

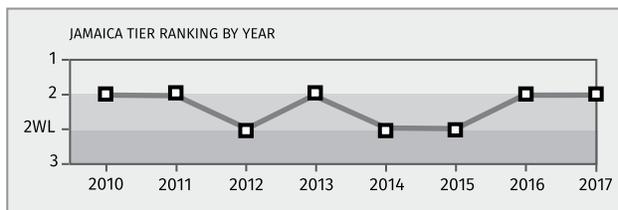
are often subjected to sex trafficking in Italy after accepting promises of employment as dancers, singers, models, restaurant servers, or caregivers. Romanian and Albanian criminal groups force Eastern European women and girls into commercial sex. Nigerians represent 21 percent of victims, with numbers nearly doubling in 2016 to approximately 7,500 victims. Nigerian women and girls are subjected to sex and labor trafficking through debt bondage and coercion through voodoo rituals. Men from Africa, Asia, and Eastern Europe are subjected to forced labor through debt bondage in agriculture in southern Italy and in construction, house cleaning, hotels, and restaurants in the north. Chinese men and women are forced to work in textile factories in Milan, Prato, Rome, and Naples. Children subjected to sex trafficking, forced begging, and forced criminal activities are from Romania, Nigeria, Brazil, Morocco, and Italy, particularly Romani and Sinti boys who may have been born in Italy. Transgender individuals from Brazil and Argentina are subjected to sex trafficking in Italy. Unaccompanied children are at risk of trafficking, particularly boys from Somalia, Eritrea, Bangladesh, Egypt, and Afghanistan, who often work in shops, bars, restaurants, and bakeries to repay smuggling debts. Italian men engage in child sex tourism abroad, including in countries across Africa, Latin America, and East Asia.

The estimated number of trafficking victims in Italy increased significantly due to the continued dramatic flow of migrants and asylum-seekers arriving by boat from sub-Saharan Africa. Italy received 181,436 irregular arrivals by sea in 2016, added to the 154,000 arrivals in 2015. More than one-half requested asylum, demonstrating possible vulnerability to trafficking. One international organization estimated more than 7,500 likely trafficking victims arrived from Nigeria alone in 2016, compared to an estimated 2,800 in 2015. Most rely on smugglers at some point during their journey and in some instances are subjected to human trafficking en route or upon arrival in Italy. Although the government operated temporary centers throughout the country to house asylum-seekers, the system was stretched beyond capacity; international organizations reported increased incidents of labor and sex trafficking of asylum-seekers as a result of the reception centers being unsuited for victims of trafficking and too accessible to traffickers who recruit victims. A shortage of shelters also resulted in less capacity to adequately monitor conditions. Under Italian law, asylum-seekers are not allowed to work while their applications are under review, and migrants often sought illegal employment in informal sectors, increasing their vulnerability to trafficking. Of total arrivals in 2016, 25,846 were unaccompanied children, mostly boys and a majority from Africa. Many went north to other European countries, while others looked for employment outside protected shelters. Children remaining in Italy were particularly vulnerable to trafficking in the informal agriculture, hospitality, and construction sectors, or were forced by traffickers into begging.

JAMAICA: TIER 2

The Government of Jamaica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Jamaica remained on Tier 2. The government demonstrated increasing efforts by securing two convictions, prosecuting nine trafficking cases against 13 alleged traffickers, and investigating 40 potential new trafficking cases. The government developed a new victim protection protocol for health, labor, and child welfare officials, identified eight

trafficking victims who were provided government shelter and services, and increased awareness-raising efforts. However, the government did not meet the minimum standards in several key areas. The government did not hold complicit officials accountable, publish a standard victim protection protocol, or publish an annual report monitoring its efforts.



RECOMMENDATIONS FOR JAMAICA

Vigorously prosecute, convict, and punish traffickers, including any officials complicit in sex or labor trafficking; increase efforts to identify and assist victims of forced labor and sex trafficking, including sex trafficking of Jamaican children; dedicate adequate funding to implement the national action plan; fully implement government-wide standard operating procedures to guide police, labor inspectors, child welfare officials, and health workers in the proactive identification of local and foreign victims of forced labor and sex trafficking, including children exploited in commercial sex in night clubs, bars, and massage parlors; continue to support victims during the criminal justice process whether the victim resides in Jamaica or abroad to ensure the admissibility of testimony; implement the national rapporteur's mandate to investigate reports of human trafficking, report on violations of the rights of victims, and provide an annual report to the government; and continue efforts to raise awareness about human trafficking of both Jamaican citizens and foreign nationals.

PROSECUTION

The government maintained efforts to investigate, prosecute, and convict traffickers. The government prohibits all forms of trafficking through its comprehensive Trafficking in Persons (Prevention, Suppression, and Punishment) Act. The sentence for trafficking in persons and conspiracy to commit trafficking is up to 20 years imprisonment, a fine, or both. The sentence for aggravated trafficking in persons—in cases of serious injury, repeat offenses, or by a person in a position of authority among other factors—is up to 30 years imprisonment, a fine, or both. These penalties are sufficiently stringent; however, when allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. In April 2014, officials enacted the Criminal Justice Act, which may be used to prosecute traffickers who are members of a “criminal organization” with penalties of five to 15 years imprisonment or a fine or both. A number of new laws, including most notably the Evidence (Amendment) Act of 2015, the DNA Evidence Act of 2015, and the Jury (Amendment) Act of 2016, are expected to strengthen the judicial system's ability to admit relevant evidence in trafficking cases and improve the jury system. The Jamaican cabinet approved an amendment to the Trafficking Act to allow such cases to be tried by a judge rather than a jury; the parliament will consider the amendment in 2017.

Authorities initiated 40 new trafficking investigations compared with 30 in 2015; 30 of these investigations led to police operations in search of traffickers, victims, and evidence. Officials

prosecuted three new trafficking cases and continued prosecuting six trafficking cases against 10 alleged traffickers compared to nine cases against 10 alleged traffickers in the previous reporting period. The government secured two convictions, compared to two in the previous reporting period. The primary trafficker received concurrent sentences of 16 years for rape, 14 years for trafficking in persons, and 10 years for facilitating trafficking in persons and was ordered to pay two million Jamaican dollars (\$15,630) in restitution to the victim. The other trafficker received a three-year suspended sentence. The independent commission of investigations had authority to investigate all alleged abuses by police officers and government officials, but in practice does not pursue allegations of trafficking. The former deputy chairman of Jamaica's anti-doping committee faced charges of living off the earnings of prostitution, a crime under the Sexual Offenses Act; the prosecution remained ongoing at the close of the reporting period.

The Ministry of Justice allocated \$32.5 million Jamaican dollars (\$253,900) for anti-trafficking efforts in fiscal year 2016-2017. The government trained 1,063 police officers on trafficking, compared to 563 in the previous reporting period. The Jamaican Constabulary Force (JCF) trained 70 judges and approximately 2,000 justices of the peace responsible for deciding whether a minor can leave the country with a non-parent custodian. Jamaican officials also participated in trafficking in persons trainings funded by foreign government and international organization sources. The government cooperated with the governments of the United Kingdom, Antigua, Guyana, and Trinidad and Tobago on trafficking cases.

PROTECTION

The government maintained efforts to protect victims. Authorities identified eight confirmed trafficking victims—all females—during the reporting period, compared to four confirmed victims—three men and one girl—in 2015. The government developed a victim protection protocol and a standard operating procedure for health, labor, and child welfare officials, but these had not been published. Other government officials continued to use a standard operating procedure for victim identification and granting temporary immigration status; these procedures recently led to the identification of two minor trafficking victims and a referral to the JCF anti-trafficking unit. The JCF anti-trafficking unit, when taking trafficking victims into protective custody, was required to notify the taskforce, partner NGOs, and, in some cases, the Child Development Agency. The JCF anti-trafficking unit then made arrangements for the transportation and transfer of victims to a shelter care facility, either NGO- or government-run, which provided services regardless of whether or not the victim cooperated with law enforcement. Immigration officials continued to screen and conduct risk assessments of potential victims. The children's registry did not report reports received of suspected trafficking cases for this reporting period compared to 52 reports of suspected trafficking in the previous reporting period.

The government offered protection to the eight identified victims and referred them to government or NGO care facilities for medical services, psychological services, and financial assistance for basic necessities. The government's trafficking shelter, which could house 12 people, assisted two female victims, who received medical and dental care, psychological counseling, food and basic necessities, legal services, and access to recreation. The government reportedly provided support to victims after their departure from government shelters on a case-by-case basis, including medical and psychological care. The government had

difficulty securing witness testimony of victims who had been repatriated and of those who feared reprisal. The government encouraged victim testimony by providing victims an orientation to the criminal justice process and equipping some courtrooms for remote video testimony to enable testimony from abroad. Authorities provided 6.3 million Jamaican dollars (\$49,220) for victim assistance in 2016, compared with 13 million Jamaican dollars (\$101,600) for victim assistance in 2015. In accordance with Jamaica's anti-trafficking law, the government provided relief from deportation for one foreign national victim identified in the previous reporting period; this relief also included food, long-term shelter, education, and counseling. The government coordinated with another Caribbean government in preparation for the repatriation of a Jamaican victim, including by preparing relevant documents. There were no reports of the government punishing victims for unlawful acts committed as a direct result of being subjected to human trafficking.

PREVENTION

The government increased efforts to prevent trafficking. The national anti-trafficking taskforce, through sub-committees on prevention, protection, and prosecution, continued to implement its national anti-trafficking plan valid through 2018. The Ministry of National Security spent 813,000 Jamaican dollars (\$6,350) toward anti-trafficking prevention efforts in fiscal year 2016-2017. The cabinet appointed a national rapporteur on trafficking in persons in early 2015 to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government; the rapporteur planned to release this report in 2017. The government engaged in public awareness activities on all forms of trafficking, including a campaign in schools and the media, a film screening, a comic book, an animated mini-series, and the distribution of 70,000 copies of a pamphlet in a leading newspaper. The government's efforts resulted in the sensitization of more than 17,000 students, teachers, government officials, and community members. The labor ministry, prior to the departure of Jamaican participants in an overseas seasonal agricultural program, educated them about the risks of trafficking. The taskforce educated members of the tourism industry in major resort areas on indicators of trafficking and encouraged them to report suspected sex tourism. The government did not report any child sex tourism investigations, prosecutions, or convictions. Police conducted operations in an area known for the commercial sex trade, which resulted in the screening of 23 individuals for trafficking indicators and detention of several purchasers of commercial sexual services. The government did not report efforts to reduce the demand for forced labor. The government provided anti-trafficking training to diplomatic personnel, including the requirement for such personnel to enter into employment contracts with their domestic workers.

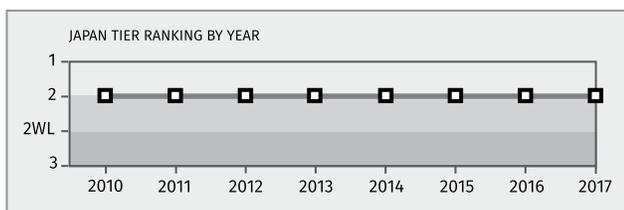
TRAFFICKING PROFILE

As reported over the past five years, Jamaica is a source and destination country for adults and children subjected to sex trafficking and forced labor. Sex trafficking of Jamaican women and children reportedly occurs on streets and in night clubs, bars, massage parlors, and private homes, including in resort towns. Traffickers increasingly use social media platforms to recruit victims. Jamaican citizens have been subjected to sex trafficking and forced labor abroad, including in other Caribbean countries, Canada, the United States, and the United Kingdom. Communities vulnerable to sex trafficking and forced labor include young women and girls from poor and single-

parent households, residents of Jamaica’s poverty-stricken areas effectively controlled by criminal “dons,” migrant workers, and workers in the informal sector, particularly on family farms and in markets and shops. Child domestic workers may be subject to domestic servitude. Many children are reported missing in Jamaica; some of these children are subjected to forced labor or sex trafficking. Foreign nationals are subjected to forced labor in Jamaica and aboard foreign-flagged fishing vessels operating in Jamaican waters. NGOs and other local observers report child sex tourism is a problem in Jamaica’s resort areas.

JAPAN: TIER 2

The Government of Japan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Japan remained on Tier 2. The government demonstrated increasing efforts by passing legislation in November 2016 enhancing oversight of the Technical Intern Training Program (TITP) to protect program participants from exploitation; prosecuting and convicting more traffickers compared to the previous year; and identifying 50 trafficking victims, including four labor trafficking victims. However, the government did not meet the minimum standards in several key areas. There appear to be significant gaps in the laws Japan relies on to prosecute human trafficking cases, which hamper the government’s ability to investigate, prosecute, and convict the full range of trafficking crimes identified in international law. In addition, the treatment of some child sex trafficking victims as delinquents rather than victims left them without proper services and the crimes of their traffickers uninvestigated and unpunished. Despite reports and allegations from NGOs of possible labor trafficking offenses under the TITP, the government did not identify any TITP participants as trafficking victims or prosecute traffickers involved in the use of TITP labor as traffickers.



RECOMMENDATIONS FOR JAPAN

Update the legal framework to fully criminalize all forms of trafficking in accordance with the definition in international law, including to criminalize those who recruit, transport, transfer, or receive individuals for forced labor or sex trafficking; increase the penalties for crimes used to prosecute trafficking crimes to a maximum of no less than four years imprisonment and disallow the alternative of a fine; for sex trafficking crimes, ensure penalties are commensurate with those in place for other serious crimes, such as rape; significantly increase efforts to investigate and prosecute labor trafficking cases; fully implement the oversight and enforcement measures contained in the TITP reform law; increase enforcement of bans on excessive deposits, “punishment” agreements, withholding of passports, and other practices by organizations and employers that contribute to forced labor; enhance victim screening to ensure trafficking

victims, including but not limited to migrant workers under the TITP program and children, are properly identified and referred to services, and not detained or forcibly deported for unlawful acts committed as a direct result of being subjected to trafficking; increase resources to provide specialized care and assistance to trafficking victims, including designated shelters for trafficking victims; aggressively investigate, prosecute, convict, and punish Japanese citizens who engage in child sex tourism overseas; and accede to the 2000 UN Transnational Organized Crime Convention and the 2000 TIP Protocol.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Japan’s criminal code does not prohibit all forms of trafficking in persons as defined by international law; the government relies on various provisions of laws relating to prostitution, abduction, child welfare, and employment to prosecute trafficking in persons crimes. Article 7 of the Prostitution Prevention Law criminalizes forced prostitution, including by threat or the use of violence and inducing a person into prostitution by deception, embarrassment, or taking advantage of influence through kinship. When deception is used, the punishment is a maximum of three years imprisonment or a fine; when violence or threats are used, the punishment is a maximum of three years imprisonment, or three years imprisonment and a fine, respectively. Other related provisions such as articles 10 and 12 make it a crime to conclude a contract or to own a business in which a person is made to engage in prostitution, and violations of these articles carry respective punishments of a maximum of three years imprisonment or a fine of ¥10,000 (\$85), and a maximum of 10 years imprisonment and a fine up to ¥300,000 (\$2,560). An act related to sexual exploitation of children criminalizes the “trafficking of children for the purpose of child prostitution” and prescribes sentences of up to 10 years imprisonment. When prosecuting child sex trafficking cases that do not meet the conditions of this act, the government frequently relies upon the 1947 Child Welfare Act, which broadly criminalizes harming a child—to include causing a child to commit an obscene act, delivering a child to another knowing that the other is likely to cause the child to commit such an act, or keeping a child with the intent of causing a child to commit an act harmful to the child. The Child Welfare Act prescribes sentences of up to 10 years imprisonment, fines, or both for causing a child to commit an obscene act, or up to three years imprisonment, fines, or both for other acts. Article 226-2 of the penal code criminalizes the buying and selling of human beings for profit or indecency, and prescribes a maximum sentence of up to 10 years imprisonment. It also criminalizes buying and selling a person for the purpose of transporting him or her across international borders, and prescribes a penalty that ranges from two years to 20 years imprisonment. The Employment Security Act makes it a crime for a person to engage in labor placement or recruitment “by means of violence, intimidation, confinement, or other unjust restraint on mental or physical freedom” or to recruit laborers for “work harmful to public health or morals.” It prescribes sentences of up to 10 years imprisonment or a fine not exceeding ¥3 million (\$25,630). Article 5 of the Labor Standards Act prohibits forced labor through the use of physical violence, intimidation, confinement, or any other means which unfairly restrict the mental or physical freedom of workers. While the law criminalizes the recruitment of labor by force, it does not clearly criminalize using fraud or coercion to compel a person to labor. The government states that acts such as transporting, transferring, or receiving someone for the purpose of forced labor are implicitly criminalized under article

227 paragraph 3 of the penal code. To the extent that Japan's laws criminalizing trafficking offenses provide penalties of at least four years imprisonment, they are sufficiently stringent and commensurate with penalties for other serious crimes. However, to the extent that they allow for a fine in lieu of imprisonment, the punishment for sex trafficking offenses is not commensurate with those for other serious crime, such as rape. Civil society organizations cited the absence of a comprehensive trafficking law as hindering the government's ability to identify and prosecute trafficking cases.

The government reported investigating 44 cases for crimes related to human trafficking in 2016, the same as in 2015. It initiated prosecution of 43 suspected traffickers in 2016 (26 in 2015) and convicted 37 traffickers (27 in 2015) during the reporting period. Ten of the 37 convicted traffickers received only fines. The government did not prosecute or convict any suspected traffickers involved in the use of TITP labor. However, as a result of labor inspections in TITP work places, it referred 40 cases for prosecution as labor violations that carry lesser penalties. The government reported investigating 809 cases of "children in prostitution," which is a form of sex trafficking, compared with 728 in 2015. In 2015, the most recent year statistics were available, the government prosecuted 495 people and convicted 409 defendants (including defendants prosecuted before 2015) under article 4 (Child Prostitution) of the "Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children." The government continued to conduct numerous anti-trafficking trainings for police officers, prosecutors, judges, and immigration bureau officers on identifying victims and investigating trafficking cases. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained efforts to protect trafficking victims. The government identified 50 trafficking victims, compared with 54 in 2015. Of these, the government identified 37 female sex trafficking victims (20 in 2015) and four labor trafficking victims (seven in 2015), as well as nine victims of labor trafficking who may also have been exploited in sex trafficking (27 in 2015). National Police Agency (NPA) officials used an IOM-developed handbook and the Inter-Ministerial Liaison Committee's manuals to identify victims and refer victims to available services. The NPA also distributed a handbill for potential victims with emergency contact information in 10 languages. The government did not adequately screen for and identify victims among vulnerable groups, which continued to hamper protection efforts. Only two victims identified in 2016 were male, and the government has never identified a forced labor victim in TITP, despite substantial evidence of trafficking indicators, including debt bondage, passport confiscation, imposition of exorbitant fines, arbitrary deduction of salaries resulting from non-contractual infractions, attempted forceful deportation by both sending and receiving organizations, and confinement. Despite 577 children identified as involved in commercial sex by police, the government officially identified only 10 children as sex trafficking victims. Some victims were reluctant to approach authorities, fearing reprisals from traffickers or concerns over the government's ability to aid them. Police treated some potential child sex trafficking victims as delinquents, counseling them on their behavior instead of investigating their cases for possible trafficking crimes. Consequently, the children were not formally identified as trafficking victims, and were not referred to specialized services.

