

prevent trafficking. The government, in partnership with the hotel industry, provided training for managers and employees of major hotel groups on identification techniques for potential victims of trafficking and how to report potential trafficking. As a law enforcement activity that could serve to prevent human trafficking, the government reported convicting 149 offenders for “crimes related to modern day slavery,” including 117 convictions for “subjecting vulnerable individuals to indecent accommodations and working conditions” and 32 convictions for “withholding wages of vulnerable individuals.” In October 2009, the government announced the creation of a public-private partnership to address child sports trafficking and committed \$2.74 million towards the initiative. In 2009, ECPAT France launched a progressive public awareness campaign in cooperation with Air France, over which the government exercises considerable influence, to target French child sex tourists; the campaign stressed the legal consequences of such sexual exploitation crimes committed abroad and the government’s commitment to prosecute these crimes in French courts, imposing strong prison sentences for convicted offenders. The government did not conduct or fund any demand-reduction awareness campaigns aimed at raising awareness among potential clients of victims in France. The government provided all French military and law enforcement personnel with general training on trafficking during their basic training. There was also a three-week general training given to French military personnel before their deployment abroad for international peacekeeping missions.

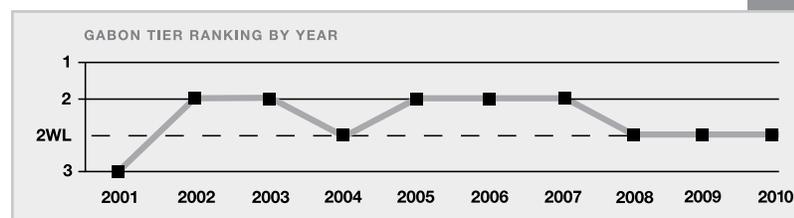
In March 2009, the government convicted two French nationals for aggravated sex tourism offenses they committed in Southeast Asia; both received the maximum sentences of seven years. In September 2009, French Police dismantled a makeshift camp for undocumented migrants near the port of Calais, known colloquially as “the jungle,” and rounded up almost 300 Afghans, Pakistanis, and others who had hoped to cross the English Channel into Britain. Although media reports indicated that French officials hailed the demolition as a prevention measure for trafficking, it is unclear as to whether the action was explicitly intended to be an anti-trafficking measure. Local observers and international experts criticized the government’s response, citing it increased these migrants vulnerability to trafficking.

GABON (Tier 2 Watch List)

Gabon is primarily a destination and transit country for children from Benin, Nigeria, Togo, Mali, Guinea, and other West African countries who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Some victims transit Gabon *en route* to exploitation in Equatorial Guinea. According to UNICEF, the majority of victims are boys who are forced to work as street hawkers or mechanics. Girls

generally are subjected to conditions of involuntary domestic servitude, or forced labor in markets or roadside restaurants. Stepped-up coastal surveillance over the past year – especially following the October 2009 arrival in Gabonese waters of a sea vessel, the M/S *Sharon*, carrying 34 child trafficking victims, some of whom were destined for Equatorial Guinea – caused traffickers to change their routes, including utilizing estuaries and rivers to transport children. The majority of victims were young girls, a departure from previous patterns of trafficking in the region. Trafficking offenders appear to operate in loose ethnic-based crime networks. Most child traffickers are women, who serve as intermediaries in their countries of origin. In some cases, child victims report that their parents had turned them over to intermediaries promising employment opportunities in Gabon. The government has no reports of international organized crime syndicates, employment agencies, marriage brokers, or travel services facilitating trafficking in Gabon. In 2009, the government began tracking a new trend of young adults between ages 18 and 25 being forced into domestic servitude or prostitution in Gabon.

The Government of Gabon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts – most notably the arrests of seven suspected traffickers and the expansion of protection services for child victims of trafficking – the government did not show evidence of increasing efforts to address trafficking; therefore, Gabon is placed on Tier 2 Watch List for the third consecutive year. Specifically, the government did not, for another consecutive year, provide information on prosecutions or convictions of traffickers, despite its arrest of over 30 suspected offenders between 2003 and 2008.



Recommendations for Gabon: Greatly increase efforts to prosecute, convict, and punish human trafficking offenders; ratify the 2000 UN TIP Protocol; harmonize the penal code with the ratified protocol, including the enactment of provisions prohibiting the trafficking of adults; strengthen cooperation between law enforcement, immigration, and gendarmerie to jointly address trafficking cases; and develop a system to track trafficking cases and provide relevant statistics.

Prosecution

The Government of Gabon demonstrated limited progress in anti-human trafficking law enforcement efforts during the reporting period. Gabon does not prohibit all forms of human trafficking. Law 09/04 enacted in September 2004, is used to protect children against sex or labor trafficking

in Gabon, and prescribes penalties of five to 15 years' imprisonment, along with fines of \$20,000 to \$40,000; these penalties are sufficiently stringent. The procurement of a child for the purpose of prostitution is prohibited under Penal Code Article 261, which prescribes two to five years' imprisonment and a fine, a penalty that is sufficiently stringent. Forced prostitution of adults is prohibited by law 21/63-94, which prescribes two to 10 years' imprisonment, a penalty that is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In the reporting period, the government reported seven arrests for trafficking, but did not provide details of the cases. The government did not report any trafficking prosecutions or convictions during the year. In February 2010, three suspected traffickers were arrested on the border trying to bring 18 young adults from Cameroon, Mali, Burkina Faso, and Guinea into Gabon. The suspects remain jailed as the investigation continues. As the Criminal Court maintained its calendar providing for only one meeting per year, and for one week, suspected trafficking offenders typically waited in jail for trials, and received credit for time served.

Protection

The Government of Gabon showed progress in its efforts to ensure that victims of trafficking received access to necessary protective services during the reporting season. Government personnel employed procedures to identify victims of trafficking among vulnerable groups, such as migrant children, and referred them systematically to government or NGO shelters. In responding to the *M/S Sharon*, authorities identified the 34 children aboard the vessel (among 285 others) as trafficking victims and took steps to provide them with assistance. The government coordinated the repatriation of the vessel's victims to their countries of origin with the concerned governments, guided by the Gabonese Procedural Manual for the Treatment of Trafficking Victims.

In direct support of victim protection measures, the government spent approximately \$270,000 to support three centers offering foster care to child victims of trafficking, in Libreville and Port Gentil. One of the centers is completely government-funded, while the other two are financed partly by the government through material donations and social worker access. These centers provided shelter, medical care, education, and rehabilitation services, as well as psychosocial services to educate victims on asserting their rights. The government provided temporary de facto resident status for trafficking victims, and refrained from deporting them. The government also began rehabilitation of the government's Agondje Welcome Center and another center in Port Gentil, and it opened child protection centers in Franceville, Moanda and Tchibanga. The government also opened six centers for street children and the Ministry of Interior operated two transit centers for illegal immigrants – an alternative to jail.

During 2009, 34 child trafficking victims were handled in the government- and NGO-run shelters. In cases where adult victims of trafficking were identified, the government ceased sheltering them in jails or prisons. Security forces attempted to identify trafficking victims among high-risk populations they encountered, and sent them to government shelters when appropriate as law enforcement officials ascertained their status. Security forces routinely took testimony at the time of arrest of the trafficker or recovery of the victim, though in many cases victims were repatriated before prosecutors could depose them. In the *M/S Sharon* case, the government formed a team in partnership with the government of Benin, UNICEF, and an international NGO to trace the families of the child trafficking victims on this vessel and arrange for their safe return to Benin. During the year, the government developed and published a National Procedural Manual for Assisting Trafficking Victims. The Ministry of Family and Social Services trained 30 sets of trainers and over 100 social workers in a six-week curriculum on government procedures for handling victims.

Prevention

The Gabonese government made modest efforts to prevent human trafficking over the last year. In 2009, as the first step in its effort to improve targeting of its prevention messages, it surveyed 2,500 residents to examine the public's understanding of violence against children, including trafficking. In accordance with the survey findings, an outreach campaign aimed at identifying child victims of violence will begin. In his effort to increase awareness, the country's President raised the topic of trafficking in Council of Ministers meetings. Also in 2009, the government monitored migration patterns for evidence of trafficking to Gabon. The government stepped up its efforts to enhance maritime security through aerial surveillance. An inter-Ministerial Committee to Combat Child Trafficking was created by Law 09/04. The inter-ministerial committee published and distributed leaflets and posters entitled "STOP child exploitation" to highlight forms and consequences of trafficking and its hotline number. Heavy government press coverage of anti-trafficking training sponsored by a foreign government helped raise awareness of victim identification and law enforcement responses. The government did not take action during the reporting period to reduce the demand for commercial sex acts; however, the commercial sex trade is not a widespread problem in Gabon. Gabon is not a party to the 2000 UN TIP Protocol.

THE GAMBIA (Tier 2)

The Gambia is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Within The Gambia, women and girls and, to a lesser

extent, boys are trafficked for commercial sexual exploitation, as well as for domestic servitude. For generations, parents sent their sons to live with Koranic teachers or *marabouts*, who more often forced children to beg than ensured their progress in religious studies. However, this practice is declining as the security forces now routinely interrogate the *marabout* of any beggar they find in the streets. Some observers noted only a small number of trafficking victims, but others see The Gambia's porous borders as an active transit zone for women, girls, and boys from West African countries – mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea Bissau, and Benin – who are recruited for exploitation in the sex trade, in particular to meet the demands of European tourists seeking sex with children. Most trafficking offenders in The Gambia are probably individuals who operate independently of international syndicates. The government's Department of Social Welfare and Tourism Security Unit are compiling electronic databases and conventional lists of trafficking cases, offenders, and victims, which may soon provide a clearer picture of how traffickers operate and how they differ from the migrant smugglers whose cases are now filling the country's courts.

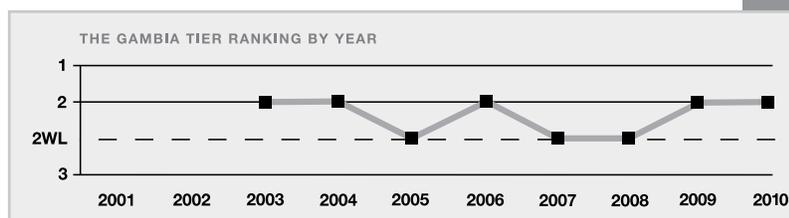
The Government of The Gambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. At the highest level, the government acknowledges that trafficking exists in the country. The Gambian government lacks funding and resources to fight trafficking, though it continued to monitor and evaluate the trafficking problem in the country. Every law enforcement agency has anti-trafficking or child protection units. In July 2009, the government took an important step to increase efficiency in law enforcement by adopting a biometric national identity card system called GAMBIS.

Recommendations for The Gambia: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; develop a central police database of anti-trafficking law enforcement activities, including arrests and prosecutions; develop an educational module for police and government officials that will assist them in distinguishing trafficking from smuggling, and traffickers from smugglers; and develop formal procedures for identifying trafficking victims among women and girls in prostitution.

Prosecution

The Government of The Gambia demonstrated limited progress in its anti-human trafficking law enforcement efforts, resulting in one conviction of a trafficking offender during the reporting period. The Gambia prohibits all forms of trafficking through its October 2007 Trafficking in Persons Act. The law does not differentiate between sexual exploitation and labor exploitation, and prescribes penalties of from 15 years' to life imprisonment, penalties which are sufficiently stringent

and commensurate with those prescribed for other serious crimes, such as rape. The Gambia's 2005 Children's Act also prohibits all forms of child trafficking, prescribing a maximum penalty of life imprisonment. In July 2009, a Banjul court convicted a Gambian man of trafficking two children and sentenced him to two years' imprisonment. In June 2009, authorities investigated reports that a group of girls from Ghana had been trafficked to a fishing settlement called "Ghana Town" for exploitation in prostitution. An interagency team of investigators visited the site and found the reports to be inaccurate. The government did not provide specialized anti-trafficking training for law enforcement and immigration officials during the reporting period.



Protection

The government improved its victim protection efforts during the reporting period. It did not undertake proactive efforts to identify foreign trafficking victims. The government continued to operate a 24-hour shelter, made up of three units with accommodations for 48 victims. The shelter did not receive any trafficked children during 2009. The government maintained and funded a 24-hour hotline number that directly connected callers with two dedicated officers of the Department of Social Welfare. The line was created as a family assistance tool, but was also advertised as an available resource for victims of trafficking. The government maintained a drop-in center for street children, including victims of trafficking, and it provided both the shelter and the drop-in center with an annual budget of about \$11,500, in addition to contributions from UNICEF and a faith-based NGO. The government also provided food, medical care, and counseling to all trafficking victims, whether nationals or foreigners. Victims could obtain emergency temporary residence visas under the Trafficking in Persons Act, though none did so during the year. The government did not identify or assist with the repatriation of any Gambian victims of transnational trafficking during the year. Under the law, however, repatriated nationals were eligible for government-provided care and rehabilitation measures. Gambian authorities identified at least three people as trafficking victims during the reporting period – two young girls, whose trafficker was prosecuted and imprisoned in July 2009, and a Nigerian girl who reported her trafficking plight to the Child Protection Alliance and the Police Child Welfare Officer in October. The two children were returned to their parents, but the Nigerian girl disappeared. There was no formal system

for proactively identifying victims of trafficking, but law enforcement and border control officers who were alert to trafficking situations more intensively questioned adults who arrived at the border with children. There were not enough active trafficking cases to make an assessment about respect for victims' rights, but if trafficking was suspected or identified, Social Welfare would likely have interceded and no victim would have been prosecuted or fined. Training conducted throughout the year attempted to give security officers the ability to identify and assist potential trafficking victims. There was only one reported case of a victim assisting the authorities in investigation. The government undertook efforts to train and further educate officials in recognizing human trafficking situations and victims. During the year, the government designated officers within each major police station to be responsible for assisting and counseling any potential trafficking victims. However, the government provided no information on such training for The Gambia's embassies and consulates in foreign countries.

Prevention

The Government of The Gambia sustained moderate efforts to prevent trafficking through awareness-raising during the reporting period. The government previously supported anti-trafficking and information campaigns, most conducted by NGOs, but reported few such campaigns in 2009. Government-controlled media continued to publicize the dangers of trafficking. There was no comprehensive analysis of emigration and immigration patterns for evidence of trafficking. In December 2009, the government dissolved its multi-agency National Task Force for Combating Trafficking in Persons and allocated approximately \$111,000 to finance the establishment of the new National Agency to Combat Trafficking in Persons, which was designated to implement the national anti-trafficking plan of action. The government's Tourism Security Unit (TSU) effectively patrolled the Tourism Development Area – the zone most frequented by tourists – to combat child sex tourism and reduce the demand for commercial sex acts. The TSU continued to enforce a 2005 ban on unattended children visiting the tourist resort areas and remitted them to the custody of the Department of Social Welfare. Police sometimes arrested persons suspected of engaging in prostitution. However, these measures were not strong deterrents, and reflected the common perception that prostitution was meeting the needs of tourists who drove a major part of the country's economy. In March 2009, the government convicted a New Zealand national of child pornography and sentenced him to one year's imprisonment; he was acquitted of child defilement charges. Child sex tourism was a problem in The Gambia, but the authorities did not report any prosecution or convictions of child sex tourists during the reporting period.

The Gambian government provided its troops with anti-human trafficking training, including warnings against

committing any immoral behavior that may bring their force into disrepute, prior to their deployment abroad on international peacekeeping missions.

GEORGIA (Tier 1)

Georgia is primarily a source country for women and girls subjected to trafficking in persons, specifically conditions of forced prostitution, and for men and women in conditions of forced labor. In 2009, women and girls from Georgia were subjected to forced prostitution within the country and also in Turkey, the United Arab Emirates, and Greece. In recent years, cases of forced prostitution of Georgian victims were also documented in Russia, Germany, and Austria. Men and women are subjected to conditions of forced labor within Georgia and also in Libya and Turkey. Men from Turkey are subjected to conditions of forced labor in the breakaway region of Abkhazia, which was outside of the Georgian government's control.

The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. The government demonstrated strong efforts to identify and assist victims of trafficking and again increased its victim assistance funding to \$312,000. The government also demonstrated impressive law enforcement success, significantly increasing the number of individuals convicted of trafficking, and again ensuring all convicted trafficking offenders served some time in prison. The Georgian government also demonstrated strong prevention efforts and continued its close partnership with anti-trafficking NGOs in both victim assistance and prevention efforts.

Recommendations for Georgia: Continue strong funding for victim assistance programs; continue to increase the number of victims identified and referred for assistance; continue to ensure victims are not fined or otherwise penalized for unlawful acts committed as a direct result of being trafficked; and continue strong efforts to investigate, prosecute, and convict both labor and sex trafficking offenders.

Prosecution

The Government of Georgia demonstrated increased law enforcement efforts during the reporting period. Georgia prohibits all forms of trafficking in persons through Article 143 of its criminal code, which prescribes penalties ranging from seven to 20 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. In 2009, the government investigated 33 trafficking cases, compared with 14 investigations in 2008. Authorities prosecuted 40 individuals for trafficking – including three individuals for forced labor – compared with 10 individuals prosecuted for sex trafficking in 2008.

Thirty-seven trafficking offenders were convicted in 2009, a significant increase from 10 convicted

offenders in 2008. All 37 convicted trafficking offenders were sentenced to time in prison; none received a suspended sentence. The average sentence was 21 years' imprisonment. There were no reports of trafficking-related complicity of law enforcement personnel from either NGOs or the government. In 2009, the government relied on partnerships with local NGOs and international organizations to provide trafficking training to approximately 170 prosecutors and judges. The training concentrated on mechanisms for proactive victim identification, special methods for investigation and the collection of evidence, and prosecution techniques, and highlighted the importance of partnerships with NGOs, social workers, and psychologists during victim interviews.

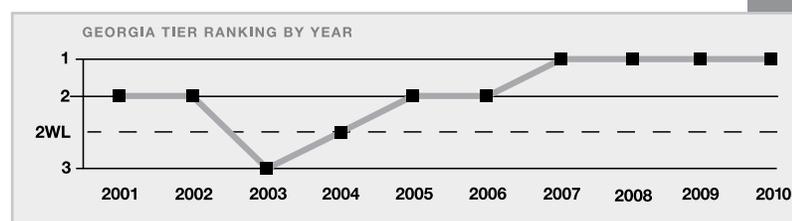
Protection

The Georgian government maintained its significant victim assistance efforts over the reporting period. The government allocated a total of \$312,000 for victim assistance during the reporting period; of that, it provided \$150,000 to fully fund two government-run trafficking shelters, the same amount as funded in 2008. These shelters provided comprehensive victim assistance, including medical aid, psychological counseling, and legal assistance. Victim assistance was not conditional upon cooperating with law enforcement. The government continued to implement a formal mechanism for its officials to identify and refer victims for assistance. The government identified 48 victims in 2009 and referred 15 victims for assistance, an increase from 21 trafficking victims identified in 2008. The government provided shelter and comprehensive assistance to 15 victims, compared with 10 victims in 2008. The government also made available one-time compensation payments of \$650 to trafficking victims in 2009. However, no victims applied for the funds during the reporting period. Five victims were given \$600 each in 2008. Georgian authorities provided foreign victims legal alternatives to their removal to countries where they would face hardship or retribution; the Law on Legal Status of Foreigners provided a foreign person suspected of being a victim of trafficking the right to a residence permit even if authorities could not prove beyond a reasonable doubt that the person was a victim. In 2009, no foreign victims requested a residence permit. The government cooperated with IOM and fully funded the repatriation of one foreign victim during the reporting period. Victims were encouraged to assist law enforcement with trafficking investigations and prosecutions; 18 victims assisted law enforcement during the reporting period. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Georgia sustained its efforts to prevent trafficking during the reporting period. The government produced and broadcast during the first six months of 2009 a short television public service

announcement explaining the nature and danger of human trafficking. The Ministry of Education and Science produced a short television announcement targeting school-age children entitled "Do Not Trade Freedom for Slavery," which was regularly aired on television. The government reportedly distributed 20,000 informational pamphlets to four regions of the country and at the Tbilisi international airport. The regions targeted were high risk areas for migration and thus vulnerable to trafficking: Imereti (near the Russian border and the Georgian separatist region of Abkhazia), Ajara (bordering Turkey), Rustavi (near Azerbaijan), and Guria (near Turkey). The pamphlets were distributed through the Offices of the Civil Registry Agency of the Ministry of Justice, and through a program involving students in a public awareness campaign. The government sustained close partnerships with NGOs to jointly conduct several trafficking awareness and prevention campaigns during the year. The government demonstrated efforts to reduce the demand for both commercial sex acts and forced labor by informing the public through television ads and media interviews with government officials of Georgia's law punishing "clients" who benefit from the services of trafficking victims.



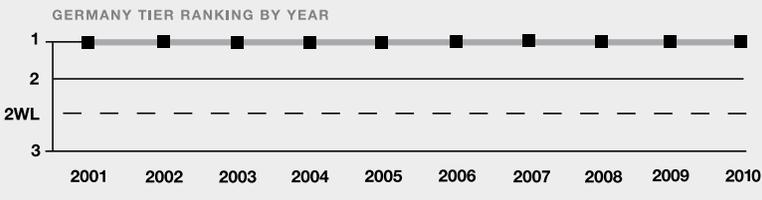
GERMANY (Tier 1)

Germany is a source, transit, and destination country for women, children, and men subjected to trafficking in persons, specifically forced prostitution and forced labor. Ninety percent of identified victims of trafficking for commercial sexual exploitation came from Europe, including 28 percent from Germany, 20 percent from Romania, and 18 percent from Bulgaria. Non-European victims originated in Nigeria, other parts of Africa, Asia and the Western Hemisphere. Almost one-quarter of identified trafficking victims were children. The majority of identified sex trafficking victims have been exploited in bars, brothels, and apartments – approximately one third of identified sex trafficking victims reported that they had agreed initially to engage in prostitution. Victims of forced labor have been identified in hotels, domestic service, construction sites, and restaurants. Police estimate that gangs brought around 1,000 Chinese people to Germany over the past decade and forced them to work in restaurants under exploitative conditions. Members of ethnic minorities, such as Roma, as well as foreign

unaccompanied minors who arrived in Germany, were particularly vulnerable to human trafficking.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. The government made substantial progress in addressing forced labor. However, available statistics indicate the majority of convicted labor and sex trafficking offenders were not required to serve time in prison, raising concerns that punishments were inadequate to deter traffickers or did not reflect the heinous nature of the offense.

Recommendations for Germany: Explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of this human rights abuse; establish a national anti-trafficking rapporteur to draft critical assessments on Germany's efforts to punish traffickers, protect victims, and prevent trafficking; ensure forced labor and child victims' access to appropriate assistance and protection; standardize victim assistance measures and government-civil society cooperation across the 16 federal states; and strengthen awareness campaigns targeting beneficiaries of forced labor and clients of the sex trade, particularly in the most frequented red light districts; and consider creating a mechanism to coordinate German efforts to address forced labor.



