 alleged traffickers, compared with 276 in 2018 and more than 500 in 2017. The *procuracies* (Prosecutor's Office) reported initiating the prosecution of 166 defendants for trafficking offenses, a decrease from 194 in 2018 and 245 in 2017, and the court system secured 174 convictions, a decrease from 213 in 2018 and 244 in 2017. Sentences ranged from less than three years' to 30 years' imprisonment. Disparate government bodies continued to report discrepant, overlapping, or incomplete data on anti-trafficking law enforcement and victim identification. Authorities did not provide comprehensive data on trafficking offenses disaggregated by type of trafficking, victim age or gender, source, or destination, making it difficult to distinguish anti-trafficking efforts from those for other crimes, including migrant smuggling cases. During the reporting period, the government's existing bilateral anti-trafficking agreements with Cambodia, China, Laos, Republic of Korea, Thailand, and the United Kingdom (UK) to improve law enforcement coordination remained in force. The agreements helped to facilitate law enforcement actions by subnational officials in this centrally managed country. Under the UK agreement, in April and August 2019 the government issued an action plan that assigned specific anti-trafficking responsibilities to various agencies and approved a UK-sponsored project to combat human trafficking. Following the October 2019 discovery of 39 deceased Vietnamese nationals, including three minors, in a refrigerated container truck in England, the Vietnamese government issued a resolution ordering relevant agencies and diplomatic personnel in the UK to strictly investigate the incident and curb migrant smuggling.

Despite some reports of official complicity, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity, especially with respect to labor export enterprises, remained significant concerns, inhibiting law enforcement action during the year. The lack of an extradition treaty with China impeded prosecutions of traffickers, and officials and NGOs cited China's poor cooperation despite other formal bilateral agreements. The government did not report extradition data.

A lack of coordination across agencies at provincial levels, persistent budgetary constraints, poor understanding of the relevant legislation among local officials, and confusion about individual provinces' roles and responsibilities in the context of the national action plan continued to hamper effective law enforcement efforts. The government did not report how the 2018 restructuring of the MPS, in which the MPS Staff Department responsible for anti-trafficking policies and procedures merged with the Criminal Police Department responsible for trafficking operations, improved the flow of information and interagency coordination or law enforcement efforts during the reporting period. Police and other officials from at least one province collaborated with an NGO to identify Vietnamese victims in China and launch trafficking investigations, although temporary border closures in January 2020 significantly hampered those efforts. The government reported training, at times in coordination with international organizations, 153 law enforcement officials on Articles 150 and 151; 136 border guards and Women's Union officials; 128 interagency officials on combating child trafficking; 410 interagency officials on Vietnamese anti-trafficking regulations; and nearly 300 diplomatic and consular officers. Additionally, the Women's Union and officials from many provinces, districts, and communes organized multiple trainings, including on prevention and victim assistance.

PROTECTION

The government maintained efforts to protect victims but identified and provided services to fewer of them. In 2019, authorities reported identifying, at times in cooperation with NGOs, 300 victims of trafficking—a decrease from 490 in 2018 and 670 in 2017; however, for some victims the form of exploitation was unclear. The government did not provide comprehensive statistics disaggregating cases by type of trafficking, victim age or gender, source, or destination. The government had common victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking and its own 2014 procedure for victim identification; however, neither the criteria nor the procedures were reported to be proactively or widely employed, including among women arrested for commercial sex acts, migrant workers returning from abroad, and child laborers. Foreign victims, including children, remained at high risk of deportation without screening or referral to protective services. The victim identification process remained overly cumbersome and complex, requiring sign-off from multiple ministries before victims could be formally identified and assisted. Some local officials and NGOs reported the central government had not provided sufficient resources or implementing guidelines on the new penal code or revised guidelines on identifying victims, all of which prevented border guards, law enforcement, and other officials from fully detecting and assisting victims.

The government reported 269 of the 300 victims requested and received assistance, compared with 490 in 2018 and 500 in 2017. The victims received assistance in essential needs, medical support, mental health consultation, legal support, education, and vocational training. The government referred 110 victims to shelters. The government did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes, a lack of inter-jurisdictional cooperation, and incomplete data collection processes. The government's 2019 budget for victim assistance was 7.12 billion VND ($307,280), excluding amounts provided by international organizations, NGOs, and donors. The government did not report how it allocated these funds. Observers previously reported national authorities did not devote adequate funds for victim protection, encouraging provincial governments to use their own funds for trafficking programs to decentralize further this responsibility, and relied heavily on civil society to provide protection services with limited in-kind support. In December 2019, the government affirmatively provided victims the right to legal representation, and in January 2020, it significantly enhanced victim assistance by extending from two to three months the authorized length of a victim's stay at support facilities and increasing the amount of financial support for certain basic needs. The government continued to operate 94 social protection or social service centers, some funded by NGOs, to assist victims nationwide, but none provided services to male or child victims exclusively. The government did not report if it addressed previous reports of local and provincial government officials employing practices that could be re-traumatizing to victims, including limiting shelter residents' freedom of movement.

In November 2019, the Supreme People's Court issued additional guidance on trial procedures for cases involving sexual assault victims under the age of 18, including trafficking victims. The new protective measures included assigning experienced judges to cases and limiting the use of victims' live testimonies, among other measures. In December 2019, guidance implementing the 2015 Criminal Procedure Code took effect and newly guaranteed

victims of trafficking the right to legal representation. The law provided compensation for victims, and the government reported victims received compensation in 16 of 20 of the publicly reported trafficking cases during the year.

The government maintained labor representatives at diplomatic missions in countries that host large numbers of documented Vietnamese migrant workers such as Japan, Malaysia, Saudi Arabia, South Korea, Taiwan, and the United Arab Emirates (UAE). These missions could provide basic provisions, transportation, and health care to Vietnamese citizens subjected to trafficking abroad. The government reported repatriating 51 victims to Vietnam and assisting an additional 331 victims overseas, compared with 386 Vietnamese victims in 2018 and 138 in 2017. Some diplomatic personnel previously reportedly lacked sufficient training to adequately assist victims, and NGOs abroad previously reported some overseas missions were unresponsive to foreign government and NGO attempts to refer Vietnamese victims to them. The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered victims some protection and compensation. The law protected victims from prosecution for unlawful acts traffickers coerced them to commit, but NGOs previously reported victims were less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation for crossing the border without documentation. Civil society previously reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking, or had criticized the Vietnamese government, feared reprisals from authorities. These victims were less likely to seek support and were vulnerable to re-trafficking. International observers previously reported government officials often blamed Vietnamese citizens for their exploitative conditions abroad or suggested victims inflate abuses to avoid immigration violations. The government did not report offering foreign victims legal alternatives to their removal to countries where they may face retribution or hardship.

PREVENTION

The government increased efforts to prevent trafficking. A steering committee chaired by a deputy prime minister, with the minister and a vice minister of public security as deputy chairs, continued to direct Vietnam's anti-trafficking efforts. During the reporting period, the government continued to implement the third phase of the 2016-2020 national action plan, continued a five-year assessment of action plan implementation benchmarks, including by consulting with select civil society groups, and began formulating the next action plan for 2021-2025. The government did not share assessments with the public. A lack of inter-ministerial cooperation generally hampered effective implementation. The MFA organized trainings for nearly 300 diplomatic and consular officials on prevention and protection, including among migrant workers. The Ministry of Information and Communication and the Women's Union, along with several provincial, district, and commune-level officials, continued to organize several large-scale public awareness campaigns, reflecting the importance of awareness in the national action plan. Some efforts focused on high-risk groups, such as female migrant and agricultural workers, construction workers, communities sending migrant labor abroad, and schools in high-risk communities. Other efforts to raise awareness were more general in nature and composed of thousands of printed bulletins, articles, and reports, as well as several television reports and documentaries. Provincial- and municipal-level awareness efforts were significant, including 17,890 public information sessions attended by almost 2.5 million people; topics included preventing trafficking among students, women migrating for marriage abroad, and children using the internet, among others. The Ministry of Labor, Invalids, and Social Affairs (MOLISA), with donor funding, operated a 24-hour hotline for trafficking victims and victims of other crimes; authorities reported receiving approximately 2,520 calls in 2019, compared with 2,010 calls in 2018 and 2,700 in 2017. They also referred 35 cases to NGO and government services, compared with 30 cases in 2018 and 65 in 2017. These referrals led to the identification of 12 trafficking victims. The government continued to support English and some ethnic minority languages on the hotline.

The National Assembly adopted revisions to the labor code in November 2019 that will take effect in January 2021 and provide for the formation of independent trade unions and extend legal protections to workers without employment contracts. With assistance from an international organization, the government submitted to the National Assembly a revised law governing contract-based Vietnamese overseas workers; the law remained pending at the close of the reporting period. Labor recruitment firms, most affiliated with state-owned enterprises, and unlicensed brokers reportedly charged workers seeking overseas employment higher fees than the law allows. Many workers incurred high debts and were more at risk for forced labor, including debt-based coercion. In 2019, MOLISA inspected 55 enterprises sending workers abroad, fined 21 of them nearly 1.5 billion VND ($64,740), revoked two licenses, and resolved 120 civil complaints, all related to labor migration, compared with 91 violations in 2018. Despite these efforts, and aided by cultural norms or stigmatization that may deter victims from self-identifying, reports of migrant workers' vulnerability to debt-based coercion continued. The coercion was facilitated by required payment of recruitment and related fees and use of irregular migration schemes, including for work on Taiwanese fishing vessels or on UK cannabis farms. MOLISA distributed thousands of handbooks on legal rights and frameworks protecting migrant workers. It also signed nine labor migration agreements aimed at preventing trafficking during the reporting period, eight with the Government of Japan for skilled and technical workers and interns and one with the Government of the UAE for domestic workers. This followed the government's 2017 Memorandum of Cooperation with the Government of Japan to improve protections for Vietnamese participants in Japan's Technical Intern Training Program (TITP) amid continued reports of severe exploitation of Vietnamese workers. NGOs and the media in Japan previously reported Vietnamese workers paid $7,000 to third-party brokers in Vietnam before entering the TITP program and then often had to pay $4,000 to $5,000 if they broke their contracts, trapping them in forced labor. The government continued efforts to reduce the demand for commercial sex acts. Civil society reported prosecutions for child sex tourism were rare. The government did not take steps to deny entry of known U.S. sex offenders.

TRAFFICKING PROFILE

As reported for the last five years, human traffickers exploit domestic and foreign victims in Vietnam, and traffickers exploit victims from Vietnam abroad. Vietnamese men and women migrate abroad for work informally or through state-owned or state-regulated labor recruitment enterprises. Some recruitment companies are unresponsive to workers' requests for assistance in situations of exploitation, and some charge excessive fees that trap workers in debt bondage. Traffickers subject victims to forced labor in construction, fishing, agriculture, mining, maritime industries, logging, and manufacturing, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Japan, and to a lesser extent, some parts of Europe and the UK (including in nail salons and on cannabis farms). There are increasing reports of Vietnamese labor trafficking victims in continental Europe, the Middle East, and in Pacific maritime industries. Large-scale Vietnamese and Chinese infrastructure investment projects in neighboring countries, such as Laos, may exploit Vietnamese and foreign workers. Traffickers exploit Vietnamese women and children in sex trafficking abroad;

many victims are misled by fraudulent employment opportunities and sold to brothel operators on the borders of China, Cambodia, Laos, and elsewhere in Asia. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—including to China, Japan, South Korea, Malaysia, Saudi Arabia, Singapore, and Taiwan—are subjected to forced labor in domestic service or sex trafficking. Traffickers increasingly use the internet, gaming sites, and particularly social media to lure victims, proliferate trafficking operations, and control victims by restricting their social media access, impersonating them, and spreading disinformation online. Men often entice young women and girls with online dating relationships, persuade them to move abroad, then subject them to forced labor or sex trafficking. Some traffickers pose as police officers on social media networks to gain victims' trust. During the migration process, European gangs and traffickers often exploit Vietnamese victims in forced labor and sex trafficking before they reach their final destination.

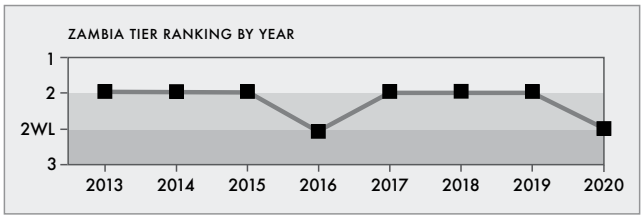
Within the country, traffickers are sometimes parents, family members, or small-scale networks exploiting Vietnamese men, women, and children—including street children and children with disabilities—in forced labor, although little information is available on these cases. One study suggests 5.6 percent of children in Vietnam may experience coercion or exploitation indicative of trafficking or in the context of migration, with children from rural and deprived communities particularly at risk. Traffickers exploit children and adults in forced labor in the garment sector, where workers are coerced to work through threats and intimidation. There were reports of children as young as six producing garments under conditions of forced labor in small privately owned garment factories and informal workshops, and that children as young as 12 worked while confined in government-run rehabilitation centers. Traffickers force children into street hawking and begging in major urban centers. Traffickers subject some children to forced or bonded labor in brick factories, urban family homes, and privately run rural gold mines. Sex traffickers target many children from impoverished rural areas and a rising number of women from middle class and urban settings. Traffickers increasingly exploit girls from ethnic minority communities in the northwest highlands, including in sex trafficking and forced labor in domestic service, by channeling their criminal activities through the traditional practice of bride kidnapping. Child sex tourists, reportedly from elsewhere in Asia, the UK and other countries in Europe, Australia, Canada, and the United States exploit children in Vietnam. The North Korean government may have forced North Koreans to work in Vietnam.