The government continued to lack trafficking-specific victim services but funded Japan's Women's Consulting Center (WCC) shelters and domestic violence shelters, which assisted 15 of the identified victims (21 in 2015). Other victims received assistance in NGO shelters, where they are eligible for government subsidized medical care, or returned to their homes; however, it was unclear how many received assistance at NGO shelters. The government allocated ¥3.5 million (\$29,840) for shelter protection for male victims during 2016 and assisted two male victims during the reporting period. WCC shelters provided food, basic needs, psychological care, and coverage of medical expenses, and allowed the victims to leave the facilities when accompanied by facility personnel. The availability and quality of victim services varied by location; prefectures where government officials had more experience with trafficking cases had more know-how for services.

According to a local NGO, foreign trafficking victims were not eligible for the entire range of social services available to Japanese victims. The government-funded legal support center provided pro bono legal services to destitute victims of crime for both criminal and civil cases; it was unclear whether any trafficking victims applied for or received such services. The government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to foreign victims. Twenty-three victims, including one labor trafficking victim, received services and returned to their home countries through this program during the reporting period. A local NGO reported some police attempted to delay the repatriation of some victims against their will in order to persuade them to testify in cases against their traffickers. Although the law prohibits trafficking victims from being denied entry into Japan or deported, inadequate screening of vulnerable groups meant some unidentified victims were likely arrested and deported for crimes committed as a direct result of being subjected to human trafficking, including immigration violations. Temporary, long-term, and permanent residence benefits were available to victims who feared returning to their home country. The government did not report granting any long-term residence visas to victims in 2016 but did provide short-term visas to 24 victims. Victims had the right to file civil suits to seek compensation from their traffickers; some foreign workers, including potentially unidentified trafficking victims, and sex trafficking victims filed civil suits for non-payment of wages. However, given that companies ordered to provide restitution often declared bankruptcy, receiving restitution remained nearly impossible.

PREVENTION

The government increased efforts to prevent trafficking. It issued its second annual report on government actions to combat trafficking and tracked measures against the stated goals of its anti-trafficking action plan. In November 2016, the government passed the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (TITP reform law), which seeks to strengthen protections for TITP participants by establishing criminal penalties for violations such as withholding of passports. The TITP reform law established a new oversight organization in January 2017 that will provide a reporting system for workers experiencing abuse and conduct inspections of employment and supervising organizations. To reduce debts incurred by TITP participants through recruiting organizations in source countries, the government plans to pursue bilateral memoranda of cooperation with those countries. Labor and immigration officials conducted joint

inspections at 23 organizations associated with employing TITP participants in 2016 and detected violations of labor laws at 21 organizations; correction orders were issued in these cases and four were referred for prosecution. The MOJ banned two companies, 35 supervising organizations, and 202 implementing organizations from receiving TITP interns in 2016. A government council issued a report on the phenomenon of *enjo kosai*, also known as “compensated dating” or the “JK business” (JK stands for *joshi-kosei*, or high school girl), and on the issue of coerced participation in pornographic materials, in consultation with local NGOs and experts.

The government continued to advertise the multilingual emergency contact hotline number at local police and immigration offices and with NGOs and governments of source countries. It conducted trafficking awareness campaigns by disseminating information online, through radio programs, posters, and brochures and by disseminating leaflets to NGOs, immigration and labor offices, and diplomatic missions in Japan and overseas. To reduce demand for commercial sex, including child sex tourism, the government continued to distribute posters and brochures, including in transportation hubs, and distribute a handbook to travelers with warnings about the government’s ability to prosecute Japanese citizens who engage in child sex tourism abroad. The government has extraterritorial jurisdiction to prosecute Japanese nationals who engage in child sexual exploitation abroad; however, it did not report any such prosecutions during the reporting period. The government provided anti-trafficking training for troops prior to their deployment abroad on international peacekeeping missions and to its diplomatic personnel. Japan is the only G-7 country that is not a party to the 2000 UN TIP Protocol; however, the Cabinet submitted draft legislation to the Diet in March 2017 that, if passed, would allow the government to become a party to the protocol.

TRAFFICKING PROFILE

As reported over the past five years, Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers, mainly from Asia, are subjected to conditions of forced labor, including some cases through the government’s TITP. Some men, women, and children from Northeast Asia, Southeast Asia, South Asia, South America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for forced prostitution in bars, clubs, brothels, and massage parlors. Traffickers strictly control the movement of victims using debt bondage, threats of violence or deportation, blackmail, passport retention, and other coercive psychological methods; victims of forced prostitution sometimes also face debts upon commencement of their contracts. Most victims are required to pay employers fees for living expenses, medical care, and other necessities, leaving them vulnerable to debt bondage. Brothel operators may add “fines” for alleged misbehavior to victims’ original debt, and the process used to calculate these debts is typically not transparent. Trafficking victims may transit Japan before enduring exploitation in onward destinations, including East Asia and North America.

Japanese citizens, particularly runaway teenage girls, children of foreign and Japanese citizens who have acquired citizenship, and their foreign mothers, are also subjected to sex trafficking. *Enjo kosai*, also known as “compensated dating,” and variants

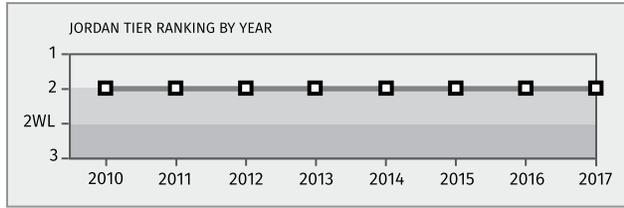
of the “JK business” continue to facilitate the sex trafficking of Japanese children. Sophisticated and organized prostitution networks target vulnerable Japanese women and girls—often in poverty or with mental disabilities—in public areas such as subways, popular youth hangouts, schools, and online; some of these women and girls become trafficking victims. Some model and actor placement agencies use fraudulent recruitment techniques to coerce Japanese women and men into signing vague contracts, and then force them through threats of breach of contract or other legal action to engage in sexual acts to produce pornographic materials. Organizations in Japan contact children of Japanese fathers and Filipino mothers to assist them and their mothers to acquire citizenship and move to Japan for a fee; once in Japan, some mothers and children are exploited in sex trafficking to pay off the debt incurred for the organizations’ services. Reports continue that Japanese men remain a source of demand for child sex tourism in Asia.

Cases of forced labor occur within TITP, a government-run program originally designed to foster basic technical skills among foreign workers that has effectively become a guest-worker program. During the “internship,” many migrant workers are placed in jobs that do not teach or develop technical skills—the original intention of TITP; some of these workers continued to experience conditions of forced labor. Many technical interns are Chinese, Cambodian, and Vietnamese citizens, some of whom pay up to \$10,000 for jobs and are employed under contracts that mandate forfeiture of the equivalent of thousands of dollars if they leave. Reports continue of sending organizations in the interns’ host countries under this program charging participants excessive fees and deposits, and requiring contracts subjecting participants to fines if they fail to comply with their labor contract or other term of agreement. Some employers confiscate trainees’ passports and other personal identity documents and control the movements of interns to prevent their escape or communication with persons outside the program.

JORDAN: TIER 2

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Jordan remained on Tier 2. The government demonstrated increasing efforts by assisting an increased number of victims in 2016, compared to the previous year, including providing services at a shelter dedicated to victims of all forms of trafficking, including men, women, and children. It made efforts to improve implementation of a national victim referral mechanism for authorities to systematically identify and refer victims to protection services. The government also continued to work in cooperation with NGOs and international organizations to investigate potential trafficking crimes, identify and protect trafficking victims, and train officials. The government demonstrated continued strong efforts to investigate, prosecute, and convict traffickers. However, the government did not meet the minimum standards in a few key areas. In particular, under Jordan’s anti-trafficking law, penalties for some trafficking offenses are neither sufficiently stringent nor commensurate with other grave crimes. During the reporting period, the government sought to improve this weakness and drafted amendments to the penal code to strengthen available sentences for trafficking offenses; these draft provisions

remained pending review at the end of the reporting period. Additionally, victims continued to be vulnerable to arrest and imprisonment for acts committed as a direct result of being subjected to trafficking, such as immigration violations, while government efforts to identify potential trafficking victims among those in detention remained weak.



RECOMMENDATIONS FOR JORDAN

Enact and implement draft amendments to the anti-trafficking law to ensure penalties for sex trafficking and forced labor of adults are sufficiently stringent and commensurate with other serious crimes; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations or escaping from an abusive employer; significantly increase training for law enforcement, prison officials, and labor inspectors throughout the country to proactively screen for, identify, and refer to protection services trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, and women in prostitution; fully implement the national victim referral mechanism; continue to prosecute, convict, and punish sex trafficking and forced labor offenses with adequate jail time and investigate and punish individuals for withholding workers’ passports under Jordan’s passport law; continue to regularly cooperate with NGOs to identify and refer victims to protection services; continue to allocate adequate funding for operation of the government’s trafficking shelter and train shelter staff to identify and provide specialized care to victims; issue regulations governing work in the agricultural sector and increase labor inspections in this sector; and regulate and investigate fraudulent labor and recruitment practices.

PROSECUTION

The government maintained robust anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law criminalizes all forms of sex and labor trafficking. Penalties for sex trafficking and forced labor of adults are a minimum of six months imprisonment and/or a fine ranging from 1,000-5,000 Jordanian Dinars (\$1,410-\$7,060). Penalties of less than one year imprisonment are not sufficiently stringent, and by allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crime, such as rape. The law imposes penalties of not more than 10 years imprisonment and a fine ranging between 5,000 and 20,000 Jordanian dinars (\$7,060-\$28,250) for the sex trafficking and forced labor of children, as well as for the sex trafficking of adults and other forms of adult trafficking in certain specified circumstances. Such circumstances include when the crime is transnational in nature or committed by an organized criminal group or a spouse, parent, guardian or public servant, if a weapon is used, or if the victim is a female with a disability or is injured. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape or kidnapping. In keeping with international law,

means of force, fraud, or coercion are not required to prove a crime of sex trafficking of children. The withholding of passports by an employer—a potential indicator of trafficking—is a crime under Jordan’s passport law with six months to three years imprisonment and financial penalties. During the reporting period, the government drafted amendments to the penal code that would enhance sentences for trafficking offenses and establish a fund to be used to protect trafficking victims. The draft amendments were submitted to the prime minister for review in January 2017 and remained pending at the end of the reporting period.

The government continued strong efforts to investigate potential trafficking cases and prosecute and convict trafficking offenders in 2016, on par with efforts in 2015. The Public Security Directorate and Ministry of Labor (MOL) joint anti-trafficking unit continued to investigate potential trafficking crimes. In 2016, the anti-trafficking unit investigated a total of 366 potential trafficking cases, 290 of which included labor violations involving domestic workers; the unit also inspected six recruitment agencies for mistreatment of foreign workers. Of the 366 investigations, the unit determined that 30 of these cases—involving 51 alleged traffickers—met the criteria for potential trafficking crimes, including sexual exploitation, forced labor of domestic workers, and other forced labor crimes. The government continued its effort from the previous year to investigate potential trafficking cases in the garment sector. For example, in July 2016, the MOL and an international organization jointly conducted inspections of two garment factories in the Qualified Industrial Zone in Irbid after allegations of abuse and other labor violations were reported by an NGO; although the investigations concluded labor violations took place, there was inadequate evidence to prove trafficking crimes occurred. Furthermore in February 2017, following allegations of labor abuses in another garment factory, the government ordered its immediate closure; it did not, however, investigate this factory for trafficking crimes.

The Ministry of Justice reported it initiated the prosecution of 39 new trafficking cases in 2016 and continued prosecution of 19 trafficking cases initiated in previous years. Of these 58 cases, 32 remained pending at the end of the reporting period. Of the 26 cases concluded in 2016, the government convicted 10 traffickers; in eight cases, offenders received sentences ranging from one to 15 years imprisonment, while offenders in two cases received sentences of six months imprisonment. Additionally, of the cases concluded in 2016, six resulted in full acquittals and three in convictions for lesser crimes, including fraud and passport withholding. NGOs and foreign embassy representatives continued to report the government preferred to settle potential cases of domestic servitude through mediation, rather than referring them for criminal prosecution. NGOs also raised concerns that the long litigation process for trafficking cases gave employers time to pressure victims to drop their cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during the reporting period; it did not report updated information on two members of the General Intelligence Directorate who were charged with trafficking crimes in 2015.

The anti-trafficking unit continued to place specially trained officials in cities outside the capital, including Aqaba, Irbid, and Ramtha, but resources were primarily concentrated in Amman. The anti-trafficking unit reported conducting 30 anti-trafficking training workshops for hundreds of police, border guards, and labor inspectors; some of these trainings were held in coordination with NGOs and international organizations.

PROTECTION

The government maintained efforts to proactively identify trafficking victims, provide protection services to victims, and work in partnership with civil society organizations in these efforts. During the course of investigations, the government identified and referred to protection services 65 potential victims of sexual exploitation, domestic servitude, and forced labor. This was a decline from the 124 victims the government identified in 2015. During the reporting period, the anti-trafficking unit continued to receive referrals of potential trafficking victims from NGOs, an international organization, and police stations in Amman. Government officials and civil society organizations acknowledged that labor inspectors, police, and detention center officials—particularly those outside of Amman—lacked the specialized training to proactively identify and refer trafficking victims to protection services. Nevertheless, the government continued to use and improve the national victim referral mechanism, which it finalized and launched in 2015. In 2016, the government worked in cooperation with an international organization to develop detailed standard operating procedures for stronger implementation of the referral mechanism.

The government continued to operate and provide assistance to victims at a shelter solely dedicated to protecting trafficking victims, which provided a wide range of services, including psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. The shelter's staff included specialists in psychology, social work, nursing, and education. The facility had the capacity to serve 35 male and female victims, including children, with a separate wing and entrance for male victims; it was the only shelter in the country available for men. In 2016, the shelter served a total of 56 trafficking victims, the majority of whom were women; this represents an increase from 18 victims in the previous reporting period. The anti-trafficking unit referred the majority of the victims to the shelter, but NGOs also referred some victims. Other facilities that served female victims of gender-based violence also served potential trafficking victims. Despite the government's protection efforts, some foreign trafficking victims—including domestic workers—remained vulnerable to financial penalties, arrest, and detention if found without valid residence documents, or if their employers or recruitment agencies filed false claims of theft against them. Many foreign workers were unable to return to their home countries, while some remained in Jordanian detention, due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported law enforcement and prison officials were not sufficiently trained to effectively screen for, identify, and refer to care victims among foreign migrant workers in administrative detention or charged with crimes. To address this problem, the Public Security Directorate (PSD) continued to work in cooperation with a local NGO to identify and assist victims at police stations and prison rehabilitation centers, as well as to train PSD personnel and assist in the repatriation of victims. Victims were not able to file civil suits against their traffickers for restitution. However, the government encouraged victims to assist in the prosecution of their traffickers by providing legal and reintegration assistance. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government maintained strong prevention efforts. The inter-ministerial anti-trafficking committee continued to meet regularly during the reporting period. The government continued

to draft a new national anti-trafficking action plan and strategy, but it was not finalized at the end of the reporting period. The government continued to raise awareness about trafficking crimes. For example, the anti-trafficking unit cooperated with the Ministry of Education and an international organization to raise awareness of trafficking in public universities and high schools in various cities in the country. In addition, the director of the anti-trafficking unit held awareness-raising discussions on three radio and television shows in 2016. The government distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, in the garment sector, and at the MOL unit in charge of domestic worker issues. MOL continued to operate a hotline to receive labor complaints, which offered interpretation services in some source-country languages.

The government continued to take efforts to reduce the demand for forced labor and commercial sex acts. The government continued to make efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation, by conducting awareness campaigns on the dangers of forced marriage, establishing Sharia courts in Syrian refugee camps, and requiring Ministry of Interior approval for all marriages of Syrians to people of other nationalities, including Jordanians. Since adopting a policy in March 2016 that eased restrictions on Syrian refugees' legal work status, the government issued 38,000 work permits to Syrian refugees. Under a policy initiated in February 2016, the government continued to allow Syrian refugees access to education in public schools during the reporting period, including an additional 50,000 Syrian refugee children. MOL hired 11 new labor inspectors in 2016, increasing the total number to 237; they are responsible for enforcing the labor code, including inspecting child labor violations across the country; this continued a steady increase of inspectors over the past several years. In 2016, MOL conducted 85,253 labor inspections in the formal and informal sectors. The government also conducted labor inspections in the agricultural sector in 2016, but found no labor violations or potential trafficking crimes; nevertheless, MOL officials continued to report that there was not a clear regulatory framework for inspections of this sector, while it also lacked sufficient resources to monitor this sector. The MOL inspected 2,681 recruitment centers in 2016, but it did not report how many it closed or suspended for labor violations. In January 2017, MOL raised the fees for work permits for foreign workers, which could increase workers' vulnerabilities to trafficking if employers attempt to charge workers the amount of the increased fees. The Ministry of Foreign Affairs continued to report its finance department directly paid locally-hired domestic staff of Jordanian diplomats posted abroad, in accordance with labor laws and wage rates in the host country. The government did not provide specific anti-trafficking training for its diplomatic personnel, nor troops or police before their deployment abroad as peacekeepers.