Prosecution

The Government of Germany made clear progress in the conviction of sex and labor trafficking offenders, but most convicted traffickers were not required to serve time in prison. Germany prohibits all forms of trafficking; trafficking for commercial sexual exploitation is criminalized in Section 232 of its Penal Code, and forced labor is criminalized under Section 233. Prescribed punishments in these statutes range from six months' to 10 years' imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. It is common practice for judges in Germany to suspend prison sentences of two years or less for all crimes, including trafficking. Authorities prosecuted 173 persons for sex trafficking in 2008, the last year for which statistics were available. Of those, 138 were convicted, including seven juveniles, up from 123 convictions for sex trafficking in 2007. Of the 131 adults convicted, 92 – or 70 percent – received either a fine or a suspended sentence. Prison sentences for the remainder ranged from two to 10 years imprisonment. Authorities prosecuted 25

persons for labor trafficking in 2008; 16 were convicted, including seven juveniles, up from eight labor trafficking convictions in 2007. Of the nine adult labor trafficking offenders, one received a sentence of between three to five years imprisonment and the remaining eight received suspended sentences or fines. Police boosted efforts against labor trafficking in 2008—more than 1,300 police officers and customs officials took part in raids in several cities. There were no reports of trafficking-related complicity of government officials during the reporting period. The government, in partnership with NGOs, provided a range of specialized anti-trafficking training to judges, prosecutors, and police. The federal criminal police countertrafficking office coordinated international trafficking cases and promoted partnership with other countries by offering training programs for foreign law enforcement.

Protection

The German government sustained its victim protection efforts during the reporting period. The Federal Family Ministry fully funded the umbrella organization representing 39 NGOs and counseling centers that provided or facilitated shelter, medical and psychological care, legal assistance, and other services for victims. The majority of these NGOs focused on adult, female victims; however, a number of NGOs, in cooperation with local governmental youth welfare services, also attended to child victims. Some of these NGOs also made their services available to male victims. The government continued to distribute formal guidelines on victim identification techniques to police, counseling centers, prosecutors and judges. According to the federal police, authorities proactively identified 38 percent of all victims registered by the government in 2008. Authorities registered 676 sex trafficking victims and 96 forced labor victims in 2008, down from 689 sex trafficking victims and 101 forced labor victims identified in 2007. Formal victim referral mechanisms existed in 12 out of 16 German states. The government encouraged victims to cooperate in anti-trafficking investigations; however, police and NGOs reported that victims were often reluctant to assist law enforcement officials due to fear of retribution from traffickers. The government provided legal alternatives to foreign victims' removal to countries where they may face hardship or retribution. Trafficking victims were provided a 30-day reflection period to decide whether to cooperate with investigators. Victims who agreed to act as witnesses were provided temporary residence permits for the duration of trial proceedings as well as long-term residence permits in certain circumstances, such as when the victim faced severe threats in the country of origin. The government reportedly did not penalize victims for unlawful acts committed as a direct result of being trafficked. The governmental German Institute for Human Rights in July 2009 began a \$800,000 project to assist trafficking victims in claiming their financial rights in German

courts, as few victims had made claims for financial compensation.

Prevention

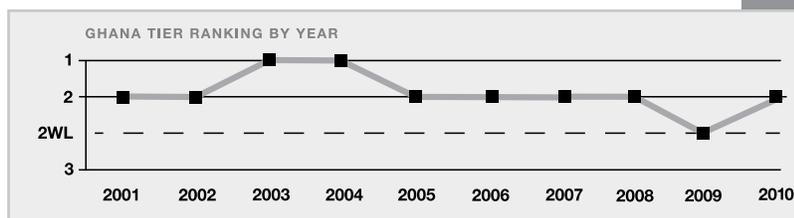
The government made some progress in trafficking prevention activities during the reporting period. The government sustained funding for NGOs that produced public awareness campaigns in Germany and abroad through websites, postcards, telephone hotlines, pamphlets, and speaking engagements. The government did not take measures to reduce the demand for commercial sex acts or focus public awareness on potential clients in some of Germany's best known red light districts, such as the one in Hamburg. A Berlin NGO, funded largely by the Berlin Senate, operated a trafficking awareness website directed at clients of the sex trade. The German Federal Police published an annual report containing statistics about its anti-trafficking activities. The Labor Ministry commissioned a study in 2009 to assess the extent of and government response to labor trafficking. The Federal Family Ministry, which has the responsibility for implementing the national anti-trafficking action plan, chaired a federal-state interagency working group on female sex trafficking. The Ministry of Foreign Affairs contributed approximately \$297,000 toward anti-trafficking projects in Ukraine, Moldova, and the Mekong region. The government sustained a partnership with ECPAT to promote awareness of the child sex tourism problem; there were no reports of new prosecutions for child sex tourism by German citizens abroad during the reporting period. The government provided trafficking awareness training to commanders of German military units prior to their deployment abroad on international peacekeeping missions; the training focused on how the commanders could sensitize subordinates to human trafficking.

GHANA (Tier 2)

Ghana is a country of origin, transit, and destination for women and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The nonconsensual exploitation of Ghanaian citizens, particularly children, is more common than the trafficking of foreign migrants. The movement of internally trafficked children is either from rural to urban areas, or from one rural area to another, as from farming to fishing communities. Ghanaian boys and girls are subjected to conditions of forced labor within the country in fishing, domestic servitude, street hawking, begging, portering, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to commercial sexual exploitation within Ghana. Internal labor traffickers are commonly freelance operators, and may be known to members of the source community. Uninformed parents may not understand that by cooperating with trafficking offenders, they may expose their children to bonded placement, coercion, or outright sale. Media reports

during the year cited 50 Ghanaian women recruited for work in Russia and subsequently forced into prostitution. Women and girls from China, Nigeria, Cote d'Ivoire, and Burkina Faso are subjected to forced prostitution after arriving in Ghana. Citizens from other West African countries are subjected to forced labor in Ghana in agriculture or involuntary domestic servitude. Trafficking victims endure extremes of harsh treatment, including long hours, debt bondage, lack of pay, physical risks, and sexual abuse.

The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. Ghana increased its law enforcement efforts by prosecuting and convicting an increased number of traffickers, including the first convictions relating to forced child labor in the Lake Volta fishing industry. The Ghanaian Police partnered with Interpol to host regional training for law enforcement officials from Anglophone Africa, and the government took steps to establish four regional anti-trafficking units to manage cases more effectively at the regional level. In August 2009, the president appointed new members to the Human Trafficking Management Board, which had been disbanded when the previous government left office in January 2009. However, the government did not demonstrate increased efforts to ensure that victims receive adequate protection, such as funding a shelter for trafficking victims, or increasing assistance to NGOs or international organizations to provide trafficking victim care.



Recommendations for Ghana: Increase efforts to ensure that all victims of trafficking have access to essential services, including increased funding for government shelters and establishing formal referral procedures implemented in partnership with NGOs and international organizations; improve data collection and reporting on victims identified and assisted; provide more training for police, prosecutors, and judges on implementation of the 2005 anti-trafficking law; and undertake more vigorous investigations and prosecutions of human trafficking offenses, and convictions and punishments of trafficking offenders.

Prosecution

The Government of Ghana demonstrated improved anti-human trafficking law enforcement efforts during the last year. Ghana prohibits all forms of trafficking through

its 2005 Human Trafficking Act (HTA), which prescribes a minimum penalty of five years' imprisonment for all forms of trafficking. This penalty is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In July 2009, the Ghanaian parliament passed a law amending the definition of trafficking to give the HTA uniformity with the language of the 2000 UN TIP Protocol. The Ghana Police Service (GPS) maintains an Anti-Human Trafficking Unit (AHTU) in its Criminal Investigation Division, which opened 31 trafficking investigations in 2009. The government initiated 15 trafficking prosecutions during the year, an increase over five prosecutions in 2008, and convicted six traffickers in 2009, an increase over the one conviction obtained in 2008. The AHTU claimed credit for repatriating 20 child victims of trafficking to neighboring countries. According to the AHTU, 61 percent of all trafficking cases reported in Ghana were labor-related, while 39 percent were sexual exploitation cases.

In June 2009, the government convicted three Chinese nationals of trafficking eight Chinese women to Ghana for exploitation in prostitution. The Accra Circuit Court sentenced the primary trafficking offender to 17 years' imprisonment, including 10 years for human trafficking and two years for conspiracy. His brother received a 12-year sentence – 10 years for abetment and two years for conspiracy. In a second case, an offender received a jail sentence of eight years' imprisonment for trafficking three Ghanaian children to Cote d'Ivoire. These sentences were well above the mandatory five year minimum. In January 2010, the Agona Swedru Circuit Court convicted a Ghanaian woman for enslaving two boys, ages six and eight, from the Central Region to fish on Lake Volta. The woman was sentenced to nine years' imprisonment – the first ever prosecution of a domestic trafficking offender in Ghana. The government joined with neighboring countries, as well as international organizations and foreign embassies, to prosecute transnational cases, most recently in a successful bid to break up a trafficking and prostitution ring that sent at least 50 Ghanaian women to Russia for the sex trade.

Protection

The government demonstrated overall improved victim protection efforts during the year. The government did not employ formal procedures for the identification of victims among vulnerable groups, such as women in prostitution or children at work sites, though it did show increased efforts at *ad hoc* identification of such victims. The government continued to operate dedicated trafficking shelters for victims of forced labor – in Osu and Medina in the greater Accra region and in the Atebubu Amant District Assembly in the Brong Ahafo region – but lacked shelter facilities for victims of sex trafficking. The government provided an unknown amount of funding for these shelters. Ghanaian authorities referred most identified victims to shelters operated by NGOs. According to the AHTU, victims

received protective support during and after trials, and prosecutors took their statements behind closed doors to ensure their safety and conceal their identity. With the Interior Minister's approval, a trafficking victim may remain permanently in Ghana if deemed to be in the victim's best interest, though no victims were given such residency during the last year. There was no formal referral process to transfer victims in protective custody to other facilities. The government provided some training to law enforcement officials on identification of trafficking victims. The government encouraged victims to assist in the investigation and prosecution of traffickers, though many victims were children afraid to provide testimony. The government provided assistance to its nationals who may have been trafficked, with an eye to rehabilitation and reintegration into the life of the country. Some victims were given capital to start businesses and others were supported to continue schooling or learn a trade. The government sustained partnerships with local and international NGOs to rescue and rehabilitate forced child laborers in fishing or mining during the reporting period.

Prevention

The Government of Ghana demonstrated renewed efforts to prevent trafficking over the last year. It conducted anti-trafficking education campaigns and workshops to prevent trafficking during the reporting period. Counter-trafficking officials spoke regularly with anti-trafficking messages on radio talk shows and on television. The Ghana Immigration Service maintained a task force responsible for patrolling the borders and ports to expose crimes related to human trafficking. The government developed a draft for a national plan of action covering human trafficking. The Accra Metropolitan Assembly demolished Soldier Bar, a brothel in Accra known to have employed children in prostitution. Ghana is not a party to the 2000 UN TIP Protocol.

GREECE (Tier 2)

Greece is a transit and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution and for children, men, and women who are in conditions of forced labor. The government and NGOs report that female sex trafficking victims originate primarily in Eastern Europe, the Balkans, and Nigeria. One NGO reported that teenage males, typically unaccompanied minors from Afghanistan and sub-Saharan Africa, are forced into prostitution in Greece. Greek police reported the trend of traffickers increasingly using emotional abuse and financial harm as tools of coercion, instead of physical force, in attempts to evade law enforcement prosecution. Forced labor victims found in Greece originated primarily in Albania, Romania, Bulgaria, Moldova, Afghanistan, Pakistan, India, and Bangladesh, and many were forced to work in the agriculture or construction sectors in debt bondage. Greek police estimated that there are likely hundreds

of forced labor victims in Greece. NGOs reported that children, mainly Roma from Albania, Bulgaria, and Romania, were forced to sell small items, beg, or steal. The approximately 1,000 unaccompanied foreign minors who enter Greece yearly are highly vulnerable to human trafficking.

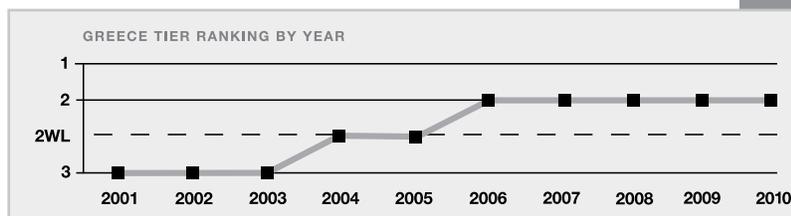
The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made clear progress in prosecuting labor and sex trafficking offenses, identifying victims, implementing a child victim protection agreement with Albania, and in advancing prevention activities. Concerns remained about a trafficking-related police complicity case, inadequate victim identification among coast guard, border police, and vice police as well as inadequate funding for anti-trafficking NGOs.

Recommendations for Greece: Vigorously prosecute officials complicit in trafficking; continue efforts to equip and train officials most likely to encounter trafficking victims, such as the coast guard and border police, in trafficking victim identification and assistance procedures; encourage the sustainability of funding for anti-trafficking NGOs; ensure potential victims are offered assistance and deportation relief available under Greek law and not penalized for crimes committed as a direct result of being trafficked; ensure specialized assistance for child victims and adequate protection for male victims; establish a central authority to coordinate and monitor anti-trafficking efforts; and continue public awareness campaigns targeted toward a Greek audience, including potential clients of the sex trade and beneficiaries of forced labor.

Prosecution

The government demonstrated clear progress in its prosecution of trafficking offenders, though a high-profile case of trafficking-related complicity remained pending in court. Greek law 3064/2002 and Presidential Decree 233/2003 prohibit trafficking for both sexual and labor exploitation, and prescribe imprisonment of up to 10 years and a fine of \$14,000 to \$70,000. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. The police conducted 66 human trafficking investigations in 2009, a 65 percent increase over the 40 investigations in 2008. Fourteen of the new investigations involved forced labor, compared with only two in 2008. The government reported 32 new convictions of trafficking offenders, 12 cases acquitted, and 42 ongoing prosecutions in 2009, compared with 21 convictions, 17 acquittals, and 41 ongoing prosecutions in 2008. The average sentence for trafficking offenders was approximately 11 years with fines. The Ministry of Justice reported two suspended sentences in 2009. Some convicted trafficking offenders continued to be granted bail pending their lengthy appeals, though one NGO reported improvement in this area. The media continued to allege that trafficking-

related complicity existed among some local police and vice squad officers. In a case cited in last year's TIP Report, in which a trafficking victim was allegedly raped while in police custody in 2006, the three police officers suspected of the crime remained free on bail as their court case continued. In a positive development in 2009, one active and one retired officer were held without bail pending prosecution for alleged involvement in sex trafficking. The government, in partnership with IOM and NGOs, provided anti-trafficking training for police recruits and commanders, police from neighboring countries, and over 100 judges and prosecutors. In 2009, the Greek police reported cooperation with counterparts in Italy, Romania, Russia, Albania, and Bulgaria on trafficking cases.



Protection

The government demonstrated some progress in ensuring that victims of trafficking were provided access to essential services. According to NGOs, however, victim identification continued to be the government's greatest anti-trafficking weakness. The government officially identified 125 victims in 2009, an improvement over the 78 victims identified in 2008. NGOs, some of whom received government funding, reported assisting at least 3,376 trafficking victims in 2009. A formal mechanism exists between police and NGOs to identify and refer victims. The Ministry of Health trained nurses, medical admissions staff, psychologists, psychiatrists, and social workers on the identification of trafficking victims. Similarly, experienced anti-trafficking police continued to provide training to border police, vice police, and the coast guard on victim identification. Greece provided officially-identified trafficking victims with access to legal and medical services through government-run shelters, public healthcare, and intermittent funding to NGOs. NGOs reported that government grant disbursement delays, onerous reporting requirements, and deteriorating public finances have created financial difficulty for trafficking victim service providers dependent on government funding. The government continued to operate a short-term shelter, which could accommodate children, in addition to two long-term shelters for women. The government also referred child victims to orphanages or detention centers that did not have specialized facilities for trafficking victims. One NGO reported that authorities released unaccompanied foreign minors onto the street with little support after detention. The government encouraged victims to

participate in prosecutions by offering a 30-day reflection period, a time for victims to receive immediate care while they consider whether to assist law enforcement, but according to NGOs, authorities did not always provide the reflection period consistently during the reporting period. Victims who assisted with law enforcement prosecutions qualified for temporary, renewable residence permits as a legal alternative to removal. NGOs reported excellent cooperation with specialized anti-trafficking police units. Overall, the government did not penalize victims for unlawful acts that may have been committed as a direct result of being trafficked. However, some NGOs reported that the coast guard and border police, overwhelmed with processing refugees and undocumented migrants, had little time to use victim identification procedures. As a result, they sent many potential victims, including vulnerable unaccompanied minors, to migrant detention centers, where they often faced poor conditions. In a positive development, the government implemented a child repatriation agreement with Albania, repatriating six Albanian child victims in cooperation with NGOs.

Prevention

The government demonstrated steady progress in the prevention of trafficking during the reporting period. A state television station aired a special on human trafficking in Greece in addition to other programs on the topic in 2009. The foreign minister spoke out against trafficking, and since October 2009, anti-trafficking NGOs have reported stronger partnerships with high-level officials. The foreign ministry provided \$155,100 toward a UNICEF campaign on child trafficking as a global phenomenon and funded an IOM-produced public awareness campaign acknowledging trafficking as a problem in Greece. The government did not run any new campaigns targeting the clients of prostitution or beneficiaries of forced labor. The government implemented a law enforcement-focused national plan of anti-trafficking action; however, the government lacked a central authority to coordinate ministries' anti-trafficking efforts and monitor anti-trafficking results. Coordination of data between agencies remained *ad hoc*. The Greek government facilitated anti-trafficking partnerships by funding initiatives in neighboring countries. Greek law provide extraterritorial jurisdiction over child sex tourism offenses by its nationals; the government did not report any prosecutions of Greek citizens for child sex tourism during the reporting period. The government gave its peacekeeping troops anti-trafficking training before deploying them abroad. The government gave its peacekeeping troops anti-trafficking training before deploying them abroad. Greece is not a party to the 2000 UN TIP Protocol.

GUATEMALA (Tier 2 Watch List)

Guatemala is a source, transit, and destination country for men, women and children subjected to trafficking in

persons, specifically sexual servitude and forced labor. Guatemalan women and children are found in forced prostitution within the country, as well as in Mexico and the United States. Guatemalan men, women, and children are subjected to forced labor within the country, often in agriculture or domestic service, and particularly near the border with Mexico and in the highland region. Guatemalan men, women, and children are also found in conditions of forced labor in Mexico and the United States in agriculture and the garment industry. Indigenous Guatemalans are particularly vulnerable to labor exploitation. In the Mexican border area, Guatemalan children are exploited for forced begging on streets and forced labor in municipal dumps. Guatemala is a destination country for women and girls from El Salvador, Honduras, and Nicaragua, in forced prostitution. Migrants from these Central American countries transit through Guatemala *en route* to Mexico and the United States; some may become human trafficking victims. Child sex tourism is a problem in certain tourist areas such as Antigua and Lake Atitlan, and child sex tourists predominately come from Canada, Germany, Spain, and the United States. The border with Mexico remains a top concern due to the heavy flow of irregular migrants, some of whom are trafficked.

The Government of Guatemala does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant efforts, including prosecuting its first trafficking cases under the recent anti-trafficking law and establishing a new anti-trafficking office, the government did not show overall evidence of increasing efforts to address human trafficking through providing adequate victim services or addressing official complicity in trafficking; therefore, Guatemala is placed on Tier 2 Watch List, for the fourth consecutive year. Despite the significant number of foreign trafficking victims identified by the government, foreign victims were not generally offered asylum or temporary residency, although the anti-trafficking law provides that authority. As such, most foreign trafficking victims were deported or required to remain in locked migrant detention facilities with no access to specialized victim services.

Recommendations for Guatemala: Vigorously implement the anti-trafficking law; continue efforts to investigate and prosecute trafficking offenses, especially suspected cases of forced labor and domestic servitude, and convict and punish trafficking offenders; pursue suspected cases of official complicity with trafficking activity; conduct anti-trafficking training for judges, police, immigration officers, and other government officials; enhance victims services; provide foreign adult victims housed in migration detention centers with freedom of movement and specialized services, and create a plan, with identified funding, to eliminate reliance on migration detention centers to house foreign victims; and increase funding for anti-trafficking efforts, particularly for the country's dedicated prosecutorial and police units.

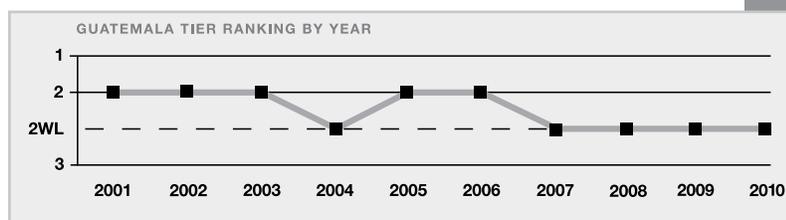
Prosecution

The government maintained anti-human trafficking law enforcement efforts during the last year and achieved its first convictions under its new anti-trafficking law. Article 202 of the Guatemalan penal code, which came into force in early 2009, prohibits the transport, transfer, retention, harboring, or reception of persons for the purposes of exploitation, including forced prostitution, sexual exploitation, forced labor or services, begging, slavery, illegal adoptions, or forced marriage, in addition to other prohibited purposes. Penalties prescribed under Article 202 are from eight to 18 years' imprisonment; under aggravated circumstances, such as when the crime involves kidnapping, threats, violence, weapons, or a public official, penalties increase by one-third. Such penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. Many trafficking cases, however, continued to be prosecuted under other statutes, such as corruption of minors or pandering, that carry lesser sentences. The government maintained a small prosecutorial unit to investigate and prosecute human trafficking cases; approximately 60 percent of this unit's investigations focused on illegal adoptions, which do not fall within the international definition of human trafficking. During the reporting period, authorities achieved seven convictions for human trafficking offenses, four of which were charged under the new anti-trafficking law, and one of which related to forced labor; sentences ranged from three to eight years' imprisonment. In comparison, during the previous year, the Guatemalan government reported no convictions for human trafficking offenses. Anti-trafficking police and prosecutors suffered from a lack of funding, resources, and training. Credible reports from international organizations, NGOs, and several government officials indicated that corrupt public officials continued to impede anti-trafficking law enforcement efforts and facilitated trafficking activity by accepting or extorting bribes, falsifying identity documents, leaking information about impending police raids to suspected traffickers, and ignoring trafficking activity in commercial sex sites. The government did not report prosecuting or convicting any officials complicit in human trafficking, although one congressman accused of corruption of children was stripped of his immunity. Guatemalan authorities collaborated with foreign governments on several trafficking investigations.