In 2019, the government reported it had ceased the practice of subjecting drug users to forced labor in its 105 rehabilitation centers. A 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts detainees' maximum workday to four hours. There were prior reports that prisoners, including political and religious dissidents, had been forced to work in agriculture, manufacturing, and hazardous industries, such as cashew processing.

Complicit Vietnamese officials, primarily at commune and village levels, allegedly facilitate trafficking or exploit victims by accepting bribes from traffickers, overlooking trafficking indicators and extorting money in exchange for reuniting victims with their families.

ZAMBIA: TIER 2 WATCH LIST

The Government of the Republic of Zambia does not fully meet the minimum standards for the elimination of trafficking but is making efforts to do so. These efforts included increasing law enforcement trainings, establishing two fast-track human trafficking courts, and conducting campaigns to raise awareness of human trafficking. The government slightly increased the number of prosecutions and convictions, punishing traffickers with sufficiently stringent prison sentences. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government's investigation of trafficking crimes and its funding to shelters and other victim assistance programs significantly decreased. The government did not proactively screen for trafficking indicators among vulnerable populations, including foreign nationals, and individuals involved in commercial sex—a consistent concern over the past three years. Additionally, because of the lack of screening, authorities reportedly detained and deported potential trafficking victims that appeared to be involved in smuggling. The national inter-ministerial committee lacked both leadership and consistency in overseeing national anti-trafficking efforts and trends. Therefore Zambia was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Improve efforts to implement the National Referral Mechanism (NRM) to proactively identify trafficking victims and refer them to protective services. • Amend the trafficking law to define child sex trafficking as not requiring force, fraud, or coercion and to define trafficking as a crime that does not require movement. • Consistently investigate and prosecute human trafficking cases. • Screen vulnerable populations for trafficking indicators, including refugees, asylum-seekers, and foreign nationals, such as Rwandans, Chinese, and North Koreans, and refer them to appropriate services. • Cease the penalization of trafficking victims for unlawful acts their traffickers compelled them to commit. • Increase funding for rehabilitation services. • Expand training for police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes to ensure increased investigations and prosecutions of alleged traffickers. • Increase protective services for victims participating in the criminal justice process to prevent re-traumatization. • Establish a network of interpreters to ensure provision of interpretation services for foreign victims to deliver comprehensive legal and protective services. • Compile and make public information on trafficking cases and trends.

PROSECUTION

The government demonstrated mixed anti-trafficking law enforcement efforts. The Anti Trafficking Act of 2008 criminalized some forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the law only defined an offense as trafficking if it involved transnationality. Additionally, the law required a demonstration of threats, force, intimidation, or other forms of coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The act prescribed penalties ranging from 20 years to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government, in coordination with an international organization, concluded its review of the existing anti-trafficking act. At the end of the reporting period, draft amendments to bring the law in line with international standards were awaiting ratification by parliament.

The government investigated 13 potential trafficking cases, a significant decrease compared with 79 investigations in 2018. The government initiated four prosecutions involving eight defendants, which remained ongoing at the close of the reporting period, compared with three prosecutions involving three defendants reported in 2018. The government convicted four traffickers in 2019, compared with two convictions in 2018. Courts sentenced traffickers to imprisonment ranging from 15 to 25 years; courts sentenced one convicted juvenile trafficker to a reformatory school. The government did not report whether these cases involved sex or labor trafficking. In Lusaka Province, courts withdrew all trafficking charges against one alleged trafficker and acquitted one alleged trafficker in a case initiated in 2018. In Sesheke, courts acquitted and released four traffickers from the only trafficking case the government reported prosecuting and convicting in 2018. The government investigated one government official for alleged complicity in forced labor of a child in domestic work; however, the government did not arrest, prosecute, or convict any government officials complicit in trafficking crimes during the reporting period. In February 2019, a federal court in Maryland entered a final judgment against a former Zambian World Bank employee and her husband, a Zambian diplomat posted in the United States, in a civil lawsuit brought by their former G-5 domestic worker. The court found that the couple had violated federal and state labor law, and that the World Bank employee had breached the employment contract. The court ordered the couple to pay approximately $114,000 in damages and attorney fees. The judgment appears to remain unpaid.

The government did not conduct or request international investigations in countries that reported cases involving Zambian trafficking victims. The government assisted international organizations and local nongovernmental organizations in facilitating human trafficking training modules for law enforcement officers, criminal justice practitioners and magistrates, traditional chiefs and their assistants, and labor officers. The government coordinated training from an international organization and a local NGO for 50 criminal justice practitioners, including 26 local magistrates, resulting in the government designating two fast-track courts in Lusaka to hear human trafficking cases in addition to other cases. During the reporting period, Zambia Police Service's Victim Support Unit designated a primary focal point to coordinate country-wide trafficking case reporting and response, including all international airports in Zambia. The law enforcement training college provided anti-trafficking training for at least 2,500 new recruits as part of regular onboarding.

PROTECTION

The government maintained inadequate victim protection efforts and decreased overall funding for victim assistance. The government identified 17 victims during the reporting period—the same number of potential victims identified during the previous reporting period. Of the victims identified, at least 11 were children; 11 were female and six were male—the majority of victims were Zambian and at least four were from the Democratic Republic of the Congo (DRC). The government did not report the number of adult victims it identified, compared with its identification of three adult victims during the previous reporting period. Traffickers exploited 11 victims in domestic servitude in Zambia and Namibia, four victims in cattle herding in Namibia, and two males from the DRC in forced labor in an unknown industry. The government did not report identifying any sex trafficking victims. In coordination with an international organization, the government referred all victims it identified to protective services using its NRM; however, front-line officials routinely neglected to use these methods to identify and refer victims to care, especially in cases involving foreign nationals or in commercial sex. The government repatriated two Zambian victims identified in South Africa, compared to 10 Zambian victims identified in various countries in 2018; however, the government did not provide reintegration services to repatriated victims, as the repatriation lacked close coordination with the national inter-ministerial committee and its secretariat. The government did not report coordinating the repatriation of foreign national victims identified in Zambia during the reporting period, compared to six victims from five countries in 2018. The government continued updating its current standard victim identification form to better guide front-line officials in proactively identifying trafficking victims; however, law enforcement officers did not use forms currently available.

The government partnered with international organizations to offer routine assistance to victims, including medical care and counseling; however, the government did not provide all services across Zambia. The Ministry of Community Development and Social Services operated one 40-person shelter for victims of trafficking and victims of sexual abuse in Lua*Pula*Province and other shelters in Central and Western Provinces, all of which accommodated male victims of trafficking. Shelters across the country, especially in rural areas outside Lusaka and Copperbelt Provinces, continued to lack available space, training for shelter staff, education opportunities, and integration services due to low capacity and training of victim support officers, scarce resources, and lack of funding. The government significantly decreased funding to respond to trafficking cases; the Department of Social Welfare provided 50,000 Zambian kwacha ($3,560) to support a shelter in Sesheke in 2019, compared to 1.04 million Zambia kwacha ($74,020) provided to designated shelters, homes, and school across Zambia in 2018. The government did not report spending additional funds for victim assistance in 2019, compared to spending 50,000 Zambian kwacha ($3,560) in 2018.

The government provided foreign victims of trafficking the same protective services as Zambian nationals; however, authorities did not provide interpretation services for foreign national victims. The Department of Immigration provided regularization of immigration status and temporary residency for all foreign victims in accordance with the 2008 trafficking law. Regularization of stay was not dependent on the victim's cooperation with law enforcement, and the government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, the government did not report applying this alternative to foreign victims during the reporting period. The lack of availability of interpreters continued to be a barrier to providing timely and comprehensive care for victims, and victims often paid a fee to obtain interpretation services, despite the government reporting interpretation services are available free of charge. The government did not make progress to screen potential victims of trafficking consistently in cases that appeared to involve smuggling; the government detained, charged, or deported individuals who reportedly consented to being smuggled, including potential trafficking victims, without screening those individuals for trafficking indicators. The government regularly held potential victims in detention, alongside traffickers, while awaiting their court case. The government rarely provided opportunities for victim testimony via video or written statements and made no proactive efforts to prevent re-traumatization.

PREVENTION

The government demonstrated decreased efforts to prevent trafficking. The government had a 2018-2021 national action plan (NAP) on trafficking and mixed and irregular migration. The national inter-ministerial committee and its secretariat, which was charged with oversight of national anti-trafficking efforts, did not meet regularly, lacked a designated chair during most the reporting period, and the newly appointed chair did not attend any committee meetings. These factors hampered the committee's ability to monitor and implement the NAP. The inter-ministerial

committee, in coordination with international organizations, launched various awareness campaigns in rural and border areas to educate local communities on the recognition of human trafficking. The Ministry of Chiefs and Traditional Affairs led a similar campaign in Western Province. The National Prosecution Authority, police, and immigration officials led and participated in awareness campaigns in churches and primary schools in various rural areas in several provinces. The government did not operate a hotline for potential victims of trafficking and did not track call data related to potential victims of human trafficking from hotlines operated by nongovernmental organizations.

The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with South Africa. The Ministry of Labor conducted inspections and investigations of labor brokers on a regular basis throughout the country to regulate recruitment practices and prevent fraudulent job offers that may lead to exploitation. The Employment Act set forth requirements for the regulation of labor brokers and prohibited labor brokers from charging prospective employees for any services rendered. The labor ministry conducted inspections and investigations of labor brokers on a regular basis throughout the country to regulate recruitment practices and prevent fraudulent job offers that may lead to exploitation. During 2019, the Ministry of Labor employed 160 labor inspectors, compared to 155 employed the previous year. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel. The government trained peacekeepers on anti-trafficking prior to deployment.

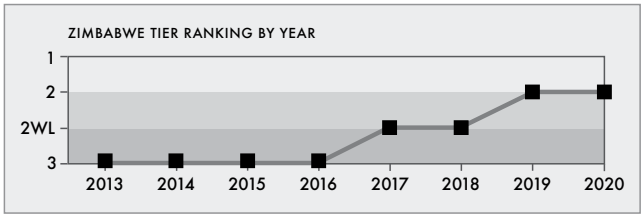
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Zambia, and traffickers exploit victims from Zambia abroad. Most trafficking occurs within the country's borders and involves traffickers exploiting women and children from rural areas in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, small businesses such as bakeries, and forced begging. Jerabo gangs may force Zambian children to engage in illegal mining operations, such as loading stolen copper or crushing rocks. Orphans and street children remain vulnerable to trafficking; however, children of village families are also at risk of trafficking because sending children to the city for work is perceived to confer status and may entice families to send a child to the city without verifying the environment. Truck drivers exploit Zambian boys and girls in sex trafficking in towns along the Zimbabwean and Tanzanian borders, and miners exploit them in Solwezi. Traffickers exploit Zambian boys in sex trafficking in Zimbabwe and exploit women and girls in sex trafficking in South Africa. Domestically, extended families and trusted family acquaintances facilitate trafficking. Zambians from the depressed rural areas in the Western Province are coerced into forced labor in Namibia.

Traffickers exploit women and children from neighboring countries in forced labor and sex trafficking in Zambia. Traffickers lure Rwandan women to Zambia with promises of refugee status, coerce them into registering as DRC nationals seeking refugee status in Zambia, and subsequently exploit them in sex trafficking and threaten them with physical abuse and reporting them to immigration officials for fraudulent refugee claims. Traffickers increasingly exploit victims from Tanzania and Malawi in the Zambian timber industry. North Koreans working in Zambia may have been forced to work by the North Korean government. Chinese traffickers bring in Chinese women and girls for sexual exploitation in brothels and massage parlors in Lusaka; traffickers use front companies posing as travel agencies to lure Chinese victims and coordinate with Zambian facilitators and middlemen. Chinese nationals are increasingly exploited in forced labor in Chinese-owned companies in the construction, mining, and service sectors. Indian-Zambian nationals operating in India facilitated illegal adoption of Indian children for the purpose of exploiting them in domestic servitude in Zambia.