TRAFFICKING PROFILE

As reported over the past five years, Jordan is a source and destination country for adults and children subjected to forced labor and sex trafficking. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. Jordan relies on foreign migrant workers—many of whom are undocumented—in several industries, including construction, agriculture, textiles, and domestic work. Jordan's sponsorship system prevents foreign workers from switching employers or receiving adequate access to legal recourse in response to abuse. Some migrant workers from Egypt—the

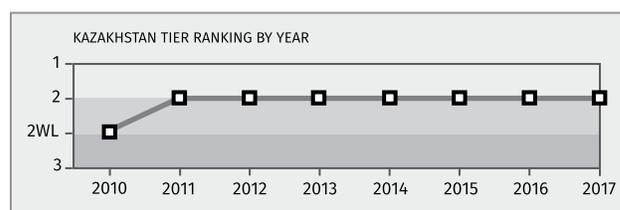
largest source of foreign labor in Jordan—experience forced labor in the construction, service, and agricultural sectors. In 2015, the government estimated there were 53,000 foreign female domestic workers in Jordan, primarily from Southeast Asia and East Africa; some are subjected to forced labor and experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, long hours without rest, and verbal and physical abuse. The publicized case of a recruitment agent’s beating of a Bangladeshi domestic worker, which was caught on camera in December 2015, exemplifies the abuse suffered by some domestic workers in Jordan. Men and women from throughout Asia migrate to work in factories in Jordan’s garment industry, where some workers experience withholding of passports, unpaid or withheld wages, forced overtime, unsafe living conditions, verbal abuse and harassment, and restricted movement. As of 2015, workers in 47 percent of the factories in the garment industry pay unauthorized fees to recruitment agents in their country of origin, making them vulnerable to debt bondage.

Syrian refugees in Jordan continue to be highly vulnerable to trafficking. Women and children—in particular—among the refugee population often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking; however, the Jordanian government adopted a policy in March 2016 that allows Syrian refugees legal work permits. Prior to adopting this policy, the government estimated 160,000 Syrians were working outside the formal labor market. NGOs have observed an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in the agricultural and service industries, as well as peddling goods and begging. Because the agricultural sector in Jordan is poorly regulated, children working in this sector may be susceptible to exploitation. There have been reported cases of Syrian refugee women and girls sold into “temporary” or forced marriages to Jordanians and men from the Persian Gulf for the purpose of forced commercial sex. For example, in 2016 the government reported a case involving three Syrian girls and one Syrian woman who were forced by their father into temporary marriages—for the purpose of sexual exploitation—with a national from Saudi Arabia. In addition, international organizations and NGOs reported an increase in early marriages among Syrian refugees in 2015, which may place girls at risk of sexual exploitation and forced labor. Syrian, Lebanese, North African, and Eastern European women may be forced into prostitution after migrating to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be forced into prostitution. As reported by an NGO in 2016, some Egyptian women are forced to beg or forced into prostitution by their Jordanian husbands. Some out-of-status domestic workers from Indonesia, the Philippines, Bangladesh, and Sri Lanka have been reportedly forced into prostitution after fleeing their employers. Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be victims of forced labor. There are reports of organized child begging rings involving Jordanian and Syrian children. Some Jordanian and Syrian girls are forced to drop out of school to perform domestic service in their families’ homes; some of these girls are vulnerable to trafficking.

KAZAKHSTAN: TIER 2

The Government of Kazakhstan does not fully meet the minimum standards for the elimination of trafficking; however,

it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kazakhstan remained on Tier 2. The government demonstrated increasing efforts by significantly increasing prosecution and conviction of human traffickers, expanding protection of victims by opening four new shelters for human trafficking victims, and approving a budget for shelter and victim assistance. The government also convicted and sentenced a former police officer for collusion in human trafficking. The government continued to fund and implement awareness-raising events. However, the government did not meet the minimum standards in several key areas. Legislative norms allow for “conciliation of parties,” which allows alleged traffickers to pay a settlement to victims to withdraw their criminal cases. Media continued to report allegations of police officers’ complicity in human trafficking, but the government reported few investigations or prosecutions of police or other government officials suspected of trafficking crimes.



RECOMMENDATIONS FOR KAZAKHSTAN

Update laws to align with international standards and exclude exemption from criminal liability due to conciliation of parties under human trafficking crimes or otherwise ensure such crimes are subject to criminal investigation and prosecution; increase efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance; vigorously investigate, prosecute, and convict suspected trafficking cases, respecting due process, including allegedly complicit government officials and police officers; increase funding and resources for anti-trafficking police units; ensure victim identification and assistance is not contingent on successful investigation and prosecution efforts; cease deporting victims and provide legal alternatives to forced repatriation; train labor inspectors to identify victims of forced labor and report potential trafficking cases to the police; and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement or facilitation of trafficking crimes.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Articles 128, 135, 125(3b), 126(3b), 308, and 134 of the penal code criminalize all forms of sex and labor trafficking and prescribe penalties of up to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Amendments to the penal code that went into effect in 2015 increased penalties for crimes committed against children, including sex trafficking. Article 68 of the criminal code allows defendants to pursue settlements by paying monetary compensation to the victim in exchange for having the criminal case withdrawn. Although 2016 amendments preclude the possibility of invoking article 68 in cases of sexual crimes against minors, it still is an option in cases involving other forms of trafficking.

Police investigated 147 trafficking cases, compared to 104 in

2015. In 2016, law enforcement officials initiated 110 new prosecutions for trafficking offenses (97 in 2015), including 92 sex trafficking cases and 18 labor trafficking cases. The government convicted 45 offenders (12 in 2015); of which, 40 sex traffickers received sentences ranging from three to 10 years imprisonment and five labor traffickers received sentences of one to six years. In addition, the government opened 228 investigations of trafficking-related crimes, including pimping and brothel maintenance. NGOs continued to suspect traffickers bribed low-ranking police officials to avoid these charges. Media reported several cases in which police officers were accused of trafficking or sentenced for other offenses that may have involved trafficking. Such cases included a former deputy head of the regional counternarcotic department who allegedly recruited and facilitated sex trafficking and a former police officer convicted for collusion in human trafficking. The government sentenced the former police officer to 10 years in prison with a lifetime ban for work in law enforcement agencies in November 2016.

The government continued to provide a variety of specialized training courses for police, prosecutors, and judges in the identification, investigation, and prosecution of trafficking crimes and funded police participation in international anti-trafficking conferences. In 2016, the judicial institute and Ministry of Internal Affairs (MVD) conducted 13 training sessions for 166 judges and 133 police officers on the protection of trafficking victims during the criminal process and victim identification. More than 170 law enforcement officers and social workers participated in anti-trafficking conferences to exchange best practices in combating human trafficking and training on victim assistance. In all training programs, the government covered participant costs and the venue while international organizations, NGOs, and international donors contributed the expert fees and training materials. During the reporting period, the government jointly investigated 13 cases related to trafficking in cooperation with foreign governments, including Azerbaijan, Belarus, Kyrgyzstan, Russia, and the United Kingdom. In December 2016, the National Commission for Human Rights released the report "On the Protection of Rights of Migrants and Victims of Human Trafficking." The report provided analysis of the implementation of the recommendations from two reports previously published by the National Commission Special Reports "On the Rights of Migrants in Kazakhstan" and "On Current Issues Affecting Human Rights Protection in Combating Trafficking in Persons in the Republic of Kazakhstan."

PROTECTION

The government increased efforts to protect victims. The government identified 110 trafficking victims, an increase from 92 in 2015. Of those, 82 were victims of sex trafficking and 21 of forced labor. All but 15 of the identified victims were from Kazakhstan; three of the Kazakhstani victims were subjected to trafficking in South Korea and the United Arab Emirates, while the rest were subjected to trafficking in Kazakhstan, recruited from rural to urban areas for both labor and sexual exploitation. All 82 Kazakhstani victims identified by the government received assistance from government-funded programs, however, foreign victims are not eligible for assistance in government-funded shelters. In 2016, NGOs reported assisting 167 trafficking victims (162 in 2015); among these, police referred 55 and international organizations, embassies, NGOs, and self-referrals were responsible for the additional 112. Of all 167 trafficking victims assisted by NGOs, 65 were Kazakhstani and 102 were foreigners; 33 were victims of sex trafficking, 134 of forced labor, 57 were female, 107 male, and three transgender. The

government-funded and NGO-operated trafficking hotline received 841 phone calls in 2016, the vast majority of which were requests for information while six were referred to anti-trafficking police units.

In addition to one government-funded NGO-operated shelter in Astana, the government-funded the opening of three new NGO-operated trafficking shelters in Shymkent, Kostanay, and Almaty in 2016. The four NGO-operated trafficking shelters provide legal, psychological, and medical assistance and are accessible to all trafficking victims, regardless of gender or age. In 2016, the government allocated at least 25.97 million Kazakhstani Tenge (KZT) (\$77,918) to direct victim assistance, including 24 million KZT (\$72,007) for shelter assistance and 1.97 million KZT (\$5,911) for victim assistance during investigations, an increase from 4.7 million KZT (\$14,101) in 2015. The government special social services law entitles trafficking victims to care as "victims of violence." In 2015, the government finalized standard criteria for determining eligibility for a wide range of social services, and in 2016, the government implemented the new standards in the operation of shelters for trafficking victims. Amendments to the penal procedural code made in 2015 allow victims to seek compensation from a government fund; however, the fund has not yet been established, as it requires the adoption of implementing regulations. NGOs reported effective victim referral and police cooperation with anti-trafficking units assigned to each region. Law enforcement units mandated to address migration or trafficking issues have a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or persons in prostitution. The government encouraged victims to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. In 2016, the government provided 15 foreign victims legal protection, including suspension of deportation proceedings, and special temporary residency throughout the criminal investigation. However, if a criminal case was not initiated, authorities did not recognize and give protective status to foreign victims. NGOs reported foreign victims sometimes experienced problems in accessing local medical care due to a lack of health insurance or residence permits. The government did not offer legal alternatives to removal of foreign victims and forcibly repatriated all victims after expiration of their temporary residency rights. In 2016, there were no reports of authorities criminally punishing victims for crimes as a direct result of being subjected to trafficking.

PREVENTION

The government maintained prevention efforts, under the direction of the Interagency Trafficking in Person Working Group, led by the Ministry of Health and Social Development in 2016. The government continued implementing a national action plan for 2015-2017, which includes activities to improve anti-trafficking legislation; investigation and prosecution of human trafficking cases; victim identification and assistance; cooperation with international and non-governmental organizations; and prevention efforts such as public awareness programs. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The Ministry of Culture and Information funded radio and television programs, as well as the publication of newspaper articles and web-publications, designed to prevent trafficking by raising public awareness. In July 2016, the MVD began a 25-day public information campaign in commemoration of International Day against

Human Trafficking. During the campaign, police participated in TV and radio programs, conducted presentations at hospitals and tourist information and construction offices, and organized flash mobs at sporting events to raise public awareness of human trafficking. The MVD also distributed information in parks, shopping malls, rail stations, airports, hotels, and markets that included the number for the national anti-trafficking hotline. The hotline received more than 841 calls in 2016, which led to the investigation of six cases of human trafficking. The government allocated an undisclosed amount of funding to NGOs for prevention projects, including public awareness campaigns. The government allocated 9.8 million KZT (\$29,403) during the previous year. The government did not take any action to reduce the demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel; however, Ministry of Foreign Affairs personnel attended trafficking in persons awareness training conducted by an international organization.

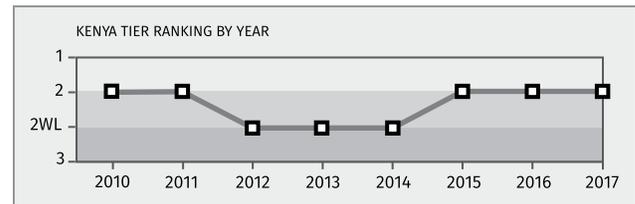
TRAFFICKING PROFILE

As reported over the past five years, Kazakhstan is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Domestic trafficking remains a consistent problem, accounting for most identified victims. Kazakhstani men but also women are subjected to labor exploitation mostly in Russia, but also in the Republic of Korea. Kazakhstani women and girls are subjected to sex trafficking in the Middle East, Europe, East Asia, and the United States. Women and girls from neighboring Central Asian and Eastern European countries, as well as from rural areas in Kazakhstan, are subjected to sex trafficking in Kazakhstan; in most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Some children are forced to beg and others may be coerced into criminal behavior. The relative economic prosperity in the government capital Astana, the financial capital Almaty, and the western oil cities Aktau and Atyrau, attract large numbers of Kazakhstanis from rural villages, some of whom become victims of labor trafficking and sexual exploitation. Chinese, Filipino, Kazakhstani, and other Central Asian citizens, in particular Uzbekistani men and women, are subjected to forced labor in domestic service, construction, and agriculture in Kazakhstan. Since Russia banned re-entry for an estimated one million Uzbek migrants, many of them have sought temporary work and residence in Kazakhstan where they remained vulnerable to trafficking. Many victims of trafficking in Kazakhstan indicate they were lured through fraud and deceit, sometimes by friends or acquaintances, and, at times, exploited by small organized criminal groups in Kazakhstan.

KENYA: TIER 2

The Government of Kenya does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kenya remained on Tier 2. The government demonstrated increasing efforts by launching a national referral mechanism, issuing new registration requirements and a code of conduct for private labor recruitment agencies, and including human trafficking and the anti-trafficking law in its basic police training curricula. The Ministry of Labor (MOL) assigned labor attachés to Kenyan missions in Qatar, the United Arab Emirates (UAE), and Saudi Arabia to protect citizens employed

in those countries. However, the government did not meet the minimum standards in several key areas. It did not allocate any new funding to the victim assistance fund, compared to seven million Kenyan shillings (\$68,326) it allotted during the previous reporting period. Kenyan authorities continued to treat some victims as criminals, and the availability of protective services for adult victims remained negligible. Corruption in sectors of the government perpetuated traffickers' ability to obtain fraudulent identity documents from complicit officials. The government did not conduct nationwide anti-trafficking awareness campaigns.



RECOMMENDATIONS FOR KENYA

Increase protective services available to adult trafficking victims, particularly those identified and repatriated from overseas; implement the formal process for law enforcement officials to refer trafficking victims for assistance, including adult trafficking victims and repatriated Kenyans; allocate sufficient resources toward the victim assistance fund; vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including government officials suspected of complicity in human trafficking; expand training to all levels of the government, particularly front-line responders, on identifying and handling trafficking crimes; increase oversight of overseas recruitment agencies; use formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes; and conduct awareness campaigns throughout the country, including rural areas.

PROSECUTION

The government continued law enforcement efforts, but incomplete data from the government and conflation of trafficking and smuggling crimes made it difficult to assess those efforts. Section 1 of the Counter-Trafficking in Persons Act of 2010 criminalizes all forms of trafficking and section 3(5) prescribes a sufficiently stringent punishment of no less than 30 years imprisonment or a fine of not less than 30 million shillings (\$292,826). When allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. Sections 14 and 15 of the Sexual Offenses Act of 2006 criminalize the facilitation of child sex tourism and "child prostitution," and prescribe punishment of no less than 10 years imprisonment penalties that are also sufficiently stringent and commensurate with those prescribed for other serious crimes. The government did not report the specific laws under which it prosecuted specific trafficking cases during the reporting period, although it more commonly utilized the 2006 Sexual Offenses Act.

In 2016, around half of Kenya's 47 counties reported anti-trafficking law enforcement data, whereas all counties reported such data in 2015; however, conflation of smuggling and other crimes with trafficking also contributed to the significant increase in law enforcement data that was difficult to disaggregate. The government reported 530 investigations of potential trafficking cases in 2016, of which 59 were for forced labor and 28 for sex

trafficking; the government did not report types of trafficking for the remainder. Investigation data was not reported in 2015. The government reported initiating 281 prosecutions during the reporting year, compared with 762 in 2015 and 65 in 2014. The government reported convicting 105 traffickers, compared to 456 in 2015 and 33 in 2014; however, some convictions may have been for smuggling crimes rather than trafficking. Corruption remained endemic at all levels of government, and traffickers were able to fraudulently obtain identity documents from complicit officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. As reported in 2016, a federal district court in California issued a default judgment against a Kenyan consular officer awarding more than \$288,000 in damages and attorney fees to that officer's former domestic worker who had sued for exploitation. The parties subsequently agreed to a confidential settlement. The national police service, in partnership with an international organization, included content on human trafficking and the anti-trafficking law in its basic training curricula. In January 2017, the government supported training for the anti-trafficking advisory committee members on how to execute the committee's mandate. In conjunction with an international organization, it trained 34 front-line law enforcement officers and investigators on combating trafficking. In addition, the government-funded and conducted a train-the-trainers program for 50 stakeholders from the judiciary, departments of immigration and social protection, and law enforcement agencies; this program focused primarily on national laws and mechanisms for victim identification and referral.

PROTECTION

The government made modest efforts to protect children, while protection services for adult victims remained negligible. Authorities reported identifying and referring to care 530 trafficking victims in 2016, some of whom were likely involved in smuggling; during the previous year, it reported identifying 153 victims, all of which were internal child trafficking victims. The government placed some child victims in child-specific rescue centers, supported the familial reunification of others, and assisted with the repatriation of non-Kenyan nationals. During the reporting period, the government did not allocate funding for the victim assistance fund; in 2015, the government provided funds for the first time, allocating 7 million Kenyan shillings (\$68,326). NGOs and international organizations played a significant role in victim identification and referral to the Department of Children's Services (DCS). DCS officers participated in police investigations, identification of child trafficking victims, counseling provisions, and referrals to service providers. DCS and a local NGO continued to jointly operate a national 24-hour toll-free hotline for reporting cases of child trafficking, labor exploitation, and domestic abuse; the hotline's main call center was located in a government-owned building in Nairobi. The government reported the hotline received 1,195 reports of child trafficking in 2016, the same number it reported in the previous reporting period. In December 2016, the government issued guidelines, developed the previous year, for implementing the national referral mechanism; however, it did not employ them during the reporting period or train stakeholders on their implementation.