Protection

Although Guatemalan authorities reported rescuing 387 suspected trafficking victims during the reporting period, the government made insufficient efforts to protect trafficking victims, relying largely on NGOs and international organizations to provide the bulk of victim services. In spite of existing protocols for identifying trafficking victims among vulnerable populations, such as prostituted women in brothels, there was no evidence that these were implemented systematically or proactively. Government-funded services dedicated to trafficking

victims remained virtually non-existent, and authorities provided no funding or subsidies to organizations that provided these services. Child victims were referred to one NGO-operated shelter dedicated for girl trafficking victims, or placed in state-run group homes designed for orphans or homeless children. The government sought to place adult victims in shelters for victims of domestic violence operated by NGOs or religious groups, but these shelters were overburdened and underfunded. Of the 387 trafficking victims identified, 326 were adult women, and most foreign adult victims were placed in migration detention centers without freedom of movement or access to specialized victim services. Although Guatemalan authorities encouraged victims to assist with the investigation and prosecution of their traffickers, most victims did not file complaints due to fear of violence or reprisals and the inadequacy of the government's limited witness protection program. A recent advisory opinion issued by the Supreme Court allowing for victim testimony via video could improve low rates of victim participation in prosecutions. The government did not detain, fine, or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. Many foreign trafficking victims, however, may not have had their victim status recognized by Guatemalan authorities before being deported as undocumented migrants. Guatemalan law establishes legal alternatives to removal of foreign victims who may face hardship or retribution upon repatriation. The authorities offered these alternatives on a case by case basis, but provided no evidence that any victims had accepted. In practice, any victim choosing to remain in Guatemala under an alternative legal status must stay in the closed migration detention center. Guatemalan consular officials in the United States and Mexico received training sessions on trafficking legislation and victim services. The government assisted in the repatriation of 14 Guatemalan trafficking victims from abroad and provided some care services to these victims, 12 of whom were children.



Prevention

The government sustained efforts to prevent trafficking during the reporting period. In collaboration with an international organization, the government carried out a public awareness campaign using radio announcements about trafficking in persons in seven departments near the Mexican border. The government conducted workshops on the commercial sexual exploitation of

children in 20 public schools. During the reporting period the government established the Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons to coordinate the government's anti-trafficking efforts; however, this office received under five percent of the designated funding and subsequently took no discernible actions beyond evaluating current government efforts. Despite reports of child sex tourism, there were no reported prosecutions of child sex tourists. The government made no discernible efforts to reduce demand for forced labor or commercial sexual acts. Authorities provided training on human trafficking to Guatemalan troops prior to their deployment for international peacekeeping operations.

GUINEA (Tier 2 Watch List)

Guinea is a source, transit, and to a lesser extent, a destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The majority of victims are children, and these incidents of trafficking are more prevalent among Guinean citizens than among foreign migrants living in Guinea. Within the country, girls are largely subjected to involuntary domestic servitude and commercial sexual exploitation, while boys are subjected to forced begging and forced labor as street vendors, shoe shiners, and laborers in gold and diamond mines. Some Guinean men are also subjected to forced agricultural labor within Guinea. Smaller numbers of girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea-Bissau migrate to Guinea, where they are subjected to involuntary domestic servitude and likely also commercial sexual exploitation. Some Guinean boys and girls are subjected to forced labor in gold mining operations in Senegal, Mali, and possibly other African countries. Guinean women and girls are subjected to involuntary domestic servitude and forced prostitution in Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain. Chinese women are trafficked to Guinea for commercial sexual exploitation by Chinese traffickers. Networks also traffic women from Nigeria, India, and Greece through Guinea to the Maghreb and onward to Europe, notably Italy, Ukraine, Switzerland, and France for forced prostitution and involuntary domestic servitude.

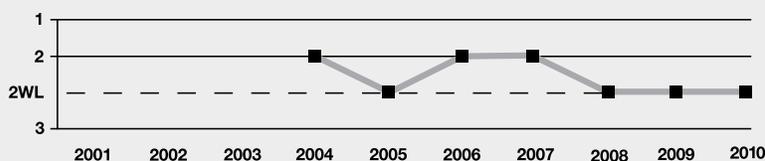
investigate alleged trafficking crimes and detain suspected trafficking offenders during the reporting period. The junta, however, has made minimal progress toward combating human trafficking in Guinea since coming to power in a coup d'etat in December 2008. While Guinea has an adequate anti-trafficking legal framework, which it had strengthened by enacting the Child Code of 2008, the junta did not report any trafficking prosecutions or convictions for the second year in a row, and protection and prevention efforts remained weak. Therefore, Guinea is placed on Tier 2 Watch List for the third consecutive year. In February 2009, the head of government issued a declaration giving security forces the right to shoot anyone apprehended while trafficking a human being, raising significant human rights concerns. In the same month, the National Committee to Combat Human Trafficking met to evaluate the 2005-2006 National Action Plan and to outline an updated version for 2009-2011, but released no such document to the public. Many ministries claimed involvement in efforts to address trafficking, but the country was severely limited in its ability to address the problem due to budget constraints, capacity limitations, and unclear allocation of law enforcement and social welfare responsibilities.

Recommendations for Guinea: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; finalize and adopt the implementing text for the new Child Code; increase prescribed penalties for the sex trafficking of adults and children; develop stronger partnerships with NGOs and international organizations, where possible, to care for victims; and increase efforts to raise awareness about trafficking.

Prosecution

The Government of Guinea did not show progress in its anti-trafficking law enforcement efforts during the reporting period. Guinea prohibits all forms of trafficking in persons through separate statutes. The Child Code of 2008 includes provisions prohibiting all forms of child trafficking, specifically criminalizing child domestic servitude, and allowing NGOs to bring cases to court on behalf of victims. The government, in partnership with NGOs and international organizations, has yet to complete the implementing text for this law, which will prescribe penalties that allow the law to be enforced. Article 337 of the 1998 Penal Code prohibits individuals from entering into agreements that deprive third parties of their liberty, prescribing penalties of five to 10 years' imprisonment and confiscation of any resulting profits. Forced prostitution and child prostitution are criminalized by Article 329 of Guinea's Penal Code, which prescribes six months' to two years' imprisonment if the trafficked victim is an adult, and two to five years' imprisonment if the victim is a child. These penalties for sex trafficking of adults are neither sufficiently stringent nor commensurate with penalties prescribed for other serious crimes, such as rape. The government did not prosecute any human trafficking cases during the reporting period, though the Ministry of Justice reported

GUINEA TIER RANKING BY YEAR



The Government of Guinea does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government sustained its efforts to

that there were 13 new cases that involved the arrest of at least 40 suspected trafficking offenders during 2009. Of the alleged traffickers, 30 remain in detention. Another 17 trafficking cases from the previous reporting period continue to await prosecution. The government provided only limited specialized training to its officials on the recognition, investigation, and prosecution of human trafficking, due to budget constraints.

Protection

The government demonstrated weak efforts to protect trafficking victims during the reporting period. The government reportedly referred an unknown number of potential victims to NGOs and international organizations for assistance, though government officials did not demonstrate use of systematic referral procedures or proactive measures to identify victims among vulnerable groups, such as foreign children at worksites. The Ministry of Social Affairs continued to provide assistance to a few hundred children, a small number of whom may be trafficking victims. The government did not offer shelter for trafficking victims, but frequently assisted victims by contacting local and international NGOs directly to coordinate shelter and family reunification cases. The government did not provide trafficking victims with access to legal, medical, or psychological services, and did not subsidize services provided by foreign or domestic NGOs. Foreign trafficking victims do not benefit from permanent residency status or relief from deportation. The government reported that 106 trafficked children were identified by various entities in 2009, but offered no additional data on these children. The government occasionally provided victims refuge in jails when no alternative was available. The government encouraged trafficking victims to assist in the investigation and prosecution of their traffickers, as long as the victim was at least 12 years of age. At the government's invitation, two such victims, one of whom was a child, separately discussed their cases on national television in April and June 2009, though their traffickers had not been brought to justice; this raises concerns for the security and well-being of the victims.

Prevention

The Government of Guinea demonstrated minimal efforts to conduct anti-trafficking or educational campaigns during the reporting period. The head of the junta, however, gave several speeches highlighting the importance of combating human trafficking. The government did not monitor immigration or emigration patterns for evidence of trafficking. The government did not take steps to reduce the demand for commercial sex acts.

GUINEA-BISSAU (Tier 2 Watch List)

Guinea-Bissau is a source country for children subjected to trafficking in persons, specifically forced labor,

principally begging, and forced prostitution. Boys are sent to Senegal, and to a lesser extent Mali and Guinea, under the care of Koranic teachers called *marabouts*, or their intermediaries, to receive religious education. These teachers, however, routinely beat and subject the children, called *talibés*, to force them to beg, and subject them to other harsh treatment, sometimes separating them permanently from their families. UNICEF estimates that 200 children are taken from Guinea-Bissau each month for this purpose, and in 2008 a study found that 30 percent of the 8,000 religious students begging on the streets of Dakar are from Guinea-Bissau. Men, often former *talibés* from the regions of Bafata and Gabu, are the principal traffickers. In most cases they operate in the open, protected by their stature in the Muslim community. Some observers believe girls are also targets, and may be subjected to domestic labor in Guinea-Bissau or Senegal.

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. Despite these efforts, the government demonstrated weak overall progress in combating trafficking during the reporting period, particularly its lack of any effective law enforcement action; therefore, Guinea-Bissau is placed on Tier 2 Watch List for the third consecutive year.

Recommendations for Guinea-Bissau: Enact the draft law prohibiting trafficking in persons; increase efforts to prosecute and punish trafficking offenders under forced labor and trafficking-related laws; investigate whether girls are trafficked internally and to Senegal for involuntary domestic servitude; implement the draft anti-trafficking national action plan; and undertake greater trafficking prevention efforts, such as public awareness campaigns targeting families of prospective *talibés* – perhaps in partnership with NGOs.

Prosecution

The Government of Guinea-Bissau did not increase efforts to prosecute and punish trafficking offenders during the reporting period. Bissau-Guinean law does not prohibit all forms of human trafficking, though it prohibits forced labor under article 37 of the country's penal code, which prescribes a sufficiently stringent penalty of life imprisonment. In the previous reporting period, the National Assembly drafted legislation prohibiting child trafficking, though it was not adopted before the legislature was dissolved in August 2008. Guinea-Bissau does not specifically prohibit forced prostitution. The government could use existing laws to punish trafficking cases, such as the laws against removing children, sexual exploitation, abuse, and kidnapping of children, but did not do so during the reporting period. The government neither investigated nor prosecuted human trafficking offenses during the reporting period, due largely to systemic failures that pervaded the judicial system, such as lack of institutional capacity and corruption.

Protection

The Government of Guinea-Bissau continued to demonstrate efforts to protect and repatriate victims. The government did not demonstrate proactive efforts to identify trafficking victims. While the government did not operate victim shelters or provide other victims services directly, it continued to fund an NGO shelter for child trafficking victims in Gabu, providing about \$16,000 to the annual operating budget of the facility. Police continued to refer victims to that NGO shelter, as well as a shelter operated by a separate NGO in Bafata. The government continued efforts, as allowed under Guinea-Bissau law, to intercept and return victims domestically and repatriate victims from abroad. The government, together with the Government of Senegal and the Bissau-Guinean Embassy in Dakar, repatriated 43 children during the reporting period. As part of the repatriation process for *talibés*, parents must sign a contract with the regional court accepting responsibility for the safety of their children, and can be subject to criminal sanction should the children be trafficked again. The government held some child victims in transition shelters until it could successfully reunite them with family and ensure that the family would not be involved in the child's re-trafficking. No special protections are afforded to witnesses. Police coordinated their repatriation efforts with NGOs, in the last year referring 160 victims to NGO providers of victim services. Victims were frequently too young to contribute meaningfully to any prosecution. However, the government encouraged family members of the victim to assist in any investigation or prosecution of trafficking offenders. Given the widespread cultural acceptance of sending young boys away from home for a religious education, family members often were reluctant to support law enforcement efforts against traffickers.

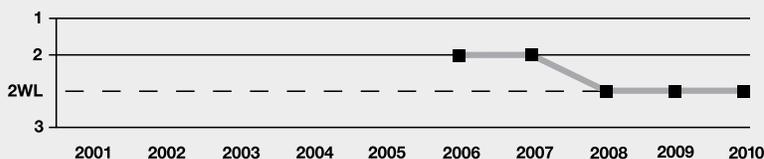
a previously drafted national action plan. An inter-ministerial committee, chaired by the president of the Institute of Women and Children, met regularly in an effort to coordinate the government and civil society response to human trafficking, but undertook little action. The government did not take measures to reduce the demand for commercial sex acts or forced labor during the year. Guinea-Bissau is not a party to the 2000 UN TIP Protocol.

GUYANA (Tier 2 Watch List)

Guyana is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Guyanese trafficking victim cases have been identified in the country, as well as in other countries in the region. Identified foreign victims have come from Venezuela and Brazil. Forced prostitution occurs in brothels on the coast and around mining camps as well as in rum shops and Chinese restaurants. The common Guyanese practice of poor, rural families sending children to live with higher income family members or acquaintances in more populated areas has the potential to evolve into forced domestic servitude. Trafficking victims in Guyana may not self-identify to authorities due to fear of retribution from trafficking offenders, fear of resettlement to abusive home situations, and lack of awareness that human trafficking is a crime. Groups particularly vulnerable to human trafficking in Guyana include Amerindian females, foreign women (such as Brazilians) in prostitution, and children. During the reporting period the U.S. Department of Labor reported results of a project that withdrew 984 children from exploitive child labor in logging and saw-milling, fishing, hazardous farming, factory work, mining, and freight handling from 2005 to 2009.

The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not initiate any new prosecutions of trafficking offenses during the reporting period and has yet to convict or punish any trafficking offenders under its five-year old anti-human trafficking law. Therefore, Guyana is placed on Tier 2 Watch List for the fourth consecutive year. During the reporting period, the government and NGOs identified four victims of trafficking, two of whom prison officials proactively identified. The government provided some resources toward victim protection and local anti-trafficking groups. No suspected traffickers were charged, limiting the level of safety and protection that could be provided to victims. While the government took some tangible steps to raise awareness of human trafficking, including the establishment of focal point groups and an anti-trafficking task force, some local observers felt that the government discouraged discussions on developing effective strategies for combating this phenomenon of modern-day slavery.

GUINEA-BISSAU TIER RANKING BY YEAR



Prevention

The Government of Guinea-Bissau continued to make minimal efforts to raise awareness about trafficking during the reporting period. A government-supported NGO trained border guards to identify potential trafficking offenders. Guards detained male adults who could not prove they were the fathers of children trying to cross the border and arranged for their transportation to police headquarters in Gabu. Border guards did not refer these cases to police for investigation, and suspected traffickers were generally released while guards contacted parents to collect their children. National anti-trafficking coordination efforts were hampered by the government's failure to implement new programs in 2009 or adopt

Recommendations for Guyana: Greatly increase efforts to prosecute, convict, and punish trafficking offenders in Guyana, including any government officials complicit in human trafficking; offer legal alternatives to removal for foreign trafficking victims; encourage law enforcement and other officials as well as NGOs to identify trafficking victims and refer them for assistance; and encourage police, the Ministry of Labor, and the Forest Service to employ formalized procedures, based on recognized trafficking indicators, as part of routine inspections to identify additional victims; ensure trafficking-specific shelter and care is offered to identified victims of trafficking; foster a climate of open discussion about the scope and magnitude of Guyana's human trafficking problem; enhance partnerships with NGOs to boost the trust of trafficking victims in law enforcement personnel; and raise awareness among the general population about all forms of human trafficking.

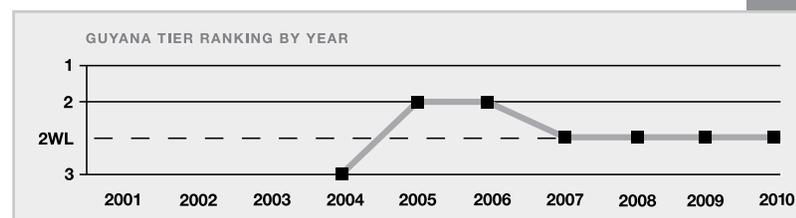
Prosecution

The government made no discernible progress in prosecuting, convicting, and sentencing human trafficking offenders in Guyana during the reporting period. The Combating Trafficking of Persons Act of 2005 prohibits all forms of trafficking and prescribes sufficiently stringent penalties, ranging from three years to life imprisonment, and which are commensurate with those for rape. The government reported four new trafficking investigations during the reporting period, none of which led to prosecutions. The government's four prosecutions from previous reporting periods remained ongoing, with no significant progress. To date, the government has not convicted any trafficking offenders. Progress on the prosecution of criminal cases is perpetually delayed by judicial backlogs, incorrectly filed paperwork or the failure of key parties to appear at hearings. NGOs and one government official expressed concern that trafficking-related official complicity was a problem. It is reportedly common for defendants to bribe court officials for favorable rulings. The Ministry of Home Affairs conducted two anti-trafficking training programs, one in partnership with IOM, for 120 police, prosecutors, and investigators during the reporting period.

Protection

The government made some efforts to protect victims during the reporting period, but the number of identified victims was low, and the fact that the government charged no trafficking offenders and has yet to convict a trafficking offender undermined the effectiveness of those protections. The government, in partnership with IOM, developed a series of anti-trafficking focal point community groups around the country to help identify and refer possible trafficking victims to assistance organizations. While NGOs reported overall good working-level relations with anti-trafficking officials, some local observers expressed concern that pressure from senior officials may have prompted some lower-level officials to suppress information in order to avoid drawing attention to trafficking in Guyana. The Ministry tried to

encourage identified victims to participate in prosecutions of traffickers by paying for travel costs associated with their testifying in court. In one instance, the Ministry hired a private lawyer for a victim. Nevertheless, none of the four victims identified during the reporting period elected to participate in prosecutions. In a positive step during the reporting period, Guyanese prison officials identified two foreign victims of trafficking in detention and referred them to the Human Services Ministry for assistance. The government later dropped pending charges against the two victims. The government did not provide legal alternatives to the removal of foreign victims to their home countries where they may face hardship or retribution.



Prevention

The government made limited progress in the prevention of trafficking during the reporting period. The focal point groups conducted some public outreach activities in rural communities, including trafficking awareness programs targeting parents in Mahdia and Moruka, and distributing leaflets in Lethem to 440 local community leaders. The Ministry of Human Services continued to distribute IOM-funded posters, leaflets, and bumper stickers nationwide at large public gatherings throughout the year. The Ministry of Amerindian Affairs began a campaign for the issuance of birth certificates, which may have a positive effect on preventing trafficking in Guyana, though one senior official indicated that Amerindians were not as vulnerable to trafficking as other government sources have indicated. There were no campaigns directly aimed at reducing the demand for commercial sex acts during the reporting period.

HONDURAS (Tier 2)

Honduras is principally a source and transit country for women and children subjected to trafficking in persons, specifically forced prostitution. Honduran victims are typically recruited from rural areas with promises of employment and trafficked into commercial sexual exploitation in urban and tourist centers, such as Tegucigalpa, San Pedro Sula, and the Bay Islands. Honduran women and children are found in conditions of forced prostitution in Guatemala, El Salvador, Mexico, Belize, and the United States. In one case, 18 Hondurans were subjected to forced labor in Romania after being lured there by fraudulent job offers. To a lesser extent, women and girls from neighboring countries, including Guatemala and Mexico, are subjected to commercial

sexual exploitation in Honduras. In addition to incidents of child sex tourism in the Bay Islands, there have been reports of parents selling their daughters to foreign or local men. The IOM reported incidents of forced labor in Honduras' agricultural and garment sectors.

The Government of Honduras does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, authorities continued to take law enforcement actions against sex trafficking offenders and effectively used partnerships with international organizations to provide training to government officials and members of civil society. Despite these significant efforts, government services for trafficking victims remained virtually non-existent, laws failed to prohibit trafficking for the purposes of forced labor, and the number of trafficking-related convictions decreased.

Recommendations for Honduras: Amend anti-trafficking laws to prohibit labor trafficking; increase efforts to investigate and prosecute all trafficking offenses, and convict and sentence trafficking offenders, including corrupt officials who may facilitate trafficking activity; improve victims' access to shelter aid and essential services; develop formal procedures for identifying victims among potential trafficking populations; and initiate efforts to raise awareness of human trafficking, including anti-trafficking public awareness campaigns.

ranging six to 10 years' imprisonment. The government reported no investigations or prosecutions for forced labor crimes. No confirmed allegations of trafficking-related corruption were investigated or prosecuted, though some local immigration officials were reportedly complicit in human trafficking. Honduran authorities collaborated with foreign governments on a number of trafficking cases, and officials trained police, members of the judiciary, and NGO staff on anti-trafficking legislation and victim services.

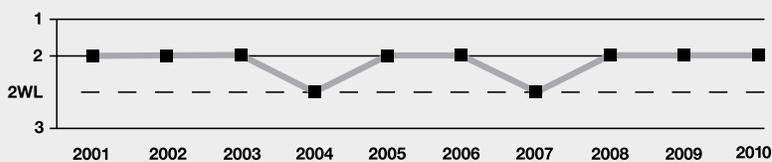
Protection

The Honduran government provided minimal services to trafficking victims last year. There remained no formal procedures employed by law enforcement personnel to identify trafficking victims among vulnerable populations, such as women and girls in prostitution. The government operated no dedicated shelters or services for trafficking victims, though it referred child trafficking victims to NGOs, and provided medical services through public hospitals. NGOs report that referrals in practice are unorganized and uneven. One NGO provided the majority of victim care and received no direct funding from the government; this organization provided victim services to 73 girls who were victims of sex trafficking. Despite a 2009 report by an international organization highlighting the need for increased services for adult female victims of trafficking in Honduras, few resources, public or private, were available for adult trafficking victims. There are plans to train staff of shelters that currently serve vulnerable populations to care for trafficking victims and to create a system of integrated care for adult victims of trafficking; this initiative will be operated by NGOs and funded by a foreign government. Victims were encouraged to assist in the investigation and prosecution of trafficking offenders, and 14 did so during the reporting period. Some trafficking victims declined to cooperate due to distrust in the judicial system, particularly its ability to ensure their personal safety. There were no reports of victims being penalized for unlawful acts committed as a result of their being trafficked. One Colombian victim of trafficking requested and was granted special status to remain in Honduras. Though the government did not report systematically offering foreign victims legal alternatives to their removal to countries where they may face hardship or retribution, there were no known cases of trafficking victims being deported. During the reporting period, the government designated an official at the border post of Corinto to provide care to unaccompanied minors entering the country and to screen for potential trafficking cases. There was no reported training of Honduran diplomats on human trafficking issues.

Prevention

The government sustained efforts to prevent human trafficking during the reporting period, forging partnerships with NGOs and international organizations on several anti-trafficking initiatives. In partnership with the ILO, the government hosted 17 education

HONDURAS TIER RANKING BY YEAR



Prosecution

The Honduran government sustained its efforts to investigate and punish human trafficking crimes over the reporting period. Honduras prohibits sex trafficking through aggravated circumstances contained in Article 149 of its penal code, enacted in 2006, but does not specifically prohibit labor trafficking. For sex trafficking offenses, Article 149 prescribes penalties of 12 to 19.5 years' imprisonment. Such punishments are commensurate with those prescribed for other serious crimes, such as rape. In 2009, the government consolidated two separate offices to create one unit that investigates all human trafficking and commercial sexual exploitation crimes. There were 83 pending investigations into allegations of trafficking and commercial sexual exploitation of children at the end of 2009, and all eight trafficking cases opened during the year involved underage girls. During the reporting period, authorities prosecuted 26 cases of human trafficking or commercial sexual exploitation of children, and obtained five convictions, with convicted offenders given sentences

workshops on commercial sexual exploitation and human trafficking for approximately 1,500 university students, government officials, and journalists. During the reporting period, the national anti-trafficking committee, which is comprised of government agencies, NGOs, and international organizations, solicited signatures from hotels and other businesses on a code of conduct prohibiting the commercial sexual exploitation of children, and 36 hotel owners have signed, as well as two rental car agencies. The government reported no prosecutions or convictions of child sex tourists during the past year.