ZIMBABWE: TIER 2

The Government of Zimbabwe does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Zimbabwe remained on Tier 2. These efforts included investigating and prosecuting more traffickers and increasing training for law enforcement and the judiciary. The government identified and referred to care more victims, including one internal trafficking victim exploited in Zimbabwe, and coordinated with international organizations and civil society to ensure all victims received services. In partnership with an international organization, the government coordinated with two foreign governments to facilitate the repatriation of three trafficking victims. The government approved and adopted a national action plan to combat trafficking and conducted awareness-raising activities throughout the country. However, the government did not meet the minimum standards in several key areas. The draft amendments to the 2014 Trafficking in Persons Act to bring the law in line with international standards, remained pending at the close of the reporting period. The government convicted fewer trafficking cases compared to the previous year, and the backlog of trafficking cases from 2016 remained, as the government reported no progress on those investigations. The government did not provide adequate funding to its NGO partners on which it relied to provide protective services to victims. Women, men, children, and migrants may have been victims of forced labor or sex trafficking, and North Koreans working in Zimbabwe may have been forced to work by the North Korean government.



PRIORITIZED RECOMMENDATIONS:

Amend the anti-trafficking law to criminalize all forms of trafficking in line with the 2000 UN TIP Protocol. • Provide financial or in-kind support to NGO service providers.• Expedite trafficking cases to address the significant backlog of cases dating back to 2016. • Implement and allocate sufficient resources to the National Action Plan (NAP) to combat trafficking. • Increase efforts to investigate and prosecute trafficking crimes proactively, including complicit government officials. • Train officials to proactively identify trafficking victims among vulnerable populations such as migrant workers and foreign nationals including North Koreans, and refer them to appropriate services. • Expand law enforcement training on investigative techniques and victim identification within Zimbabwe. • Allocate adequate funding for law enforcement to carry out investigations proactively. • Train prosecutors and judges on trafficking and trafficking-related legislation. • Establish safe houses for trafficking victims in each province. • Develop mutual legal assistance treaties (MLATs) and other agreements to facilitate information gathering and sharing with foreign governments.

PROSECUTION

The government had mixed anti-trafficking law enforcement efforts. Zimbabwean law criminalized some forms of sex trafficking and labor trafficking. Inconsistent with international law, the 2014 Trafficking in Persons Act defined trafficking in persons as a movement-based crime and did not adequately define "exploitation." The 2014 act criminalized the involuntary transport of a person and the voluntary transport for an unlawful purpose, into, outside, or within Zimbabwe. The focus on transport and the inadequate definition of "exploitation" left Zimbabwe without comprehensive prohibitions of trafficking crimes. The law prescribed penalties of 10 years' to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking crimes, was commensurate with penalties for other serious crimes, such as rape. Zimbabwe's Labor Relations Amendment Act criminalized forced labor and prescribed penalties of up to two years' imprisonment, which were not sufficiently stringent. The Criminal Law (Codification and Reform) Act criminalized procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe and prescribed penalties of up to two years' imprisonment; these penalties were not sufficiently stringent when applied to cases of sex trafficking. The act also criminalized coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years' imprisonment. During the previous reporting period, the government, in partnership with an international organization, finalized a draft Trafficking in Persons Act Amendment Bill; however, it made no progress in advancing the bill during the reporting period.

The government investigated seven potential trafficking cases, compared with investigating two potential cases of forced labor in the previous reporting period. The government initiated six prosecutions, compared with two in 2018. One case involved an alleged trafficker facing more than 20 counts of trafficking for luring victims to Kuwait and exploiting them in forced labor and sex trafficking; the defendant absconded during his trial and remained at large at the close of the reporting period. The other five prosecutions remained pending. An international organization reported the government charged traffickers in three additional cases with rape and assault rather than trafficking due to a lack of familiarity with the anti-trafficking law. The government did not convict any traffickers, compared with one conviction during the previous reporting period. The government did not report making progress on any additional cases during the reporting period despite the willingness of many trafficking victims to testify, including the possible 20 cases initiated in 2016 involving Zimbabwean victims exploited in Kuwait, of which the government has only prosecuted three.

The government trained 264 detectives on the anti-trafficking law and victim protection. The Zimbabwe Republic Police incorporated a module on the anti-trafficking law for police recruit training in September 2019 and delivered the training to six classes of new officers. In collaboration with an international organization, the government trained 50 immigration officials on trafficking. The government trained magistrates on trafficking in November 2019. Despite these trainings, observers continued to report the government lacked a systematic procedure to investigate cases, and immigration officials lacked capacity to detect and investigate trafficking. In addition, many investigations lacked sufficient evidence to build strong cases. Unlike sexual offense cases, which were typically expedited in the courts, trafficking cases were not treated with the same urgency and often languished on the docket for years. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, observers reported widespread corruption during the previous reporting period, including magistrates, judges, and senior government officials who allegedly undermined judicial independence including by giving farms and homes to judges.

PROTECTION

The government demonstrated mixed protection efforts. The government identified 52 victims for assistance, compared with 10 victims identified by officials, international organizations and NGOs in the previous reporting period. The government referred all 52 victims to international organizations for reintegration support, including 29 females and three males, 28 of whom had been exploited in forced labor, three in sex trafficking, and 21 in unreported types of trafficking. Traffickers exploited the forced labor victims primarily in Kuwait, but also in China, Saudi Arabia, South Africa, and Botswana. An international organization reported that in addition to these 32 victims, the government referred one Zimbabwean victim to an NGO shelter that operated 11 shelters for women in eight of 10 provinces throughout the country, two children to a children's home for protective services, including counseling and medical care, and two cases to the government-run shelter in Harare. Another international NGO reported the government referred an additional 15 victims to its shelter in Rutenga. This NGO also reported identifying 522 potential victims through its work monitoring transit points, including bus stations, rail depots, and border areas. South African law enforcement officers reported identifying 30 Zimbabwean women in brothels in Mpumalanga province as potential sex trafficking victims. NGO shelters provided shelter for both male and female victims of gender-based violence, trafficking, and domestic violence. The NGOs that provided protective services did not receive funding from the government for at least the second consecutive year and struggled to operate without such support. While the 2014 Trafficking in Persons Act required the government to establish centers in each of Zimbabwe's 10 provinces to provide counseling, rehabilitation, and reintegration services, these centers have not been established. In partnership with an international organization, the government facilitated the repatriation of three trafficking victims from Nigeria and South Africa. The Government of Botswana facilitated the repatriation of one Zimbabwean victim exploited in Botswana.

The government, in partnership with an international organization and other stakeholders, adopted and launched a National Referral Mechanism (NRM), which outlined standard operating procedures in the identification, referral, and assistance of trafficking victims. The Anti-Trafficking Inter-Ministerial Committee (ATIMC) drafted and adopted implementing regulations, which gave legal force to key procedures set out in the NRM, empowered provincial operational task teams, and defined clear roles and responsibilities for front-line responders. During the reporting period, the technical steering committee on the protections of victims of trafficking, led by the Ministry of Public Service, Labor, and Social Welfare (MPSLSW), did not meet. The MPSLSW had a system whereby each potential trafficking case reported was handled jointly by an NGO and a Department of Social Welfare caseworker. The government encouraged victims to cooperate in the investigation and prosecution of trafficking cases. The government implemented a comprehensive system for victim-witnesses, which included police units, courts, health services, and a referral system that were more victim-centered. Courts had a separate room for victims to testify separately from their alleged perpetrators, and victims could choose to testify via video; however, observers reported not every court had access to the necessary equipment, especially in rural areas, and the government did not report whether any victims utilized these services during the reporting period. The government trained prosecutors, probation officers, and magistrates to treat victims sensitively, handle cases quickly, and refer victims to post-trial support services. In addition, the government trained health service providers to collect evidence for criminal investigations, prepare medical affidavits, and offer immediate and long-term

psycho-social support and health care. The government did not have legal alternatives to removal to countries in which victims would face retribution or hardship; however, the government did not identify any foreign victims during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. In coordination with international organizations, the ATIMC approved and adopted the Trafficking in Persons National Action Plan (NAP) 2019-2021 in July 2019. However, the government had not launched the NAP at the close of the reporting period. The government did not include civil society actors in the development of the NAP. The ATIMC met only once during the reporting period. In 2018, the ATIMC adopted guidelines for engagement between the government and civil society actors, which will establish a National Coordinating Forum to provide a platform for such engagement. In partnership with international organizations, the ATIMC developed the capacity of its seven provincial task teams with targeted trainings. In partnership with an international organization, the government set up anti-trafficking booths at the annual Zimbabwe International Trade Fair and the Harare Agricultural Show, which drew thousands of participants; officials distributed educational materials and hosted focus group discussions. In partnership with an international NGO, police officers conducted two awareness-raising workshops with communities within Rutenga and Beitbridge. In addition, the Victim Friendly Police Unit carried out extensive awareness campaigns educating communities against child labor, human trafficking, and sexual exploitation. Although the government funded awareness-raising activities, it did not allocate adequate resources to fully implement the NAP during the reporting period and relied on funds from international organizations to implement some of the activities. The government continued to participate in the Southern African Development Community's (SADC) regional data collection tool by uploading information about trafficking cases, victim and trafficker profiles, and sharing information with countries in the region. The government continued to screen companies that employed foreign nationals and prohibited proxy employment permit applications. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Zimbabwe, and traffickers exploit victims from Zimbabwe abroad. Traffickers exploit women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia in forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the border. Zimbabwe is also a transit country for trafficked Somalis and Ethiopians en route to South Africa. There were reports of traffickers subjecting children from Mozambique to forced labor in street vending in Zimbabwe, including in Mbare. Additionally, the practice of ngozi, giving a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. North Korean workers may have been forced to work by the North Korean government.

Traffickers lure Zimbabwean women and men into exploitative labor situations in agriculture, construction, information technology, and hospitality largely in neighboring countries; some subsequently become victims of forced labor, and some women become victims of sex trafficking. Traffickers exploit women in domestic servitude, forced labor, and sex trafficking in Kuwait and Saudi Arabia. There were previous reports of Zimbabwean women lured to China and the Middle East for work, where they are vulnerable to trafficking. There were reports of traffickers luring Zimbabwean students to Cyprus and elsewhere with false promises for education via scholarship schemes, where they are exploited in forced labor and sex trafficking. Many Zimbabwean adult and child migrants enter South Africa with the assistance of taxi drivers who transport them to the border at Beitbridge, or nearby unofficial crossing locations, where traffickers exploit them in labor and sex trafficking. Some migrants are transferred to criminal gangs that subject them to abuse, including sex trafficking in Musina, Pretoria, Johannesburg, or Durban. Traffickers exploit some Zimbabwean men, women, and children in South Africa to months of forced labor without pay, on farms, at construction sites, in factories, mines, and other businesses. Traffickers transport men, women, and children, predominantly from East Africa, through Zimbabwe en route to South Africa; some of these migrants are trafficking victims. Refugees from Somalia and Democratic Republic of the Congo reportedly travel from Zimbabwe's Tongogara Refugee Camp to Harare, where traffickers exploit them and, in some cases, coerce them into prostitution. Traffickers force Chinese nationals to work in restaurants in Zimbabwe. Chinese construction and mining companies in Zimbabwe reportedly employ practices indicative of forced labor, including verbal, physical, and sexual abuse, as well as various means of coercion to induce work in unsafe or otherwise undesirable conditions.

SPECIAL CASE: LIBYA

Libya is a Special Case for the fifth consecutive year. The Libyan Government of National Accord (GNA) struggled to govern large swaths of Libyan territory, as it did not exercise control in several parts of the country. The judicial system was not fully functioning, as courts in major cities throughout the country have not been operational since 2014. Violence heightened during the reporting period, as conflict escalated between the Tripoli-based GNA and the self-styled Libyan National Army (LNA), which has sought to establish a rival government in eastern Libya and initiated an offensive to seize the capital in April 2019. The conflict was further enabled by financial or military contributions from regional states, with Turkey supporting the GNA and Russia, the United Arab Emirates, and Egypt supporting the LNA. Since April 2019, the LNA's sustained offensive on Tripoli resulted in at least 356 civilian deaths and 329 civilian injuries and approximately 150,000 persons newly displaced from Tripoli. Extra-legal armed groups continued to fill a security vacuum across the country; such groups varied widely in their make-up and the extent to which they were under the direction of state authorities. These disparate groups committed various human rights abuses, including unlawful killings. Impunity for those committing abuses against civilians was a pervasive problem. During the reporting period, there were continued reports that criminal networks, militia groups, government officials, and private employers exploited migrants, refugees, and asylum-seekers in sex and labor trafficking. Endemic corruption and militias' influence over government ministries contributed to the GNA's inability to effectively address trafficking.

GOVERNMENT EFFORTS

Lack of institutional capacity, as well as lack of Libyan law enforcement, customs, and military personnel, especially along its borders, hindered authorities' efforts to combat human trafficking crimes. Libyan law criminalized some forms of sex trafficking, but did not criminalize labor trafficking. Articles 418, 419, and 420 of the penal code criminalized some forms of sex trafficking involving women and prescribed penalties of up to 10 years' imprisonment and a fine between 100 and 500 Libyan dinars ($72-$360), which were sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However,

inconsistent with international law, the definition of trafficking within these provisions required transnational movement of the victim and did not criminalize sex trafficking acts that were induced through fraudulent or coercive means. The law did not criminalize sex trafficking involving adult male victims. Article 425 criminalized slavery and prescribed penalties of five to 15 years' imprisonment. Article 426 criminalized the buying and selling of slaves and prescribed penalties of up to 10 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes.