The government's services for adult trafficking victims identified within the country remained negligible. Some NGOs noted the government-maintained list of assistance providers was not comprehensive and contact information for some organizations was not made publicly available, precluding victims from

effectively reaching them. DCS continued to operate eight drop-in referral centers in Eldoret, Garissa, Malindi, Siaya, Kakamega, Nairobi, Nakuru, and Mombasa, and four rescue centers in Garissa, Malindi, Thika, and Machakos, where child victims of violence, including trafficking victims, could stay for up to three months before returning home or being referred to NGO facilities. The government and NGOs provided medical help, psycho-social support, rehabilitation and reintegration services, food and clothing, and referrals to other centers for an unknown number of children, which may have included trafficking victims. NGOs provided protective provisions at times without government support.

To address the exploitation of Kenyan nationals abroad, the MOL assigned labor attachés to Kenyan missions in Qatar, the UAE, and Saudi Arabia to assist citizens employed in those countries. The government also signed a bilateral labor agreement with Qatar to coordinate efforts to reduce cases of exploitative labor and other abuses against Kenyans abroad, to include trafficking. It provided ad hoc repatriation assistance, including housing placement, medical care, psycho-social support, and reintegration services, for its citizens subjected to trafficking outside Kenya; in some cases NGOs and destination-country governments coordinated and funded the repatriation of Kenyan nationals without government support. The government's diplomatic missions worked to improve consular services to victims abroad, although serious gaps remained. Immigration officials continued to conflate smuggling with trafficking and arrested, without screening, potential trafficking victims for traveling with forged documents. Reports alleged authorities treated some victims as criminals, sometimes charging them with labor violations. The government had formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes; however, there were no reports such procedures were used during the reporting period. Under the anti-trafficking act, officials may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not report using this provision during the reporting period.

PREVENTION

The government maintained uneven efforts to prevent trafficking. Authorities partially implemented the 2013-2017 national action plan, through limited capacity building for officials and the launch of the referral mechanism. The advisory committee — the governing body for anti-trafficking efforts—convened five times during the reporting period and submitted to the MOL cabinet secretary for review its second annual national action plan to cover years 2017-2022. The government-funded the committee with seven million Kenyan shillings (\$68,326) for anti-trafficking activities. Progress on the advisory committee's database to share relevant ministry information across all 47 counties stalled during the reporting period. The advisory committee reported publishing trafficking posters for DCS offices. The government's anti-trafficking awareness efforts were largely limited due to resource constraints. During the year, it promoted the national 24-hour toll-free hotline for reporting cases of child trafficking, labor exploitation, and domestic abuse.

Following the MOL's revocation of accreditation certificates for hundreds of private employment agencies to conduct robust vetting in the previous reporting period, in June 2016 the government put into force new rules outlining registration requirements and a code of conduct for such agencies. These requirements included informing Kenyan employees seeking

work abroad about their prospective wages, visa fees, airfare, and medical examinations, and specifying that any administrative costs imposed on the employee should not exceed one month's salary. Since the new rules were gazetted, the MOL certified 25 private employment agencies, although the list of certified companies was not publicly available at the close of the reporting period. The MOL continued to require employment agencies sourcing jobs abroad in the hospitality and service sectors to obtain MOL approval of all employment contracts. The MOL required contracts deemed credible to be signed in the presence of a labor ministry officer, and required applicants to register with the Kenyan embassy in the host country. The government did not report efforts to reduce the demand for commercial sex acts. The Ministry of Foreign Affairs provided anti-trafficking training for its diplomatic personnel and vetted employment contracts between Kenyan diplomats posted abroad and their domestic workers to ensure their legality. The government's training for troops deployed overseas on international peacekeeping missions included a module that addressed human trafficking.

TRAFFICKING PROFILE

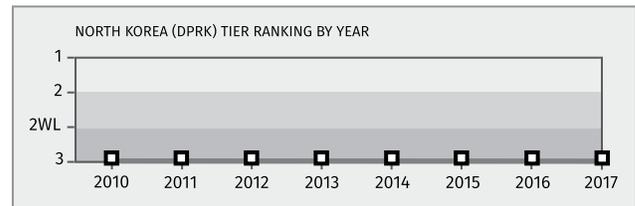
As reported over the past five years, Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, children are subjected to forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Boys were increasingly subjected to trafficking. Girls and boys are exploited in commercial sex throughout Kenya, including in sex tourism in Nairobi, Kisumu, and on the coast, particularly in informal settlements; at times, their exploitation is facilitated by family members. Children are also exploited in sex trafficking by people working in *khat* (a mild narcotic) cultivation areas, near gold mines in western Kenya, by truck drivers along major highways, and by fishermen on Lake Victoria. Kenyans are recruited by legal or illegal employment agencies or voluntarily migrate to Europe, the United States, Southeast Asia, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, the UAE, and Oman—in search of employment, where at times they are exploited in domestic servitude, massage parlors and brothels, or forced manual labor. NGOs reported that IDPs who live close to a major highway or local trading center are more vulnerable to trafficking than persons in settled communities. Previous reports allege gay and bisexual Kenyan men are deceptively recruited from universities with promises of overseas jobs, but are forced into prostitution in Qatar and UAE. Nairobi-based labor recruiters maintain networks in Uganda and Ethiopia that recruit Rwandan, Ethiopian, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenyan women are subjected to forced prostitution in Thailand by Ugandan and Nigerian traffickers. Men and boys are lured to Somalia to join criminal and terrorist networks, sometimes with fraudulent promises of lucrative employment elsewhere.

Kenya's largest refugee camp complex, Dadaab, hosts approximately 250,000 refugees and asylum-seekers, and the security situation inhibits some humanitarian access, assistance, and protective services. Some children in Dadaab and Kakuma refugee camps may be subjected to sex trafficking, while others are taken from the camps and forced to work on tobacco farms. Children from East Africa and South Sudan are subjected to forced labor and sex trafficking in Kenya. Reports assert domestic workers from Uganda, herders from Ethiopia, and others from Somalia, South Sudan, and Burundi are subjected to forced labor in Kenya. Trucks transporting goods from Kenya to Somalia returned to Kenya with girls and women

subsequently exploited in brothels in Nairobi or Mombasa. Nepalese and Indian women recruited to work in *mujra* dance clubs in Nairobi and Mombasa face debt bondage, which they are forced to pay off by dancing and forced prostitution.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: TIER 3

The Government of the Democratic People's Republic of Korea (DPRK or North Korea) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, the DPRK remained on Tier 3. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government sponsored human trafficking through its use of forced labor in prison camps and labor training centers, facilitation of forced labor of students, and its provision of forced labor to foreign companies through bilateral contracts. It failed to protect potential trafficking victims when they were forcibly repatriated from China or other countries.



RECOMMENDATIONS FOR THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

End the use of forced labor in prison camps and among North Korean workers abroad; end the use of the death penalty and other harsh sentences for victims who are forcibly repatriated from destination countries, and provide assistance to trafficking victims in the DPRK and to North Korean victims forcibly repatriated from abroad; criminalize human trafficking and recognize it as a distinct crime from human smuggling; investigate and prosecute trafficking cases, and convict traffickers; establish transparent, bilateral work contracts used to deploy North Korean laborers to neighboring countries; eliminate coercion tactics used to monitor the movements and communications of workers in these contracts; increase transparency by allowing international human rights monitors to evaluate living and working conditions of these overseas workers; forge partnerships with international organizations and NGOs to combat human trafficking; allow North Koreans to receive fair wages, choose their form of work, and leave their employment at will; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government made no known anti-trafficking law enforcement efforts. North Korean laws do not prohibit all forms of human trafficking. Fair trials did not occur in the DPRK, and the government did not provide transparent law enforcement data during the reporting period. The government did not explain what provisions of law, if any, were used to prosecute trafficking offenses or protect victims. An unconfirmed NGO report indicated traffickers are sentenced based on the number of people they exploit: one to three victims results

in 10 years or more in forced labor camps, four to six victims results in an unlimited period in forced labor camps, and seven or more victims results in the death penalty.

During the reporting period, there were no known investigations, prosecutions, or convictions of traffickers. The government did not report whether it provided any anti-trafficking training to its officials. The government did not report any investigations or prosecutions of government officials for alleged complicity in human trafficking offenses.

PROTECTION

The government did not report any efforts to identify or assist trafficking victims. Government authorities did not provide protective services to trafficking victims and did not permit NGOs to provide these services. The government did not exempt victims from being penalized for unlawful acts committed as a direct result of being subjected to trafficking, and there was no screening of forcibly repatriated North Koreans to determine if they were trafficking victims.

North Koreans forcibly repatriated by Chinese authorities, including potential trafficking victims, were sent to prison camps, where they were subjected to forced labor, and possible torture and sexual abuse by prison guards. North Korean defectors reported instances of the government executing trafficking victims forcibly repatriated from China. Article 30 of the criminal code partially suspends civil rights of prison camp inmates; government officials used this provision to abuse victims in prison camps. The government reportedly subjected some forcibly repatriated victims who were pregnant to forced abortions, and reports indicate infants born to forcibly repatriated victims while in prison were killed. An estimated 20,000 to 30,000 children born to women from the DPRK live in China, and reports show some are unable to be registered upon birth, rendering them stateless and vulnerable to possible exploitation.

PREVENTION

The government did not report any efforts to prevent human trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that made them vulnerable to human trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking, train government officials, or screen migrants along the border for signs of trafficking. The government did not make efforts to reduce the demand for commercial sex acts or forced labor, nor did it provide anti-trafficking training to its diplomatic personnel. The DPRK is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, the DPRK is a source country for men, women, and children who are subjected to forced labor and sex trafficking. Government oppression in the DPRK prompts many North Koreans to flee the country in ways that make them vulnerable to human trafficking in destination countries. Within North Korea, forced labor is part of an established system of political repression. The government subjects its nationals to forced labor through mass mobilizations and in North Korean prison camps. The DPRK holds an estimated 80,000 to 120,000 prisoners in political prison camps in remote areas of the country. In many cases, these prisoners have not been charged with a crime or

prosecuted, convicted, or sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, or farming for long hours under harsh conditions. Political prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. Furnaces and mass graves are used to dispose the bodies of those who die in these prison camps.

The North Korean government operates regional, local, or sub-district level "labor training centers" and forces detainees to work for short periods doing hard labor, receiving little food, and subject to abuse, including regular beatings. Authorities reportedly send people to such centers if they are suspected of engaging in simple trading schemes or are unemployed. At the direction of the government, schools force students older than 14 years of age, including those in universities, to work without pay on farms for periods up to a month, twice a year; students who do not meet work quotas set out by the schools face physical abuse. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites.

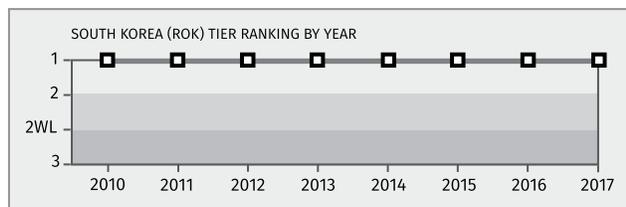
Many North Korean laborers sent by the government to work abroad under bilateral contracts with foreign governments also face conditions of forced labor. Estimates of the number of overseas workers dispatched and the amount of revenue those workers generated for the DPRK government vary widely; some estimates indicate the number of workers is in the tens of thousands in total. The majority work in Russia and China, but Middle Eastern, African, and other European and Asian countries also host North Korean laborers. Credible reports show many North Koreans working under these contracts are subjected to conditions indicative of forced labor, such as working excessively long hours in hazardous temperatures with restricted pay, for up to three years at a time. North Korean government "minders" restrict and monitor their movement and communications. North Koreans sent overseas do not have a choice in the work the government ultimately assigns them and are not free to change jobs. These workers face threats of government reprisals against them or their relatives in the DPRK if they attempt to escape or complain to outside parties. Workers' salaries are appropriated and deposited into accounts controlled by the North Korean government, which justifies its retention of most of the money by claiming various "voluntary" contributions to government endeavors. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets. Wages of some North Korean workers employed abroad reportedly are withheld until the laborers return home, increasing their vulnerability to coercion and exploitation by authorities. Other reports note these laborers work on average between 12 and 16 hours a day, and sometimes up to 20 hours per day, and are allowed only one or two rest days per month.

The North Korean government system of harsh punishment through forced labor camps or the death penalty can fuel trafficking in neighboring China. Many of the estimated 10,000 North Korean women and girls who have migrated illegally to China to flee abuse and human rights violations are particularly vulnerable to trafficking, and traffickers reportedly lure, drug, detain, or kidnap some North Korean women upon their arrival. Others offer jobs but subsequently force the women into prostitution, domestic service, or agricultural work through forced marriages. These women are subjected to sexual exploitation by Chinese or Korean-Chinese men,

forced prostitution in brothels or through internet sex sites, or compelled service as hostesses in nightclubs or karaoke bars. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. If found by Chinese authorities, victims are often forcibly repatriated to the DPRK where they are subject to harsh punishment, including forced labor in labor camps or death.

KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (ROK or South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, South Korea remained on Tier 1. The government demonstrated serious and sustained efforts by increasing the number of trafficking investigations, prosecutions, and convictions compared to the previous reporting period; conducting numerous awareness raising campaigns; providing services to 7,397 potential trafficking victims; and strengthening procedures to prevent trafficking among entertainment visa holders. Although the government meets the minimum standards, it continued to prosecute trafficking crimes under laws with lower penalties, and did not establish formal guidelines to refer victims to services. The lack of sensitivity among some police officials to victim experiences may have re-traumatized victims or put them at further risk. Some potential trafficking victims, including foreign women in prostitution, were detained or deported for crimes committed as a result of being subjected to trafficking.



RECOMMENDATIONS FOR THE REPUBLIC OF KOREA

Increase efforts to investigate, prosecute, and convict traffickers under the criminal code and ensure convicted offenders receive sentences proportionate to the crime committed; train law enforcement officers, prosecutors, and judicial officials to understand “trafficking” as defined in the criminal code which does not require kidnapping, buying and selling, force, or confinement; proactively identify trafficking victims among vulnerable populations—including individuals arrested for prostitution, disabled persons, and migrant workers in all visa categories—using standard victim identification guidelines; establish and implement formal guidelines to refer trafficking victims to services; designate a government entity responsible for coordinating anti-trafficking efforts; actively inspect industries with high potential for exploitation rather than relying on self-reporting of abuse by victims; draft and implement a trafficking-specific national action plan to guide governmental anti-trafficking efforts; proactively investigate and prosecute South Koreans engaging in sex acts with child sex trafficking victims in South Korea and abroad; increase monitoring of trafficking vulnerabilities in South Korean government-issued entertainment visas, including verifying contracts and monitoring sponsoring establishments; and continue to investigate and prosecute those who use forced

labor on South Korean-flagged fishing vessels.

PROSECUTION

The government increased law enforcement efforts. Chapter 31 of the criminal code prohibits all forms of trafficking and prescribes up to 15 years imprisonment for trafficking crimes; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2016, the government reported investigating 562 reported trafficking cases (421 in 2015), indicting 426 suspects (347 in 2015), and convicting 213 offenders (64 in 2015); however, only 33 were convicted under trafficking statutes. The government prescribed sentences ranging from fines of KRW 8 million (\$6,649) to seven years imprisonment; instances in which fines are used in lieu of imprisonment are inadequate to deter trafficking crimes. The Ministry of Justice (MOJ) held numerous trainings throughout the year for prosecutors and law enforcement officers on anti-trafficking issues and victim protection. Nonetheless, officials’ understanding of human trafficking was sometimes limited and inconsistent; there remained widespread, false perceptions that kidnapping, buying and selling, physical force, or confinement were required to qualify a case as trafficking. As a result, some prosecutors and judges applied trafficking charges to only the most serious cases, and prosecuted and punished most trafficking offenses under the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Trafficking, the Labor Standards Act, and the Act on the Protection of Children and Juveniles against Sexual Abuse. Five police officers reportedly engaged in commercial sex acts, including with children, during the reporting period. The government ordered one officer to pay a fine of \$2,000 and trial proceedings were ongoing for a second officer at the end of the reporting period; the three others were not subject to prosecution.

PROTECTION

The government maintained efforts to protect and assist trafficking victims. The government identified and assisted 82 foreign sex trafficking victims, compared with 58 in 2015; the government did not report statistics for South Korean or foreign labor trafficking victims. The government continued to use sex trafficking victim identification guidelines established in 2013. In August 2016, the National Human Rights Commission distributed updated identification guidelines to the MOJ, Ministry of Employment and Labor (MOEL), Ministry of Gender Equality and Family (MOGEF), National Police Agency (NPA) and 17 local governments to encourage more consistent, standardized criteria for victim identification. NPA was responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems; however, the government did not issue or use formal guidelines for referring victims to services. NGOs noted that without a government body designated to coordinate anti-trafficking efforts, establishing standards for conducting proactive victim identification among vulnerable groups remained a challenge. MOGEF supported 92 facilities that provide services specifically to sex trafficking victims and MOEL operated 39 foreign workers’ support centers. In 2016, the government assisted 7,397 potential trafficking victims through counseling services, shelter, education, and rehabilitation support. NPA continued to work with social workers when screening women involved in prostitution to identify and assist potential trafficking victims. Although the law provides trafficking victims with protection from prosecution, authorities detained women in prostitution, particularly foreign

women, during investigations and deported many victims without screening them for indicators of trafficking. Police and other government officials often treated female South Korean sex trafficking victims as criminals, rather than identifying them as trafficking victims. The government maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups vulnerable to trafficking. The government offered foreign victims legal alternatives to their removal to countries in which they may face hardship or retribution. As an incentive to encourage foreign trafficking victims to participate in investigations and prosecutions, the government issued G-1 visas with permission to work for up to one year. Victims could file a civil suit to receive restitution, but it is unclear how many victims pursued this option.