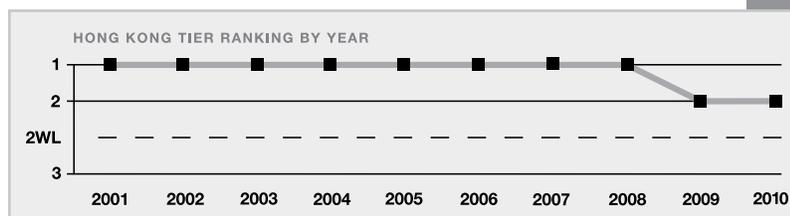
HONG KONG (Tier 2)

The Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is a destination and transit territory for men and women from mainland China, the Philippines, Indonesia, Thailand, and elsewhere in Southeast Asia, some of whom are subjected to trafficking in persons, specifically conditions of domestic servitude and forced prostitution. Some migrants are lured by criminal syndicates or acquaintances with promises of financial rewards and deceived about the nature of their future jobs. Upon arrival in Hong Kong, these migrants are forced into prostitution to repay money owed for their passage to Hong Kong. Some foreign domestic workers in the territory, particularly those from Indonesia and the Philippines, face high levels of indebtedness assumed as part of the terms of employment, which can in some cases lead to situations of debt bondage if unlawfully exploited by recruiters or employers. Many Indonesian workers earn minimum wage or less, and some have entered into contracts requiring them to repay their Indonesian recruitment agencies as much as \$350 within their first seven months of employment, amounting to roughly 90 percent of a worker's monthly salary if the worker is making minimum wage. Some Hong Kong-licensed employment agencies are suspected of colluding with Indonesian agencies to profit from the debt scheme. Some Hong Kong agencies confiscate passports, employment contracts, and ATM cards of domestic workers and withhold them until their debt has been repaid – factors that could facilitate labor trafficking in the territory. One NGO reported that employers of Indonesian domestic workers compel their employees to work seven days a week and forbid them to leave the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities.

The Government of Hong Kong does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted two sex trafficking offenders during the year and sustained some anti-trafficking prevention efforts among foreign domestic workers, but it needs to make greater efforts to proactively identify and criminally prosecute cases of both sex and

labor trafficking. Punishments for labor violations were not stringent enough to carry a deterrent value.

Recommendations for Hong Kong: Through training and revision of standard procedures, significantly increase efforts to integrate trafficking in persons concerns into investigations of illegal immigration and labor violations to increase trafficking prosecutions, including in particular acts of domestic servitude and debt bondage; investigate and criminally prosecute Hong Kong employment agencies cooperating with foreign recruitment agencies who require domestic workers to assume significant amounts of debt; define the term “trafficking in persons” in Hong Kong law in a manner that is consistent with international norms; strengthen implementation of victim identification procedures for identifying trafficking victims among vulnerable groups to identify a greater number of sex and labor trafficking victims; provide incentives for foreign workers to pursue cases against abusive employers, such as allowing workers to work while participating in court proceedings; increase efforts to enforce existing criminal laws on holding travel documents and other identification as collateral on debts; conduct a visible public awareness campaign aimed at reducing the demand for commercial sex acts; and formalize interagency cooperation to address and plan anti-trafficking efforts.



Prosecution

The Hong Kong government made some progress in anti-trafficking law enforcement efforts during the reporting period. Hong Kong does not have specific anti-trafficking laws, but the Immigration Ordinance, Crimes Ordinance, and other relevant laws prohibit some trafficking-related offenses. Hong Kong authorities' limited interpretation of trafficking that focuses on movement for prostitution is inconsistent with international norms and hinders the government's anti-trafficking response. Authorities investigated two cases of sex trafficking for forced prostitution, and in one case, convicted two Filipina offenders of luring three women from the Philippines with the promise of waitressing jobs in Macau. They were then lured to Hong Kong and forced into prostitution. The victims escaped and sought help from the Philippines Consulate, which notified Hong Kong authorities. The offenders were sentenced to 21 and 18 months' imprisonment, respectively. Hong Kong authorities did not report investigating or prosecuting any cases of labor trafficking during the reporting period. The Labor Department revoked the licenses of two employment agencies for overcharging foreign domestic workers, and

sentenced one employer to three months' imprisonment for underpayment of wages. More than 120 other employers were fined for underpayment or non-payment of wages. Employers and employment agencies who illegally withhold a foreign domestic worker's passport can be prosecuted under the Theft Ordinance, punishable with imprisonment up to 10 years, but authorities did not prosecute any such cases during the reporting period.

Protection

The Hong Kong government made limited progress in identifying and protecting trafficking victims during the reporting period. The government identified three victims in two trafficking cases in 2009, all whom were foreign victims of forced prostitution. In both cases, victims approached authorities requesting assistance and were referred to government-subsidized shelters. Contrary to international standards, Hong Kong authorities continued to consider whether potential victims knew they would engage in prostitution before travel as a factor that excludes them from being identified as victims. Victims who were recognized by Hong Kong authorities were not penalized for unlawful acts committed as a direct result of their being trafficked. However, due to the government's limited definition of sex trafficking and uneven implementation of victim identification procedures, some victims may have been deported for immigration violations. During the reporting period, 1,588 women in prostitution were arrested and deported for illegal immigration. The government did not identify any trafficking victims in this vulnerable population. The three victims recognized by authorities were provided government-sponsored assistance, including shelter, financial and legal assistance, counseling, and psychological support. Victims are legally required to assist in the investigation and prosecution of their traffickers and are provided with a stipend, but are not allowed to work while in Hong Kong. Victims, however, are allowed to leave Hong Kong pending trial proceedings. Victims can apply for legal alternatives to their removal to countries where they may face hardship or retribution, but no foreign victim has requested or been granted such assistance; there are some concerns that victims are not made aware that this option is available. Some victims, however, likely are reluctant to assist in long trials while not allowed to work in Hong Kong, and as a result, are not willing to be identified by Hong Kong authorities. Workers who filed labor complaints were not allowed to work during the legal proceedings, and it often took several weeks to schedule a conciliation meeting. While victims have the ability to file civil charges for compensation from their traffickers, there were no such cases during the year.

Prevention

Hong Kong continued modest efforts to prevent trafficking in persons during the reporting period. During the past year, Hong Kong authorities reached out to NGOs and showed a greater willingness to engage with them on anti-trafficking efforts. The Labor Department continued

to publish "guidebooks" for foreign domestic workers in several languages that explain workers' rights and services provided by the government. Although an NGO distributed the guidebooks to foreign domestic workers upon arrival at Hong Kong's airport, the guidebooks reportedly continue to be taken away from some workers by Hong Kong employment agencies shortly after receiving them. Information kiosks and exhibitions were set up at locations frequented by foreign domestic workers to inform them of their rights. Authorities participated in training seminars conducted by outside donors during the reporting period. The Hong Kong government did not take any measures to reduce the demand for commercial sex acts during the reporting period. Hong Kong is not a party to the 2000 UN TIP Protocol.

HUNGARY (Tier 2)

Hungary is a source, transit, and destination country for women and girls subjected to trafficking in persons, specifically forced prostitution and a source country for men and women in conditions of forced labor. Women from Hungary are forced into prostitution in the Netherlands, Switzerland, the United Kingdom, Denmark, Germany, Austria, Italy, Spain, Ireland, Greece, and the United States. Women from eastern Hungary are subjected to forced prostitution in Budapest and areas in Hungary along the Austrian border. Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to internal forced prostitution. Men from Western Europe travel to Budapest for the purpose of adult sex tourism, some of which may involve the exploitation of trafficking victims. Men and women are subjected to conditions of forced labor within Hungary. Women from Romania and Ukraine are transported through Hungary to the Netherlands, the United Kingdom, Denmark, Germany, Austria, Italy, Switzerland, France, and the United Arab Emirates where they are subsequently subjected to forced prostitution; some of these victims may be exploited in Hungary before they reach their final destination country.

The Government of Hungary does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated law enforcement progress in 2009, including amending Paragraph 175/b of its criminal code to increase penalties for cases involving child victims of human trafficking under the age of 12 as well as an increase in the number of traffickers convicted and sentenced to time in prison, though it did not prosecute or convict any labor trafficking offenders. The government demonstrated mixed progress in improving victim assistance during the reporting period; while it allocated funding for a new NGO-run shelter that opened in March 2010 and guaranteed funding through June 2011, the shelter did not assist any victims during the reporting period. Moreover, the shelter is permitted only to assist Hungarian victims, excluding the assistance of any potential foreign victims. More should be done to

ensure all victims have access to assistance. The lack of victim assistance funding by the government in 2008 and most of 2009 may have resulted in a decrease in victims assisted in 2009.

Recommendations for Hungary: Ensure that foreign victims have the same access to government-funded assistance as do Hungarian victims, including shelter; continue to ensure government funding for trafficking victim assistance is sustained and renewable; increase the number of victims referred by police for assistance; consider amending Paragraph 175/b of the criminal code to remove language requiring proof that a victim is bought or sold – this change may increase the number of trafficking offenders successfully prosecuted and convicted under Paragraph 175/b and also the number of victims identified by authorities and referred for assistance; improve awareness among law enforcement and NGOs of what government-provided and privately-provided services are available to victims of trafficking; increase trafficking training for law enforcement outside of Budapest; and conduct a general trafficking awareness campaign about both sex and labor trafficking, targeting both potential victims as well as the general public.

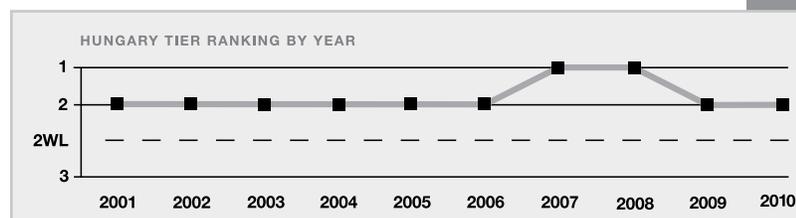
Prosecution

The Government of Hungary's anti-human trafficking law enforcement efforts improved during the reporting period. Hungary prohibits all forms of trafficking through Paragraph 175/b of its criminal code, though prosecutors rely on other trafficking-related statutes to prosecute most trafficking cases. During the reporting period, the government amended Paragraph 175/b to increase penalties for cases involving child victims under the age of 12. Penalties prescribed in Paragraph 175/b now range from one year up to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities note that because of a ruling by the Hungarian Supreme Court, prosecutors must meet strict evidentiary requirements for proving the crime of human trafficking under Paragraph 175/b, specifically that the prosecutor must prove that a victim of human trafficking is either bought or sold by another person; because of this standard, prosecutors generally use other statutes to prosecute trafficking offenders. Police and border guards conducted 27 trafficking investigations, compared with 21 investigations in 2008. Authorities prosecuted 16 traffickers in 2009, compared with 18 in 2008. Convictions were obtained against 23 sex trafficking offenders in 2009, compared with 16 sex trafficking and two labor trafficking convictions in 2008. During the last year, the government did not report any prosecutions or convictions for labor trafficking offenses. In 2009, twenty of 23 convicted offenders were sentenced to time in prison, an improvement from 2008 when 11 out of 18 convicted offenders were sentenced to time in prison. Of those sentenced to prison in 2009, 12 convicted offenders received sentences of up to three years' imprisonment, three offenders received sentences ranging from three to four years' imprisonment, and five

offenders received sentences of five years' imprisonment. During the reporting period, 55 law enforcement officials received victim sensitivity training and victim identification training. The government also conducted three joint trafficking investigations with law enforcement authorities from the Netherlands, Germany, and Austria.

Protection

The Hungarian government undertook modest steps to provide victim assistance during the reporting period; however, more should be done to ensure more victims have access to assistance. A total of 94 victims were identified by NGOs and government officials in 2009, compared with 88 reportedly identified in 2008. The government allocated approximately \$61,000 to an NGO to establish a trafficking shelter that will operate through June 2010. Although this is an improvement from 2008, when the government did not provide funding for NGOs providing victim assistance including shelter, medical care, legal assistance, and psychological counseling, the government-funded shelter will only provide assistance to Hungarian victims; no victims were provided assistance in this shelter during the reporting period. Additionally, only 45 trafficking victims were provided assistance, including shelter, by one privately-funded NGO during the reporting period, compared with 88 victims assisted in 2008. The lack of victim assistance funding by the government in 2008 and most of 2009 and the subsequent closure of one shelter in mid-2008 that had been provided free facility space by the government may have resulted in a decrease in the number of victims assisted in 2009. The government may have assisted some victims of trafficking through general crime victim programs in 2009, though the government was unable to provide the specific number of victims assisted by these programs.



The government-run trafficking hotline referred nine victims to NGOs for assistance last year, a decrease from 50 victims referred by the hotline in 2008. Law enforcement and consular officials identified approximately 30 victims domestically and abroad in 2009, compared with 26 in 2008. Both law enforcement and NGOs were often unaware or uncertain about what services victims of trafficking were eligible to receive; this lack of awareness may have limited the number of victims assisted during the reporting period. Victims were not penalized for unlawful acts committed as a direct result of being trafficked and there were no reported cases of authorities' mistreatment of trafficking victims. The government encouraged victims to assist with trafficking

investigations and prosecutions; in 2009, twenty-seven victims assisted in the investigation and prosecution of trafficking cases. The government offered foreign victims a 30-day reflection period to decide whether to assist law enforcement; however, no foreign victims applied for or received the 30-day temporary residency permits in 2009. NGOs expressed concern that Hungarian victims were not provided with a reflection period to receive assistance and decide whether or not to assist law enforcement; instead, Hungarian victims were required to decide upon identification whether or not they wanted to assist law enforcement. Foreign victims may apply for a six-month temporary residency permit if they choose to cooperate with law enforcement.

Prevention

The Hungarian government demonstrated modest efforts to raise awareness during the reporting period. The government again did not conduct any general anti-trafficking awareness campaigns focused on the general public or potential victims of trafficking; however, it did allocate \$15,800 for a campaign targeted at potential consumers of prostitution in order to reduce demand for commercial sex acts. As reported in the 2009 Report, the three-month campaign started in March 2009 and consisted of radio advertisements, posters placed in 100 gas stations throughout Hungary, and information posted on the Ministry of Justice's website that reportedly received 4,000 download requests. The Hungarian government actively monitored immigration and emigration patterns for evidence of trafficking. Additionally, the government of Hungary provided \$17,200 to an NGO to train employees on trafficking risks at a shelter for unaccompanied minors.

ICELAND (Tier 2)

Iceland is a destination and transit country for women subjected to trafficking in persons, specifically forced prostitution. Some reports maintain Iceland also may be a destination country for men and women who are subjected to conditions of forced labor in the restaurant and construction industries. A 2009 Icelandic Red Cross report claimed that there were at least 59 and possibly as many as 128 cases of human trafficking in Iceland over the previous three years; female victims of human trafficking in Iceland came from Eastern Europe, Russia, Africa, South America and Southeast Asia. During the reporting period, foreign women working in Iceland's strip clubs or in prostitution were vulnerable to sex trafficking. According to the Red Cross report,

undocumented foreign workers – mostly from Eastern Europe and Baltic states – in Iceland's manufacturing and construction industries were vulnerable to forced labor. During the reporting period, local authorities were unable to document cases of forced labor but did acknowledge violations of immigration or employment law.

The Government of Iceland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so and has shown a great deal of political will to deal with the problem. Iceland made substantial progress in investigating and prosecuting trafficking offenses during the reporting period, though victim assistance remained *ad hoc*. The government has yet to establish a national anti-trafficking public awareness campaign, although the amount of information available to the public about trafficking increased dramatically due to several high profile trafficking cases and a government-sponsored anti-trafficking symposium in October 2009. In a further effort to prevent sex trafficking, the government made the purchase of sex illegal and outlawed strip clubs.

Recommendations for Iceland: Consider amending the criminal code to ensure penalties prescribed for sex trafficking are commensurate with penalties prescribed for rape; develop a formal mechanism to guide officials in victim identification and referral to services; expand training on identification and referral of victims to prosecutors, labor inspectors, health officials and a broad law enforcement population; develop legal alternatives to the removal of foreign victims to countries where they face retribution or hardship; ensure the protection of victims' confidentiality and they are not penalized for unlawful acts committed as a direct result of being trafficked, including immigration violations; and conduct an awareness and prevention campaign focused on both sex and labor trafficking and the demand for both forms of trafficking; consider establishing a hotline for reporting suspected instances of human trafficking.

Prosecution

The government made clear progress in its law enforcement efforts against human trafficking during the reporting period. Iceland prohibits trafficking for both sexual exploitation and forced labor through Section 227 of its criminal code. In December 2009, parliament amended the definition of trafficking in the code to align it with the international definition under the 2000 UN TIP Protocol. Punishments prescribed for trafficking under Section 227 range up to eight years' imprisonment, which are sufficiently stringent though not commensurate with penalties prescribed for other serious crimes such as rape. Actual sentences for trafficking offenders have been commensurate with rape sentences. Police conducted three investigations during the reporting period, and the government initiated eight prosecutions during the reporting period, compared with no prosecutions the previous year. Five trafficking offenders were convicted under Section 227; each was sentenced to five years in prison. One alleged trafficking offender was acquitted

ICELAND TIER RANKING BY YEAR



of a human trafficking charge but convicted on other charges and sentenced to two years in prison. She has since been arrested on trafficking charges relating to a different case and remains in prison. There were no known reports of trafficking-related complicity. Icelandic officials strengthened partnerships with Spanish and Lithuanian authorities on trafficking cases during the reporting period. The government funded formal anti-trafficking training (including some training abroad) for all employees of the Ministry for Foreign Affairs and some police and airport officials.

Protection

The government made some progress in ensuring that trafficking victims received access to protective services. It did not provide specific legal protections for trafficking victims, though in practice the government provided services to three victims, including 24-hour police protection for one victim. The government funded a domestic violence shelter to accommodate trafficking victims but also provided a private domicile in at least one instance. Icelandic authorities provided no trafficking-specific care for male victims; however all victims, regardless of age or gender, are entitled to free, government-supported health care, legal services and counseling services. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. The government did not employ a temporary or longer term residence permit system to offer relief from deportation to foreign trafficking victims but on at least one occasion granted a temporary residence permit to one victim. Although lacking a formal system to proactively identify victims of trafficking, the government effectively monitored immigration and emigration patterns for evidence of trafficking and potential trafficking victims at the country's only international airport. Law enforcement officials identified at least one victim during the reporting period. Iceland did not employ a victim referral process, though NGOs reported some law enforcement officers referred victims for assistance on a case-by-case basis. The lack of systematic, proactive victim identification and referral procedures increased the risk victims could be prosecuted, jailed, and deported for unlawful acts, such as immigration violations, committed as a direct result of being trafficked.

Prevention

The government made some progress on prevention initiatives. Although there were no specific anti-trafficking awareness campaigns in Iceland during the reporting period, public awareness of trafficking increased a great deal due to media reports about trafficking cases and anti-trafficking training. In addition, the government sponsored a symposium in October on human trafficking, during which the foreign minister said combating trafficking was a top priority for the government. In an effort to reduce the demand for sex trafficking, the parliament passed a law in April 2009 criminalizing the purchase of sexual services and another in March 2010

prohibiting nude shows in Iceland. The government did not have a systematic mechanism to monitor its anti-trafficking efforts, but the Minister of Justice established a team to coordinate interagency anti-trafficking activities in November 2009. Iceland's national anti-trafficking action plan adopted in March 2009 outlined next steps to improve prevention measures and formal provisions for victim assistance. In partnership with the OSCE, the Icelandic government funded an anti-trafficking project in Azerbaijan. The Ministry for Foreign Affairs imposed a code of conduct banning involvement in human trafficking or the purchase of sexual services while abroad for Icelandic civilian personnel deployed to UN and NATO operations as peacekeepers. There were no measures taken to prevent the participation of Icelandic nationals in international child sex tourism, though there were no cases during the reporting period in which Icelandic nationals were alleged to have participated in child sex tourism. Iceland is not a party to the 2000 UN TIP Protocol.

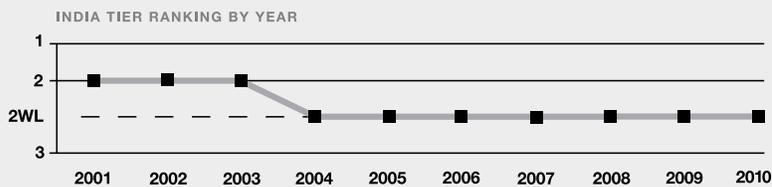
INDIA (Tier 2 Watch List)

India is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and commercial sexual exploitation. In late 2009, the Indian Ministry of Home Affairs assessed India's human trafficking problem as including commercial sexual exploitation, forced labor, and bonded labor. The forced labor within the country of millions of citizens constitutes India's largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. Ninety percent of trafficking in India is internal, and those from India's most disadvantaged social economic strata are particularly vulnerable to forced or bonded labor and sex trafficking. Children are also subjected to forced labor as factory workers, domestic servants, beggars, and agricultural workers. Forced domestic work is a problem in Jharkhand, Madhya Pradesh, Chhattisgarh, and Orissa.

Women and girls are trafficked within the country for the purposes of commercial sexual exploitation. Major cities and towns with tourist attractions continue to be hubs of child sex tourism, and this phenomenon also takes place in religious pilgrim centers such as Tirupati, Guruvayoor, and Puri. Indian nationals engage in child sex tourism within the country and, to a lesser extent, in Nepal. NGO reports indicate that an increasing number of girls from the northeast – including those with education – are duped with promises of well-paid employment in large cities and then forced into prostitution, or forced into marriage in Haryana and Punjab. Women and girls from Nepal and Bangladesh are also subjected to forced prostitution in India. Maoist armed groups known as the Naxalites forcibly recruited children into their ranks.

There are also victims of labor trafficking among the hundreds of thousands of Indians who migrate willingly

every year to the Middle East and, to a lesser extent, Europe and the United States, for work as domestic servants and low-skilled laborers. In some cases, such workers are the victims of fraudulent recruitment practices committed in India leading them directly to situations of forced labor, including debt bondage; in other cases, high debts incurred to pay recruitment fees leave them vulnerable to exploitation by unscrupulous employers in the destination countries, where some are subjected to conditions of involuntary servitude, including nonpayment of wages, restrictions on movement, unlawful withholding of passports, and physical or sexual abuse. An NGO reported that fishermen in Tamil Nadu appear to be increasingly migrating to the Gulf and subsequently falling victim to forced labor on fishing boats. Men and women from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East.