Libya's criminal judicial system was not fully functioning in 2019, nor were there administrative units and courts specifically dedicated to overseeing human trafficking cases. Law enforcement and judicial authorities often lacked the knowledge and understanding of the crime of human trafficking. The Ministry of Interior (MOI), which was nominally responsible for anti-trafficking law enforcement efforts, was limited in its ability to carry out anti-trafficking operations during the reporting period. Although entities such as the Ministry of Justice (MOJ) and Office of the Attorney General issued arrest warrants for alleged perpetrators of various crimes including trafficking during the reporting period, limited policing capacity hindered the government's ability to pursue these trafficking cases. Law enforcement functions sometimes fell to disparate armed groups, which received salaries from the government and performed their activities without formal training and with varying degrees of accountability. The MOI and MOJ's human rights directorates, which continued to function throughout the reporting period, were mandated to raise awareness of human rights violations including human trafficking crimes; however, international NGOs reported the directorates lacked the capacity to carry out their mandates. Perpetrators committing human rights abuses, including human trafficking crimes, generally operated with impunity. The government did not publicly report statistics on prosecutions or convictions of trafficking offenders, including government officials and government-aligned militias that were allegedly complicit in trafficking crimes. However in October 2019, the media reported the Attorney General and Counter Terrorism Force announced the arrest of two suspects for alleged involvement in human trafficking operations. The government did not report if it prosecuted or convicted any individuals involved in the investigation of 205 suspected traffickers that the attorney general's office initiated in 2018, nor did it report if any of the 35 arrest warrants that it issued in January 2019 resulted in trafficking prosecutions or convictions.

International observers continued to report complicity of government officials involved in human trafficking and migrant smuggling operations, including Libyan Coast Guard (LCG) officials, immigration officers, security officials, Ministry of Defense (MOD) officials, members of armed groups formally integrated into state institutions, as well as officials from the MOI and MOI's Department to Combat Illegal Migration (DCIM). Various armed groups, militias, and criminal networks infiltrated the administrative ranks of the government and abused their positions to engage in illicit activities, including human trafficking and alleged child soldier recruitment and use. Several credible sources continued to report that DCIM detention center guards and administrative staff forced detained migrants to work at these detention centers and at third locations, such as farms and construction sites. There were anecdotal reports that DCIM staff at detention centers contracted armed groups and militias—some of whom likely had ties to human trafficking networks—to provide security services at individual detention centers. Anecdotal reports also suggested staff in some GNA-affiliated migrant detention centers in western Libya sold detainees to local armed groups to transport and clean weapons. There were also numerous allegations in mid-2019 that forces affiliated with the Special Deterrence Force (SDF), which nominally operated under the MOI, recruited and used child soldiers. In western Libya, numerous armed groups, including some GNA-aligned units, continued to be involved in the trafficking of detained migrants and benefited from extortion payments sent by the migrants' family members for the migrants' release. In addition, some LCG units, which were under the authority of the MOD, were allegedly composed of former human traffickers and smugglers or coordinated with groups involved in human trafficking, human smuggling, and other crimes. During the reporting period, the LCG unit in the city of Zawiya continued to have extensive links to the leader of the al-Nasr Martyrs Brigade militia—notorious for committing human rights violations—who ran the Zawiya migrant detention center. Militia members operating the detention center reportedly physically abused detained migrants and sold some female migrants into sexual slavery; in late 2019, the center was transformed into an army barracks for militias, further endangering detained migrants and trafficking victims. In 2018, the commander of the Zawiya LCG was sanctioned by the UN for perpetrating violence against migrants and the GNA subsequently suspended him from his duties as the LCG commander. Credible sources reported, however, that he continued to work on LCG missions in Zawiya port in 2019 and the GNA did not report investigating the official further.

The government arrested, detained, or otherwise punished victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations and alleged affiliation to armed groups. As of February 2020, an international organization reported DCIM managed 11 operational detention facilities where it arbitrarily and indefinitely detained male, female, and child migrants and refugees—many of whom were unidentified trafficking victims—in western Libya. During the reporting period, the MOI pledged to close three migrant detention centers and to release or repatriate the detainees; however, by the end of 2019, DCIM had emptied only one of these centers. DCIM-run detention facilities suffered from massive overcrowding, lack of basic infrastructure, dire sanitation problems, and food shortages. Detainees, including trafficking victims, had limited to no access to medical care, legal aid, and other forms of protective services. Detainees did not have access to immigration courts or other forms of due process. DCIM-employed guards continued to subject detainees to severe abuse, forced labor, unlawful killings, and rape and other forms of sexual violence. No DCIM detention centers employed female guards, except for the Tariq al-Sekka detention center; the lack of female personnel at the majority of detention centers and climate of impunity for sexual violence contributed to the increased vulnerability of female detainees to abuse and exploitation. Additionally, DCIM held migrants at detention facilities that were in close range of armed hostilities in Tripoli, but it did not protect detainees from the escalating violence. For example, in July 2019, an LNA-aligned airstrike hit a DCIM-run center in Tajoura municipality, killing at least 53 migrants, including six children; the DCIM-run center was adjacent to a weapons storage warehouse. There were reports that GNA armed forces used some detention centers as training grounds and to store weapons and equipment, further endangering detainees and trafficking victims. Moreover, in January 2020, the Deputy Director of the DCIM—who was affiliated with Tripoli-based armed militias—mobilized hundreds of DCIM guards at a site adjacent to a facility operated by an international organization sheltering refugees and asylum-seekers awaiting resettlement, some of whom were likely trafficking survivors. This action placed this population in grave danger and led the international organization to temporarily close the facility for fear that it would be targeted in the LNA's ongoing offensive on Tripoli. In April 2019, the MOI reported it arrested at least seven children who were allegedly fighting for LNA-aligned units on the outskirts of Tripoli; the MOI did not report making efforts to screen the children for trafficking or refer them to civil society actors for protection services.

The government did not have any policy structures, institutional capacity, widespread political will, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants, refugees, and asylum-seekers; women and girls in commercial sex; and children recruited and used by government-aligned militias or other armed groups. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they could face hardship or retribution. Libyan authorities continued to cooperate with international organizations to repatriate, resettle, or evacuate some migrants, which likely included unidentified trafficking victims. The government allowed an international organization to be present at some of the 10 official disembarkation points along the western coastline where migrants arrived after the LCG intercepted or rescued them at sea; however, the government's procedures for disembarked migrants remained unclear and put migrants further at risk of exploitation. During the reporting period, the government continued to cooperate with international organizations, international NGOs, and diplomatic missions to facilitate the provision of humanitarian assistance to refugees and migrants, a population highly vulnerable to trafficking, in DCIM-run detention centers. The government continued to operate a limited number of social rehabilitation centers for women in commercial sex and victims of sex trafficking and other forms of sexual abuse; however, these centers reportedly operated as de facto prisons, and international observers continued to document incidents of abuse in these centers.

Libya is a party to the 2000 UN TIP Protocol, but the government lacked the institutional capacity and resources to prevent human trafficking. Alleged government complicity further exacerbated the overall human trafficking problem in the country and the region. While some DCIM officials acknowledged the scope of the human trafficking problem in Libya, in November 2019, the Libyan Deputy Prime Minister stated in a media interview that there was "no slavery in Libya" in response to a question regarding allegations of forced labor in a migrant detention center. The GNA did not have a national coordinating body responsible for combating human trafficking. The government did not conduct any public anti-trafficking awareness campaigns, nor did it take actions to reduce the demand for commercial sex acts or child sex tourism. The government did not report steps to prevent the recruitment and use of children by militia groups, armed groups affiliated to or aligned with the government, and other armed groups operating throughout the country. During the reporting period, the GNA continued to partner with some European nations to disrupt human trafficking and migrant smuggling operations, substantially reducing the flow of irregular migrants crossing the Mediterranean over previous years. However, some European and international NGOs criticized this cooperation, citing severe security and human rights conditions and an increased risk of trafficking for migrants forced to remain in Libya. The government did not provide anti-trafficking training for its diplomatic personnel. However, the MOI reported it conducted an unknown number of training sessions in 2019 for DCIM and LCG personnel on international human rights law, human smuggling, and human trafficking. During the reporting period, the MOI Criminal Investigation Department continued to partner with an international organization to train its officers on document forgery, including those used by traffickers and smugglers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Libya. Instability, conflict, and lack of government oversight and capacity in Libya continued to allow for human trafficking crimes to persist and become highly profitable for traffickers. Trafficking victims—including men, women, and children—are highly vulnerable to extreme violence and other human rights violations in Libya by governmental and non-state armed groups, including: physical, sexual, and verbal assault; abduction for ransom; extortion; arbitrary killings; inhumane detention; and child soldiering. Credible reports since 2013 indicate numerous armed groups and militias, some of which are used as combat forces or security enforcement by the government, recruit and use children. In 2019, anecdotal reports received by international organizations and unverified press reporting suggested some GNA- and LNA-aligned units recruited and used children as soldiers and in support roles. GNA officials and LNA representatives have each claimed publicly that the other side recruits and uses child soldiers. In July 2019, an international organization received reports of the increased recruitment and use of children by unspecified actors in Libya over the previous year, yet reported this information could not be verified owing to monitoring restrictions. In 2018, an international organization documented incidents in which local armed groups forcibly recruited boys aged 13-15. Uncorroborated media reports in 2018 also claimed that ISIS trained and used children in suicide attacks, to fire weapons, and to make improvised explosive devices. Children associated with armed groups in Libya are also reportedly exposed to sexual violence. IDPs, including both Libyans and foreigners, are vulnerable to both labor and sex trafficking. There were an estimated 343,000 IDPs in Libya at the end of 2019, 97 percent of whom were displaced due to the deterioration of security conditions in the country.

Migrants in Libya are extremely vulnerable to sex and labor trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. Migrants living in Libya are vulnerable to exploitation by state and non-state actors, including employers who refuse to pay laborers' wages. As of the end of 2019, international organizations estimated there were 654,081 migrants and 46,395 refugees and asylum-seekers in Libya. Labor migrants in Libya typically come from sub-Saharan and Sahel states. The country continued to serve as a departure point for migrants, including unaccompanied minors, crossing the Mediterranean to Europe from North Africa; however, the numbers of sea departures from Libya to Europe continued to decrease throughout 2019 and over previous years. Elements of the LCG reportedly work with armed groups and other criminals, including traffickers, to exploit migrants for profit. There are financial incentives for smugglers and traffickers to prevent the disembarkation of migrants transiting the Mediterranean and to re-transit migrants back to Libya for detention and further exploitation. Throughout 2019, due to violence and localized clashes, traditional smuggling and trafficking routes became more clandestine, creating greater risks and dangers for migrants.

Various armed groups, criminal gangs and networks, tribal groups, smugglers, and traffickers, have cooperated and competed in the smuggling and trafficking of migrants to and through Libya, while carrying out serious human rights abuses and violations against migrants, including torture, sexual abuse and exploitation, rape, extortion, ransom, theft, and forced labor. International organizations report smugglers and traffickers trade migrants and refugees within illicit networks, while holding them in inhumane conditions. Highly organized trafficking networks subject migrants to forced labor and sex trafficking through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, debt-based coercion, and verbal, physical, and sexual abuse. In some cases, migrants reportedly pay smuggling fees to reach Tripoli, but once they cross the Libyan border they are sometimes abandoned in southern cities or the desert where they are susceptible to severe forms of abuse and human trafficking.

Several credible sources continue to report that migrants held in detention centers controlled by both the DCIM and non-state armed groups and militias were subjected to severe abuse, rampant sexual violence, and forced labor. As of March 2020,

international organizations estimated there were more than 1,400 migrants and refugees in DCIM-run detention centers, which was less than the approximately 5,000 detained migrants and refugees in early 2019. There were an unknown number of migrants and refugees detained in informal detention facilities across the country affiliated to various non-state armed groups, including the LNA. An unknown number of migrants were also held in criminal prisons affiliated with the MOJ, MOI, and MOD. Private employers and DCIM officials use detained migrants for forced labor in domestic work, garbage collection, construction, road paving, and agriculture. According to international observers, detention center operators also forced migrants to provide ancillary services to armed groups, such as offloading and transporting weapons, cooking food, cleaning, and clearing unexploded ordnance (UXO). Once the work is completed, employers and detention center officials return the migrants to detention. In some cases, detained migrants were forced to work in exchange for their release from prison. In November 2017, an international media outlet released a video depicting unidentified individuals selling African migrants reportedly for labor in an undisclosed location in Libya. Furthermore, an international organization reported in 2017 that many militias in Libya fill their ranks with migrants from Niger, Nigeria, and Chad to perform labor or to serve in other non-combat roles.