PREVENTION

The government increased efforts to prevent trafficking. To raise awareness of human trafficking, the government conducted public service announcements, advertising campaigns, and events; distributed materials online; publicized its anti-trafficking hotline; and supported sex trafficking awareness programs in schools. In an effort to prevent exploitation among E6-2 entertainment visa holders, the government began to require applicants to submit evidence of more than three years of experience in the field and required applicants from countries with high overstay rates to apply through in-person interviews. MOEL inspected 20,000 workplaces for labor exploitation, including 3,200 businesses with foreign workers. In addition, the government surveyed the conditions of workers, including working hours, living conditions, non-payment of wages, and abuse in 1,720 workplaces and found 3,337 violations; MOEL instructed businesses to address violations, but it was unclear if charges were brought against law violators. MOGEF continued to operate hotlines in 13 languages accessible to trafficking victims, and the Ministry of Oceans and Fisheries continued to operate a hotline for foreign crew members on South Korean fishing vessels. After a South Korean man with intellectual disabilities who was subjected to forced labor on a cattle farm was identified, the government investigated the whereabouts of 13,776 individuals with registered intellectual disabilities in the same province in an effort to prevent additional cases of forced labor. They were unable to locate 10 individuals and received 17 reports of suspected forced labor; all 27 cases were forwarded to the police. The government lacked a trafficking-specific national plan of action, but included proposed anti-trafficking efforts in its human rights national action plan. To curb the demand for commercial sex acts, the government carried out awareness campaigns at airports, railroad stations, and with travel agencies; launched a campaign targeting government employees and certain private companies to prevent Korean tourists from engaging in sex tourism overseas; and, in partnership with the Philippines embassy, distributed leaflets to inform Korean travelers of local sex trafficking laws. South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The government denied passport issuance to four South Koreans (15 in 2015) for engagement in sex tourism abroad; however, it did not prosecute or convict any South Korean sex tourists. The government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions and anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, the ROK is a source,

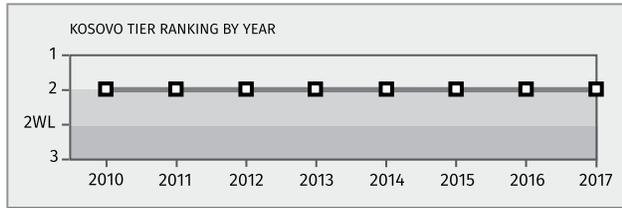
transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. South Korean women are subjected to forced prostitution in South Korea and abroad. Some South Korean women enter destination countries on tourist, work, or student visas, and are forced into prostitution in massage parlors, salons, bars, restaurants, or through internet-advertised escort services. Some victims who owe debts to entertainment establishment owners or loan sharks are forced into prostitution. Some disabled or intellectually disabled South Korean men are vulnerable to exploitation and have been forced to work on salt and cattle farms where they experience verbal and physical abuse, non-payment of wages, long work hours, and poor working and living conditions. Traffickers utilize smartphone applications to exploit victims and South Korean children are vulnerable to sex trafficking and commercial sexual exploitation through online recruitment. In need of money for living expenses and shelter, some runaway girls are subjected to sex trafficking.

Men and women from China, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America are subjected to forced labor in South Korea and on fishing vessels registered and operated by South Koreans; some women from these regions are subjected to forced prostitution. Migrant workers, especially those from Vietnam, China, and Indonesia, can incur thousands of dollars in debt, contributing to their vulnerability to debt bondage. Approximately 400,000 low-skilled migrant workers, many employed under the government's employment permit system, work in fishing, agriculture, livestock, restaurants, and manufacturing; some of these workers face conditions indicative of forced labor. The ROK is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. Foreign fishermen aboard small fishing vessels operating beyond the purview of the government or owners' cooperatives are vulnerable to exploitation, including forced labor. Some foreign women on E6-2 entertainment visas—mostly from the Philippines, China, and Kyrgyzstan—are subjected to forced prostitution in entertainment establishments near ports and U.S. military bases. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia, who are recruited for marriage to South Korean men through international marriage brokers, are subjected to forced prostitution or forced labor after their arrival. Some South Korean men engage in child sex tourism in Vietnam, Cambodia, Mongolia, and the Philippines.

KOSOVO: TIER 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kosovo remained on Tier 2. The government demonstrated increasing efforts by identifying more victims and prosecuting and convicting more traffickers than the previous year. Law enforcement conducted proactive investigations, including joint investigations with the Labor Inspectorate. The government-funded the crime victim compensation fund and established a compensation committee to review claims. However, the government did not meet the minimum standards in several key areas. Judges imposed lenient sentences on convicted traffickers, and prosecutors continued to downgrade trafficking cases to a lesser crime. The government decreased

funding for NGO-run shelters, and official complicity in trafficking offenses remained a significant concern.



RECOMMENDATIONS FOR KOSOVO

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences, including imprisonment; designate specific prosecutors and judges to handle trafficking cases, provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; provide adequate funding for NGO-run shelters; train officials on screening for trafficking among individuals in prostitution, migrants, refugees, and other at-risk populations, and uniformly implement such protocols; enhance the efforts of social welfare offices, in coordination with police, to identify and assist children subjected to forced begging; reduce the backlog of trafficking cases to ensure thorough investigation of all suspected trafficking cases; establish shelters in the northern municipalities to assist trafficking victims in this region of the country; standardize data collection and create a database that disaggregate statistics for trafficking and trafficking-related prosecutions and convictions; and fully implement the provisions of the 2015 Law on Crime Victims Compensation, by reviewing claims and disbursing funds to trafficking victims.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 171 of the criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years imprisonment and a fine of up to €500,000 (\$526,870). These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. When sex trafficking offenses involve minors or a group of victims subjected to sex trafficking, the penalties increase to 15 to 20 years imprisonment and a fine. Other articles in the criminal code prohibit various types of trafficking: article 169 prohibits slavery, slavery-like conditions, and forced labor; and article 231, taking sexual services from a trafficking victim. Authorities filed 31 criminal reports for trafficking during the reporting period, compared to 24 reports in 2015. Law enforcement arrested 62 trafficking suspects (74 in 2015) and 18 additional suspects for "utilizing sexual services from a trafficking victim" (11 in 2015). The government did not disaggregate trafficking and trafficking-related offenses for prosecution and conviction statistics, likely incorporating cases that were not trafficking, such as "enabling prostitution," "facilitating or compelling prostitution," sexual abuse of children, and child pornography. The government indicted 56 defendants (53 in 2015), and courts convicted 24 individuals for trafficking-related cases (13 in 2015). Judges continued to issue sentences below the minimum penalty of five years imprisonment. One individual received five years and six months imprisonment, but other sentences were between three years and six months to a fine of €1,200 (\$1,260). The government did not adequately disaggregate law enforcement statistics to demonstrate action against both

sex and labor trafficking. Courts did not reduce the backlog of trafficking cases; 95 cases from 2016 and previous years remained open at the end of 2016. Observers reported the non-specialization of prosecutors and judges resulted in lenient sentences or cases downgraded to a lesser crime, especially cases involving emotional control or psychological coercion of a victim. Observers reported many prosecutors trained under the Yugoslav criminal code and required further training on the Kosovo criminal code.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases and consisted of 55 investigators, with four investigators specialized in child trafficking, divided into eight regional units. The THBD established a unit in the four northern municipalities, a region that was recently restricted. The THBD conducted joint investigations with prosecutors and social workers on children forced to beg and coordinated with the Labor Inspectorate to conduct 120 joint inspections of bars, night-clubs, restaurants, and massage parlors. The Kosovo Academy for Public Safety, in cooperation with foreign governments and international organizations, held 25 separate training workshops for 41 investigators from the THBD. The Office of the Chief State Prosecutor (OCSP) trained prosecutors, judges, and victim advocates on trafficking issues. Official complicity in trafficking offenses remained a significant concern. Prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. In 2014, courts convicted two labor ministry officials for abuse of an official position for issuing work permits to 22 foreign workers, later identified as trafficking victims, and fined each official €3,000 (\$3,160); however, the Basic Court acquitted the two officials and allowed them to resume their official duties. In 2016, prosecutors appealed the acquittal; however, the Court of Appeals refused this appeal and confirmed the case as a final verdict. The government continued law enforcement cooperation with foreign governments. The government signed a tri-lateral agreement with Albania and Montenegro that unified standard operating procedures on identifying trafficking victims and providing support services. The government exchanged information with eight foreign governments on 16 trafficking cases, conducted joint investigations with Albania, and signed bilateral law enforcement agreements with seven foreign governments and the European Border and Coast Guard Agency.

PROTECTION

The government increased victim protection efforts. The government identified 36 trafficking victims, compared to 28 in 2015. Of these 36 victims, 26 were subjected to sex trafficking, nine to forced labor, and one victim to "slavery and servitude" (17 to sex trafficking and 11 to forced labor in 2015); 18 were children (11 in 2015); 34 were female and two were male (28 and two, respectively, in 2015); and 32 were from Kosovo and four from Albania. Eighteen victims accepted support services in 2016 and 2015. The government allocated €171,010 (\$180,200) for victim protection, compared to €181,925 (\$191,700) in 2015. NGO-run shelters received €91,010 (\$95,900) and the state-run Interim Security Facility (ISF) received €80,000 (\$84,300), compared to €101,930 (\$107,410) for NGO-run shelters and €80,000 (\$84,300) for ISF in 2015. NGO-run shelters reported government funding was inadequate and operations could not continue without funding assistance from foreign embassies. NGOs reported the Ministry of Labor and Social Welfare (MLSW) required funding applications every six months, causing a gap in funding while applications were processed and approved. One NGO-run

shelter temporarily closed due to the MLSW delaying calls for funding applications.

First responders followed standard operating procedures (SOPs) for identifying and referring victims to services. SOPs required a team consisting of an investigator from the THBD, a social worker, and a victim's advocate from the Victims Assistance and Advocacy Office to convene and assess the victim as low, medium, or high risk and coordinate victim care and placement. The team assessed the victim based on their level of danger and if the suspected trafficker was not known or at large, the level of risk for the victim was "high." Observers reported the national referral mechanism functioned well and highlighted good cooperation amongst actors; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children.

In 2015, the government licensed two NGO-run shelters to exclusively provide services to trafficking victims, along with the ISF. These shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and other rehabilitative support. Victims also had access to nine MLSW care facilities. The government did not have a care facility in the country's four northern municipalities. ISF temporarily accommodated victims of trafficking assessed as high risk. Due to the high-risk assessment from police, authorities required victims to have a police escort outside of the shelter while court proceedings were ongoing for the victim's protection. Victims required an approval from a prosecutor and the KP to permanently leave the ISF while assessed as high risk. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families. Victims stayed at the ISF for an average of 90 days before transferring to a NGO-run shelter. The two NGO-run shelters provided support services to victims assessed as low- to medium-risk. One of these NGO-run shelters was solely for children. Authorities did not detain, fine, or otherwise penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government encouraged victims to participate in investigative and judicial processes by providing protection at ISF, accommodation and care at other facilities, and participation in the witness protection program, if necessary. All 36 victims participated in investigations and court proceedings. The law entitles foreign victims to a 30- to 90-day reflection period after identification in which victims can recover before deciding whether to cooperate with law enforcement. The government ensured suspected traffickers were not present when victims provided statements and foreign victims could return to their countries of origin after testifying without waiting for the conclusion of the trial. The law entitles foreign victims to a temporary residence permit for at least six months; two victims received a permit during the reporting period. The government allocated €100,000 (\$105,370) to the crime victim compensation fund and established a compensation committee to review claims.

PREVENTION

The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held monthly meetings to monitor the implementation of the 2015-2019 anti-trafficking national action plan (NAP). The government did not report the amount of funds allocated towards implementation of the NAP, compared to €288,000 (\$303,480) in 2015. The NAATIP partnered with a mobile operator to send text messages to all its subscribers with the text "open your eyes, fight human

trafficking" and the number to the national hotline. OCSF held a two day conference on crime victimization, including how to provide assistance to trafficking victims. The Ministry of Education, Science, and Technology organized awareness campaigns for students and teachers including art and essay contests. The government continued an annual month-long campaign aimed at potential child trafficking victims and organized additional campaigns targeting vulnerable populations. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel and provided them a manual to aid in identifying trafficking victims.

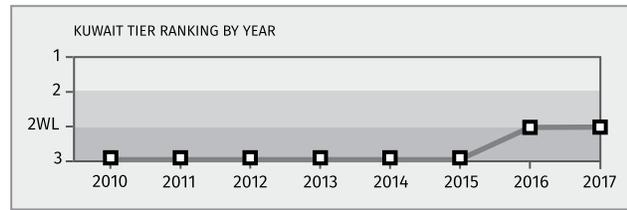
TRAFFICKING PROFILE

As reported over the past five years, Kosovo is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Most victims are internally trafficked for sexual exploitation. Traffickers recruit victims through false promises of marriage or employment offers in cafes, night-clubs, and restaurants. Most sex trafficking victims in Kosovo are girls, although Kosovo criminal groups also force women from Albania, Moldova, Romania, Serbia, and other European countries into prostitution. Women and girls are subjected to sex trafficking in private homes and apartments, night-clubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Children used as dancers and escorts are vulnerable to sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. Economically marginalized Roma, Ashkali, and Egyptians communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes. Several police officers, labor ministry employees, and other government officials have been charged with or convicted of trafficking crimes.

KUWAIT: TIER 2 WATCH LIST

The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by passing by-laws to implement the 2015 domestic labor law, and co-sponsoring the future establishment of a centralized recruitment company, that, once operational, will reduce recruitment costs and serve to combat illegal recruiting fees. Officials also referred 39 cases of illegal recruitment for criminal investigation under the 2015 domestic labor law, and prosecuted 15 individuals under the 2013 anti-trafficking law, which resulted in nine convictions. The government also amended the 2010 labor law that increases penalties for employers who engage in unscrupulous recruiting practices. To curb the prevalence of North Korean workers subjected to trafficking, the government halted Air Koryo flights and ceased issuing new work visas to North Koreans. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Many officials continued to use arbitration and administrative penalties as the main avenues of resolving grievances filed by domestic workers, instead of investigating such cases as human trafficking crimes, and protracted litigation and subsequent appeals processes led most workers to decline to file court cases. Corruption at all levels dissuaded workers from reporting trafficking cases to

law enforcement. The government did not regularly use formal established procedures for identifying victims, and foreign workers who quit their jobs without permission were often subjected to criminal penalties, detention, and deportation. Therefore, Kuwait remained on Tier 2 Watch List for the second consecutive year.



RECOMMENDATIONS FOR KUWAIT

Increase law enforcement efforts to investigate, prosecute, and convict traffickers, including Kuwaiti citizens, under the 2013 anti-trafficking law, and prosecute and convict sponsors who subject foreign domestic workers to involuntary servitude; stringently enforce the domestic labor law (law68/15) to ensure domestic workers receive appropriate rights and protections; operationalize the centralized recruitment company; uphold laws against sponsors and employers who illegally hold migrant workers' passports; establish standard operating procedures for investigations and prosecutions of trafficking crimes; routinely employ formal established procedures to proactively identify and refer to protection services all victims of human trafficking; continue to train law enforcement officials and social workers to identify trafficking victims among vulnerable populations, and screen for human trafficking victims during migrant round-ups; establish linkages between emerging victim care efforts and law enforcement activities; continue to train shelter staff in providing services to potential trafficking victims; ensure the availability of shelter and services to male victims, sex trafficking victims, and forced labor victims outside of the domestic worker context; finalize and implement a multi-year national anti-trafficking strategy and action plan; and expand efforts to raise awareness and prevent trafficking.

PROSECUTION

The government sustained law enforcement efforts and took steps to strengthen its legal infrastructure. Anti-trafficking legislation enacted in 2013 prohibits all forms of trafficking and prescribes penalties ranging from 15 years to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The domestic labor law (law68 /15) guarantees domestic workers one day off per week, a maximum 12-hour workday, minimum wage paid per month, paid annual leave, and access to file formal grievances at the Ministry of Interior (MOI), among other protections. In 2016, MOI issued by-laws to commence implementation of the domestic labor law. In June 2016, parliament passed numerous amendments to the 2010 labor law, to increase penalties for non-payment of wages, make mandatory documentation of all paid wages, and require prison time and fines for employers and government officials who fail to adhere to provisions of this law.

In 2016, the government investigated six potential trafficking cases and prosecuted 15 suspects, compared to six cases investigated and 20 suspects prosecuted during the previous reporting period. Seven prosecutions from 2015 remained pending at the close of the reporting year. The government

achieved nine convictions— including one Kuwaiti citizen— under the anti-trafficking law, on par with eight convictions the previous year; five accused traffickers were acquitted. All cases put forth for criminal prosecution under the anti-trafficking law involved sex trafficking. The MOI's anti-trafficking and public morals department continued to investigate suspected trafficking cases and referred an unknown number to the public prosecutor's office in 2016; it referred one forced labor case for prosecution during the previous reporting year. Domestic worker labor authorities from the MOI began investigating domestic worker labor recruitment agencies and residences to ensure compliance with the 2015 domestic labor law. During the reporting period, officials conducted 1,806 such inspections, referred 39 recruiters for criminal investigation under the domestic labor law for illegal practices, and permanently shut down 90 recruitment agencies for domestic labor law contraventions. The MOI's Domestic Labor Department (DLD) investigates employers and recruiting agencies, in addition to grievances filed by employees, NGOs, embassies of labor-sending countries, and private citizens, and subsequently arbitrates such grievances. If a settlement cannot be agreed upon, DLD officials refer the case to the courts, and if the complaint involves a gross violation, such as assault or domestic abuse, authorities transfer the case directly to the public prosecutor's office. Many Kuwaiti law enforcement officials did not categorize or investigate the exploitation or forced labor of domestic workers as human trafficking and continued to treat such cases as administrative infractions, using official arbitration resulting in monetary compensation and repayment of back-wages to victims, application of administrative fines, and closure of recruitment firms to resolve such cases; such approaches do not provide adequate deterrence to the commission of forced labor crimes. In some cases, characterized by local media as showing indicators of trafficking, the government sought prosecution for abuse or simple assault rather than under anti-trafficking laws. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remained common among sponsors and employers of foreign workers; the government demonstrated no efforts to enforce this prohibition. Reports claimed some government officials sold work permits to illegal recruiters or even directly to migrant workers, potentially facilitating trafficking; however, the government did not report efforts to prosecute and convict officials complicit in trafficking or trafficking-related offenses. The MOI's anti-trafficking unit conducted five anti-trafficking training programs during the reporting year, which covered signs of trafficking and a victim-centered approach to law enforcement efforts, and targeted approximately 35 trainees from all MOI departments. In addition, in conjunction with an international organization, it facilitated two training programs for MOI front-line personnel. The DLD developed and launched 12 training programs for MOI investigators and labor inspectors.