The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, particularly with regard to the law enforcement response to sex trafficking. Despite these efforts, the Indian government has not demonstrated sufficient progress in its law enforcement, protection, or prevention efforts to address labor trafficking, particularly bonded labor; therefore India is placed on Tier 2 Watch List for the seventh consecutive year. There were few criminal convictions of forced labor during the reporting period. Police raids of brick kilns, rice mills, factories, brothels, and other places of human trafficking were usually prompted by NGO activists, as were efforts to provide rehabilitation and protective services to the victims removed from human trafficking. National and state government anti-trafficking infrastructure, and the implementation of the Bonded Labor (System) Abolition Act (BLSA), remained weak. The number of government shelters increased but some continued to be of poor quality. Some public officials' complicity in trafficking remained a major problem. During the reporting period, the Maharashtra and Andhra Pradesh state governments dramatically improved law enforcement efforts against sex trafficking. The central government encouraged the expansion of the number of Anti-Human Trafficking Units (AHTUs) at the state and district levels; these units, if dedicated exclusively to combating all forms of human trafficking, have the potential to substantially increase law enforcement activities. Kerala, Andhra Pradesh, and

the Indian embassy in Oman began to address the issue of migrant workers subjected to forced labor in other countries.

Recommendations for India: Strengthen central and state government law enforcement capacity to conduct intrastate and interstate law enforcement activities against labor trafficking (including bonded labor) and sex trafficking; encourage state and district governments to file bonded labor cases under the appropriate criminal statutes to facilitate speedier justice and limit traffickers' opportunities for bail; encourage other states to establish Immoral Trafficking Prevention Act courts like the one in Mumbai; significantly increase law enforcement efforts to decrease official complicity in trafficking, including prosecuting, convicting, and punishing complicit officials with imprisonment; improve distribution of state and central government rehabilitation funds to victims under the BLSA; empower AHTUs through full financing and encourage them to address labor trafficking; improve central and state government implementation of protection programs and compensation schemes to ensure that certified trafficking victims actually receive benefits, including compensation for victims of forced child labor and bonded labor, to which they are entitled under national and state law; target welfare schemes and laws – such as the National Rural Employment Guarantee Scheme and the new primary education law – to communities that are specifically vulnerable to trafficking and to rescued victims; increase the quantity and breadth of public awareness and related programs to prevent both trafficking for labor and commercial sex; ensure that migrant worker centers in Kerala and Andhra Pradesh adequately address recruitment fees levied by both legal recruitment agencies and illegal sub-agents; and work with the UN Special Rapporteur for Contemporary Forms of Slavery.

Prosecution

Government authorities made little progress in obtaining convictions in bonded labor cases, though government authorities in Maharashtra and Andhra Pradesh made significant progress against sex trafficking during the year. The government prohibits forms of sex trafficking through the Immoral Trafficking Prevention Act (ITPA). Prescribed penalties under the ITPA, ranging from seven years' to life imprisonment, are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. India also prohibits bonded and forced labor through the BLSA, the Child Labor (Prohibition and Regulation) Act of 1986, and the Juvenile Justice Act of 1986. These laws were ineffectively enforced, and their prescribed penalties – a maximum of three years in prison – are not sufficiently stringent. Moreover, these criminal penalties were rarely imposed on offenders. Indian authorities also used Sections 366(A) and 372 of the Indian Penal Code, which prohibit kidnapping and selling children into prostitution, respectively, to arrest and prosecute sex

traffickers. Penalties prescribed under these provisions are a maximum of ten years' imprisonment and a fine. Section 8 of the ITPA prohibits the act of solicitation for prostitution, and this was used in some states to detain and penalize women in prostitution, including trafficking victims, though several state governments – such as Andhra Pradesh and Tamil Nadu – discouraged its use. The Indian cabinet continued to debate proposed amendments to the ITPA to give trafficking victims greater protections and eliminate Section 8. The state of Goa has its own laws prohibiting child trafficking; prescribed penalties under the 2003 Goa Children's Act include imprisonment of no less than three months and/or a fine for child labor trafficking, and imprisonment for one year and a fine for child sex trafficking.

In 2009, an NGO reported it worked with police to facilitate the conviction of five bonded labor offenders under the BLSA. Sentences for these five traffickers, however, were only one or two days' imprisonment and a fine of the equivalent of \$45. Another NGO reported that it assisted local government officials in Uttar Pradesh and Bihar to prosecute 17 bonded labor cases. The Indian government's law enforcement raids were largely due to proactive efforts by NGOs. Police and NGO officials in New Delhi and Tamil Nadu rescued 161 bonded child laborers, mainly under the BLSA. While all of these children were sent to shelters for rehabilitation, and some of them received part of their statutory rehabilitation packages, there were no convictions of the labor traffickers. The Delhi High Court issued a judgment in July 2009 resulting in the investigation, rescue, and rehabilitation of 66 bonded child laborers. The children were awarded release certificates under the BSLA though it was not clear if the children were awarded rehabilitation funds as mandated under the BLSA and, while traffickers were arrested, they were not prosecuted. Police and NGO officials rescued 364 bonded laborers in Uttar Pradesh and Bihar during the reporting period. One hundred eighty-five received or are in the process of receiving their rehabilitation packages, totaling approximately \$78,000 in government rehabilitation funds. None of these traffickers were convicted by the end of the reporting period. The police and NGOs rescued a number of child laborers in the reporting period. Some of these children may have been trafficking victims. However, it is unclear whether any offenders were prosecuted or convicted.

The city of Mumbai and the state of Andhra Pradesh made significant law enforcement strides against sex trafficking, but prosecutions and convictions of sex trafficking offenders in other parts of India were minimal. In Mumbai, the special anti-trafficking court recorded convictions in at least 81 cases under the ITPA, many of which had multiple defendants. This court was additionally remarkable in eliminating the backlog of old cases. Some of these 81 cases included convictions of "clients" as well as sex trafficking victims. Sentences ranged from \$2 fines under the solicitation provision of the ITPA to three-year prison terms for traffickers and

clients. Mumbai police, working with an NGO, rescued 22 children and eight adults in 2009, and helped secure the convictions of eight sex traffickers in the Mumbai Sessions Court under the ITPA and the IPC. One sex trafficker received a sentence of three years' imprisonment; four received sentences of five-years' imprisonment, and three each received a one year sentence. From October 2008 to February 2010, the Andhra Pradesh court convicted 55 convicted sex traffickers and "clients" and sentenced them to four to 14 years' imprisonment. These convictions were under Penal Code 366A, 372, 273, and 376(2).

The states of Maharashtra and Andhra Pradesh convicted a significant number of sex trafficking offenders; in other states, there were substantially fewer convictions of sex trafficking offenders.

In May 2009, a Delhi court sentenced a sex trafficker to nine years' imprisonment, and ordered the trafficker to pay approximately \$24,000 to the underage victim. Obtaining convictions in most parts of India was difficult due to many causes, including overburdened courts and a lack of commitment by some local authorities. Numerous sources indicated that some states continued to charge and prosecute significant numbers of females in prostitution, including trafficking victims, under section 8 of the ITPA – which prohibits solicitation for prostitution. Delhi and Sikkim police and NGO officials rescued three girls forced into prostitution. One investigation started, but there were no prosecutions. From February to October 2009, Chennai police rescued seven Bangladeshi women, and they were sent to a shelter. The police arrested several customers during the raid at the brothel but they were released on bail after a few days. Implementation of the BLSA remained weak during the year. The BLSA mandates the creation of vigilance committees in each of India's 626 districts, though the ILO has publicly noted that committees in many states are not operational and the BLSA remains largely unimplemented in spite of a large bonded labor problem throughout the nation. Additionally, law enforcement efforts against bonded labor were hampered by instances of police complicity, traffickers escaping during raids or on bail, or cases dropped by officials for a variety of reasons, including insufficient evidence and intimidation by traffickers.

The Government of India established 38 AHTUs in police departments, compared with nine existing at the start of the reporting period, and made an initial investment of approximately \$19 million for the purpose of expanding the number of these units. AHTUs are task forces created within local law enforcement agencies. They are responsible for investigating human trafficking cases, and are meant to be comprised of specially-trained police officers. In practice, the units are likely more focused on sex trafficking, as opposed to the more significant problem of labor trafficking. It is unclear whether any AHTU has yet contributed to a labor trafficking prosecution. The Assam, Bihar, West Bengal, Andhra Pradesh, and Tamil Nadu police have established AHTUs,

but their effectiveness is not yet clear. A few NGOs claim that some AHTUs lack support personnel and funding.

The Central Bureau of Investigation (CBI), the Bureau of Police Research and Development (BPRD), and other government agencies led training courses, seminars, workshops, and “training of trainers” trafficking awareness programs for at least 300 law enforcement officials during the reporting period. At least some of these training programs emphasized sex trafficking. The BPRD also prepared a syllabus and training manual on sex trafficking, which is being used in police training colleges and institutes. The impact of anti-trafficking law enforcement training, which remained largely confined to training related to sex trafficking, was difficult to measure – the quality of training varied from state to state. While NGOs in West Bengal and Andhra Pradesh saw law enforcement progress, NGOs in other states perceived little tangible results from law enforcement training.

The involvement of some public officials in human trafficking remained a significant problem, which went largely unaddressed by central and state governments during the reporting period. Corrupt law enforcement officers reportedly continued to facilitate the movement of sex trafficking victims, protect brothels that exploit victims, and protect traffickers and brothel keepers from arrest and other threats of enforcement. Some owners of brothels, rice mills, brick kilns, and stone quarries are reportedly politically connected. Rehabilitation funds under the BLSA were sometimes embezzled by public officials who denied the funds to needy victims. One NGO indicated that in six to seven recent cases, lawyers representing pimps, brothel managers, and corrupt police officers successfully petitioned for the release of child sex trafficking victims from shelters. The girls were subsequently re-trafficked, and their debts owed to traffickers increased due to the petitioners’ fees. India reported no convictions or sentences of government officials for trafficking-related offenses during the reporting period. In November 2009, a team from the National Commission for Women exposed a large trafficking ring in Uttar Pradesh, through which traffickers sent women from areas along the border of Nepal to the Middle East, with the collusion of corrupt police officials. There were no prosecutions under this case. Under the Indian constitution, states have the primary responsibility for law enforcement, and state-level authorities are limited in their abilities to effectively confront interstate and transnational trafficking crimes.

Protection

India made limited and uneven efforts to ensure that all identified victims of human trafficking received access to necessary services during the reporting period. Indian law enforcement and immigration officials continued to lack formal procedures for proactively identifying victims of trafficking among vulnerable populations, such as children at work sites, females in prostitution, or members of low and “scheduled” castes in rural

industries. In general, however, NGOs helped ensure sex trafficking victims from these raids were assisted in NGO or government shelters; there were no shelters reportedly available for adult male victims of trafficking. The Ministry of Women and Child Development (MWCD) funded 314 “Swadhar” projects – which covers female victims of violence, including sex trafficking – 96 projects under the Ujjwala scheme – which is meant to protect and rehabilitate female trafficking victims – and 210 women’s helplines. Some NGOs have cited difficulty in receiving timely disbursements of national government funding of their shelters under the Ujjwala scheme. India does not have specialized care for adult male trafficking victims. Foreign victims can access these shelters.

Conditions of government shelter homes under the MWCD varied from state to state. Many shelters functioned beyond capacity, were unhygienic, offered poor food, and provided limited, if any, psychiatric and medical services, although NGOs provided some of those services. Some shelters did not permit child victims to leave the shelters – including for school – to prevent their re-trafficking. An NGO reported some government shelters did not proactively repatriate sex trafficking victims either to their home state or country. In previous years, traffickers re-trafficked victims by approaching shelter managers and pretending to be family members in order to have the victims released to them. While this declined due to government-run awareness programs and the Juvenile Justice Act, it was still a problem.

On the state level, both Tamil Nadu and Andhra Pradesh made comparatively better efforts to protect sex trafficking victims. Tamil Nadu’s Department of Social Welfare provided some in-kind contributions for UNODC-funded programs on capacity building, counseling, and vocational training for livelihood programs, primarily for trafficking victims. Tamil Nadu also provided free legal aid and substance abuse counseling services in state shelters, some of which included sex trafficking victims. In 2009, the Andhra Pradesh state’s Department of Women and Child Development disbursed \$10,435 in interim relief to 48 sex trafficking victims for travel, clothing, medicine, and other necessities. Many Indian diplomatic missions in destination countries, especially those in the Middle East, provided services, including temporary shelters to Indian migrant laborers, some of whom were victims of trafficking.

Although each government-recognized victim of bonded labor is entitled to 20,000 rupees (about \$450) under the BLSA from the state and central government, disbursement of rehabilitation funds was sporadic. NGOs generally identified bonded laborers and then helped local authorities rescue them. A modest number of bonded labor release certificates issued by some state governments to victims of bonded labor were often done after the encouragement of NGO activists. An NGO indicated the central government had not released any

rehabilitation funding to the state of Karnataka since 2007 due to the failure of that state government to submit required documentation to the central government. State governments were more willing to issue release certificates if the victims were from another state, since a victim's state of origin was responsible for providing the rehabilitation assistance. Weak coordination among government officials at all levels, capacity constraints, cumbersome government procedures, and vacancies in some vigilance committees contributed to these problems. In many cases, NGOs' efforts continued to be necessary for bonded laborers to receive their release certificates and release funds. However, the NGOs had difficulties securing rehabilitation funds except in a few districts with proactive government officials. NGOs also provided the bulk of protection services to bonded labor victims. When disbursed, funds were distributed so slowly – usually in tranches – that they may not provide for effective rehabilitation. NGOs reported some corrupt local officials took unlawful “commissions” from the rehabilitation packages.

The level to which government officials encouraged victims to cooperate with law enforcement investigations and prosecutions of traffickers was inconsistent and depended on the quality of governance in individual states and local jurisdictions. NGOs often filled the crucial role of assisting rescued victims to provide evidence to prosecute traffickers. Many victims declined to testify against their traffickers due to the fear of retribution by traffickers and India's sluggish and overburdened judicial system. Victims have historically been unnecessarily detained and sometimes prosecuted for violations of other laws. While this may have declined slightly, it was still a significant problem in the reporting period. Reports indicated foreign victims continued to be charged under the Foreigners' Act for undocumented status, and then pushed back across the border at night without protective services. During the reporting period, seven rescued Bangladeshi sex trafficking victims remained in a shelter in Chennai – some for as long as a year – while awaiting for the Bangladesh government to give permission for repatriation.

After these women reportedly became frustrated at their situation and violently protested in the shelter, authorities subsequently imprisoned them. However, a state official was trying to release them from the prison and return them to the shelter. NGOs asserted that Andhra Pradesh, Maharashtra, Goa, Bihar, Delhi, Tamil Nadu, and West Bengal continued to make progress in not criminalizing sex trafficking victims; however, Section 8 of the ITPA (solicitation) and Section 294 of IPC (obscenity in public places) continued to be widely used in other states. In many cases, police could not differentiate between victims and traffickers, due in part to a lack of awareness and training; identification efforts were often NGO-driven. One NGO indicated it faced this problem when working in new areas and cited an example in rural Maharashtra where police officers stopped charging adult

women with solicitation or obscenity in public places in collaboration with that NGO.

Foreign trafficking victims were not offered special immigration benefits such as temporary or permanent residency status. The government reported it worked in conjunction with NGOs to place victims in a shelter in their home country in the case of deportation; however, there were no reports this happened in practice. Foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

The Government of India made efforts to prevent human trafficking, although the effect of many of these efforts is unclear. The Ministry of Home Affairs expanded its Anti-Human Trafficking Cell (AHTC) from a staff of six officials to ten. During the reporting period, the AHTC drafted and disseminated an advisory on human trafficking – including forced and bonded labor – to raise awareness of, and give guidance on, all forms of human trafficking to Indian states and union territories. States were required to submit quarterly reports to the AHTC; some states complied with this requirement. Through the Ujjawala scheme, the MWCD held quarterly stakeholder meetings with representatives from other ministries and outside NGOs to discuss its efforts against trafficking. The MWCD chaired quarterly Central Advisory Committee meetings, which include officials from the federal and state governments, NGOs, and international organizations. However, an NGO who is a part of the committee raised questions about the usefulness of these meetings. The MHA provided \$73,300 to fund a conference for SAARC member countries about strengthening trafficking-related law enforcement. In February 2010, in response to a complaint about bonded labor, the National Human Rights Commission (NHRC) censured a district administration in Uttar Pradesh for its slow approach in monitoring working conditions in approximately 425 brick kilns. Following this intervention, the district administration admitted 113 of the brick kilns violated various laws, including the BLSA, filed charges against 24 brick kiln owners, and fined 30 others. It is unclear how many, if any, people were rescued from these government efforts. The central government reported that it released \$100,000 to fund a survey of bonded laborers in 23 districts of Madhya Pradesh. The NHRC conducted four workshops on bonded labor in Patna, Raipur, Bhubaneswar, and Ahmedabad reaching a total audience of 400 state officials. In December 2009, the Minister of Home Affairs launched a new book written by a counter-trafficking expert on trafficking and strongly urged states to set up AHTUs in each district. He stated: “The scale of human trafficking in India is not clear, but it is a fair assumption that it is on a very large scale It is the most grievous and pernicious of crimes. The victims are mostly women and children. There are a variety of reasons for human trafficking but mostly it is sex trade. It is a crime against humanity.”

State governments undertook prevention efforts, but the impact of these efforts were difficult to determine. Tamil Nadu directed district collectors to inspect and register child care homes – some of which have been known to traffic children – and launched pilot anti-TIP drives in select districts; results of these initiatives were not confirmed. The Bihar state government published newspaper ads asking migrant laborers to approach state offices if “they are being used as forced or bonded labor, anywhere in the country,” and assured them of transport home under government expense. Illiteracy and lack of freedom of movement may have hindered this initiative’s effectiveness. Bihar also hired an NGO to educate villagers about the dangers of sex trafficking through community theater, and to train local women’s groups. The Delhi government marked “Global Day Against Child Trafficking” on December 12 with meetings and seminars.

The government took efforts to prevent transnational trafficking, but the impact of these efforts was difficult to determine. The Indian embassy in Muscat introduced several measures to improve the welfare of Indian workers in Oman, including free legal counseling sessions, and the requirement that passports for migrant workers be issued only for one year; the effects of this measure are not yet known. The Migrant Resource Center in Kerala counseled more than 2,900 potential migrants on legal, organized, and humane migration in 2009. In December 2009, the Andhra Pradesh state government, in collaboration with IOM, launched the country’s second center in Hyderabad. The central government increased application fees and security deposits for labor recruitment agents in an attempt to discourage illegitimate recruiters from applying for registration; however, the results of this measure are not yet known. According to a Ministry of Overseas Indian Affairs (MOIA) official, India holds joint working groups on labor once a year to review complaints received by Indian embassies. The NHRC conducted four workshops on bonded labor, reaching a total audience of 400 state officials. The government does not permit its female nationals under the age of 40 to engage in domestic work in the Middle East due to the high incidence of physical abuse; evidence suggests such restrictions on migration do not have a positive effect on preventing human trafficking. According to the government, the MOIA blacklisted 400 Middle Eastern companies – it was unclear, however, how this blacklist was enforced and advertised. According to an NGO, the government blacklisted only two or three recruitment agencies. Indian embassies in the Middle East housed Indian Worker Resource Centers. During a February 2010 visit by Prime Minister Singh to Riyadh, India and Saudi Arabia agreed to enhance cooperation and information exchange on transnational crimes, including human trafficking; details of the agreement are not known.

The government reduced the demand for commercial sex acts in the reporting period by convicting clients of prostitution. However, while India does not have a major problem of its nationals participating in child sex tourism

abroad, there are no known efforts to curtail Indians from participating in local child sex tourism. Despite a 1969 law mandating the registration of the birth of a child, this does not often happen in practice. Data from India’s last social survey indicates approximately 60 percent of births were unregistered; such a lack of identify documentation contributes to vulnerability to trafficking. The 2010 federal budget set aside \$413 million to the Unique Identification Authority of India to issue a single, unique identification number to each resident of India within the next few years. According to a counter-trafficking expert, training for Indian soldiers deployed in peacekeeping missions included awareness about trafficking. The Congolese government, who accused Indian peacekeepers of paying girls for sex in 2008, withdrew its protest from the UN and apologized to the Indian government after an internal UN investigation cleared approximately 100 soldiers of all charges. India is not a party to the 2000 UN TIP Protocol.

INDONESIA (Tier 2)

Indonesia is a major source country, and to a much lesser extent a destination and transit country for women, children, and men who are subjected to trafficking in persons, specifically forced prostitution and forced labor. Each of Indonesia’s 33 provinces is a source and destination of trafficking, with the most significant source areas being Java, West Kalimantan, Lampung, North Sumatra, and South Sumatra. A significant number of Indonesian migrant workers face conditions of forced labor and debt bondage in more developed Asian countries and the Middle East – particularly Malaysia, Saudi Arabia, Singapore, Japan, Kuwait, Syria, and Iraq. During the year, the number of Indonesians seeking work abroad hit an all time high. There are an estimated 6.5 million to 9 million Indonesian migrant workers worldwide, including 2.6 million in Malaysia and 1.8 million in the Middle East. An estimated 69 percent of all overseas Indonesia workers are female and over half of all overseas workers are children. Indonesian NGO Migrant Care estimates that 43 percent – or some 3 million – of Indonesia’s expatriate workforce are victims of trafficking conditions. Another respected Indonesian NGO notes that the number of Indonesian women who are raped while working as domestic workers in the Middle East is on the rise. According to IOM, labor recruiters, both legal and illegal, are responsible for more than 50 percent of the Indonesian female workers who experience trafficking conditions in destination countries. Some recruiters work independently, others for recruitment labor companies called PJTKIs (which include both legal and illegal companies). Some PJTKIs operate similar to trafficking rings, leading both male and female workers into debt bondage and other trafficking situations. These recruitment brokers often operate outside the law with impunity, and some PJTKIs use ties to government officials or police to escape punishment. Workers

recruited for overseas work by PJTKIs are often confined involuntarily for months in compounds – ostensibly for training and processing – prior to their deployment. Licensed and unlicensed companies used debt bondage, withholding of documents, threats of violence, and confinement in locked premises for extended periods to traffic Indonesian migrants.

Indonesian women and migrate to Malaysia, Singapore, and the Middle East and are subsequently subjected to forced prostitution; they are also subjected to both forced prostitution and forced labor within Indonesia. Children are trafficked internally and abroad primarily for domestic servitude, forced prostitution, and cottage industries. Many of these trafficked girls work 14-16 hours a day at very low wages, often under perpetual debt due to pay advances given to their families by Indonesian brokers. Debt bondage is particularly pronounced among sex trafficking victims, with an initial debt of some \$600 to \$1,200 imposed on victims; given an accumulation of additional fees and debts, women and girls are often unable to escape this indebted servitude, even after years in the sex trade. Sixty percent of children under five years old do not have official birth certificates, putting them at higher risk for trafficking. Traffickers employ a variety of means to attract and control victims, including promises of well-paying jobs, debt bondage, community and family pressures, threats of violence, rape, false marriages, and confiscation of passports. In a continued trend, some traffickers' kidnap victims for forced prostitution in the sex trade in Malaysia and the Middle East. A new trend identified by Indonesian police is the recruitment of Indonesian migrant workers in Malaysia for Umrah, a religious pilgrimage to Mecca; once in the Saudi Kingdom they are trafficked to other points in the Middle East. During the year, traffickers were also found to use various Internet social networking media to recruit victims, particularly children, for sex trafficking. Some foreign women from mainland China, Thailand, Central Asia, and Eastern Europe were victims of sex trafficking in Indonesia.