There is a reportedly high prevalence of sexual assault and other forms of sexual violence and exploitation of female migrants either along the migration routes to Libya or in DCIM-run and militia-run detention facilities in Libya; perpetrators of sexual violence against female migrants include various armed groups, smugglers, traffickers, and MOI officials. International NGOs also report that migrant men and boys are increasingly vulnerable to rape and other forms of sexual abuse. Prostitution rings reportedly subject sub-Saharan women and girls to sex trafficking in brothels, particularly in the towns of Ubari, Sebha, and Murzuq in southern Libya; Nigerian women and girls are at increased risk of sex trafficking in Libya. According to a European NGO, Nigerian gangs recruit Nigerian girls from rural regions of the country and facilitate the transportation of the girls through Libya for sex trafficking in Italy and other European countries.

SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the 18th consecutive year. The country continued to face protracted conflict, insecurity, and ongoing humanitarian crises during the reporting period. The Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and Federal Member State (FMS) governments retained control over most local capitals across the country. The self-declared independent region of Somaliland and the Puntland FMS retained control of security and law enforcement in their respective regions. The FGS had limited influence outside Mogadishu. The al-Shabaab terrorist group continued to occupy and control rural areas and maintained operational freedom of movement in many other areas in south-central Somalia, which it used as a base to exploit the local population by collecting illegal taxes, conducting indiscriminate attacks against civilian and civilian infrastructure across the country, and perpetrating human trafficking. The FGS focused on capacity building and securing Mogadishu and government facilities from attacks by al-Shabaab. The sustained insurgency by al-Shabaab continued to be the main obstacle to the government's ability to address human trafficking. The government continued to modestly improve capacity to address most crimes; however, it demonstrated minimal efforts in all regions on prosecution, protection, and prevention of trafficking during the reporting year.

GOVERNMENT EFFORTS

The FGS, Somaliland, and Puntland authorities sustained minimal efforts to combat trafficking during the reporting period. Due to the protracted campaign to degrade al-Shabaab and establish law and order in Somalia, law enforcement, prosecutorial personnel, and judicial offices remained understaffed, undertrained, and lacked capacity to effectively enforce anti-trafficking laws. The FGS continued to lack a comprehensive legal framework to address human trafficking. The pre-1991 penal code—applicable at the federal and regional levels—criminalized labor trafficking and some forms of sex trafficking. Article 455 criminalized slavery, prescribing penalties of five to 20 years' imprisonment. Article 464 criminalized forced labor, prescribing penalties of six months' to five years' imprisonment. Article 457 criminalized the transferring, disposing, taking possession or holding of a person, and prescribed penalties of three to 12 years' imprisonment. All of these penalties were sufficiently stringent. Article 408(1) criminalized compelled prostitution of a person through violence or threats, prescribing penalties of two to six years' imprisonment, which were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The provisional constitution prohibited slavery, servitude, trafficking, and forced labor under Article 14. Article 29(6) under the provisional constitution prohibited the use of children in armed conflict. In September 2017, Somaliland endorsed a draft human trafficking law designed in consultation with an international organization; however, the Somaliland Parliament did not pass it by the close of the current reporting period and relied predominantly on immigration legislation to prosecute trafficking crimes. In November 2017, Puntland ratified a human trafficking legislative framework after three years of consultations with an international organization. The legal framework was composed of new penal and criminal procedure codes and a law that specifically prohibited trafficking.

Despite minimal reporting from the FGS, similar to previous years, neither the federal nor the regional levels gathered or shared comprehensive statistics on investigations, prosecutions, or convictions of or related to trafficking. During the reporting year, the Attorney General's Office reported 17 arrests related to immigration violations and alleged human trafficking crimes. Additionally, in January 2020, authorities detained one Somali man outside the Aden Abdulle International Airport on suspicion of human trafficking; at the close of the reporting period the investigation remained ongoing. In Somaliland, immigration officials reported they arrested six individuals in connection with an alleged dual trafficking and smuggling case, all of whom awaited trial at the end of the year. According to an international organization, Puntland authorities registered two trafficking cases involving six suspects during the reporting period but did not report details about either case. The authorities did not report efforts to investigate, prosecute, or convict any official for involvement in trafficking or criminal activities related to trafficking during the reporting period. The government did not report criminal action against military officials for the unlawful recruitment and use of children during the year. The Somali Police Force Criminal Investigations Department (CID) maintained a specialized anti-trafficking and migrant smuggling unit, supported by an international organization, which was staffed by an unspecified number of police officers and mandated to investigate potential cases of trafficking. The unit did not report investigating any potential trafficking cases during the year, whereas it registered 43 investigations the year prior. In April 2019, an international organization provided an advanced training course on trafficking topics for CID police officers from Mogadishu, South West State, and Puntland.

The government's lead anti-trafficking official remained the Special Envoy for Children's and Migrants' Rights, who steered a staff of five under the Office of the Prime Minister and was responsible for coordinating efforts on migration, trafficking, and reintegration across federal and regional governmental jurisdictions. While the Office of the Special Envoy served as the Secretariat, and the FGS Ministry of Women and Human Rights and representatives from Galmudug served as the co-chairs of a technical task force on trafficking. During the reporting year, the task force met monthly and participated in an induction training on trafficking and smuggling and on a whole-of-government approach to curbing the crime. While anti-trafficking coordination efforts modestly improved during the reporting period, a lack of technical expertise and limited civilian judicial and overarching capacity hindered the Secretariat's efforts to develop and coordinate effective anti-trafficking policy. The task force held an awareness-raising event along the border area with Kenya to highlight the International World Trafficking Day.

Similar to previous years, the government did not systematically gather or report statistics for trafficking victims, and reporting remained largely anecdotal. The government did not have standardized procedures to identify or refer trafficking victims to protective services at any level, and all levels of government relied fully on international organizations and NGOs to provide victim assistance, protective provisions, and reintegration services. The FGS did not possess sufficient financial assets to provide direct services or auxiliary support to organizations assisting victims and vulnerable populations. International NGOs provided the Somaliland Immigration and Border Control agency with two buses to transport migrants and trafficking victims from remote to more populated areas where they could be provided with services. Trafficking victims in Somaliland received assistance at an international organization-run Migration Response Center (MRC) in Hargeisa and another MRC in Bosasso in Puntland until the MRC could reunite them with their respective families. Neither facility was dedicated solely to trafficking victims and instead provided services broadly for the vulnerable transiting migrant population. However, the international organization responsible for screening at MRCs reported some potential trafficking victims comprised an undetermined proportion of individuals who received assistance there. Puntland authorities maintained a regional referral mechanism for trafficking victims with support from an international organization; however, the extent to which officials employed it during the current period was unclear. Victim support varied significantly across the country, and specialized care was sporadic due to limited practitioners in-country, and, beyond the scope of the MRCs, victims had irregular access to protective provisions. Authorities routinely detained potential victims for immigration violations, to include possession of fraudulent visas; however, the government allegedly screened some detained individuals for trafficking at ports of entry, particularly in Mogadishu. In Somaliland, immigration officials claimed to have identified more than 300 Ethiopian migrants who were potential trafficking victims during the reporting period; it was unclear if the regional government provided any with care or repatriation. The government did not have a legal alternative to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution.

Authorities across Somalia demonstrated minimal efforts to prevent trafficking during the year. During the reporting year, the Office of the Special Envoy developed a strategic, quasi-national action plan that outlined three priorities: policy, coordination, and outreach. The FGS held multiple campaigns across Somalia to elevate awareness and promote the roles of first responders in identifying and referring victims to relevant authorities. In cooperation with an international organization, the government organized an anti-trafficking event in Galkayo, which reached an unknown number of individuals. During the reporting period, the FGS, in consultation with organizations representing employers and employees, finalized a national employment policy to guide the creation of jobs, and a draft national labor code on responsible labor practices, to include the prohibition of forced labor. Authorities across Somalia did not make any discernible efforts to reduce the demand for commercial sex. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia was not a party to the 2000 UN TIP Protocol.

The dire security situation and restrictions on movement of humanitarian actors continued to hamper detailed child soldier reporting during the year. However, there were continued reports of the Somali National Army (SNA), Somali National Police (SPF), Galmudug Forces, Galmudug Police, Jubaland Forces, clan militias, the African Union Mission in Somalia (AMISOM), and al-Shabaab unlawfully recruiting and using both male and female child soldiers (between ages 10 and 17), with the latter entity committing the vast majority of violations. An international organization documented the recruitment and use of more than 450 children (including seven girls) by all actors in the conflict between April and September 2019, and 84 percent of such cases were attributed to an upsurge in an aggressive child recruitment campaign by al-Shabaab militants, with retaliation against communities refusing to hand over children. From September to December 2019, an international organization verified the recruitment and use of more than 260 children; al-Shabaab remained the main perpetrator, followed by the SPF, SNA, clan militia, and Galmudug Forces. During the previous reporting period, an international organization documented the recruitment and use of 1,850 children; the marked decline of the current year's verified numbers was directly attributable to reduced monitoring and reporting capacities of the international body due to denied access to conflict zones and other regions across the country. According to an international organization, all alleged state and non-state actors used 69 percent of children for unknown purposes in the conflict, 15 percent of children as combatants in hostilities, and 16 percent of children in support roles such as security escorts, checkpoint guards, messengers, and cleaners. One boy, approximately 14-16 years old and recruited by the SPF, was reportedly seen by an international observer armed and dressed in uniform while controlling traffic and directing vehicles alongside several other police officers at Warta Nabada district in Mogadishu/Banadir.

The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA in piecemeal fashion; the FGS retained limited ability to command and control the SNA and allied militias, especially those outside of Mogadishu. However, reflective of its intent to accelerate implementation of the aforementioned action plans, in September 2019 the FGS adopted a detailed roadmap to strengthen child protection and identify areas for targeted improvement. In accordance with this roadmap, the Child Protection Unit of the Ministry of Defense, in collaboration with an international NGO, conducted a three-day workshop for 40 SNA soldiers based in Hudur, Bakol in Southwest region, to train and raise awareness on the prevention of recruitment and use of children during armed conflict. It conducted a similar training in Dhussmareeb for 40 armed state actors. Furthermore, the Ministry of Women and Human Rights Development facilitated trainings on child rights and child protection for a total number of 261 participants from the security sector, inter-ministerial staff, members of parliament, and civil society. The Minister of Justice and Judiciary Affairs, jointly with international organizations, launched the campaign "Act to Protect Children Affected by Conflict" during an event held to commemorate the Day of the African Child. Finally, UN officials together with key government counterparts conducted three trainings for 89 military officers, judges, prosecutors, police investigators, and civil society workers in Jowhar, Mogadishu,

and Beledweyne on the protection of children affected by armed conflict. Despite these trainings, international organizations continued to report government forces detained some children for their actual or alleged association with al-Shabaab and did not apply juvenile justice standards or adhere to international obligations. Specifically, from April to December 2019, one international organization reported Somali federal and regional security authorities (primarily the police) arrested and detained more than 115 boys aged 11-17. In addition, SPF, SNA, Jubaland forces, and Galmudug forces arrested and detained approximately 60 boys aged 11-17 for their alleged association with armed groups. Purportedly, officials released 63 percent of the children at a later stage, while the other 22 remained in detention.

In early 2019, an international organization supported a consultative meeting on the Somalia strategy and operational framework on the prevention and response of child recruitment, release, and reintegration. The director general level of relevant ministries endorsed the strategy, but it awaited parliamentary approval at the close of the reporting period. Most Somalis lacked birth certificates, and in the absence of established birth registration systems or standardized methods for recruitment, verifying claims of child soldiering remained difficult. To increase transparency and accountability in the security sector and curb the recruitment and use of child soldiers in the SNA, during the previous reporting period the FGS undertook a process of biometric registration of SNA soldiers to validate their identities, force numbers, locales, electronic payment accounts, and registered weapons. It was unclear if the FGS carried out this biometric registration mechanism during this reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Somalia, and traffickers exploit victims from Somalia abroad. Information regarding trafficking trends and victims in Somalia remains challenging to obtain or authenticate. Traffickers most commonly use four cross-border routes, mirroring migration flows: a northern route to Europe via Libya; an eastern route to Europe via Turkey; a direct southern path to Kenya, Tanzania, or South Africa; and finally a path from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. In previous reporting periods in Somaliland, some women acted as recruiters and intermediaries who transported victims to Puntland, Djibouti, and Ethiopia for the purposes of forced labor in domestic service or sex trafficking. In prior years, the FGS noted that, anecdotally, fewer Somalis arrived in their intended destination countries but rather became stranded in transit countries. Anecdotal evidence purports al-Shabaab continues to facilitate human trafficking crimes, using deception, infiltration of *madrassa*s and mosques, coercion or harassment of clan elders or family members, school raids, and abductions to recruit and subsequently force victims—including children and hailing most heavily from south-central Somalia and Kenya—into sexual slavery, military support roles, direct combat, and marriages to al-Shabaab militants. In 2018, al-Shabaab reportedly conducted numerous "handing-over" ceremonies in the presence of village and clan elders, during which the terrorists forced communities to "volunteer" hundreds of their children to fight among its ranks. Al-Shabaab continued to enslave an indeterminate number of young girls and exploited them in forced marriage and sexual servitude during the reporting period.