PROTECTION

The government maintained efforts to protect trafficking victims. It provided shelter over the course of the reporting period to a total of 5,000 domestic workers, including some potential forced labor victims, in its 500-bed shelter dedicated to runaway domestic workers. The shelter served as a one-stop facility, providing medical and psychological care, repatriation assistance, and access to officials from various ministries to facilitate legal assistance, including filing cases against employers. The government allocated an annual budget of 1.9 million Kuwaiti dinar (\$6.23 million) for shelter operations, an increase from 260,000 Kuwaiti dinar (\$852,460) the prior year. During the reporting period, the government identified

76 female trafficking victims. While victims were permitted to leave the facility unescorted, there continued to be no shelter or other protective services for male trafficking victims. The shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and migrant workers. An international organization provided assistance to 120 domestic workers, primarily from African countries without diplomatic representation in Kuwait, who needed to procure travel documentation. Embassies of the Philippines, India, and Sri Lanka maintained their own domestic worker shelters and sought compensation and legal redress for their nationals subjected to exploitative working conditions in Kuwait. During the reporting year, IOM helped the government develop and implement a screening process to identify potential trafficking victims among vulnerable populations, such as foreign migrant workers, domestic workers, and women in prostitution. During the government's migrant round-ups, the extent to which the government employed this proactive screening mechanism was unknown. The MOI provided repatriation and transition assistance to approximately 200 foreign domestic workers during the reporting period; however, it was unclear whether authorities sought a refund of travel costs from the employers who sponsored the workers. To assist embassies in repatriating trafficking victims, the government, in partnership with IOM and in coordination with recruitment agencies, funded airline tickets and repatriation services for 20 victims of trafficking. The government did not offer foreign trafficking victims legal alternatives to removal to countries where they may face hardship or retribution.

Systemic challenges, including threat of criminalization and limited access to legal support, remained an impediment to the government's protection efforts. The 2013 anti-trafficking law does not stipulate that victims who flee abusive employers should be immune from prosecution. Therefore, workers who fled their employers without permission risked criminal penalties and arrest, detention at police stations, and deportation, even if they were fleeing an abusive sponsor; following round-ups, the government reported deporting 1,118 domestic workers who allegedly violated residency and local laws. The risk of penalization, coupled with protracted litigation processes and expensive legal fees, discouraged workers from appealing to police or other authorities for protection and adequate legal redress for their exploitation. As such, trafficking victims rarely filed cases against their employers. In addition, it was not uncommon for sponsors to file counter-grievances against trafficking victims who reported their own, which often resulted in administrative deportation or detention of the employees. In February 2016, the DLD announced that employers would only be allowed to file desertion charges against workers at the DLD, as opposed to any MOI facility, which is intended to deter employers from filing such initial charges; however, it was unclear how readily the nascent policy was employed during the reporting period. The government reported public prosecutors sometimes tried cases on victims' behalf using their oral and written statements; however, it lacked privacy laws to protect victims against potential retribution, and often was unable to provide adequate care for victims throughout the duration of legal proceedings.

PREVENTION

The government continued efforts to prevent human trafficking. The government began drafting a national action plan to address trafficking. Several ministries, in collaboration with IOM, printed and disseminated anti-trafficking pamphlets and actively participated in public awareness campaigns that warned

against using illegal domestic worker recruitment companies. In June 2016, IOM partnered with the MOI to conduct a five-day anti-trafficking awareness campaign, with an emphasis on domestic workers, at three of Kuwait's major retail shopping malls. Various officials also took part in awareness messages on local television outlets and continued to disseminate pamphlets to educate migrant workers on their rights, which were published in multiple languages, in airports, embassies, and labor-recruitment agencies.

As directed by the new domestic worker law, the government sponsored development of a centralized recruitment company that, once operational, will reduce recruitment costs and serve to combat illegal recruiting fees. During the reporting period, the government received approximately 24,200 official grievances from foreign workers, the most common included pay discrepancies, requests for sponsor and employment transfers, and overtime pay disputes; of these, 3,800 of the employment transfer grievances were resolved via arbitration, roughly 2,000 in favor of the employee, and more than 10,800 were sent to the labor courts. The government did not report outcomes of the cases referred for criminal investigation or which, if any, would be considered for prosecution under the anti-trafficking law. In January 2017, authorities investigated a Kuwaiti company on suspicion of labor law violations against its foreign workers; at the close of the reporting year, the government was still negotiating with the company and employees to determine punitive charges or fines to levy on the former and adequate compensation for the latter. To curb exploitation of North Korean laborers, the government halted all Air Koryo flights in August 2016. In September 2016, the Ministry of Foreign Affairs ceased issuance of work visas for North Koreans. To reduce the demand for commercial sex acts, the government prosecuted and deported individuals guilty of exploiting potential sex trafficking victims in prostitution. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Kuwait is a destination country for men and women subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from South and Southeast Asia, Egypt, the Middle East, and increasingly throughout Africa to work in Kuwait, predominantly in the domestic service, construction, hospitality, and sanitation sectors. Several labor-sending countries, including India, Nepal, Indonesia, Ethiopia, Zimbabwe, and Bangladesh, restrict their female nationals from domestic employment in Kuwait. Kuwait also banned the issuance of domestic worker visas from Kenya, Uganda, Nigeria, Togo, Ethiopia, Malawi, Tanzania, The Gambia, Ghana, and Zimbabwe, which resulted in additional recruitment of domestic employees from other African labor-sending countries, including Sierra Leone, Cameroon, Niger, Djibouti, and Liberia, among others. The vast majority of migrant workers arrive voluntarily; however, upon arrival some sponsors subject migrants to forced labor, including through non-payment of wages, protracted working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. Many of the migrant workers arriving in Kuwait have paid exorbitant fees to labor recruiters in their home countries or are coerced into paying labor broker fees in Kuwait which, according to Kuwaiti law, should be paid by the employer—a practice making workers highly vulnerable to forced labor, including debt bondage. Some labor recruiting companies have facilitated trafficking through the use of deceptive techniques to bring in

migrant workers on the basis of unenforceable contracts and nonexistent positions. Reports allege officials take bribes or overtly sell work permits to illegal labor recruiting companies or directly to migrant workers. Since 2008, reports indicate the Democratic People's Republic of Korea (DPRK or North Korea) has sent over 4,000 North Korean laborers to Kuwait for forced labor on construction projects, sourced by a North Korean company operated by the Workers' Party of Korea and the North Korean military. According to these reports, employees work 14 to 16 hours a day while the company retains 80 to 90 percent of the workers' wages, and monitors and confines the workers, who live in impoverished conditions and are in very poor health due to lack of adequate nutrition and health care.

Kuwait's sponsorship law—which ties a migrant worker's legal residence and valid immigration status to an employer—restricts workers' movements and penalizes them for leaving abusive workplaces; as a result, domestic workers are particularly vulnerable to forced labor inside private homes. Many workers report experiencing work conditions substantially different from those described in the contract; some workers never see the contract at all and others receive Arabic or English-language contracts they are unable to read. In addition, sources report runaway domestic workers are sometimes exploited in forced prostitution by agents or criminals, who manipulate their illegal status. Albeit illegal, passport confiscation by employers continues to be a common practice in Kuwait.

KYRGYZ REPUBLIC: TIER 2

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kyrgyz Republic remained on Tier 2. The government demonstrated increasing efforts during the reporting period by beginning to draft a new national action plan for 2017-2020 and passing amendments to bring the anti-trafficking article in its criminal code up to international standards. It worked to implement recommendations from a parliamentary committee that previously evaluated the government's anti-trafficking efforts, and the committee provided further evaluation and recommendations for improvements during the reporting period. The government approved criteria for victim identification, including measures to prevent unfair criminalization of victims, and created an inter-ministerial body to coordinate anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. The government largely relied on NGOs and international organizations to train law enforcement personnel, who continued to lack training on victim identification. It did not address alleged complicity in trafficking and trafficking-related offenses, despite credible reports of serious and endemic corruption that contributes to trafficking and official complicity in detaining and exploiting trafficking victims.



RECOMMENDATIONS FOR KYRGYZ REPUBLIC

Vigorously investigate and prosecute government officials allegedly complicit in trafficking or who engage in abuse and exploitation of trafficking victims, and convict and punish those found guilty; investigate and prosecute suspected trafficking crimes, respecting due process, and convict and punish trafficking offenders, ensuring the majority of those convicted serve time in prison; enact legislation consistent with international law to ensure prosecuting the prostitution of minors does not require proof of force, fraud, or coercion; increase efforts to identify trafficking victims proactively among vulnerable groups, particularly persons in prostitution, and refer victims to protection services; approve and implement guidelines on victim identification and train officials on their use; implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims; increase trafficking-specific training for law enforcement, including through contributing to efforts by international organizations to train police, prosecutors, and judges; ensure identified trafficking victims are exempt from punishment for unlawful acts committed as a direct result of being subjected to trafficking; and continue to contribute to NGOs providing assistance to victims.

PROSECUTION

The government maintained law enforcement efforts but did not address serious allegations of official complicity. Article 124 of the criminal code, entitled "Trafficking in Persons," criminalizes both sex and labor trafficking of adults and children and covers a non-trafficking offense, "child adoption for commercial purposes." Contrary to international law, article 124 requires the prosecutor to prove the offender used force, blackmail, fraud, deception, or abduction for cases of sex trafficking regardless of whether the victim is a child or adult. However, to address these deficiencies, the president signed into law an update to the existing criminal code that will bring article 124 in line with international standards during the reporting period but the government has not yet implemented the amendments. Article 124 prescribes penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Prosecutors may also charge traffickers using article 260 for engaging a person in prostitution through the use of force or the threat of force or fraud, which is punishable by a fine or imprisonment of three to five years, or longer in the presence of aggravating circumstances. When the victim is a child aged 14-17 years, the penalty is five to 10 years imprisonment, and when the victim is younger than 14 years, the penalty is 10 to 15 years imprisonment. Article 261 criminalizes organizing others into prostitution or maintaining a brothel without the use or threat of physical violence, and imposes the same penalties for child victims as are set forth in article 260. Article 15 of the code on children prohibits forced child labor.

The government initiated eight trafficking investigations under article 124 in 2016, including five sex trafficking cases and two child forced labor cases; it is unknown whether the remaining case was sex or labor trafficking. In comparison, in 2015 the government conducted four trafficking investigations. Authorities did not report additional investigations under other articles that involved inducing minors into prostitution compared to 18 additional investigations in 2015. The prosecutor general's office (PGO) initiated five prosecutions of criminal cases under article 124—two of the five for labor trafficking—involving an unknown number of suspects in 2016, compared with six cases involving an unknown number of suspects in 2015. In the five

prosecuted criminal cases, involving nine victims of trafficking, the government convicted 10 offenders under article 124 in 2016, compared with four offenders convicted in two cases in 2015. The government did not report on sentences or whether the convicted offenders were sentenced to prison.

Advocates for victims reported there was a general lack of proactive investigation. Such advocates indicate police generally did not pursue investigations unless victims made a specific, well-supported complaint. During the reporting period, a national-level department in the Ministry of Internal Affairs (MVD) continued to oversee national anti-trafficking law enforcement efforts; however, a major restructuring of the MVD was ongoing and future staffing levels remained unknown. Despite the uncertainty, the unit developed criteria to identify victims and participated in interagency working groups. Civil society actors reported the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims and work with them as witnesses. Authorities cooperated with civil society and foreign partners to train police, prosecutors, and judges; based on a 2016 MOU, an international organization and the government collaborated on a three-day training for 24 judges in January 2017 and a training for 23 prosecutors in February 2017. The Supreme Court and PGO provided trainers for both trainings.

Corruption continued to be a systemic problem in the Kyrgyz Republic. NGOs and international organizations reported law enforcement officials accepted bribes to drop cases and sometimes warned suspects prior to raids. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases. The UN special rapporteur on the sale of children, child sex trafficking, and child pornography documented allegations of law enforcement officials' complicity in human trafficking in a 2013 report; police officers allegedly threatened, extorted, and raped child sex trafficking victims. However, the government has never investigated the allegations from this report, nor did it report the investigation, prosecution, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained efforts to identify and assist trafficking victims and worked to improve its identification and referral mechanisms. Based on recommendations from a 2015 Parliamentary Monitoring Report, authorities partnered with civil society and foreign partners to develop a national referral mechanism and standard operating procedures for assisting trafficking victims. The government drafted amendments to the anti-trafficking law to implement these mechanisms; however, the updates were not finalized or implemented by the close of the reporting period. International organizations and NGOs reported assisting 86 victims in 2016, 68 of whom were subjected to forced labor, 11 to sex trafficking, and seven to both labor and sex trafficking; one of the victims was a child and 47 victims were male. Local governments in Osh and Bishkek continued to provide rent-free facilities used by three NGO-run shelters that provided services for trafficking victims. MVD's witness protection unit did not report assisting any trafficking victims. In 2015, the unit assisted seven victims and provided physical protection for them and their family members and helped them to obtain a state attorney. Consular officials assisted an unknown number of victims abroad by providing no-cost travel documents.

Police did not use child-sensitive procedures when dealing

with child victims during case investigation and courts did not provide safeguards to ensure children's privacy and protection; however, the newly drafted referral mechanism would address the treatment and proper provision of assistance to children if implemented. Although the law provides for the proper treatment of witnesses, authorities rarely followed it. The government required witnesses to attend multiple public hearings and sit next to their alleged traffickers at trial, which deterred victims from cooperating with police. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. While the law provides the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. According to the 2013 UN special rapporteur report, police officers allegedly detained child sex trafficking victims, releasing them only after they performed sexual acts; the government has not yet responded to the report's allegations. Police allegedly extorted bribes from child sex trafficking victims through threats of arrest for commercial sex, even though commercial sex was neither illegal nor an administrative offense. The police's increased interaction with international and local trafficking experts has reportedly led to officers' increased sensitivity toward children found in brothels. However, the continued lack of training and formal written procedures for the identification and protection of potential sex trafficking victims increased victims' vulnerability to arrest and penalization during brothel raids.

PREVENTION

The government increased efforts to prevent trafficking. In May 2016, the government created the Coordination Council on Migration which coordinates government efforts on migration issues, including combating trafficking in persons. The council includes representatives from the Office of the President, relevant government ministries, international organizations, and NGOs. During the reporting period, the Council devoted one session to trafficking in persons and met three times. In October, the prime minister issued a decree to create a temporary interagency working group, which met during the reporting period to analyze the former National Action Plan to Combat Trafficking in Persons for 2013-2016 and to draft a new national action plan for 2017-2020. An international organization estimated the government completed roughly 70 percent of its objectives in the National Action Plan to Combat Trafficking in Persons for 2013-2016. In January 2017, a parliamentary commission completed an evaluation of the government's overall anti-trafficking efforts in conjunction with an international organization and NGOs, the second such analysis of implementation of the 2005 national anti-trafficking law; however, the commission had not yet published the report. The government, with the support of an international organization, continued to operate two information consultation centers—formerly called employment centers—that in 2016 provided an unknown number of people employment services, vacancy advertisements, a list of licensed foreign labor recruitment agencies, and pre-departure orientation (which included trafficking prevention) for job seekers to ensure safer migration and employment. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance on working abroad; the hotline received 2,979 calls in 2016, which resulted in the identification of three victims. During the reporting period, the State Migration Service (SMS) drafted a bill that would regulate private employment agencies by requiring SMS-issued licenses in order to operate in the country. The Parliamentary Working Group on Trafficking in Persons and a local NGO launched an awareness project in September 2016 called

“Caravan of Art Against Trafficking in Persons” in the provinces of Talas, Naryn, Issyk-Kul, and the outskirts of Bishkek. In January 2017, the SMS introduced a mobile phone application that provided information on the rights of migrant workers and contact telephone numbers including anti-trafficking hotlines and local Kyrgyz embassies to Kyrgyz migrants. The government did not report providing anti-trafficking guidance for its diplomatic personnel or making efforts to reduce the demand for commercial sex acts or forced labor.

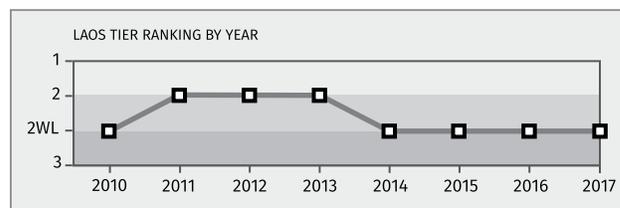
TRAFFICKING PROFILE

As reported over the past five years, the Kyrgyz Republic is a source, transit, and destination country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyz men, women, and children are subjected to forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other European countries, as well as within the Kyrgyz Republic, specifically in the agricultural, construction, and textile industries and in domestic service and forced childcare. Kyrgyz children also are subjected to forced labor in cotton, the selling and distribution of drugs within the country, and hauling cargo both in the Kyrgyz Republic and neighboring countries. Women and girls are subjected to sex trafficking abroad, reportedly in Turkey, the United Arab Emirates (UAE), India, Russia, Kazakhstan, South Korea, and within the country. Kyrgyz police officers allegedly exploit female trafficking victims, including some younger than age 18, for sex both in saunas and on the street. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including minors, and reports that police accept bribes from alleged traffickers to drop cases. Street children who engage in begging and children engaged in domestic work (often in the homes of extended family members) are vulnerable to human trafficking. Women and underage teenaged girls from Uzbekistan increasingly are subjected to sex trafficking in the southern region of the Kyrgyz Republic. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, the UAE, and Turkey, where they may be subjected to sex and labor trafficking. International organizations and NGOs reported some Kyrgyz individuals who join extremist fighters in Syria are forced to remain against their will and recruiters may deceive others, including minors, promising jobs in Turkey, before extremist groups force them to fight, work, or suffer sexual servitude in Syria.

LAOS: TIER 2 WATCH LIST

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by expanding training for provincial law enforcement, strengthening processes for the identification of internal trafficking victims, and initiating an increased number of trafficking prosecutions. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Inter-ministerial efforts and coordination on trafficking prevention remained insufficient. The government employed ineffective victim identification and referral methods abroad due to lack of awareness among front-line officers, and it did not provide or fund protective

services to victims. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Laos was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Laos remained on Tier 2 Watch List for the fourth consecutive year.