Internal trafficking is also a significant problem in Indonesia, with women and girls exploited in domestic servitude, commercial sexual exploitation, rural agriculture, mining, and fishing. Many victims were originally recruited with offers of jobs in restaurants, factories, or as domestic workers before they were forced into prostitution. Child sex tourism is prevalent in most urban areas and tourist destinations, such as Bali and Riau Island. Some traffickers continued to forge partnerships with school officials to recruit young men and women in vocational programs for forced labor on fishing boats through fraudulent "internship" opportunities.

The Government of Indonesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government increased the number of both sex and labor trafficking offenders convicted

and passed a new five-year anti-trafficking action plan. However, some Indonesian police continue to be passive in combating trafficking absent specific complaints, and corruption among officials involved both directly and indirectly in trafficking crimes remained rampant. During the year, greater civil society and government attention focused on the dearth of adequate protections and preventative measures confronting the forced labor of Indonesian citizens – the country's largest form of human trafficking – particularly the weak structures of the 2004 migrant labor law (Law No.39) and its offspring, the National Agency for Placement and Protection of Indonesia Overseas Workers (BNP2TKI). The BNP2TKI is an independent joint agency consisting of 11 ministries tasked to protect workers, but its overlap with the pre-existing Manpower Ministry's roles sometimes hampers its effectiveness. The government needs to make greater efforts to both combat trafficking-related complicity and greatly increase regulation and oversight of Indonesian labor recruitment companies exploiting workers in order to make more meaningful strides to combat trafficking.

Recommendations for Indonesia: Reform the legal labor export system, particularly the 2004 Overseas Labor Placement and Protection Law and its weak enforcement body – the BNP2TKI – to reduce the vulnerabilities to human trafficking now facing Indonesian migrant workers; criminally prosecute and punish labor recruitment agencies involved in trafficking and fraudulent recruitment, including the charging of recruitment fees that are grossly disproportionate to the services that recruiters provide; undertake efforts to prosecute and punish those who obtain commercial sexual services from children in prostitution; increase government funding at all levels of government for law enforcement efforts against trafficking and the rescue, recovery, and reintegration of trafficking victims; increase efforts to protect domestic workers within Indonesia, particularly children, through law enforcement, public awareness and assistance to families; improve the collection, analysis, and public reporting of comprehensive data on law enforcement actions taken under the 2007 law; complete a revised Memorandum of Understanding (MOU) with Malaysia and other destination countries on Indonesian domestic workers, providing them with internationally recognized protections; increase efforts to prosecute and convict public officials – particularly law enforcement and manpower officials who are involved in trafficking; and increase efforts to combat trafficking through awareness campaigns targeted at the public and law enforcement personnel at all levels of government in main trafficking source regions.

Prosecution

The Indonesian government continued efforts to prosecute and convict trafficking offenders during the year. Through a comprehensive anti-trafficking law enacted in 2007, Indonesia prohibits all forms of

trafficking in persons, prescribing penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police and prosecutors, many of whom are still unfamiliar with the legislation, are often reluctant or unsure of how to effectively use it to punish traffickers. While police reportedly used the 2007 law to prepare cases for prosecutors, prosecutors and judges are still frequently using other laws to prosecute traffickers. This year prosecutors used the 2007 law in 56 percent of the cases they prosecuted; they should increase efforts to apply this law more consistently. The government prosecuted 139 suspected trafficking offenders in 2009 - an increase from 129 in 2008. At least 72 of the 139 prosecutions were for labor trafficking. The Indonesian government obtained the convictions of 84 trafficking offenders in 2009, and at least 29 of these convictions were for labor trafficking; this is an increase of the overall 55 offenders convicted in 2008, nine of whom were convicted for labor trafficking. Indonesian officials and local NGOs continued to criticize the police as being too passive in combating trafficking absent specific complaints. NGOs also reported that in cases where police rescued trafficking victims, they often failed to pursue their traffickers, who fled to other regions or left the country. While police were often aware of children in prostitution or other trafficking situations, they frequently failed to intervene to arrest probable traffickers or to protect victims without specific reports from third parties. Police assigned liaison officers to Indonesian embassies in Saudi Arabia, Malaysia, Australia, the Philippines, and Thailand to support law enforcement cooperation with host governments, including trafficking investigations. The government continued to work with foreign partners and NGOs to train law enforcement officials on trafficking.

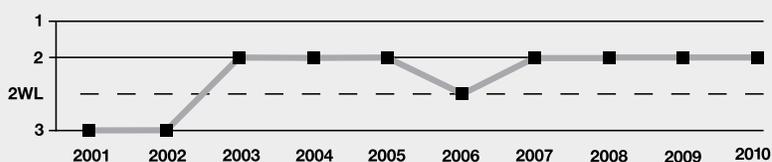
agencies involved in human trafficking, despite the officials' knowledge of the agencies' involvement in trafficking. Some fraudulent recruitment agencies tied to families or friends of government officials or police make deals when caught, and then continue to operate. Government passport services remained the object of widespread corruption, and recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents.

The Manpower Ministry publicly stated that it is identifying and punishing these companies, and the media frequently reports arrests of labor company recruiters. For example, in July 2009, the National Police arrested the manager of a labor recruiting company for allegedly trafficking women to the Middle East and Malaysia to work as maids. However, the Ministry has not yet provided any statistics on such activities. Some local officials facilitated trafficking by certifying false information in the production of national identity cards and family data cards for children, allowing them to be recruited for work as adults abroad and within the country. In return for bribes, some Immigration officials turned a blind eye to potential trafficking victims, failing to screen or act with due diligence in processing passports and immigration control. In April 2009, four consular officials from Indonesia's Consulate General in Kota Kinabalu, Malaysia, were sentenced to two years' imprisonment for charging inflated fees to Indonesian migrant workers seeking visa services. In October 2009, Indonesian police arrested a Ministry of Trade official involved in a visa scam for a tour company which served as a front for human trafficking. Twelve victims were rescued from the tour company's "safe house" in Banten.

Protection

The Indonesian government continued to protect victims of trafficking during the year, although these efforts remained uneven and inadequate in comparison with the scope of the country's trafficking problem. The Social Welfare Ministry operated 22 shelters and trauma clinics for victims of sex and labor trafficking and the National Police operated several "integrated service centers," which provided medical services to victims of violence they were also accessible to victims of trafficking. The government continued to operate more than 500 district-level women's help desks to assist women and child victims of violence, including trafficking. The government relied significantly on international organizations and NGOs for the provision of services to victims, such as IOM assistance in running the police integrated service centers, and provided some limited funding to domestic NGOs and civil society groups that supported services for populations which included trafficking victims. Most security personnel did not employ formal procedures for the identification and referral of victims among vulnerable groups, such as females in prostitution, children migrating within the country, and workers

INDONESIA TIER RANKING BY YEAR



Corruption remains endemic in Indonesia, and members of the security forces continued to be involved both directly and indirectly in trafficking. Police and military officials were sometimes associated with brothels and fronts for prostitution, most frequently through the collection of protection money, which was a widespread practice. Some security force members were also brothel owners, including allegedly in the "Dolly" prostitution complex in Surabaya, one of Southeast Asia's largest brothel areas. Fraudulent recruitment brokers involved in trafficking often operate outside the law with impunity. Some Ministry of Manpower (MOM) officials reportedly licensed and protected international labor recruiting

returning from abroad, but did refer some victims to service providers on an *ad hoc* basis.

During the year, the government increased overall funding for anti-trafficking protection efforts in its inter-Ministry task force by 16 percent. Much of the government's funding in 2010 was allotted to the Ministry of Women's Empowerment and Child Protection (\$500,000), a shift in funding from the Ministry of Social Welfare reflecting the transfer of coordination of the national anti-trafficking task force from the latter to the former in 2009. Nonetheless, the Social Welfare Ministry continued programs that included operating trauma centers, providing more psychosocial workers and trauma experts, and training on trauma treatment. The Women's Ministry's new funding was directed to coordination meetings, awareness trainings throughout the country and operational costs for trainers.

Screening of migrants at Terminal Four of Jakarta International Airport remained inadequate, and authorities do not appear to identify many trafficking victims that travel through the terminal. Both the BNP2TKI and MOM were largely ineffective in protecting migrant workers from trafficking. Some trafficking victims were detained and arrested by police, including through raids on prostitution establishments; some anti-prostitution raids were carried out by police in order to extract bribes from managers and owners of these establishments. There were reports that some police refused to receive trafficking complaints from victims, instead urging the victims to reach informal settlements with their traffickers. Some government personnel encouraged victims to assist in the investigation and prosecution of trafficking cases, while others were less solicitous of victims' cooperation. The prolonged nature of court cases often led victims to avoid cooperating with the prosecution of their traffickers; additionally, the government does not provide adequate funds for victim witnesses to travel to trials. Authorities continued to round up and deport a small number of women in prostitution without determining whether they were victims of trafficking. Indonesia's Foreign Ministry continued to operate shelters for trafficking victims and migrant workers at some of its embassies and consulates abroad. These diplomatic shelters sheltered thousands of Indonesian citizens in distress, including trafficking victims. In January 2010, an inter-ministerial working group, in partnership with IOM, rescued and repatriated 425 female Indonesian workers from Indonesian embassy shelters in Riyadh and Jeddah, Saudi Arabia, and Amman, Jordan, as well as 199 workers from the Indonesian embassy's shelter in Kuwait.

Prevention

The Indonesian government made inadequate efforts to prevent human trafficking during the reporting period. The government continued efforts to coordinate anti-trafficking programs and policies through a national task

force on trafficking, which includes working group sub-units on coordination, policy, and other areas. The chair of the task force was transferred from the Ministry of Social Welfare to the Ministry of Women's Empowerment and Child Protection. The national task force continued to lack sufficient funding and a full-time secretariat, limiting its effectiveness. Additionally, 16 provinces and 27 districts and municipalities coordinated anti-trafficking efforts at local levels during the reporting period. The government continued partnerships with NGOs and international organizations to increase public awareness of trafficking.

During the year, the government increased funding to four ministries for anti-trafficking efforts. In November 2009, the Coordinating Ministry of Social Welfare issued a new anti-trafficking action plan for 2009-2014. This was the result of coordination amongst members of joint task force against trafficking. The government continued, but was not able to conclude during the reporting period, negotiations with the Malaysian government on amendments to a 2006 MOU covering Indonesian domestic workers. The 2006 MOU ceded the rights of Indonesian domestic workers to hold their passports while working in Malaysia. The BNP2TKI and the law that established it– the 2004 Labor Placement and Protection Law (Law No. 39) – are widely regarded as ineffective in preventing labor trafficking, and NGOs have called for its abolishment or overhaul; the legislature has agreed it needs revising. The Ministry of Manpower reportedly fined some labor recruiting companies (PJTKIs) and cancelled the licenses of others for fraudulent recruitment practices that may have contributed to forced labor, though data on these actions were not provided by the government. The government did not effectively monitor immigration and emigration patterns for evidence of trafficking, with some limited exceptions. The government did not report efforts to reduce the demand for forced labor or the demand for commercial sex acts during the year.

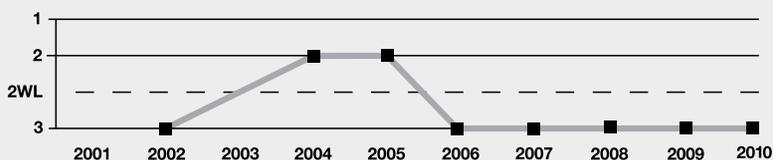
IRAN (Tier 3)

Iran is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Iranian women are trafficked internally for forced prostitution and forced marriage. Iranian and Afghan children living in Iran are trafficked internally for commercial sexual exploitation – sometimes through forced marriages, in which their new “husbands” force them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. Young men and Afghan boys are forced into prostitution in male brothels in southern Iran. Iranian women and girls are also subjected to forced prostitution in Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United

Kingdom. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude.

Men and women from Pakistan, Bangladesh, and Iraq migrate voluntarily or are smuggled to Iran, or through Iran, to other Gulf states, Greece, and Turkey seeking employment. Some subsequently are subjected to conditions of forced labor or debt bondage, including through the use of such practices as restriction of movement, non-payment of wages, and physical or sexual abuse. In Iran, reports indicate victims primarily work in the construction and agricultural sectors, although this type of forced labor may have declined over the past year due to the economic crisis. There are reports that women from Azerbaijan and Tajikistan travel to Iran to find employment and subsequently fall victim to forced prostitution. Tajik women transit Iran and are forced into prostitution in the UAE. Press reports indicate criminal organizations, sometimes politically connected, play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan in connection with smuggling of migrants, drugs, and arms. There are nearly one million Afghans living in Iran, some as refugees and others as economic migrants, who are vulnerable to conditions of human trafficking.

IRAN TIER RANKING BY YEAR



The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. government officials impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. The government did not share information on its anti-trafficking efforts with the international community during the reporting period. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless support two fundamental conclusions: first, trafficking within, to, and from Iran is extensive; and second, the authorities' response is not sufficient to penalize offenders, protect victims, and eliminate trafficking. Indeed, some aspects of Iranian law and policy hinder efforts to combat trafficking. These include punishment of victims and legal obstacles to punishing offenders. In international fora, the Iranian government has objected to the principle that victims of trafficking should not be punished for crimes committed as a result of being trafficked.

Recommendations for Iran: Share with the international community efforts made to investigate trafficking offenses and prosecute and punish trafficking offenders; investigate trafficking offenses and prosecute and punish trafficking offenders, including officials who are complicit in trafficking; institute a victim identification procedure to systematically identify and protect victims of trafficking, particularly among groups such as women arrested for prostitution; and cease the punishment of victims of trafficking for unlawful acts committed as a result of being trafficked.

Prosecution

No reliable information was available on human trafficking investigations, prosecutions, convictions or punishments during the past year. A 2004 law prohibits trafficking in persons by means of the threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, removal of organs, slavery or forced marriage. Reports indicate, however, the law remains unenforced. The Constitution and Labor Code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one year's imprisonment is not sufficient to deter these crimes and is not commensurate with prescribed penalties for serious crimes, such as rape. In addition, the Labor Code does not apply to work in households. The law permits temporary marriage for a fixed term (*sigheh*), after which the marriage is terminated. Some persons abuse this legal process to coerce women into prostitution; there are reports of Iranian women subjected to forced prostitution through fixed-term marriages to men from Pakistan and Gulf states. Law enforcement data is unknown; there were reports of some prosecutions for traffickers who forced Iranian girls into prostitution in the Gulf. Investigations, prosecutions, and convictions of trafficking offenders were not priorities in the country. It was extremely difficult for women forcibly held in commercial sexual exploitation to obtain justice; first, because the testimony of two women is equal to that of one man, and second, because women who are victims of sexual abuse are vulnerable to being executed for adultery, defined as sexual relations outside of marriage. Official complicity may be a problem; human traffickers were reported to have very close links to some authorities and security agencies.

Protection

There were no reported efforts by the Government of Iran to improve its protection of trafficking victims this year. Iran did not have a process to identify trafficking victims from the vulnerable populations found in the country, and officials did not differentiate between victims of trafficking and undocumented migrants. The government reportedly punishes victims for unlawful acts committed as a direct result of being trafficked, for example, adultery and prostitution. There were reports that the government arrested, prosecuted, and punished several trafficking victims on charges of prostitution or adultery. It is unknown how many victims may have been

subjected to punishment during the reporting period for such acts committed as a result of being trafficked. In the February 2010 Trafficking in Persons Working Group in Vienna, the government stated it would not accept any recommendations calling for the absolution of trafficking victims for their crimes; the Iranian delegate said while the victim status of a woman in prostitution might be taken into account by the judge, he opposed the idea that such a woman should not be prosecuted. Most foreign trafficking victims are detained for a short period of time and then deported. Some welfare organizations may help Iranian trafficking victims. Foreign victims of trafficking do not have a legal alternative to removal to countries in which they may face hardship or retribution. According to a March 2009 report citing UNICEF and provincial authorities in Herat, Afghanistan, more than 1,000 Afghan children deported from Iran in 2008 faced poverty and were at risk for abuse, including human trafficking; there were no known efforts to identify trafficking victims among this group. In the reporting period, Iran deported very large numbers of undocumented Afghans without screening them for victimization. Previous reports indicate the government does not encourage victims to assist law enforcement authorities as they investigate and prosecute trafficking cases.

Prevention

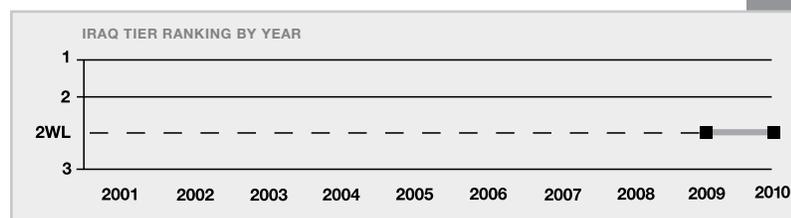
There were no reports of efforts by the Government of Iran to prevent trafficking during the past year, such as campaigns to raise public awareness of trafficking, to reduce demand for commercial sex acts, or to reduce demand for child sex tourism by Iranians traveling abroad. Iran is not a party to the 2000 UN TIP Protocol.

IRAQ (Tier 2 Watch List)

Iraq is both a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Iraqi women and girls, some as young as 11 years old, are subjected to conditions of human trafficking within the country and in Syria, Lebanon, Jordan, Kuwait, the United Arab Emirates, Turkey, Iran, and possibly Yemen for forced prostitution and sexual exploitation within households. In some cases, women are lured into forced sexual exploitation through false promises of work. The more prevalent means of human trafficking is through sale or forced marriage. Family members have coerced girls and women into prostitution to escape desperate economic circumstances, to pay debts, or to resolve disputes between families. Some women and girls are trafficked within Iraq for the purpose of sexual exploitation through the traditional institution of temporary marriages (*muta'a*). Under this arrangement, the family receives a dowry from the husband and the marriage is terminated after a specified period. Iraqi males have also taken advantage of *muta'a* to traffic multiple women into other Iraqi provinces or neighboring countries, especially Syria, for the purposes of forced prostitution. Anecdotal reports

tell of desperate Iraqi families abandoning their children at the Syrian border with the expectation that traffickers on the Syrian side will pick them up and arrange forged documents so the young women and girls can stay in Syria in exchange for working in a nightclub or brothel. The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked.

Iraq is a destination country for men and women who migrate from Bangladesh, India, Indonesia, Nepal, Philippines, Sri Lanka, Thailand, Pakistan, Georgia, Jordan, and Uganda and are subsequently subjected



to conditions of forced labor as construction workers, security guards, cleaners, handymen, and domestic workers. Such men and women often reported their employers seized workers' passports and official documents, refused to honor employment contracts, and made threats of deportation as a means to keep them in a situation of forced labor. Some governments ban their nationals from working in Iraq. These bans are not effective, however, as many migrating laborers and labor brokers circumvent the law. Some of these foreign migrants were recruited for work in other countries such as Jordan or the Gulf States but were forced or coerced to travel to Iraq, where their passports were confiscated and their wages withheld, ostensibly to repay labor brokers for the costs of recruitment, transport, and food and lodging. Other foreign migrants were aware they were destined for Iraq but once in-country, found the terms of employment were not what they expected or the jobs they were promised did not exist, and they faced coercion and serious harm, financial or otherwise, if they attempted to leave. In one case that came to light last year, 14 Ugandan women were subjected to forced labor in Iraq. These women were told they would work on U.S. military bases as domestic workers, although no U.S. contractors or sub-contractors were involved in bringing them to Iraq. Upon arrival, the women were sent to work as domestic workers for private Iraqi families and received significantly lower wages. Some of the women were locked in rooms, had their passports stolen, and were physically or sexually abused by either the recruitment agent or the employer, practices potentially used to keep them in compelled service.

Some Iraqi boys from poor families are subjected to forced street begging and other nonconsensual labor exploitation and forced commercial sexual exploitation. Some women from Ethiopia, Indonesia, Nepal, and the Philippines who migrated to the area under the

jurisdiction of the Kurdistan Regional Government (KRG) experienced conditions of involuntary domestic servitude after being recruited with offers of different jobs. An Iraqi official revealed networks of women have been involved in the trafficking and sale of male and female children for the purposes of forced prostitution. There were reports some Iraqi boys were trafficked internally for the purpose of organ donation; Baghdad hospitals did not question the “voluntary” donation because often the father of the boy was present. There have been isolated cases of Iraqi border forces intercepting older men and young girls attempting to travel together out of Iraq using fake documents; NGOs contend these are cases of trafficking. Anecdotal evidence and media reports suggested some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so in spite of resource and capability constraints. The Iraqi government continued to move its draft anti-trafficking bill through its legislative structures. Because the determination that Iraq is making significant efforts is based on indications of a commitment to take additional future steps over the next year, particularly the passage of the anti-trafficking law, Iraq is placed on Tier 2 Watch List for the second consecutive year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws, identifying and protecting victims of trafficking, or preventing trafficking from occurring.

Recommendations for Iraq: Enact and begin implementing the draft law criminalizing all forms of trafficking; investigate and prosecute trafficking offenses and convict and punish trafficking offenders; train officials in methods to identify victims; undertake a campaign to raise awareness of trafficking to law enforcement officials; provide protection services to victims, ensure that they are not punished for acts committed as a direct result of being trafficked, and encourage their assistance in prosecuting offenders; take steps to end the practice of forced marriages that entrap girls in sexual and domestic servitude; consider measures to reduce the abuse of migrant workers who learn upon arrival in Iraq that the job they were promised does not exist and end up in situations of forced labor; and regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor.

Prosecution

The government made minimal progress in its anti-human trafficking law enforcement efforts over the past year. The 2005 Iraqi Constitution prohibits forced labor, slavery, slave trade, trafficking in women or children, and sex trade, though the Constitution does not prescribe specific punishments for these acts and it cannot be used to prosecute offenders. The Government of Iraq has not

yet passed its anti-trafficking draft legislation; however, it is reported the legislation finally progressed through the Shura Council. Although no single law defines trafficking in persons or establishes it as a criminal offense, various provisions of Iraqi law apply to trafficking. During the last six months, the Iraqi government initiated both a criminal and a human rights investigation into an alleged labor trafficking crime, which resulted in the issuance of two arrest warrants. There were no mechanisms to collect data on offenses or enforcement. There was some evidence of complicity in trafficking by officials. An investigation of alleged trafficking involving the director of a women’s shelter in the KRG area last year had not been completed at the time of this report.