IDPs, certain marginalized ethnic minorities, people residing in al-Shabaab territory, and youth remain the most vulnerable to sex trafficking and forced labor. During the reporting period, authorities alleged the age of vulnerable migrants appeared to be much lower than previous years, to include children as young as 15. Somali youth working in the informal sector are at high risk of trafficking as they often are driven by familial or economic pressure to seek employment opportunities abroad. These economic migrants sometimes incur debts under the trafficking scheme dubbed "go now, pay later" or through economic exploitation. According to an international organization, traffickers extort payments from the respective families left behind or exert threats if they refuse or are unable to pay. In general, the predominant factors that compel migrants to leave Somalia are poverty, insecurity, and natural disasters. An international organization reported that, as of March 2019, it registered more than 800,000 refugees and 2.6 million IDPs from Somalia. Some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages and who may subsequently exploit some of these children in forced labor or sex trafficking. While many children work within their own households or family businesses, some traffickers may force children into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or in the construction industry. Although there is a lack of reliable statistics, Somaliland and Puntland continued to receive an influx of economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia, in addition to returnees primarily from Yemen and Saudi Arabia.

Most trafficking networks continue to be organized by a combination of Somali, Djiboutian, Eritrean, and North African traffickers. Typically, traffickers employ deception as the predominant recruitment method, although al-Shabaab often uses coercion and force. An increasing number of traffickers recruit individuals through social media platforms and travel agencies, with a growing level of network sophistication. Traffickers also target and recruit children, without their parents' awareness or support, using false promises that no payment will be demanded until they reach their targeted destinations. Traffickers and smugglers reportedly take advantage of the vulnerability of IDP women and children, mostly from southern and central Somalia, at times using false promises of lucrative jobs in Europe and North America. Traffickers transport Somali women, sometimes via Djibouti, to the Middle East, where they frequently endure forced labor, including in domestic service, or sex trafficking. Traffickers subject Somali men to conditions of forced labor in farming and construction in the Gulf States. Traffickers transport children to Saudi Arabia and Djibouti and force them to beg on the streets. Dubious employment agencies facilitate human trafficking by targeting individuals desiring to migrate to the Gulf States or Europe for employment.

SPECIAL CASE: YEMEN

Yemen remains a Special Case for the fifth consecutive year. The civil conflict and humanitarian crisis in Yemen continued during the reporting period. Information on human trafficking in the country has been increasingly difficult to obtain since March 2015, after which much of the Republic of Yemen government (ROYG) took refuge in Riyadh following the takeover of Sana'a by Iranian-backed Houthi rebels and stopped controlling significant portions of the country. NGOs reported vulnerable populations in Yemen were at an increased risk of human trafficking due to large-scale violence driven by protracted armed conflict, civil unrest and lawlessness, and worsening economic conditions. Migrant workers from the Horn of Africa who remained or arrived in Yemen during the reporting period may have endured intensified violence, and women and children may have become vulnerable to trafficking. The international organizations and NGOs remaining in Yemen focused primarily on providing humanitarian assistance to the local population and lacked adequate resources and capacity to gather reliable data on trafficking. A vast majority of Yemenis

required broad assistance and basic social services, which have collapsed. For the purposes of this report, Yemen retained Special Case status.

GOVERNMENT EFFORTS

Due to the protracted conflict and tenuous political situation, the government faced serious challenges to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, economic deprivation, food insecurity, social disintegration, limited territorial control, and poor law enforcement capabilities. The government made some discernible anti-trafficking law enforcement efforts, and senior ROYG officials have repeated their commitment to fighting trafficking. The absence of a law criminalizing all forms of trafficking and the government's conflation of trafficking and smuggling hindered government efforts to investigate and prosecute trafficking offenders. Article 248 of the penal code criminalized slavery and prescribed penalties of up to 10 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other grave crimes, such as rape. However, Article 248 narrowly focused on transactions and movement and therefore did not criminalize many forms of labor and sex trafficking, as defined under international law. Article 279 criminalized child sex trafficking under its prostitution provision and prescribed penalties of up to seven years' imprisonment, which could be increased to up to 15 years' imprisonment under aggravating circumstances; these penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2014, the government adopted a bill that it subsequently referred to the Parliament, which aimed to combat all forms of trafficking, protect and assist victims, generate societal awareness of the risks of trafficking in order to reduce the phenomenon, and promote national cooperation. While the Parliament convened for two days during the current reporting period for the first time since the beginning of the conflict, it did not take up the trafficking bill.

The Government of the Republic of Yemen did not have full oversight of the courts and therefore did not report efforts to prosecute, convict, or punish trafficking offenses during the year. In addition, the government was unable to pursue any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite reports of officials allegedly engaged in trafficking, including the recruitment and use of child soldiers by the Republic of Yemen Government's Armed Forces. However, it did make efforts during the reporting period through training to raise awareness of trafficking in the judicial and law enforcement sectors. Specifically, the Ministry of Human Rights, with support from an international organization, implemented a training in Ma'rib Governate on the risks of child recruitment for 20 officers from the National Army and other security units in June 2019. In May 2019, a ROYG-sponsored workshop on child soldiering issues effectively reached 40 participants from different military regions across Yemen; it highlighted international charters and agreements to protect children in armed conflict. In addition, during the reporting year the government participated in a seminar that trained 25 public prosecutors, attorneys, and civil society organizations on trafficking crimes. Finally, in coordination with an international organization, 25 relevant officials from the courts, prosecutorial, legal affairs, and security departments, as well as from the police, and civil society engaged in a workshop on human trafficking to develop capacity.

The government did not have the access or capacity to identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in commercial sex and migrant laborers, some of whom were in transit to the Gulf States. To mitigate its inability to ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts traffickers compelled them to commit, such as prostitution or immigration violations, the government did initiate new measures to protect migrants during the reporting period. The Office of the Prime Minister in May 2019 created a committee led by the Ministry of Interior's Immigration, Passport and Naturalization Authority to assure the security and protection of the legal and human rights of this vulnerable migrant population. The government also used diplomatic channels and public statements to urge regional countries to fight organized human trafficking to curb the influx of migrants into Yemen. Although formal standard operating procedures for proactive identification of trafficking victims existed, efforts to implement or train law enforcement on these procedures were suspended due to the prolonged unrest. Furthermore, because of the fragile state of the government-in-exile, it was not able to encourage victims to assist in investigations or prosecutions of their traffickers and was financially unable to provide assistance to its nationals repatriated after enduring trafficking abroad. During the reporting period, both government-aligned forces and militia forces continued to unlawfully recruit and use some child soldiers; however, the government took some action in criticizing or condemning the active and aggressive rebel recruitment of child soldiers, including public press statements, and expressed its commitment to properly address this crime. In January 2020, the government entered into an agreement through the UN on a roadmap for implementation of the existing action plan to prevent the recruitment and use of child soldiers.

Due to its broad lack of access and capacity limitations, the government did not make sufficient efforts to prevent trafficking during the reporting period. The government established the National Committee to Combat Human Trafficking pursuant to Council of Ministers Decision No.46 of 2012; its members included governmental and non-governmental interlocutors. A draft national strategy to combat trafficking initiated by the Ministry of Human Rights in a previous reporting period, in coordination with an international organization, remained pending. The draft included plans for raising awareness, increasing cooperation between Yemen and neighboring countries, training officials in victim identification, and instituting procedures to protect victims. The government did not provide anti-trafficking training to its diplomatic personnel and did not make efforts to reduce the demand for commercial sex acts.

Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases remained challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restrictive humanitarian access. As a result of its limited capacity and the ongoing conflict, the ROYG did not implement a 2014 UN action plan to end the recruitment and use of child soldiers, although it continued to express interest in revitalizing the discussion on implementation, and credible reports indicated the protraction of unlawful recruitment of children throughout the country during the reporting period. Due to the expansion of military activity by government and Houthi forces, tribal and coalition militias, and al-Qaeda in the Arabian Peninsula during the year, the recruitment, training, and mobilization of children as participants in the conflict by non-governmental forces and allegedly--but unverified—by affiliated governmental forces continued. An international organization reported armed groups used boys mostly in combatant roles or to guard checkpoints and forced other children to carry out support duties such as cooking, washing clothes, and amassing intelligence during the reporting period. These trends are largely due to endemic customs and cultural norms in which tribal leaders arm children to participate

in local militias that may support the government, back the Houthi movement, act as an anti-Houthi force, or be part of an unaligned tribal, local, or regional group that protects the respective village from rival tribes or other outsiders. During the reporting period, verified cases of the unlawful recruitment and use of child soldiers occurred with some familial knowledge or consent and monetary and material support utilized as incentives for joining the army; to a lesser extent, forced enrollment via abductions also occurred. Recruitment continued to target schools across Yemen. According to a human rights activist, in the governorate of Dhamar alone, the Houthis recruited dozens of teenagers to the frontlines during the reporting period. According to the 2019 UN Panel of Experts (POE) report, all parties to the conflict have used child soldiers under 18, including some under 15. The POE reported that of the 3,034 children recruited throughout the war, the Houthis were responsible for 64 percent of child recruitment. According to an international organization, between April and December 2019, armed groups unlawfully recruited and used at least 23 children between the ages of 10-17, compared to 96 and 370 children the previous two reporting periods, respectively. This trend of decline was reportedly due to limited access of monitors as a result of persistent security threats forcing critical partners to scale down humanitarian activities in conflict-laden areas. This impacted the documentation and verification of incidents during the reporting period. The incidents were reportedly attributed to Houthis and affiliated factions, Yemeni Armed Forces, and non-state actors outside Yemen's command and control, including the Shabwani Elite Forces, Popular Committees and the Security Belt Forces. As in years past, in 2019, Yemeni officials did not report demobilizing any child soldiers. Yemen's security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and nascent but hampered political will continued to severely encumber the country's capacity to end the recruitment and use of child soldiers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Yemen, and traffickers exploit victims from Yemen who reside abroad. The ongoing conflict, lack of rule of law, economic degradation, pervasive corruption, and fractional territorial control have disrupted some trafficking patterns and exacerbated others. Prior to the conflict, Yemen was a transit point and destination for women and children, primarily from the Horn of Africa, who were exploited in sex trafficking and forced labor. International organizations reported—despite the perilous Gulf of Aden boat crossing—an estimated 138,000 migrants entered Yemen via Djibouti in 2019, many of whom were vulnerable to trafficking, thereby underscoring the need for proactive screening of potential victims among migrants. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in Arabian Gulf countries; traffickers exploited some of these migrants in forced labor and sex trafficking in transit countries, reportedly most often in Yemen. Prior to the conflict's escalation and the government's departure in March 2015, Saudi Arabia allegedly deported Yemeni migrant workers and returned them to Yemen through the al-Tuwal and al-Buq border crossings. Most deportees reportedly returned to the impoverished Tihamah region located on the west coast of Yemen. Many in this group remained displaced and highly vulnerable to exploitation, including trafficking. During the reporting period, the country's civil war continued to generate a substantial flow of persons fleeing outward from Yemen to Djibouti and to their respective home countries. An international organization reported assisting more than 3,750 migrants to return to Ethiopia and approximately 1,680 migrants to return to Somalia. Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases remained challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restrictive humanitarian access. Civil society organizations and media outlets assessed in the previous reporting period that trafficking of Yemeni children gradually increased since the civil war commenced, and children were disproportionately affected by its protracted escalation.

An Indonesian man pulls out his fishing net. Unscrupulous recruitment agencies, worker-paid fees, and isolated locations often place workers in the fishing industry at risk of forced labor in East Asia.

RELEVANT INTERNATIONAL CONVENTIONS

The chart below shows the Ratification, Accession (a), or Acceptance (A) of relevant international conventions for those countries that have ratified, acceded to, or accepted any such conventions between April 2019 and March 2020. A complete list that includes all of the countries covered by the 2020 Trafficking in Persons Report is available at: https://www.state.gov/international-conventions-relevant-to-combating-trafficking-in-persons/.