RECOMMENDATIONS FOR LAOS

Collaborate with civil society to implement the 2016-2020 national action plan; strengthen efforts to implement the 2016 anti-trafficking law by investigating, prosecuting, and convicting traffickers, including complicit officials, as well as child sex tourists; disseminate, implement, and train police and border officials on formal victim identification procedures, including domestically and among such vulnerable communities as undocumented migrant workers in special or specific economic zones, men and boys in forced labor in the maritime industries, children subjected to forced labor in the commercial agricultural sector, and foreign women and girls facing deportation; increase expenditures from the government anti-trafficking budget for service provisions and assistance programs for victims, including restitution awards from courts and incentive mechanisms for victims to participate in formal legal proceedings, and expand these services for male victims; in partnership with local and international organizations, increase resources and vocational training to support victims, including male victims, to reintegrate into their home communities; improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with nongovernmental stakeholders; consider legislation to penalize knowingly soliciting or patronizing a sex trafficking victim; and strengthen efforts at diplomatic missions overseas to assist in victim identification and protection.

PROSECUTION

The government maintained modest law enforcement efforts. It promulgated an anti-trafficking law passed in 2015; article 134 of this law generally prohibits all forms of human trafficking and prescribes penalties ranging from five years to life imprisonment, fines ranging from 10 to 100 million kip (\$1,224 to \$12,240), and confiscation of assets; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, authorities reported investigating 37 individuals and prosecuting at least 11 for suspected trafficking offenses, leading to the conviction of seven traffickers. This compares to 41 individuals investigated, nine individuals prosecuted, and 13 individuals convicted in 2015 (31 prosecutions and 21 convictions in 2014). The government provided no information on sentencing for the convicted individuals; an international organization reported one of the cases was under appeal at the end of the reporting period. The government provided no information on prosecutions of foreign nationals in Laos who engaged in child sex tourism. The Ministry of Public Security (MOPS) collaborated with the

Ministry of Foreign Affairs (MFA), domestic civil society groups focusing on women's issues, and international organizations to coordinate with local officials on provincial anti-trafficking efforts and to disseminate information to 174 officials about the 2016 anti-trafficking law. The Secretariat assigned the Office of the Supreme People's Prosecutor to develop a trafficking investigation manual clearly defining the types of offenses, but it is unclear if the work was completed, or if authorities employed it as part of their investigations. Law enforcement also collaborated with Thailand on a number of investigative processes, including victim interviews and criminal pursuit. They also met with Chinese authorities nine times to collaborate and assist with several trafficking issues.

Anti-trafficking organizations and media reported some low-level officials might have contributed to trafficking vulnerabilities by accepting bribes for the facilitation of immigration and transportation of girls to China. Despite these reports, the government did not report any investigations, prosecutions, or convictions of officials for complicity in human trafficking or trafficking-related activities during the year.

PROTECTION

The government maintained inadequate victim protection efforts. The government adopted the Coordinated Mekong Ministerial Initiative Against Trafficking, provisions of which outline robust victim identification and referral procedures, and established a national referral mechanism in accordance with the 2016 anti-trafficking law. The government, however, did not implement these or other previously developed standards in the identification of victims among vulnerable groups. Authorities did not systematically screen for trafficking indicators among deportees from Thailand, nor among the 20 individuals deported from Laos to Vietnam during the reporting period, likely leaving some victims unidentified. Front-line officers' lack of awareness often led to conflation between trafficking and smuggling, which may have resulted in the penalization of victims. The government reported identifying 85 Lao victims of internal trafficking, an increase from 46 in 2015. The government also reported receiving 99 Lao trafficking victims returned from Thailand, China, and Indonesia—including 84 sex trafficking victims and 15 labor trafficking victims—compared to 143 victims in the previous year. The vast majority of external victims were identified by the authorities in neighboring countries. International organizations reported identifying a higher number of Lao trafficking victims exploited in other countries, and it was unclear if these figures were captured in the government statistics. NGOs experienced difficulties contacting Lao embassies and consulates abroad to report trafficking incidents. The government did not provide any information about protective services supplied to victims, including restitution awards or other incentives to facilitate victims' participation in formal legal proceedings, and it continued to rely heavily on neighboring countries to identify and refer victims, according to NGOs and MOPS.

Victims could receive temporary accommodation, legal advice, health care, and education or job training, with most of these services provided and funded by NGOs and international organizations; however, the government did not report how many victims benefited from these services during the reporting period. The government cooperated with several international organizations to run transit centers in Vientiane, where victims returned from Thailand could stay for approximately one week before being reintroduced to their home communities. A quasi-governmental women's union operated a short-term shelter

for victims of abuse that also offered services to trafficking victims. For the first time, MOPS reported providing training on victim identification and assistance to 95 anti-trafficking law enforcement personnel in all 18 provinces during the reporting period. Authorities reported conducting victim-screening interviews at these shelters, as well as at a series of referral offices at international ports of entry, although it was unclear if these interviews culminated in any victim identification or law enforcement efforts. A lack of adequate long-term support due to limited resources made victims vulnerable to re-trafficking. Although a significant number of victims identified in 2016 were male, and despite their particular vulnerabilities to labor trafficking in the maritime sector, the vast majority of services were available only for women.

PREVENTION

The government maintained prevention efforts. Government-controlled print, television, and radio media continued to promote anti-trafficking awareness; with the help of foreign donors, public officials expanded distribution of materials on the dangers of human trafficking to provincial leaders, local community members, and civil society groups. Authorities distributed 30,000 calendars featuring trafficking-related content in particularly high-risk border areas. Delays in securing final approval of its draft action plan for 2016-2020 prevented full realization of inter-ministerial efforts and coordination on trafficking prevention. The government reported maintaining funding for anti-trafficking activities in its annual budget, but did not provide specific information on how it allocated this funding. The national steering committee for anti-trafficking efforts continued to coordinate activities; however, civil society organizations reported a lack of government transparency, which, in conjunction with insufficient planning and resources, severely obstructed coordination between relevant ministries and international partners. At times, authorities may have impeded the work of NGOs by requiring prior government approval of all anti-trafficking activities. The government did not provide anti-trafficking training for its diplomatic personnel, nor did it take any discernible measures to reduce the demand for forced labor or commercial sex acts.

TRAFFICKING PROFILE

As reported over the last five years, Laos is a source and, to a much lesser extent, a transit and destination country for women, children, and men subjected to sex trafficking and forced labor. Lao trafficking victims often are migrants seeking better opportunities outside the country who experience labor or sexual exploitation in destination countries—most often Thailand, as well as Vietnam, Malaysia, China, Taiwan, and Japan. Some migrate with the assistance of brokers charging fees, but many also cross borders independently with valid travel documents. Traffickers, including victims' family members, are often known to those in the rural communities where they lure victims with false promises of legitimate work abroad.

A large number of victims, particularly women and girls, are exploited in Thailand's commercial sex industry and in forced labor in domestic service, factories, or agriculture. Lao men and boys are victims of forced labor in Thailand's fishing, construction, and agricultural industries. Lao victims of forced labor in the Thai fishing industry have been identified in Indonesian waters. NGOs report individuals offering transportation services near the Thai border facilitate the placement of economic migrants into forced labor or sex trafficking in Thailand. Foreign traffickers increasingly

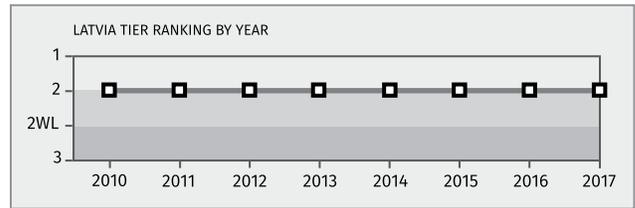
collaborate with local Lao middlemen to facilitate trafficking. Many trafficking victims may be among the more than 10,000 migrants deported or “pushed back” annually from Thailand without official notification, often by way of boats across the Mekong River. Vehicle drivers sometimes intercept these migrants when they return to Laos and facilitate their re-trafficking. A small number of women and girls from Laos are sold as brides in China and subjected to sex trafficking; according to the UN, this trend may have spiked during the reporting period due to the sharp increase of Chinese men registering marriages with Lao women in 2016. Some local officials reportedly contributed to trafficking vulnerabilities by accepting payments to facilitate the immigration or transportation of girls to China.

Laos is reportedly a transit country for some Vietnamese and Chinese women and girls who are subjected to sex trafficking and forced labor in neighboring countries, particularly Thailand. Local organizations reported concerns that some of the Vietnamese men and women working in or near (often illegal) logging and construction areas along the Laos-Vietnam border may be trafficking victims. They reported similar concerns about Burmese nationals working as manual laborers or involved in the sex trade near the “Golden Triangle”—the geographic area marked by the intersection of the Lao, Burmese, and Thai borders.

There remained little data on the scope of trafficking within Laos. International organizations reported a high number of undocumented migrant workers in Lao Special or Specific Economic Zones might be vulnerable to trafficking or other labor abuses. Some Vietnamese, Chinese, and Lao women and children are subjected to sex trafficking in the country, usually in larger cities or in close proximity to borders, casinos, or special economic zones, reportedly to meet the demand of Asian tourists and migrant workers. Some Lao adults and children are subjected to forced labor in the agricultural sector within Laos. Populations in villages resettled due to the construction of dams and other large infrastructure projects may be especially vulnerable. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States travel to Laos intending to exploit child sex trafficking victims.

LATVIA: TIER 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Latvia remained on Tier 2. The government demonstrated increasing efforts by certifying more victims for the state-funded victim assistance program, leading two international anti-trafficking projects, and initiating the first investigation of forced labor within its borders in at least five years. However, despite these efforts, the government did not meet the minimum standards in several key areas. Courts continued to give convicted traffickers lenient sentences, usually resulting in no jail time. Officials’ lack of knowledge of trafficking indicators impaired proactive victim identification, particularly among women and children in commercial sex, and forced labor victims.



RECOMMENDATIONS FOR LATVIA

Vigorously investigate and prosecute trafficking cases under the trafficking statute (section 154-1 of the criminal law) and punish convicted traffickers with stringent sentences; increase efforts to proactively identify victims, particularly minors in the state welfare system induced into commercial sex, victims of sexual exploitation in Latvia’s legal prostitution industry, and labor trafficking victims exploited within the country and abroad; increase training for police, prosecutors, and judges on all forms of trafficking beyond those related to sham marriages; increase financial and human resources for trafficking prevention efforts; encourage more victims to assist law enforcement by training officials on providing appropriate protections to all victims, such as witness protection; provide more victims with compensation from their traffickers and the state agency for judicial assistance; and fully fund and implement the 2014-2020 National Trafficking Prevention Program (national action plan).

PROSECUTION

The government maintained weak law enforcement efforts. Sections 154-1 and 154-2 of its criminal law prohibit all forms of trafficking and prescribe a maximum penalty of up to 15 years imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors have the power to reclassify cases from section 154-1 to lesser crimes. Trafficking crimes could be charged under section 164, which criminalizes exploiting individuals’ vulnerability or using deceit to involve them in prostitution—a scenario very similar to sex trafficking—but prescribes punishments as lenient as community service or a fine. A 20-officer state police unit specialized in investigating trafficking, sham marriages, and related crimes.

Police investigated four new cases involving three suspects under section 154-1 in 2016, compared with three new cases involving nine suspects in 2015. The government initiated prosecutions of 11 sex trafficking suspects under section 154 1 in 2016 (eight in 2015). Courts convicted four traffickers under section 154-1; all received conditional sentences resulting in no prison time. Courts concluded a 2011 case involving a police officer charged with facilitating pimping and taking bribes; he was sentenced to four years in prison. A case from 2014 involving two Riga police officers charged with facilitating pimping remained in pre-trial investigation at the end of the reporting period.

In 2016, the specialized unit reported one new domestic labor trafficking case in which four Latvian men allegedly were coerced into working on a local farm and committing criminal acts in exchange for alcohol. This was the first domestic forced labor investigation reported in at least five years; the case remained under investigation at the end of the reporting period. Courts concluded the country’s first-ever labor trafficking case, which began in 2009; the court dropped the labor trafficking charges, convicted the defendant of facilitating sex trafficking, and sentenced her to a fine without prison time. Latvia has never convicted a criminal defendant of labor trafficking.

Authorities collaborated with several foreign governments on transnational trafficking investigations. Observers reported the need for more training for law enforcement, particularly on working with victims, evidence collection, and understanding psychological coercion. Law enforcement reportedly were inclined to investigate and charge suspected traffickers for crimes other than trafficking, such as money laundering, pimping, and transfer for sexual exploitation, rather than trafficking. Charging traffickers with these lesser crimes, particularly those often resulting in suspended sentences, permits traffickers to commit a serious crime with impunity, endangers the victims they exploited, diminishes the deterrent effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime. The government collaborated with international and non-governmental partners to provide training for police, prosecutors, and judges.

PROTECTION

The government maintained efforts to protect trafficking victims. The Ministry of Welfare signed an agreement allowing a second NGO to assist victims in the state-funded, NGO-run victim assistance program for 2017-2018. The program offered victims psychological assistance, legal representation, housing, and reintegration services. The government certified victims for enrollment in the program based on decisions by either law enforcement or an NGO-led panel of experts. The government enrolled 14 new victims into the program, an increase from eight victims in 2015. All new victims enrolled were female, four of whom were minors subjected to sexual exploitation in Latvia and four of whom were exploited abroad. The four male victims from the labor trafficking case declined assistance.

NGOs represented on the government's working group for coordinating the enforcement of the national action plan, reported most government agencies lack either the practical experience or willingness to identify victims. Local victim advocates reported the number of victims certified for state assistance did not accurately reflect the scope of trafficking in Latvia because of victims' hesitation or inability to report abuses. Observers noted identifying child sex trafficking victims domestically remained a challenge. Experts raised concerns that state orphanages often did not report suspected child sex trafficking cases and instead provided victims with limited on-site assistance. Experts also raised concerns about sexual exploitation in Latvia's legal prostitution industry, noting law enforcement's focus on fining individuals not in compliance with prostitution regulations or other criminal statutes rather than on identifying potential trafficking victims. Experts noted agencies tasked primarily with non-trafficking issues, such as the state border guard and the Office of Citizenship and Migration Affairs, made little effort to recognize trafficking cases for investigation or refer victims for assistance. In 2016, the government decreased funding for the victim assistance program to €133,275 (\$140,437) from €162,562 (\$171,393) in 2015. Only 37 percent of the 2016 funding was spent because of the low number of victims in the program.

NGOs reported that, on a practical level, cooperation improved with law enforcement on trafficking investigations. Only six of the 14 registered victims cooperated with law enforcement in 2016, amid reports officials did not gain victims' trust or take sufficient efforts to encourage victims to cooperate. The four male victims from the labor trafficking case cooperated with authorities. All courts had digital video capabilities and audio recording equipment to protect victims from trafficker-victim

confrontation. In 2016, Latvia amended section 96-1 of the criminal law, which pertains to special protection measures for crime victims, including victims of trafficking. The special protection measures included questioning victims in private rooms; ensuring the questioning was conducted by a prosecutor or judge of the same gender as the victim; the right to a closed court hearing; and the right to court-recorded testimony. In the past six years, only four victims received court-ordered restitution payments from their traffickers. In 2016, three trafficking victims received compensation from the state agency for judicial assistance, which administers a crime victims' compensation program.

PREVENTION

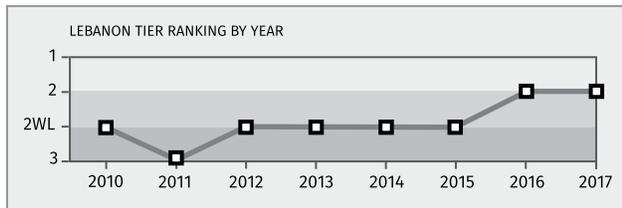
The government maintained prevention efforts. Authorities continued to use section 165-1, which prohibits the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking. In 2016, the government began prosecutions of four defendants under section 165-1 and courts convicted 10 suspects, although only two convicted offenders received prison sentences of less than a year, while the others received conditional sentences. The anti-trafficking working group composed of national and local governments and civil society monitored the domestic and international anti-trafficking situation, facilitated information exchange, and implemented the 2014-2020 national action plan. Authorities reported the national budget did not allocate funding for several of the action plan's activities, including training and state police activities. The Ministry of Interior led two international anti-trafficking projects on preventing human trafficking and sham marriages and strengthening the role of municipalities in combating trafficking. The Office of the Ombudsman conducted a survey to determine how well agencies understood trafficking issues, analyzed victim identification measures, and issued recommendations. The office solicited information from 126 orphan courts, 107 social services agencies, 26 state employment agency offices, and local NGOs. Recommendations included the creation of a national victim referral mechanism with uniform procedures, specialized anti-trafficking guidelines for orphan courts, outreach to government employees, education at the local level and at state employment agency offices, and improved interagency cooperation with municipalities. Various ministries contributed to a number of awareness-raising activities, including programs for schools. The government maintained emergency hotlines that received calls on potential trafficking situations. The government provided anti-trafficking training for Latvian diplomatic personnel. The government did not report any specific measures to reduce the demand for commercial sex or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, Latvia is a source country for men, women, and children subjected to sex and labor trafficking. Latvian women and girls are subjected to sex trafficking in Latvia and other parts of Europe. Government agencies note an increase in child sex trafficking cases over the past few years. Latvian men and women are subjected to forced labor, particularly in other parts of Europe. Latvian women recruited for brokered marriages in Western Europe, particularly Ireland, are vulnerable to sex trafficking, domestic servitude, and forced labor. To a lesser extent, Latvia is a source and destination country for exploitation in forced criminality.

LEBANON: TIER 2

The Government of Lebanon does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Lebanon remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers and identifying and referring to protective services an increased number of victims. The government continued to partner with NGOs to provide essential services to victims, and it took proactive steps to address the demand for commercial sex acts and prevent incidents of sex trafficking. However, the government did not meet the minimum standards in several key areas. The government did not directly protect victims nor implement victim identification and referral procedures, which resulted in authorities arresting, detaining, and deporting trafficking victims among vulnerable groups for crimes committed as a direct result of being subjected to trafficking. Moreover, Lebanon's sponsorship system, which places a significant amount of power in the hands of employers of foreign workers, remained a significant impediment to authorities identifying and protecting trafficking victims.