Protection

The Iraqi government demonstrated minimal efforts to ensure that victims of trafficking were given access to protective services during the reporting period. Iraq did not have formal procedures to identify victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers imported to Iraq by labor brokers, some of whom reportedly provided workers for U.S. government contractors and sub-contractors. The government did not fund even temporary shelters for trafficking victims, and did not show efforts to develop or implement procedures by which government officials systematically refer victims to organizations providing legal, medical, or psychological services. However, two ministries refer adult and juvenile detainees to medical screening if they report abuse; reports of abuse of juvenile detainees are investigated, although the results of these investigations are not known. All care is administered by NGOs, which run victim-care facilities and shelters accessible to victims of trafficking. Because coercion is not recognized in Iraqi courts as a legal defense for engaging in an unlawful act, women who have been coerced into prostitution have been prosecuted and convicted. Sex trafficking victims reportedly were prosecuted for prostitution and some spent several months in detention awaiting trial. In the few known cases of children who were forced into armed service, the child victims were prosecuted for terrorism offenses. Some child trafficking victims were placed in protective facilities, orphanages, and foster care, while others were placed in juvenile detention centers. Since trafficking is not established as a crime in Iraq, the government did not encourage victims to assist in investigations or prosecution. Foreign victims had no legal protection against removal to countries in which they may face hardship or retribution. Iraq did not assist foreign trafficking victims by providing temporary or permanent residency status or other relief from deportation. There was no victims’ restitution program. In August 2009, the Iraqi government assisted in the repatriation of the 14 Ugandan women subjected to forced labor in Iraq. Iraq did not provide any specialized training for government officials to identify trafficking victims. Furthermore, the government denied permission

for an NGO to visit Baghdad's women's prison, where the NGO had previously identified trafficking victims among women detained for offenses committed as a result of being trafficked.

Prevention

The Government of Iraq took minimal efforts to prevent trafficking in persons during the reporting period. The Ministry of Human Rights, working in tandem with the Ministry of Youth and Sports, initiated a public awareness campaign aimed at educating children at schools and youth centers across the country about trafficking. However, the government has not yet created an effective mechanism to disseminate awareness information to front-line law enforcement officers who are most likely to come into contact with trafficking victims. Law enforcement officials did not consistently screen people leaving or entering Iraq for evidence of trafficking, and the borders of Iraq remained generally unsecured. The Iraqi government had not taken steps to end the practice of forced marriages and curb the use of temporary marriages, which can result in situations of sexual and involuntary domestic servitude; and it had not regulated recruitment practices of foreign labor brokers to prevent practices facilitating forced labor. The Supreme Committee to Combat Human Trafficking, an inter-ministerial committee composed of members from the Ministries of Human Rights, Foreign Affairs, and Labor and Social Affairs, continued to serve as a coordinating body on human trafficking issues, though it wielded no special authority to implement its recommendations.

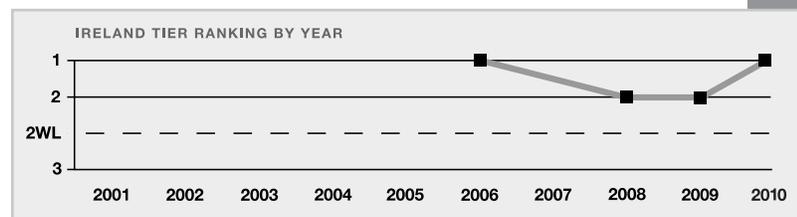
IRELAND (Tier 1)

Ireland is a destination and, to a lesser extent, transit country for women, men, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. According to one NGO, the majority of sex trafficking victims found in Ireland during the reporting period originated in Nigeria. Multiple NGOs reported the increasing use of the Internet in moving victims off the street and into private venues, making them harder to identify. Labor trafficking victims reportedly consisted of men and women from Bangladesh, Pakistan, Egypt, and the Philippines, though there may also be some victims from South America, Eastern Europe, and other parts of Asia and Africa. Forced labor victims reportedly were found in domestic service, restaurant, and agricultural work. Unaccompanied minors from various source countries were vulnerable to trafficking. The government reported that some children who have gone missing from state care have been found in brothels, restaurants, and private households where they may have been exploited. Of the 47 children who were reported missing from state care in 2009, nine were recovered; authorities believed at least one of the nine may have been trafficked.

The Government of Ireland fully complies with the minimum standards for the elimination of trafficking.

Over the past several years, the government has made substantial strides in acknowledging Ireland's human trafficking problem and implementing legislation and policies to punish trafficking offenders and protect trafficking victims.

Recommendations for Ireland: Vigorously prosecute labor and sex trafficking offenses and convict and sentence trafficking offenders; explore ways to enhance usage of the Criminal Law (Human Trafficking) Act of 2008; continue to train officials in the implementation of nascent, formal victim identification and referral procedures to ensure victims receive appropriate services; ensure the provision of specialized services for adult and child trafficking victims, including secure shelter with personnel trained in assisting trafficking victims and funding for NGOs assisting both sex and labor trafficking victims; continue prevention measures targeted at reducing the vulnerability of unaccompanied foreign minors to trafficking; and establish a national anti-trafficking rapporteur to draft critical assessments of Ireland's efforts to punish traffickers, protect victims, and prevent new incidents of human trafficking.



Prosecution

The Government of Ireland made progress in its prosecution of sex trafficking offenses during the reporting period. Ireland prohibited all forms of trafficking through the Criminal Law (Human Trafficking) Act, enacted in 2008. Penalties prescribed range from no imprisonment to life imprisonment, a range that is sufficiently stringent and commensurate with punishments prescribed for rape. In 2009, the government initiated 68 human trafficking investigations and reported four prosecutions of trafficking offenders. The government also assisted with three prosecutions in Romania as well as three prosecutions in Wales. This activity contrasts with no prosecutions conducted by the Irish government during the previous reporting period. There were three convictions of sex trafficking offenders in Ireland during the reporting period under statutes different from the Criminal Law (Human Trafficking) Act of 2008, compared with no convictions during the previous year. One trafficking offender received no punishment but the others each received six years in prison. There were no convictions of labor trafficking offenders in Ireland during the reporting period. In November 2009, police arrested a police officer for alleged trafficking; the case was in the investigation stage at the end of the reporting period. Military police investigated

one reported trafficking case involving an Irish soldier on an overseas mission but determined it was not an instance of human trafficking. The government provided specialized anti-trafficking training for authorities in multiple agencies, including more than 350 members of the Irish police. Ireland forged partnerships with at least six European countries to share anti-trafficking best practices in addition to partnerships built with other governments on specific trafficking cases.

Protection

The Irish government demonstrated some progress in protecting victims during the reporting period. The government formalized procedures to guide officials in the identification and referral of victims to service providers in June 2009. The government's Legal Aid Board provided legal services to suspected victims of trafficking. Authorities referred some victims to an NGO specialized in services for victims of sex trafficking that received some government funding. Victims of sex and labor trafficking had access to state services including medical care, accommodation, and counseling, though the NGOs focusing on labor trafficking were largely funded by private sources. Government social workers, the majority of whom have received anti-trafficking awareness training, organized specific care plans for child victims. In the past, the government used hostels to accommodate vulnerable children and unaccompanied minors arriving in Ireland, but the government has recognized that this placement may not have provided sufficient protection. The government provided temporary legal alternatives to the removal of foreign victims as part of a 60-day reflection period – time for victims to receive immediate care and assistance while they consider whether to assist law enforcement; ten victims received the reflection period during the reporting period, compared with only two victims during the previous year. Longer-term residency arrangements were possible. Victims who received a temporary residence permit were also entitled to rent allowance. The government provided accommodation for suspected victims in reception centers designed for asylum seekers that provided health care and psychological services. The government encouraged victims to participate in anti-trafficking investigations and prosecutions by offering them witness protection. Irish law also provided for the prohibition of the media or others publicizing details about victims. There was no evidence during the year that potential trafficking victims were penalized for unlawful acts committed as a direct result of their being trafficked. The government contracted IOM to train labor inspectors, health officials, immigration officials, victim support authorities and others on proactive victim identification.

Prevention

The government made progress in trafficking prevention. In partnership with NGOs, the government published a national anti-trafficking action plan in June 2009. The Justice Department's anti-human trafficking unit

coordinated anti-trafficking effort; a high-level anti-trafficking interdepartmental group also functioned as a coordination mechanism. The government funded an anti-trafficking public service announcement that aired regularly during the reporting period and maintained a trafficking awareness website; both targeted clients of the sex trade as well as victims and the general public. The government placed awareness ads in national newspapers for the EU anti-trafficking day as well as in taxi and transport company trade publications. The Department of Justice anti-trafficking unit established a social networking site during the reporting period to raise awareness about human trafficking. The Department of Defense provided ongoing anti-trafficking training for all deployed Irish peacekeeping missions. The government did not identify any Irish nationals involved in child sex tourism during the reporting period. Ireland is not a party to the 2000 UN TIP Protocol.

ISRAEL (Tier 2)

Israel is a destination country for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Low-skilled workers from Thailand, China, Nepal, the Philippines, India, Sri Lanka, and, to a lesser extent, Romania and Turkey, migrate voluntarily and legally to Israel for contract labor in construction, agriculture, and home health care provision. Some, however, subsequently face conditions of forced labor, including through such practices as the unlawful withholding of passports, restrictions on movement, inability to change or otherwise choose one's employer, non-payment of wages, threats, and physical intimidation. Many labor recruitment agencies in source countries and in Israel require workers to pay recruitment fees typically ranging from \$1,000 to \$10,000, although Chinese workers often paid more than \$20,000 – a practice making workers highly vulnerable to trafficking or debt bondage once in Israel. Traffickers are usually the migrant workers' legal employers and the recruitment agents in both Israel and in the migrants' home countries. Women from the former Soviet Union and China are subjected to forced prostitution in Israel, although the number of women affected has declined since the passage and implementation of Israel's 2006 anti-trafficking bill. A small number of Israeli women are trafficked within the country for commercial sexual exploitation.

The Government of Israel does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Israel continued law enforcement actions against human trafficking and established a shelter for labor trafficking victims during the reporting period. However, the government did not identify labor trafficking victims during the year, and some law enforcement and protection efforts diminished since the transfer of anti-trafficking duties from the Immigration Police to the Ministry of Interior. Improving identification of victims of

labor trafficking and internal trafficking would enhance Israel's anti-trafficking response.

Recommendations for Israel: Significantly increase prosecutions, convictions, and punishment of forced labor offenses, including the unlawful practice of withholding passports as a means to keep a person in compelled labor or service; ensure identified trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked, such as immigration violations; and fully investigate the incidence of Israel nationals trafficked internally for commercial sexual exploitation.

Prosecution

The Government of Israel made some progress in its law enforcement efforts against human trafficking. Israel prohibits all forms of human trafficking through its Anti-Trafficking Law of 2006, which prescribes penalties of: up to 16 years' imprisonment for sex trafficking of an adult; up to 20 years' imprisonment for sex trafficking of a child; up to 16 years' imprisonment for slavery; and up to seven years' imprisonment for forced labor. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. In the reporting period, the government of Israel prosecuted the case of eight traffickers who ran an international sex trafficking ring. This case involved coordination and cooperation with law enforcement and other government officials in several countries. In 2009, fourteen people were convicted of trafficking for the purposes of prostitution and/or related offenses. Since July 2009, the police opened 61 investigations of cases involving forced labor and 28 investigations of cases involving the withholding of passports. In 2009, the government initiated the prosecution of 32 suspected offenders on charges of forced labor, exploitation of vulnerable populations, and withholding a passport. Police arrested an individual reported to have coerced more than 30 women into prostitution, and who lived off of their income. He was suspected of enslavement, an offense under the anti-trafficking law, and a number of sexual offenses, including rape. NGOs indicated the government focused on prosecutions of related offenses — which allow for civil penalties as opposed to criminal convictions — rather than the prosecutions of trafficking crimes. Police did not initiate any investigations into the trafficking of Israeli citizens within the country and generally did not recognize that Israeli women were trafficked.

According to NGOs, there was a diminishment of anti-trafficking efforts in the reporting period since the newly-created immigration and border control authority (commonly referred to as the "Oz" unit) within the Ministry of Interior (MOI) replaced the Immigration Police. The Oz unit was accused of lacking awareness of trafficking and the will to combat it. While Oz inspectors were meant to convey information to the police if they encountered suspected crimes against migrant workers, NGOs asserted this did not happen, and a report by the

Knesset's Research and Information Center confirmed shortcomings in the operations of Oz inspectors. Furthermore, NGOs reported almost all labor trafficking prosecutions since initiation of the Oz unit were due to efforts by NGOs as opposed to investigation by the government.

The government provided numerous classes, workshops, and seminars to train law enforcement officers and judicial officials on trafficking. For instance, the Investigations and Intelligence Training School integrated trafficking issues in its curriculum, including lectures given by NGOs.

Protection

The Government of Israel continued to improve its protection of trafficking victims over the reporting period, although it lacked effective procedures to identify victims of labor trafficking and domestic sex trafficking. While the government has a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact, this procedure was largely limited in practice to identifying foreign sex trafficking victims, whom the government refers to shelters. The government gave a grant of \$15,000 to a labor trafficking NGO for the purposes of identifying and assisting trafficking victims. In 2009, the government opened a new shelter for foreign male victims of labor trafficking, which assisted 50 victims in the reporting period. The government continued to support its existing shelter, and expanded its mandate to assist foreign female victims of both sex and labor trafficking, assisting 41 women during 2009. The government funded and supervised the shelters and its legal, medical, and psychiatric services, allocating \$1.3 million in 2009, while an NGO operated the facility. The government encourages victims to assist in the investigation and prosecution of trafficking.

Israel detained and deported labor trafficking victims if they were undocumented and not identified as victims. There were some unconfirmed reports that a small number of sex trafficking victims were detained, incarcerated, or deported. An NGO indicated officers prevented it from entering prisons to identify potential sex trafficking victims. Reports indicate the MOI transferred migrants to new employers who were affiliated with the same recruitment agency as the previous employers. This created an abusive situation since the new employer had incentive from the recruitment agency to coerce the migrant into revoking or amending the migrant's labor complaint. At times, this employment transfer occurred without the migrants' consent. Since 2009, the government of Israel issued temporary B1 visas — unrestricted work visas — to trafficking victims, not contingent on their cooperation with law enforcement officials. However, at an inter-ministerial meeting in January 2010, the MOI declared its intention to cancel this procedure.

The government provided numerous workshops and other training to state social workers and other government

officials on victim identification, cultural sensitivity, and other issues. The Foreign Ministry's International Agency for Development Cooperation conducted a one-week training course for senior representatives of NGOs and governments in source countries in May 2009. The workshop included components on trafficking prevention and victim rehabilitation.

ITALY (Tier 1)

Italy is a destination and transit country for women, children, and men subjected to trafficking in persons, specifically forced prostitution and forced labor. Victims originated from North and East Africa, Eastern Europe, the Former Soviet Union, South America, Asia and the Middle East. Romanians and other children from Eastern Europe continued to be subjected to forced prostitution and forced begging in the country. A significant number of men continued to be subjected to forced labor and debt bondage mostly in the agricultural sector in southern Italy. In 2009, labor inspectors discovered 98,400 unregistered workers employed by 80,000 of the 100,600 farms inspected; their unregistered status rendered them vulnerable to trafficking. The source countries from which forced labor victims are likely found include Poland, Romania, Pakistan, Albania, Morocco, Bangladesh, China, Senegal, Ghana and Cote d'Ivoire. Traffickers continued to move victims more frequently within Italy, often keeping victims in major cities for only a few months at a time, in an attempt to evade police detection. NGOs and independent experts reported that efforts to limit street prostitution and crackdowns on illegal immigration have shifted trafficking into more private, hidden sectors, causing the identification of trafficking victims to become more difficult and complex.

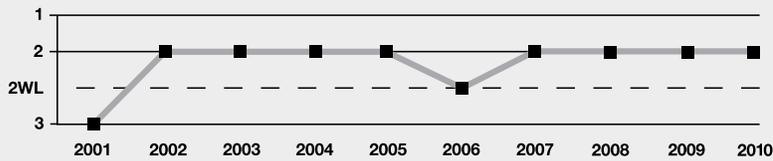
The Government of Italy fully complies with the minimum standards for the elimination of trafficking. The government continued to provide comprehensive assistance to identified trafficking victims during the reporting period. However, according to NGOs the government failed to proactively identify many potential trafficking victims throughout the year, representing a significant departure from its previous victim-centered approach to trafficking in Italy. This might have resulted in victims' removal to countries where they faced retribution and hardship and victims being penalized as a direct result of being trafficked.

Recommendations for Italy: Increase outreach and identification efforts to potential victims to ensure that more trafficking victims are identified, provided care, and not penalized for crimes committed as a direct result of being trafficked; proactively identify potential trafficking victims among illegal immigrant populations to prevent their removal to countries where they face hardship or retribution; and vigorously investigate and prosecute all acts of trafficking-related complicity.

Prosecution

The Government of Italy continued to demonstrate vigorous anti-human trafficking law enforcement efforts during the year. Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons law, which prescribes penalties of eight to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for

ISRAEL TIER RANKING BY YEAR



Prevention

The Israeli government made sustained progress in preventing trafficking in persons over the reporting period. During the reporting period, the government held its first and second annual ceremony to present awards to individuals or organizations that made a significant contribution against human trafficking.

The country's national coordinator for human trafficking posted an annual summary of the Israeli government's anti-trafficking efforts on the Web, and disseminated information on trafficking on the Internet and via a weekly digest sent to governmental and non-governmental stakeholders. The Knesset held a meeting to discuss the U.S. State Department's Trafficking in Persons Report for Israel. In December 2009, the Authority for the Advancement of the Status of Women broadcast on Israeli television several reports on the issue of sex trafficking. The government distributed trafficking prevention brochures in local languages for use by the Israeli consuls abroad in countries of origin; however, it is uncertain if laborers in their home countries received these brochures. The government continued to distribute a labor rights brochure to foreign workers arriving at the Ben Gurion Airport and a second brochure to foreign construction workers. During the year, authorities revoked the recruitment licenses and special permits to recruit foreign workers of 18 recruitment agencies. Prime Minister Netanyahu in January 2010 announced a Cabinet-approved plan to increase penalties on employment agencies that charge exorbitant recruitment fees and force agencies to secure a full year's employment for workers in the caretaker sector. However, the plan also binds foreign workers to sectors and geographic regions, and migrants who are found violating this for more than 90 days will be deported. The government used education campaigns to reduce the demand for commercial sex acts.

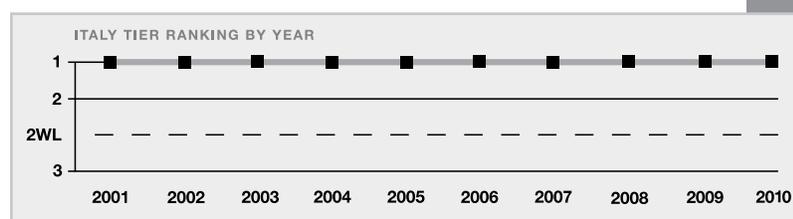
other serious offenses. Complete data for 2008 showed it investigated 2,738 suspects for trafficking, resulting in the arrest of 365 people. The government reported trial courts convicted 138 trafficking offenders in 2008 and sentenced them to an estimated average of four years' imprisonment, the government reported that all offenders were prosecuted under its 2003 trafficking law. The government reportedly used other laws, which carry lesser penalties, in some cases to prosecute forced labor trafficking. It did not, however, disaggregate its data to demonstrate any prosecutions or convictions for force labor offenses. In December 2009, authorities arrested and charged two prison guards with exploitation of women in prostitution. In September 2007, an officer of the Italian consulate in Kyiv was arrested for facilitating the trafficking of young girls for forced prostitution in clubs and discos; the Italian government did not report on any subsequent investigation in Italy.

Protection

The Government of Italy demonstrated continued efforts to protect and assist identified trafficking victims during the reporting period. Article 18 of its anti-trafficking law codifies the identification and referral of trafficking victims to NGOs for care and assistance; however, the government did not have stand-alone procedures for front-line responders to ensure this aspect of the law was being implemented. In 2008, approximately 1,100 trafficking victims, including 50 children and 100 men, entered social protection programs. According to the Ministry of Interior, 810 victims received residency permits by assisting law enforcement in 2009, compared with 664 the previous year. Adult trafficking victims were granted a six-month residency permit, which was renewed if the victim found employment or had enrolled in a training program. Children received an automatic residence permit until they reached age 18. In 2009, the national government and local authorities earmarked \$12.7 million for victim assistance projects. The government ensured, through IOM, the responsible return of 34 trafficking victims in 2009. Victims who are identified and file complaints against traffickers generally did not face penalties for unlawful acts committed as a direct result of their being trafficked.

During the reporting period, the government aggressively implemented anti-immigration security laws and polices resulting in fines for illegal migrants and their expedited expulsion from Italy. International human rights groups and local experts reported this resulted in authorities failing to take adequate measures to identify potential victims of trafficking. Further, the Italian government implemented an accord with the Government of Libya during the reporting period that allowed for Italian authorities to interdict, forcibly return and re-route boat migrants to Libya. According to Amnesty International and Human Rights Watch the government failed to conduct even a cursory screening among these migrants for indications of trafficking. Race riots in Rosarno

in January 2010 revealed the rampant exploitation of immigrant labor within Italy's agricultural sector. The government reported many of these 1,000 African migrants possessed temporary residence permits; the government reported granting some migrants asylum and deported the remainder. It is unclear if authorities systematically attempted to identify trafficking victims among these migrants; only eight migrants requested residence permits as trafficking victims.



Prevention

The Government of Italy continued to make efforts to prevent trafficking in 2009. The government implemented an information campaign, funded by the EU, during the reporting period that included television and radio ads aimed at informing the public that some women in prostitution in their towns may be victims of modern slavery. NGOs continued to distribute government-funded materials that included television and Internet spots, banners, and bumper stickers in various languages during the reporting period. The government sponsored a program implemented by IOM in 2009 aimed at strengthening capabilities of Nigerian NGOs and preventing trafficking of Nigerian victims. The government reported it regularly organizes training sessions on human rights and trafficking for both civilians and military personnel who serve in international peacekeeping missions abroad. The NGO ECPAT estimated that 80,000 Italian men travel to Kenya, Thailand, Brazil, Latin America and the Czech Republic for sex tourism every year. The government continued its program to combat child sex tourism that included outreach to travel agencies and tour operators; however it did not report it prosecuted any such activity in 2009.

JAMAICA (Tier 2)

Jamaica is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. The majority of victims identified within the country were poor Jamaican women and girls, and increasingly boys, subjected to forced prostitution in urban and tourist areas. Trafficking is purported to occur within Jamaica's poverty stricken garrison communities, territories ruled by criminal "dons" that are effectively outside of the government's control. Some Jamaican women and girls have been subjected to forced

prostitution in other countries such as Canada, the United States, the UK, The Bahamas, and other Caribbean destinations. Foreign victims have been identified in forced prostitution and domestic servitude in Jamaica. An NGO working with street children reported that the forced labor of children in street vending is prevalent. Jamaican children also may be subjected to involuntary domestic servitude. There is widespread belief among the NGO community that many of the 1,859 Jamaican children that have gone missing in 2009 were trafficked. Trafficking offenders increasingly used the Internet and cell phone text messages to lure victims. NGOs and other local observers reported that child sex tourism is a problem in Jamaica's resort areas.

The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated leadership in addressing human trafficking by acknowledging the problem, forging partnerships with NGOs, and making substantial strides in the area of victim protection—opening a trafficking-specialized shelter in Kingston, despite limited resources. This progress was threatened by a lack of reporting on the punishment of convicted trafficking offenders, a critical element in both victim protection and deterrence of the crime.