Country	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict	**ILO Convention 29 Forced Labour (1930), entered into force in 1932**	**ILO Protocol of 2014 to the Forced Labour Convention, entered in to force November 9, 2016**	ILO Convention 105, Abolition of Forced Labour (1957)	ILO Convention 182, Elimination of Worst Forms of Child Labor	ILO Convention 189, Domestic Workers (2011), entered into force September 5, 2013
Austria	2005	2004	2002	1960	2019 (will enter into force on 12 Sep 2020)	1958	2001	—
Bangladesh	2019	2000	2000	1972	—	1972	2001	—
Belgium	2004	2006	2002	1944	2019 (will enter into force on 10 Sep 2020)	1961	2002	2015
Brunei Darussalam	2020	2006	2016	—	—	_	2008	—
Canada	2002	2005	2000	2011	2019 (will enter into force on 17 June 2020)	1959	2000	—
Côte d'Ivoire	2012	2011	2012	1960	2019 (will enter into force on 01 Nov 2020)	1961	2003	—
Eritrea	2014	2005	2005	—	—	_	2019 (will enter into force 03 June 2020)	—
Gambia	2003	2010	2019	2000	—	2000	2001	—
Germany	2006	2009	2004	1956	2019 (will enter into force on 19 June 2020)	1959	2002	2013
Lesotho	2003	2003	2003	1966	2019 (will enter into force 22 Aug 2020)	2001	2001	—
Lithuania	2003	2004	2003	1994	2020 (will enter into force on 05 Mar 2021)	1994	2003	—
Madagascar	2005	2004	2004	1960	2019 (will enter into force on 11 June 2020)	2007	2001	2019 (will go into force on 11 June 2020)
Malawi	2005	2009	2010	1999	2019 (will enter into force 07 Nov 2020)	1999	1999	—
Myanmar	2004	2012	2019	1955	—	—	2013	—
New Zealand	2002	2011	2001	1938	2019 (will enter into force 13 Dec 2020)	1968	2001	—
Palau	2019	—	—	—	—	—	2019	—
Sri Lanka	2015	2006	2000	1950	2019	2003	2001	—
Sweden	2004	2007	2003	1931	2017	1958	2001	2019
Suriname	2007	2012	—	1976	2019 (will enter into force on 03 June 2020)	1976	2006	—
Tajikistan	2002	2002	2002	1993	2020 (will enter into force on 24 Jan 2021)	1999	2005	—
Tuvalu	—	—	—	—	—	—	2019 (will enter into force on 11 June 2020)	—
Uzbekistan	2008	2008	2008	1992	2019 (will enter into force on 16 Sep 2020)	1997	2008	—
Zimbabwe	2013	2012	2013	1998	2019 (will enter into force on 22 May 2020)	1998	2000	—

STOPPING HUMAN TRAFFICKING AND SEXUAL EXPLOITATION AND ABUSE BY INTERNATIONAL PEACEKEEPERS AND CIVILIAN PERSONNEL

As required by law, this section summarizes actions taken by the UN, the North Atlantic Treaty Organization (NATO), and the OSCE to prevent trafficking in persons or the exploitation of victims of trafficking.

	UN	OSCE	NATO
TOTAL NUMBER OF PEACEKEEPING AND SUPPORT PERSONNEL	95,423 (including 5,284 women)	3,603	20,967
TOTAL NUMBER OF MISSIONS	13	16	3
PREVENTION POLICY	"Special Measures for Protection from Sexual Exploitation and Sexual Abuse" (SEA) (2003)	"Code of Conduct for Staff and Mission Members"	"NATO Policy on Combating Trafficking in Human Beings" (2004 and 2007); NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (2019)
LEAD OFFICE RESPONSIBLE FOR IMPLEMENTATION	Department of Management Strategy, Policy and Compliance	Office of Human Resources, Special Representative and Coordinator for Combating Trafficking in Human Beings	NATO Human Security Unit
PREVENTION TRAINING	Pre-deployment and at mission, including a new e-learning program	Pre-deployment	Pre-deployment and at mission "NATO Guidance for the development of training and educational programmes to support the policy on combating the trafficking in human beings" (2004) Training module on Human Trafficking (NATO School at Oberammergau) https://www.natoschool.nato.int/Academics/Portfolio/Course-Catalogue/Course-Description?ID=138
NUMBER OF ALLEGATIONS IN 2019	80 allegations were made against 106 military, police, and civilian person-nel. The majority of the allegations were in the Central African Republic, Democratic Republic of Congo, South Sudan, and Mali. The allegations affected 92 victims, of which 19 were children younger than 18 years of age.	No reported allegations	No reported allegations – NATO relies on contributing countries to report allegations.
NEW INITIATIVES	The Secretary General established a Civil Society Advisory Board on pre-vention of SEA in February 2019 to advise him on strengthening UN engagement with civil soci-ety organizations. 50 heads of UN entities submitted to the Secretary General action plans on measures undertaken to prevent and respond to SEA. Senior leadership must annually certify that all allegations that have come to their attention are re-ported and that mandatory training has been delivered.	The OSCE is providing workshops and training to participating States on financial investigations into trafficking, using technology to combat trafficking, preventing trafficking in organizations' supply chains, and identifying trafficking victims.	NATO Sexual Exploita-tion and Abuse Action Plan to be adopted by October 2020. NATO Human Trafficking Policy (2004) to be up-dated in 2021.
LINKS FOR ADDITIONAL INFORMATION	https://conduct.unmissions.org/	http://www.osce.org/what/trafficking	http://www.nato.int/cps/en/natolive/topics_50315.htm https://www.nato.int/cps/en/natohq/news_173057.htm?selectedLocale=en

MULTILATERAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
UN www.un.org **UNODC** www.unodc.org **Human Trafficking Knowledge Portal:** https://www.unodc.org/cld/en/v3/htms/index.html **UNODC Global Report on Trafficking in Persons** http://www.unodc.org/unodc/data-and-analysis/glotip.html **United Nations Office of the High Commissioner on Human Rights** www.ohchr.org **ILO** www.ilo.org http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0	**UN Convention and Protocol:** Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (A/RES/55/25) (2000) United Nations Global Plan of Action to Combat Trafficking in Persons (ARES/64/293) (2010) Political Declaration on the Implementation of the Global Plan of Action to Combat Trafficking in Persons (2017) (A/RES/72/1) **UNSC Resolutions:** UNSC Resolutions on Trafficking in Persons in Conflict Situations 2331 (2016) , 2388 (2017) and 2493 (2019 S/RES/2493) UNODC Countering Trafficking in Persons in Conflict Situations Thematic Paper (2018) UNODC Evidential Issues in Trafficking in Persons Cases: Case Digest http://www.unodc.org/documents/human-trafficking/2017/Case_Digest_Evidential_Issues_in_Trafficking.pdf Sharing Electronic Resources and Laws on Crime (SHERLOC): https://www.unodc.org/cld/v3/sherloc/ UN Sustainable Development Goal targets 5.2, 8.7, and 16.2 (SDGs): https://sustainabledevelopment.un.org/sdgs **ILO Conventions:** -C29 Forced Labour Convention (1930) -P029 Protocol of 2014 and Recommendation R203, supplementing the Forced Labour Convention (1930) -C105 Abolition of Forced Labour Convention (1957) -C182 Worst Forms of Child Labour Convention (1999) -C189 Domestic Workers Convention, and its Recommendation R201 (2011)	The Inter-agency Coordination Group against Trafficking in Persons (ICAT) Relevant Independent Experts: UN Special Rapporteur on Trafficking in Persons, Especially Women and Children UN Special Rapporteur on Contemporary Forms of Slavery UN Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography
African Union (AU) https://au.int/	Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) http://ec.europa.eu/development/body/tmp_docs/2006/Action_plan_OUAGADOUGOU.pdf AU Commission Initiative against Trafficking Campaign (AU.COMMIT)	N/A

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
Khartoum Process (EU/Horn of Africa Migration Route Initiative) https://www.khartoumprocess.net/	Khartoum Declaration on AU-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants Declaration of the Ministerial Conference of the Khartoum Process (2014) Valletta Summit Action Plan (2015) Valletta Summit Political Declaration (2015) EU-Africa Action Plan on Migration and Mobility (2014-2017)	
Association of Southeast Asian Nations (ASEAN) www.asean.org **ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and the ASEAN Plan of Action** http://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/	ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children (2004) ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015) ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (2015) http://asean.org/storage/2012/05/APA-FINAL.pdf	ASEAN Senior Officials Meeting on Transnational Crime
Bali Regional Ministerial Conference On People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) www.baliprocess.net	Co Chairs' Statements of the first (2002), second (2003), third (2009), fourth (2011), fifth (2013), sixth (2016) and seventh (2018) Declaration of the Seventh Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (2018) Bali Process Policy Guides, Handbooks and Guides for first responders and officials: http://www.baliprocess.net/regional-support-office/resources/ Policy Guides on Identification and Protection of Victims of Trafficking (2015): https://www.baliprocess.net/regional-support-office/policy-guides-on-identification-and-protection-of-victims-of-trafficking/ Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Persons (2014): http://www.baliprocess.net/regional-support-office/policy-guides/	Bali Process Working Group on Trafficking in Persons
Commonwealth of Independent States (CIS) www.cis.minsk.by/ (in Russian only)	Agreement on the Cooperation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues (2005) Program of Cooperation between the CIS Member States against Trafficking in Persons for 2014–2018	N/A

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) http://un-act.org/	COMMIT Memorandum of Understanding on Cooperation Against Trafficking in Greater Mekong Sub-Region (2004) COMMIT 3rd Sub-Regional Plan of Action (COMMIT SPAIII, 2011-2013) **12th COMMIT Senior Officials Meeting (2017)** **Victim Identification and Referral Mechanisms:** Common Guidelines for the Greater Mekong Sub-region: http://un-act.org/wp-content/uploads/2017/02/COMMIT_-Guidelines_on_Victim_ID__Referrals.pdf **Supporting the Reintegration of Trafficked Persons:** A Guidebook for the Greater Mekong Sub-Region: http://un-act.org/publication/supporting-reintegration-trafficked-persons-guidebook-greater-mekong-sub-region/	Special Representative and Coordinator for Trafficking in Human Beings
Council of the Baltic Sea States (CBSS) http://www.cbss.org/civil-security-the-human-dimension/tfthb/ www.childcentre.info/egcc/	A Vision for the Baltic Sea region by 2020, CBSS Summit 2010 Human Trafficking 2016 – Baltic Sea Round-up Report The Guidelines against Labour Exploitation in the Baltic Sea Region (2014): http://www.cbss.org/guidelines-labour-exploitation-baltic-sea-region/ Guidelines to Prevent Abusive Recruitment, Exploitative Employment and Trafficking of Migrant Workers in the Baltic Sea region (2014): http://www.cbss.org/guidelines-prevent-abusive-recruitment-exploitative-employment-trafficking-migrant-workers-brief/ Guidelines for journalists reporting on cases of human trafficking: Media and Trafficking in Human Beings (2019): https://www.cbss.org/wp-content/uploads/2019/12/cbss_media_guidelines_final_compressed.pdf	Task Force against Trafficking in Human Beings (TF-THB) Expert Group on Children at Risk Task Force Against Trafficking in Human Beings
Council of Europe (COE) www.coe.int http://www.coe.int/t/dghl/monitoring/trafficking/	**COE Convention on Action Against Trafficking in Human Beings (2005)** HELP Online Training Course: https://www.coe.int/en/web/anti-hu-man-trafficking/help-online-training-course 8th General Report on GRETA's Activities (2018) https://www.coe.int/en/web/anti-human-trafficking/general-reports HUDOC-GRETA Database: https://hudoc.greta.coe.int/eng	GRETA

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
ECOWAS www.ecowas.int **Economic Community of Central African States (ECCAS)**	ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003), extended until 2011 https://issafrica.org/acpst/uploads/Reading%20material-ECOWAS%20PoA%20CT.pdf ECOWAS Declaration on the Fight against Trafficking in Persons (2001) http://www.achpr.org/instruments/ecowas-declaration-against-trafficking-persons/ Joint ECOWAS/ECCAS Regional Plan of Action to Combat Traf-ficking in Persons, especially Women and Children (2006-2008)	Anti-Trafficking Unit
EU http://ec.europa.eu/anti-trafficking/index.action	**Directive 2011/36/EU on Combating and Preventing Trafficking in Human Beings and Protecting its Victims** https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0036 **EU Anti-Trafficking Action 2017-2019:** https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_anti-trafficking_action_2017-2019_at_a_glance.pdf **Second report on the progress made in the fight against trafficking in human beings (2018):** https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_com-2018-777-report_en.pdf	European Union Anti-Trafficking Coordinator
Financial Action Task Force (FATF) http://www.fatf-gafi.org/	**FATF Report Financial Flows from Human Trafficking (2018)** https://www.fatf-gafi.org/media/fatf/content/images/Human-Trafficking-2018.pdf	
League of Arab States (LAS) http://arableague-us.org/wp/	Arab Framework Act on Combating Trafficking in Persons (2008) Arab Initiative to Combat Trafficking in Persons, 2010 Comprehensive Arab Strategy for Combating Trafficking in Human Beings (CASCTHB), Council of Arab Ministers of Justice Resolution 15/2/2012	N/A

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
Organization of American States (OAS) http://www.oas.org/dsp/english/cpo_trata_dia_mundial.asp http://www.oas.org/en/sms/template.asp?File=/en/sms/dtoc/default.asp	Work Plan to Combat Trafficking in Persons in the Western Hemisphere 2010-2012 (AG/RES. 2551 (XL-O/10) Second Work Plan against Trafficking in Persons in the Western Hemisphere 2015-2018 (RTP-IV/doc.4/14 rev. 1) http://scm.oas.org/IDMS/Redirectpage.aspx?class=XXXIX.4%20RTP-IV/doc.&classNum=4&lang=e Inter-American Declaration against Trafficking in Persons "Declaration of Brasilia" (2014) Hemispheric Efforts against Trafficking in Persons "Declaration of Mexico" (2018) Advancing Hemispheric Security: A Multidimensional Approach (AG/RES.2945 XLIX-O/19) http://scm.oas.org/IDMS/Redirectpage.aspx?class=AG/doc.&classNum=5682&lang=e Progress Report: II Work Plan Against Trafficking in Persons In The Western Hemisphere 2015-2018	Department of Public Security and Department against Transnational Organized Crime
Organization for Economic Co-operation and Development (OECD) https://www.oecd.org/	The OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Foot-wear Sector: http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-Garment-Footwear.pdf OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: http://www.oecd.org/daf/inv/mne/mining.htm Trafficking in Persons and Corruption Report: https://www.oecd.org/governance/eth-ics/trafficking-in-persons-and-corruption-9789264253728-en.htm	OECD Task Force on Countering Illicit Trade

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
OSCE http://www.osce.org/secretariat/trafficking Handbook - How to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers (2014): http://www.osce.org/handbook/domesticservitude **OSCE Alliance against Trafficking in Persons:** http://www.osce.org/secretariat/107221	OSCE Action Plan to Combat Trafficking in Human Beings (2003) https://www.osce.org/actionplan?download=true Platform for Action Against Human Trafficking (2007) Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, Decision No. 1107, 6 December (2013) https://www.osce.org/addendum?download=true OSCE Parliament Assembly Resolution on Responsibility To Combat Human Trafficking in Government Contracts For Goods And Services (2015) Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains: https://www.osce.org/secretariat/371771?download=true Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region: https://www.osce.org/secretariat/413123 2018-2019 Report of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: https://www.osce.org/secretariat/43971	Special Representative and Co-ordinator for Trafficking in Human Beings
Regional Conference on Migration (RCM) (Puebla Group) www.rcmvs.org Regional Guidelines for Special Protection in Cases of the Repatria-tion of Child Victims of Trafficking (2007): http://www.rcmvs.org/en	Regional Conference on Migration Plan of Action (updated in 2009)	The Liaison Officers Network to Combat Migrant Smuggling and Trafficking in Persons
Southern African Development Community (SADC) www.sadc.int/ Preventing and Combating Traf-ficking in Persons: Lessons from the SADC Region Booklet (2017): https://www.sadc.int/issues/gender/sadc-gender-and-development-monitor-2016/preventing-and-combating-trafficking-persons-lessons-sadc-region/	SADC Strategic Plan of Action on Combating Trafficking in Persons, especially women and Children (2009-2019)	N/A

SECTION 405(c) OF THE CHILD SOLDIERS PREVENTION ACT (CSPA) OF 2008 (22 U.S.C. 2370c-2(c))

This report is submitted in accordance with section 405(c) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c-2(c)). Section 1 lists the countries identified as being in violation of the standards under the CSPA in 2019. Section 2 provides a description and the amounts of assistance withheld pursuant to section 404(a) of the CSPA. Section 3 provides a list of waivers or exceptions exercised under the CSPA. Section 4 contains the justifications for such waivers. Section 5 provides a description and the amounts of assistance provided to countries pursuant to such waivers.

SECTION 1. COUNTRIES IN VIOLATION OF THE STANDARDS UNDER THE CSPA IN 2019.

The Secretary of State identified the following countries as having governmental armed forces, police, or other security forces or government-supported armed groups that recruited or used child soldiers within the meaning of section 404(a) of the CSPA during the reporting period of April 1, 2018, to March 31, 2019: Afghanistan, Burma, Democratic Republic of the Congo (DRC), Iran, Iraq, Mali, Somalia, South Sudan, Sudan, Syria, and Yemen.

SECTION 2. DESCRIPTION AND AMOUNT OF ASSISTANCE WITHHELD PURSUANT TO SECTION 404(a).

No security assistance subject to section 404(a) of the CSPA was planned to be provided to Burma, Iran, Sudan, or Syria in fiscal year (FY) 2020.

SECTION 3. LIST OF WAIVERS OR EXCEPTIONS EXERCISED UNDER SECTION 404(a).

On October 18, 2019, the President determined it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Afghanistan and Iraq; to waive the application of the prohibition in section 404(a) of the CSPA with respect to the DRC to allow for the provision of International Military Education and Training (IMET) and Peacekeeping Operations (PKO) assistance, to the extent that the CSPA would restrict such assistance or support; to waive the application of the prohibition in section 404(a) of the CSPA with respect to Mali to allow for the provision of IMET and PKO assistance and the issuance of licenses for direct commercial sales of military equipment and DoD support provided pursuant to 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive the application of the prohibition in section 404(a) of the CSPA with respect to Somalia to allow for the provision of IMET and PKO assistance and DoD support provided pursuant to 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for the provision of PKO assistance, to the extent that the CSPA would restrict such assistance or support; and to waive the application of the prohibition in section 404(a) of the CSPA with respect to Yemen to allow for the provision of PKO assistance and DoD support provided pursuant to 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support. The President further certified that the governments of the above countries are taking effective and continuing steps to address the problems of child soldiers.

SECTION 4. JUSTIFICATIONS FOR WAIVERS AND EXCEPTIONS.

A copy of the Memorandum of Justification provided to Congress with the waiver determination is attached.

SECTION 5. DESCRIPTION AND AMOUNT OF ASSISTANCE PROVIDED PURSUANT TO A WAIVER.

The information provided below only includes assistance obligated as of April 15, 2020. Additional assistance will be obligated during FY 2020.

Afghanistan

International Military Education and Training (IMET) $209,000
As of April 15, IMET funding was obligated for the following activity: military professionalization training.

Democratic Republic of the Congo

Peacekeeping Operations $20,000
As of April 15, PKO funding was obligated for the following activities: oversight, assessment, and travel.

Iraq

International Military Education and Training $107,000
As of April 15, IMET funding was obligated for the following activities: military professionalization training.

Mali

International Military Education and Training $413,000
As of April 15, IMET funding was obligated for the following activities: military professionalization training.

Peacekeeping Operations $240,000
As of April 15, PKO funding was obligated for the following activities: logistical support for counterterrorism operations, counter-improvised explosive device training, and military intelligence equipment.

10 U.S.C. 333 $4,700,000
As of April 15, 333 funding was obligated for the following activities: advisory support, training, and equipment.

Somalia

Peacekeeping Operations $7,233,000
As of April 15, PKO funding was obligated for Somali National Army for the following activities: logistical support, advisory support, training, and equipment.

10 U.S.C. 333 $4,022,000
During FY 2020, 333 funding was obligated for the following activities: training and equipment.

GLOSSARY OF ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
ECOWAS	Economic Community of West African States
ELN	National Liberation Army
EU	European Union
EUROPOL	European Police Office
FARO	Revolutionary Armed Forces of Colombia
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
IDP	Internally displaced person
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
ISIS	Islamic State of Iraq and Syria
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
NGO	Nongovernmental organization
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UN TRAFFICKING IN PERSONS PROTOCOL (PALERMO PROTOCOL)	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

NOTES: Local currencies have been converted to U.S. dollars ($) using the currency exchange rates reported by the U.S. Department of the Treasury on December 31, 2019. The rates can be found here: https://www.fiscal.treasury.gov/files/reports-statements/treasury-reporting-rates-exchange/ratesofexchangeasofdecember312019.pdf

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THE STAFF OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS IS:

Eric Abdullateef
Karen Vierling Allen
Julia F. Anderson
Andrea Balint
Shonnie R. Ball
Kyle M. Ballard
MacKenzie Bills
Michelle Cooper Bloom
Kelsey Brennan
Christine Buchholz
Ravi Buck
Carla M. Bury
Mark Carlson
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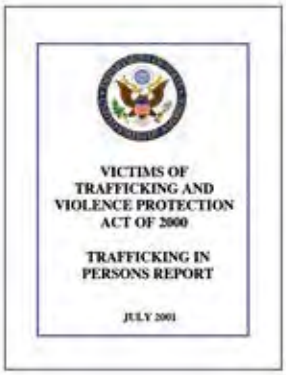
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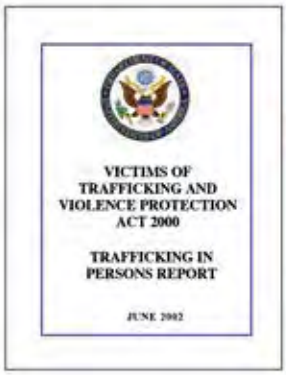
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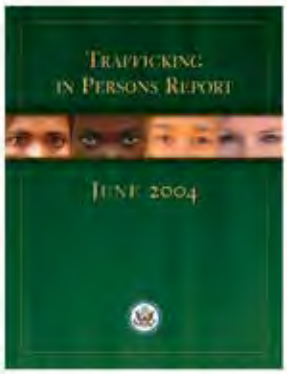
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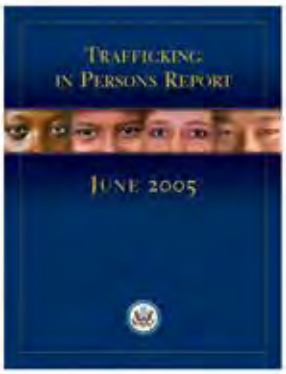
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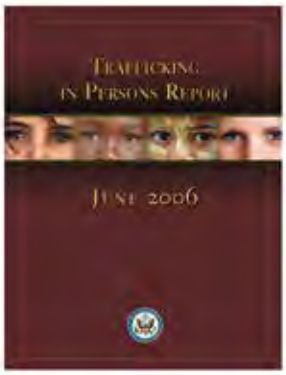
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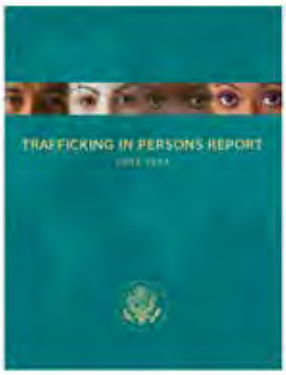
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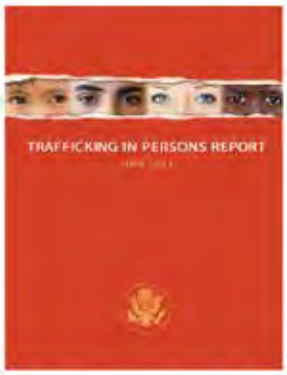
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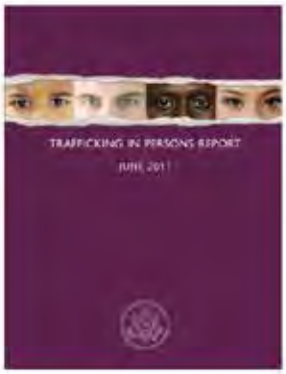
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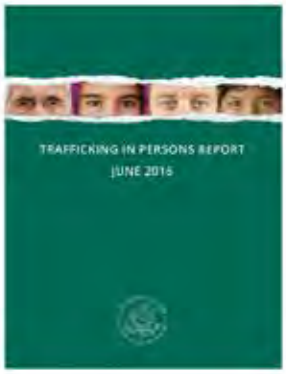
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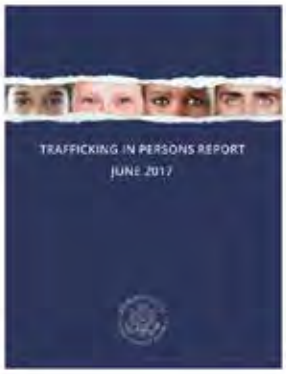
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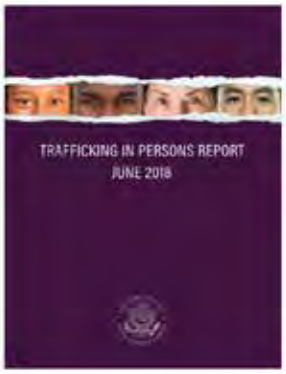
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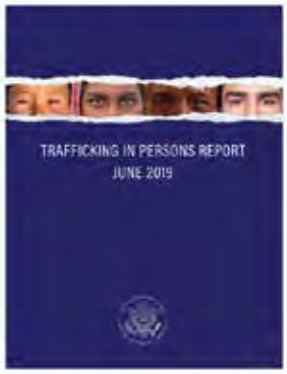
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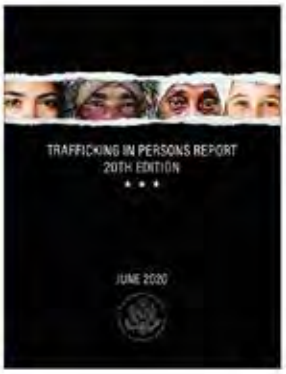
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