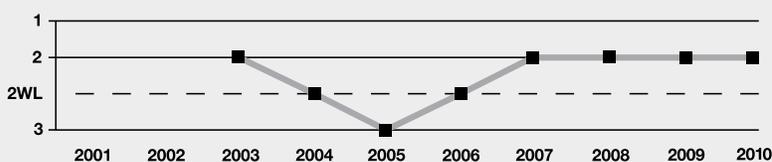
Recommendations for Jamaica: Vigorously investigate and prosecute sex and labor trafficking offenses, and convict and sentence trafficking offenders; consider expansion of victim identification and referral training to include a broader group of police, including police recruits, and other officials involved in the prosecution of trafficking offenders; encourage partnerships between police and NGOs in Negril, Montego Bay and other towns outside of Kingston, fostering more referrals of victims and prosecution of cases; continue to develop victim protection services for children; and explore using existing partnerships with NGOs to expand awareness activities, particularly prevention campaigns directed at youth and potential clients of the sex trade.

for trafficking under the Act extend up to 10 years' imprisonment, which are sufficiently stringent, though not commensurate with penalties prescribed for other serious crimes, such as rape. The government was not able to provide comprehensive data on trafficking prosecutions and convictions throughout the country. Over the past year, there were at least six ongoing sex trafficking prosecutions. The government could not confirm the conviction or punishment of any trafficking offenders in 2009. NGOs reported that trafficking offenders often disappeared on bail after being caught and before they could be prosecuted. One NGO reported that trafficking complicity by police was a problem but did not cite any specific cases. A public official claimed that obtaining quality evidence of trafficking from police was a challenge. Trafficking victim identification training is not a part of the standard police academy curriculum for new recruits, but the Ministry of National Security provided anti-trafficking training for some police units, magistrates, prosecutors, and for operators staffing the trafficking hotline.

Protection

The government made some progress in victim protection during the reporting period. The government offered fifteen victims free legal, medical, and psychological services. Despite limited resources, in partnership with an NGO, the government began establishment of three government-supported shelters for female trafficking victims, the first of which was completed in March 2010. The government spent approximately \$282,000, to refurbish the facilities for the three shelters. In addition, the government partially funded an NGO shelter and gave sporadic funding to other NGOs that provided victim assistance services. The government attempted to return child victims to families or referred them to foster homes. It also directly operated facilities that could house child trafficking victims, though some of these facilities also served as juvenile detention centers. The government trained 71 persons in the Ministry of National Security, 15 in the Ministry of Foreign Affairs and Foreign Trade, and 648 in the Jamaican Constabulary Force in 2009 in trafficking victim identification. Law enforcement, immigration, and social services personnel in Kingston used established formal mechanisms to proactively identify victims of trafficking and to refer them to organizations providing services. Many NGOs in Kingston reported good relations with Jamaican authorities, but police and NGOs in the resort areas of Montego Bay and Negril were not in formal contact. Identified victims were generally not penalized for immigration violations or other unlawful acts committed as a direct result of being trafficked; the government has developed formal guidance for immigration officials, advising them not to deport victims. Jamaican authorities encouraged victims to assist in the investigation and prosecution of their traffickers; at least 12 victims took part in trafficking prosecutions in 2009. The Jamaican government allowed foreign trafficking victims participating in a prosecution

JAMAICA TIER RANKING BY YEAR



Prosecution

The government made no discernible progress in prosecuting trafficking offenders during the reporting period. The government prohibits all forms of trafficking through its comprehensive "Trafficking Act of Jamaica," which went into effect in 2007. Punishments prescribed

to stay in Jamaica until their cases had been completed and there was a plan for safe return to their home countries.

Prevention

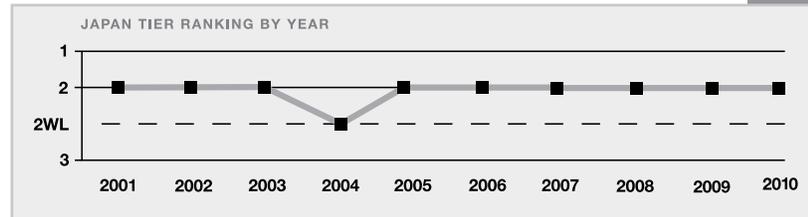
The government made some progress in trafficking prevention activities during the reporting period. The government acknowledged Jamaica’s trafficking problem, and government’s anti-trafficking task force sustained partnerships with NGOs in coordinating anti-trafficking activities and implementing the national anti-trafficking action plan. The government conducted anti-trafficking education campaigns in schools and libraries during the reporting period. It also provided modest, sporadic funding to at least one NGO that raised awareness among youth in rural communities. Several NGOs suggested that additional public awareness activities would be beneficial because there were increased referrals after past information campaigns. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking. The government did not target any prevention efforts toward potential clients of the sex trade or beneficiaries of forced labor during the reporting period. Jamaican authorities initiated a carnal abuse prosecution of a foreign visitor to Jamaica who allegedly engaged in child sex tourism.

JAPAN (Tier 2)

Japan is a destination, and to a much lesser extent, source and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Some women and children from East Asia, Southeast Asia, Eastern Europe, Russia, South America, and Latin America who travel to Japan for employment or fraudulent marriage are forced into prostitution. Japanese organized crime syndicates (the Yakuza) are believed to play a significant role in trafficking in Japan, both directly and indirectly. Traffickers strictly control the movements of victims, using debt bondage, threats of violence, and other coercive psychological methods to control victims. The media and NGOs continue to report abuses of the Industrial Trainee and Technical Internship Program (the “foreign trainee program”), including debt bondage, restrictions on movement, unpaid overtime, and fraud – elements which contribute to situations of trafficking. Women typically faced debt upwards of \$49,000 upon commencement of their contracts, and had to pay employers additional fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. “Fines” for misbehavior added to their original debt, and the process that employers used to calculate these debts was not transparent. A growing and significant number of Japanese women and girls are

victims of sex trafficking in the country, a highly lucrative industry for criminal networks and other operators in Japan. In the case of domestic victims, the threat of blackmail, credit card debts, and other debts from loan sharks are often used as coercive mechanisms in trafficking. Japan is a transit country for persons trafficked from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government reported a record low number of trafficking victims identified and trafficking offenders prosecuted and convicted, while there was no empirical evidence of a decline in Japan’s trafficking problem. In December 2009, the government issued an Action Plan to combat trafficking. Nevertheless, the government’s efforts to investigate and prosecute trafficking cases, and identify and protect victims of trafficking remained inadequate. The government has never prosecuted a case of labor trafficking in the foreign trainee program. For the fourth consecutive year, the number of trafficking victims identified and assisted in Japan decreased significantly with no credible signs of a concurrent decline in Japan’s trafficking problem.



Recommendations for Japan: Establish and implement formal victim identification procedures and train personnel who have contact with individuals arrested for prostitution, foreign trainees, or other migrants on the use of these procedures to identify a greater number of trafficking victims; expand proactive law enforcement efforts to investigate trafficking in businesses employing foreign workers and in commercial sex businesses; ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; increase prosecutions and convictions of labor trafficking offenders; encourage the National Police Agency and to Japanese Embassies and Consulates instructing officials to cooperate to the extent possible with foreign authorities in investigating Japanese nationals involved in possible child sexual exploitation; continue to increase the availability and use of translation services and psychological counselors with native language ability at shelters for victims; and inform all identified victims of the availability of free legal assistance and options for immigration relief.

Prosecution

The Japanese government demonstrated diminished anti-trafficking law enforcement efforts during the reporting period. The government reported prosecuting and convicting five individuals in 2009 under Penal Code Article 226-2, Crimes of Buying or Selling of Human Beings. The government did not report sentencing data for the offenders. Historically, most convicted offenders receive suspended sentences. Japan does not have a comprehensive anti-trafficking laws, and does not keep statistics on the number of trafficking cases it investigates and prosecutes. Cooperation between the different bureaucracies that handle trafficking cases is not always conducive to establishing a clear statistical record that includes prosecutions, convictions and sentencing. The government did not adequately pursue investigations, prosecutions, and convictions of organized crime groups engaged in trafficking. Japan's 2005 amendment to its criminal code, which prohibits the buying and selling of persons, and a variety of other criminal code articles and laws, including the Labor Standards Law, and the Law for Punishing Acts Related to Child Prostitution and Child Pornography criminalizes trafficking and a wide range of related activities. However, it is unclear if the existing legal framework is sufficiently comprehensive to criminalize all severe forms of trafficking in persons. The 2005 Criminal Code amendment, prohibiting the buying and selling of persons, prescribes penalties of up to seven years' imprisonment, which is sufficiently stringent. The Immigration Bureau and Labor Standard Inspection Bodies continued to report hundreds of abuses by companies involved in the foreign trainee program. While many of these abuses were not trafficking-related, some serious abuses were reported including fraudulent terms of employment, restrictions on movement, withholding of salary payments, and debt bondage. Trainees sometimes had their travel documents taken from them and their movement controlled to prevent escape. However, the government did not exhibit efforts to adequately monitor and regulate its foreign trainee program, and has never criminally investigated, prosecuted, or convicted offenders of labor trafficking in the program. In December 2009, a senior immigration official was convicted and sentenced to two years' imprisonment with labor on charges of accepting bribes in exchange for favorable reviews of residence permits for female bar workers. Corruption remains a serious concern in the large and socially accepted entertainment industry in Japan, but government efforts against such corruption have been inadequate. The government sustained modest partnerships with NGOs and international organizations to train law enforcement officials on the recognition, investigation, and prosecution of trafficking crimes.

Protection

The government demonstrated diminished effort to identify and protect victims of trafficking during the reporting period. The number of trafficking victims

identified overall by the Japanese government declined for the fourth consecutive year. Police authorities identified only 17 victims in 2009, down from 36 victims in 2008, 43 in 2007, 58 in 2006, and 116 in 2005. The government did not identify any male victims of trafficking, nor did it have any shelters available to male victims. Government efforts to protect Japanese child sex trafficking victims reportedly improved, but the government did not report the number of such victims identified. Informed observers continue to report that the government is not proactive in searching for victims among vulnerable populations. Although some Japanese authorities use an IOM-issued handbook on victim identification, authorities did not report having formal victim identification procedures. Moreover, although personnel in the various Japanese bureaucracies do have portfolios that include trafficking, the government does not appear to have any law enforcement or social services personnel dedicated solely to the human trafficking issue. All of the 17 identified victims were detained in government shelters for domestic violence victims – Women's Consulting Centers (WCCs) – that denied victims freedom of movement. The victims had access to medical care and received psychological care from an international organization. All of these victims were identified in vice establishments. Authorities have never identified a trafficking victim in the large population of foreign laborers in Japan, including in the "foreign trainee program." The government, in partnership with NGOs, reported improving access to native language interpreters. The government appears to do a poor job of informing trafficking victims that legal redress or compensation through a criminal or civil suit is possible under Japanese law. While authorities reported encouraging victims' participation in the investigation and prosecution of their traffickers, victims were not provided with any incentives for participation, such as the ability to work or generate income. Although the government claims the availability of a long-term residency visa for trafficking victims, no foreign victims have ever been granted such a visa. In 2009, Japan decreased its funding to the International Organization for Migration (IOM) from \$300,000 to less than \$190,000 for repatriation and reintegration assistance, which has had a detrimental effect on victim assistance efforts in the country, resulting in foreign victims unable to return home and victims unable to obtain reintegration assistance.

Prevention

The Japanese government made limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The government continued distribution of posters and handouts to raise awareness about trafficking. Authorities also continued law enforcement training at the National Police University and with IOM assistance. In July 2009, the government established a temporary working group, which included NGOs, to develop a new National Action Plan to combat

trafficking, which was released in December 2009, though the new action plan does not include NGO partnerships. The government continued to fund a number of anti-trafficking projects around the world. For years, a significant number of Japanese men have traveled to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Authorities have not prosecuted a Japanese national for child sex tourism since 2005, and did not report investigating any such cases during the reporting period. Despite the country's thriving commercial sex industry, the government did not make any efforts to reduce the demand for commercial sex acts or the demand for child sex tourism. Japan is not a party to the 2000 UN TIP Protocol.

JORDAN (Tier 2)

Jordan is a destination for women and men subjected to trafficking in persons, specifically conditions of forced labor and, to a lesser extent, forced prostitution. Jordan is possibly a source and transit country for women and men subjected to conditions of forced labor and forced commercial sexual exploitation. There were also reports of Jordanian child laborers experiencing conditions of forced labor. Migrant workers may be rendered vulnerable to forced labor in Jordan due to indebtedness to recruiters, legal requirements mandating foreign workers rely on employers to renew work and residency permits, and negative societal attitudes toward foreign workers. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through such practices as the unlawful withholding of passports, restrictions on movement, non-payment of wages, threats of imprisonment, and physical or sexual abuse. At the conclusion of the reporting period, approximately 400 Filipina, Indonesian, and Sri Lankan domestic workers, most of whom had fled some form of forced labor, were sheltered at their respective embassies in Amman.

Moroccan and Tunisian women are reportedly subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. In addition, a few Chinese, Bangladeshi, Indian, Sri Lankan, and Vietnamese men and women encountered conditions indicative of forced labor in a few factories in the garment sector, including factories in Jordan's Qualifying Industrial Zones, such as the unlawful withholding of passports, delayed payment of wages, and, in a few cases, verbal and physical abuse. Instances of forced labor reportedly continued to decline due to enhanced labor inspections and other recent measures undertaken by the government within the garment sector. During the year, NGOs and the media also reported the forced labor of Egyptian workers in the construction, agriculture, and tourism sectors. Jordan's airports may be transit points for South- and

Southeast-Asian men and women *en route* to employment opportunities in other Middle Eastern countries, where they experience labor exploitation after arrival. Some Jordanian children employed within the country as street vendors, carpenters, painters, mechanics, domestics, restaurant staff, or agricultural laborers may be exploited in situations of forced labor.

The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government continued to demonstrate a strong commitment to combat human trafficking. Law enforcement authorities began to implement the 2008 anti-trafficking law by increasing investigations into suspected cases, resulting in several prosecutions. The government also finalized a national anti-trafficking action plan; instituted bylaws providing standards for employing domestic workers and operating recruitment agencies; drafted a plan and guidelines for opening a long-term shelter; and designed a public awareness strategy. Nevertheless, victim assistance, public awareness raising, punishment of traffickers, and active cooperation with source country embassies remained limited.

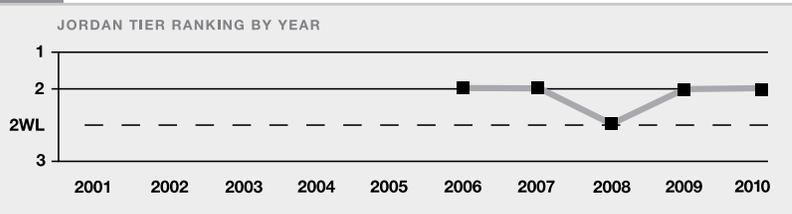
Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, and sentence trafficking offenses, especially those involving the forced labor of domestic workers; increase penalties for forced labor offenses; jointly train labor inspectors, police, border officials, judges, and prosecutors to enhance anti-trafficking law enforcement cooperation; implement a comprehensive awareness campaign to educate the general public, as well as foreign migrant workers in all sectors, on the nature of human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law; enhance protective services available to trafficking victims to include the availability of adequate shelter; strengthen efforts to proactively identify victims of forced labor and forced prostitution and ensure identified victims are not punished for unlawful acts committed as a direct result of being trafficked; ensure identified trafficking victims are promptly referred by law enforcement, social services, and labor officials to protection services using a standardized procedure; and where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

Prosecution

The Government of Jordan made improved efforts to criminally punish trafficking offenders during the reporting period. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of up to ten years' imprisonment for forced prostitution and trafficking involving aggravating circumstances, such as trafficking of a child or with the involvement of a public

official; these penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses not involving aggravating circumstances are limited to a minimum of six months' imprisonment and a maximum fine of \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties, such as fines of up to \$1,400, to labor violations committed against Jordanian or foreign workers, including forced labor violations; these penalties also are not sufficiently stringent. Over the last year, the government investigated and prosecuted a number of cases involving forced labor and forced prostitution. The government convicted two trafficking offenders for forcing two Tunisian women into prostitution; it did not provide information on the sentence imposed. Using the anti-trafficking statute, an Amman court began the prosecution of the employer of a Sri Lankan domestic worker who allegedly confined the worker to the house and did not pay her for over 10 years, conditions highly indicative of forced labor. In February 2009, an Amman criminal court began the prosecution of a Jordanian man charged with the sexual assault of his domestic worker under Penal Code Article 76, 296, 300, 301, and 304; the victim also alleged physical abuse, non-payment of wages, and confinement to the household, but charges under the anti-trafficking statute were not brought due to authorities' limited understanding of trafficking crimes. Administrative courts heard at least 20 cases of wage non-payment and awarded some level of compensation to the foreign worker in each case; however, no criminal penalties were attached to these cases. In 2009, labor inspectors issued at least 41 fines for forced labor violations in garment factories. The government failed to provide information on the status of two prosecutions pending at the close of the previous reporting period. The government provided anti-trafficking training to some officials through the police training academy and a training program for labor inspectors. In addition, the Public Security Directorate's (PSD) Borders and Residency Department trained 300 border guards to recognize and interview trafficking victims.

assistance, some victims were identified by the PSD and referred to NGOs for assistance. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. A working group under the National Committee for the Prevention of Human Trafficking, which was established in June 2009 and is chaired by the Minister of Justice, drafted bylaws to serve as the legal framework for operating such shelters. In addition, the Ministry of Social Development (MOSD) developed a detailed management and resource plan for operating a shelter in conjunction with NGO service providers; at the close of the reporting period, the National Committee had not yet approved the plan. A government-run shelter for abused Jordanian women housed and provided psychological and medical services to a small number of foreign domestic workers who had been sexually assaulted by their employers and subsequently referred to the shelter by PSD's Family Protection Department; these domestic workers may have been trafficking victims. Another government-funded organization provided limited legal advice and assistance to domestic and textile workers in 2009. Most detained foreign domestic workers, however, even those who claimed abuse or forced labor conditions, were not referred for assistance. The government did not adequately ensure identified victims were not penalized for unlawful acts committed as a direct result of being trafficked; victims continued to be vulnerable to arrest and detention if found without valid residency documents and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them. In order to limit the opportunities for exploitation, labor regulations prohibit the transfer of a migrant worker from one sponsoring employer to another without prior approval from the Ministry of Labor (MOL). The threat of detention due to expired residency documents and the lack of special work permits and visas to allow trafficking victims to remain legally in Jordan make it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking. The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a disincentive to remain in Jordan and pursue legal action against traffickers. Nevertheless, during the year, the Ministry of Interior often waived the accumulated overstay penalties levied against "runaway" foreign domestic workers in order to repatriate them.



Protection

The Jordanian government made improved but inadequate efforts to protect victims of trafficking during the last year. Although Jordanian law enforcement authorities did not employ systematic procedures to proactively identify or refer victims of trafficking for

Prevention

The government made increased efforts to prevent trafficking during the reporting period. In March 2010, the National Committee for the Prevention of Human Trafficking officially launched its National Strategy and Action Plan to Combat Human Trafficking (2010-2012)

during a ceremony attended by the Deputy Prime Minister and Justice Minister. This plan includes provisions for a specific visa for human trafficking victims to allow victims to receive residency and work permits while they pursue a legal case. In August 2009, the cabinet endorsed and made effective two new sets of bylaws to the Labor Law. The first protects the rights of foreign domestic workers by providing for a standard work day, paid leave, entitlement to family contact, freedom of religion, and protection from being sent to work in homes other than the sponsoring employer's. These bylaws, however, require the worker to obtain the employer's permission to leave the house; if a domestic flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. The second set of bylaws governs the work of domestic worker recruitment agencies by strengthening licensing requirements and giving the MOL greater monitoring and enforcement authorities. These bylaws have not been fully implemented, partially due to some regulations in need of additional instructions.

During the reporting period, the government ordered the closure of nine recruitment agencies for failure to comply with the labor law or domestic worker bylaws, or for complaints filed against them. Six agencies had their closure order suspended after resolving the problems, and three were closed permanently. In addition, the MOL inspectorate issued 17 fines and 48 warnings against recruitment agencies for failure to comply with the labor law or recruitment agency regulations. In June 2009, the government signed a memorandum of understanding with the Government of Indonesia to strengthen the regulation and oversight of the recruitment process for domestic workers and clearly delineate protection responsibilities. The MOL continued operation of a hotline to receive labor complaints, some of which included indicators of forced labor, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contends every complaint was investigated. It also carried out over 176,000 planned or on-the-spot investigations covering all labor sectors except agriculture. It did not conduct any information or education campaigns beyond the labor inspectorate's brief awareness raising workshops for workers in garment factories.

To address exploitative child labor, the inspectorate fined 33 businesses in 2009, but handled most other cases informally with the employer and family; no criminal charges were filed against employers illegally utilizing child labor, though 375 identified children were referred to educational and other services. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. Jordan's Peace Operations Training Center provided anti-trafficking training as part of their standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions. The government ratified and published the 2000 UN TIP Protocol in April 2009.

KAZAKHSTAN (Tier 2 Watch List)

Kazakhstan is a source, destination, and to a lesser extent, a transit country for women and girls subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Kazakhstani women and children are trafficked within Kazakhstan and also to the United Arab Emirates, Russia, China, Turkey, Azerbaijan, Greece, and Israel for the purpose of forced prostitution. Women and girls from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, and Ukraine are subjected to forced prostitution in Kazakhstan. Kazakhstani men, women, and boys as well as men from Uzbekistan, Kyrgyzstan, and Mongolia are subjected to conditions of forced labor in domestic servitude and also in the tobacco, cotton, and meat processing industries in Kazakhstan. Twenty-five percent of the school-age children in a region of southern Kazakhstan were forced to pick cotton during the 2009 harvest.

The Government of Kazakhstan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate significant efforts to identify and assist foreign victims or victims of forced labor and did not vigorously prosecute, convict, or criminally punish any officials for government complicity, including local officials complicit in the use of forced labor during the annual cotton harvest; therefore, Kazakhstan is placed on Tier 2 Watch List. In 2009, approximately 900 school children ages seven to 17 were forced to pick cotton by local government officials in a region of Southern Kazakhstan during the fall cotton harvest; although local prosecutors began an investigation, no authorities were prosecuted, convicted, or criminally punished for their actions. Despite recognition as a destination for foreign victims trafficked for forced prostitution and forced labor, the government only identified and assisted three foreign victims during the reporting period. The government also demonstrated only modest efforts to identify victims of forced labor in 2009 – only 12 Kazakhstani victims of forced labor were identified by the government. Over the last year, the government allocated \$55,000 to an NGO service provider to open a trafficking shelter in Astana in September 2009. It also sustained a high level of funding for public awareness efforts.

Recommendations for Kazakhstan: Take substantive action to end the use of forced labor during the annual cotton harvest; increase efforts to identify foreign victims of both forced prostitution and forced labor; increase the number of foreign victims of trafficking who receive trafficking victim assistance; increase efforts to identify labor trafficking victims, including by ensuring authorities screen for potential victims of forced labor among those detained during immigration raids and refer those identified victims for assistance; investigate, prosecute, convict, and criminally punish all government