RECOMMENDATIONS FOR LEBANON

Ensure trafficking victims are not arrested, detained, deported, or prosecuted for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations; screen all detained domestic workers for potential trafficking victims in detention centers; take steps to establish greater oversight over *artiste* visa holders allowed in the country, a program that contributes to the vulnerability of women to sexual exploitation; increase investigations, prosecutions, and convictions of offenders under the anti-trafficking law, and investigate employers and recruitment agents who withhold workers' passports, travel documents, or wages for potential trafficking crimes; implement procedures to identify and refer to protection services trafficking victims among vulnerable populations, such as illegal migrants, women holding *artiste* visas, domestic workers, and Syrian refugees; continue to work in partnership with NGOs to screen for, identify, and provide protection services to victims, including witness support during criminal proceedings; provide training for judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law; prohibit and penalize the withholding of workers' passports and travel documents, and reform the sponsorship system to ensure workers are not bound to abusive employers and allow workers, including *artiste* visa holders, freedom of movement; formally establish the victim assistance fund; adopt and implement the draft national action plan; and enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers.

PROSECUTION

The government increased its law enforcement efforts. The 2011 anti-trafficking law prohibits all forms of human trafficking. Prescribed penalties for sex trafficking and forced labor range from five to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Nevertheless, government officials and NGOs reported most judges lacked understanding of the anti-trafficking law and knowledge of best practices for handling trafficking cases. The government lacked a law that prohibited or penalized confiscation of workers' passports or travel documents by employers or labor agents.

In 2016, the internal security forces (ISF) anti-trafficking unit investigated 20 cases of suspected trafficking, involving 87 victims of sexual exploitation and child trafficking, and referred 26 suspected traffickers to the judiciary; this was an increase from 14 ISF investigations in 2015. The directorate of general security (DGS) investigated 51 potential trafficking cases, the same as in 2015. Among the 51 cases, 14 involved *artiste* visa holders and four were referred to judicial or law enforcement authorities for further investigation. The Ministry of Justice (MOJ) reported the public prosecutor's office referred to investigative judges 98 alleged traffickers for further investigation; investigative judges charged and prosecuted 71 of these individuals, resulting in 33 convictions under the anti-trafficking law during the reporting period. These cases involved forced prostitution, forced labor of children and adults, including forced child street begging. Among these cases, four individuals received sentences ranging from five to 10 years imprisonment for sex trafficking and three individuals received sentences ranging from two to 15 years imprisonment for forced child begging. Despite these efforts, officials generally sought to resolve trafficking cases involving foreign workers through mediation between the employer and worker, rather than refer them for criminal prosecution. Additionally, government officials continued to report security forces were reluctant to arrest parents for trafficking their children due to a lack of social services available should the child be removed from the family. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period; however, NGOs continued to report a common perception that DGS officers accepted bribes to protect adult nightclubs or issue *artiste* visas.

DGS established an anti-trafficking unit within its human rights department in November 2016. The government did not directly provide anti-trafficking training for officials, but it encouraged officials to participate in trainings provided by NGOs. The army continued to require anti-trafficking training for soldiers, while widely distributed military publications featuring articles on human trafficking to raise awareness among military officers.

PROTECTION

The government increased efforts to identify and refer trafficking victims to protection services and continued to work with NGOs to provide services to victims; however, victims remained highly vulnerable to punishment for crimes committed as a direct result of being subjected to trafficking. The government did not formally adopt draft procedures for the identification and referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. During the course of investigations in 2016, the ISF identified 87 victims of sex trafficking and child trafficking, 46 of whom were referred to NGO-run shelters; this was an increase from 78 victims identified in 2015. The government

did not directly provide protection services to trafficking victims but continued to work in cooperation with NGOs to provide essential victim services. A longstanding MOU between the government and an NGO required DGS to refer victims to an NGO-run safe house and provide security for the location. In 2016, the safe house assisted 226 trafficking victims, 14 of whom the government referred. In 2016, the MOJ signed contracts with two NGOs to provide protection services for at-risk youth, including child trafficking victims. The Ministry of Social Affairs also signed contracts with NGOs for the NGOs to provide protection to vulnerable children.

The government continued to arrest, detain, or deport victims for crimes committed as a direct result of being subjected to human trafficking, such as domestic workers who fled abusive employers, out-of-status migrant workers, women holding *artiste* visas, and persons in prostitution, without screening these vulnerable persons for trafficking. Women holding *artiste* visas were subject to immediate deportation upon arrest for prostitution violations, and foreign workers without valid residence and work permits were subject to detention for one to two months—or longer in some instances—followed by deportation. Some children involved in criminal activity, who may have been trafficking victims, faced arrest and prosecution. Authorities also detained foreign domestic workers for violating the terms of their work contracts or visas in a new 750-person detention center, which opened in August 2016. However, the DGS actively worked to identify trafficking victims and permitted an NGO to screen for victims in the new and old detention centers; the NGO identified six victims in the new detention center during the reporting period. The NGO also continued to report an increased level of professionalism and sensitivity among DGS officials and investigators. The government did not adopt the draft labor law amendment extending legal protections to foreign workers nor the draft law to increase labor protections for domestic workers.

Officials did not encourage victims to file criminal charges against their traffickers, although victims were permitted to file civil suits. Victims were allowed to reside in Lebanon during an investigation of a trafficking case upon a judge's decision, but the government did not report if any judges issued such a decision during the reporting period. The government did not provide legal redress for victims who chose voluntary repatriation because they were not present in the country to testify against their traffickers. NGOs reported foreign victims prefer quick administrative settlements followed by repatriation rather than long criminal prosecutions because of the lack of protection services during the criminal proceedings. The anti-trafficking law stipulates that money earned from trafficking crimes will be confiscated and deposited into a special fund to assist trafficking victims, but the government had not issued an implementing decree to create such a fund. The government did not provide temporary or permanent residency status or other relief from deportation for foreign trafficking victims who faced retribution or hardship in the countries to which they would be deported.

PREVENTION

The government sustained efforts to prevent trafficking. In April 2016, the ISF closed 13 unlicensed brothels, and a judge issued a permanent judicial order to close all "super nightclubs"—which operate as brothels—in Jounieh city, which was a well-known location for multiple nightclubs of this type. The national anti-trafficking steering committee continued its monthly meetings throughout 2016. The government did not adopt the draft

national anti-trafficking action plan, but relevant ministries continued to take efforts to implement the plan. The government did not organize any anti-trafficking public awareness campaigns during the reporting period. DGS and MOL continued to operate hotlines to receive complaints, including for trafficking crimes, but the government did not report how many trafficking victims were identified through these hotlines; anecdotal reports suggest employers use the MOL hotline to file complaints against foreign domestic workers rather than report potential cases of trafficking. DGS continued a program to inform *artiste* visa holders about restrictions and obligations of their visa status upon arrival to Beirut International Airport. Under the program, if the visa holder objects to the visa's terms, she is free to return to her home country. The government made efforts to reduce the demand for forced labor. MOL closed 36 employment agencies for committing employment violations against foreign workers in 2016, and maintained a blacklist of an unknown number of recruitment agencies for committing fraudulent recruitment practices; however, the government did not report prosecuting any recruitment or employment agencies for potential trafficking crimes. The MOL and ISF continued to require Syrian nationals to hold work permits in order to work in the formal sector, which bound these refugees to their employers. However, the government eased the ability of UNHCR-registered refugees to work in three sectors without any work permit—agriculture, sanitation, and construction. The government also waived the fee for residency permit renewals, increasing the number of Syrians legally in the country, allowing them to move about more freely, and allowing them to seek employment opportunities. The government did not take steps to reduce the demand for commercial sex acts or address child sex tourism by Lebanese nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

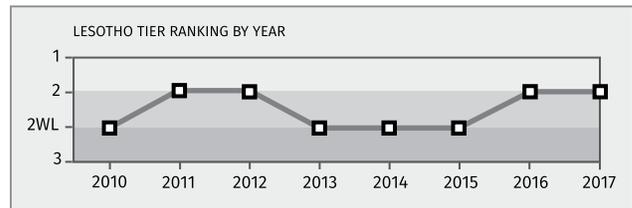
TRAFFICKING PROFILE

As reported over the past five years, Lebanon is a source and destination country for women and children subjected to forced labor and sex trafficking and a transit country for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women and girls from South and Southeast Asia and an increasing number from East and West Africa are subjected to domestic servitude in Lebanon, facilitated by recruitment agencies that at times engage in fraudulent recruitment. Under Lebanon's sponsorship system, foreign workers who leave their employers' houses without permission forfeit their legal status, increasing their vulnerability to re-trafficking. Lebanese government officials and NGOs report most employers withhold their workers' passports, putting workers at risk of trafficking. Women from Eastern Europe and North Africa enter Lebanon to work in the adult entertainment industry through Lebanon's *artiste* visa program, which sustains a significant commercial sex industry and enables sex trafficking; 11,284 women entered Lebanon under this program in 2016, more than double the number of women that entered under this program in 2015. The terms of the *artiste* visa prohibit foreign women working in adult nightclubs to leave the hotel where they reside, except to "perform," and nightclub owners withhold the women's passports and control their movement; these women also experience physical and sexual abuse, withheld wages, and domestic servitude. Some women from East and West Africa also are subjected to sex trafficking in Lebanon. An increasing number of children, including Lebanese and Syrian children, are observed in the streets begging and selling trinkets; some of them may be victims of forced labor.

Men, women, and children among the estimated 1.5 million registered Syrian refugees in Lebanon are at risk of sex trafficking and forced labor. Restrictions on Syrians' ability to work legally in Lebanon, as well as strict enforcement of visas and residence permits, increase this population's vulnerability to trafficking. Child labor among the Syrian refugee population continues to increase, particularly in agriculture, construction, and street vending and begging; these children are highly vulnerable to forced labor, especially in the agricultural sector of Bekaa and Akkar and on the streets of main urban areas such as Beirut and Tripoli. NGOs report that some children are forced or coerced to conduct criminal activity. An international organization reported in 2015 evidence of bonded labor within refugee communities where child labor is used in exchange for living in informal tented settlements. Syrian gangs force Syrian refugee men, women, and children to work in the agricultural sector in the Bekaa Valley. Syrian women and girls are highly vulnerable to sex trafficking. The Lebanese government and media reported in late March 2016 an extensive sex trafficking ring exploiting primarily Syrian women and girls in Beirut; the majority of the women and girls were recruited from Syria with false promises of work and subjected to commercial sexual exploitation where they experienced mental, physical, and sexual abuse and forced abortions. Syrian girls are brought to Lebanon for sex trafficking, sometimes through the guise of early marriage. Lebanese pimps coerce some Syrian LGBTI refugees into prostitution. An international organization reported in 2016 that some Lebanese children are involved in armed tribal violence in Bekaa and Tripoli, some of whom may be forced to conduct such activity. There is also evidence of children within the Syrian refugee community in Lebanon that are associated with armed groups, who have either fought in the Syrian conflict or intend to fight in Syria as child soldiers.

LESOTHO: TIER 2

The Government of Lesotho does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Lesotho remained on Tier 2. The government demonstrated increasing efforts by formally implementing a MOU to support the re-establishment of the one NGO-run shelter that provided care for trafficking victims. The multi-sectoral committee met four times and the government conducted public awareness activities. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers during the reporting period, as compared to the previous year when it convicted one. The government did not address the legal framework for addressing human trafficking, which include definitions that are inconsistent with the 2000 UN TIP Protocol and penalties that are not sufficiently stringent to deter the crime. Furthermore, the 2011 Anti-Trafficking in Persons Act required the use of deception, threat, force, or other means of coercion for a child to be considered a trafficking victim, which is inconsistent with international law. The government identified and referred fewer potential victims of trafficking. For the majority of the reporting period, the NGO-run shelter providing care was closed due to a lack of victim referrals.



RECOMMENDATIONS FOR LESOTHO

Address jurisdictional issues impeding the adjudication of trafficking cases and increase efforts to investigate and prosecute trafficking crimes, including complicit officials; provide financial support for the Victims of Trafficking Trust Fund and implement procedures for administering the funds; finalize and implement guidelines for proactive victim identification and standard operating procedures (SOPs) for referring identified victims to care, in line with the anti-trafficking act regulations; allocate funding to support operation of the multi-agency anti-trafficking taskforce; expand efforts to provide trafficking-specific training to investigators, prosecutors, judges, and social service personnel; continue to work with NGOs to ensure the availability of a suitable facility for the care of victims of trafficking; amend the anti-trafficking and child welfare laws so that force, fraud, or coercion are not required for cases involving children younger than age 18 to be considered trafficking crimes and penalties for trafficking crimes are sufficiently stringent to deter potential traffickers; provide anti-trafficking training to diplomatic personnel; increase efforts to systematically collect and analyze anti-trafficking law enforcement and victim protection data; and increase oversight of labor recruitment agencies licensed in Lesotho.

PROSECUTION

The government made uneven anti-trafficking law enforcement efforts and the human trafficking law lacks clarity in how it defines the crime. The 2011 Anti-Trafficking in Persons Act defines the term "trafficking" essentially in line with the 2000 UN TIP Protocol; however, it sets for the crime of trafficking without reference to that definition, describing trafficking as the acts of recruiting, transporting, transferring, harboring, providing or receiving a person "by any means" for the purpose of prostitution, pornography, sexual exploitation, forced labor, drug trafficking, slavery, involuntary servitude or debt bondage as well as for other ends, such as marriage with a foreign person, tourism packages for the purposes of sexual exploitation, adoptions or organ removal. While the acts and some of the purposes of the acts are similar to the definition of the 2000 UN TIP Protocol, that international law definition of trafficking turns on the use of means of force, fraud and coercion, whereas this law appears to criminalize as trafficking the use of any means for the listed purposes. The law prescribes penalties of up to 25 years imprisonment or a fine of one million maloti (\$72,955) under section 5(1) for the trafficking of adults and up to life imprisonment or a fine of two million maloti (\$145,911) under section 5(2) for the trafficking of children.

While the maximum sentence is sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape, the option of paying a fine in lieu of imprisonment is not commensurate with the penalty for other serious offenses, such as rape. The definition of trafficking in the 2011 children's protection and welfare act also requires the use of deception, threat, force, or other means of coercion for a child to be considered a trafficking victim. Section 67 of this

act provides penalties of life imprisonment and a fine of up to 1 million maloti (\$72,955) for child trafficking by false pretenses, fraud, or deceit. However, section 77 of the children's welfare act prescribes penalties of a fine not to exceed 30,000 maloti (\$2,188) or 30 months imprisonment or both. Allowing a fine in lieu of imprisonment does not provide an adequate deterrent to potential perpetrators of child sex trafficking. Persons who knowingly and unlawfully buy or engage the services of a trafficking victim are considered to have committed a trafficking offense with the same penalties. The government provided an increased penalty when a member of the police or military is convicted of engaging a person subjected to trafficking for the purposes of prostitution.

During the reporting period, the government initiated investigation of four cases of labor trafficking and one sex trafficking case and prosecuted six cases; two sex trafficking cases, and four labor trafficking cases, which were all tried under the anti-trafficking act. At the close of the previous reporting period, five prosecutions were pending. The government did not obtain convictions of any traffickers during the reporting period, as compared to the previous year, when there was one. The government investigated an immigration official for alleged complicity and collusion in forced labor crimes, for which the government prosecuted her husband during the reporting period. Many law enforcement officials reportedly had limited understanding of trafficking and how to protect victims from potential intimidation. The government did not address a jurisdictional issue impeding efforts to hold traffickers accountable: the magistrate courts, which are the court of first instance for trafficking cases, lack authority to impose the maximum penalties allowed in trafficking crimes. The primary magistrate responsible for hearing trafficking cases at the high court was transferred during the reporting period; two additional magistrates who were available to hear trafficking cases in the interim, however, lacked adequate experience and training to preside over such cases.

PROTECTION

The government made inadequate efforts to protect victims. It identified fewer potential victims of human trafficking and did not allocate funding for the Victims of Trafficking Trust Fund; however, it provided financial support to a crisis care shelter for protective services for female victims of trafficking. The Child and Gender Protection Unit (CGPU) within the Lesotho Mounted Police Service (LMPS) identified nine potential trafficking victims, compared with 18 the previous reporting period. CGPU referred one potential victim to an NGO that provided counseling and assistance to trafficking victims, compared with six referrals during the previous period. The government continued to rely on NGOs to assist victims, and formally began the implementation of an MOU signed during the previous reporting period, to support the re-establishment of the one NGO-run shelter that provided care for trafficking victims; the government provided financial support, including back rent and utilities. Nonetheless, for the majority of the reporting period, the NGO shelter providing care was closed due to a lack of victim referrals. The government made limited efforts to provide protective services for the period during which the shelter was closed. The Multi-Sectoral Committee on Combating Trafficking in Persons (MSC) drafted SOPs and a national referral mechanism and circulated them for input from relevant ministries. Government hospitals and clinics offered free medical, psychological, legal, and life skills services to victims of crime, including trafficking and at least one victim accessed such services during the year. The anti-trafficking act

and its implementing regulations prohibit the prosecution of victims for unlawful acts committed as a direct result of being subjected to trafficking, provide foreign victims with permanent residency as a legal alternative to their removal, and encourage victims to assist in the investigation of traffickers; however, it was unclear whether the government implemented these provisions.

PREVENTION

The government maintained its efforts to prevent trafficking through public awareness activities and measures to protect Basotho workers in South Africa. The multi-sectoral committee met four times, and its member ministries conducted public awareness activities, including radio spots, public rallies, a walk, posting and distribution of printed material in public areas, presentations for high school students, and outreach at border posts.

During the reporting period, the Ministry of Labor and Employment conducted approximately 1,773 inspections of formal sector work sites; however, it did not inspect informal work settings, where forced labor is more prevalent. The number of labor inspectors decreased by six, from 38 to 32; labor inspectors did not identify any child labor violations in 2016. In 2016, the government implemented an agreement signed during the previous reporting period with the Government of South Africa that increased protections for Basotho workers, including domestic workers, employed in South Africa, by authorizing the issuance of long-term work permits, requiring signed employment contracts, and allowing Basotho to register for unemployment insurance in South Africa. The government made no efforts to reduce the demand for commercial sex or forced labor. The regulations for the anti-trafficking act directed the Ministry of Foreign Affairs to provide anti-trafficking training to diplomatic personnel, but it did not conduct such training during the reporting period.

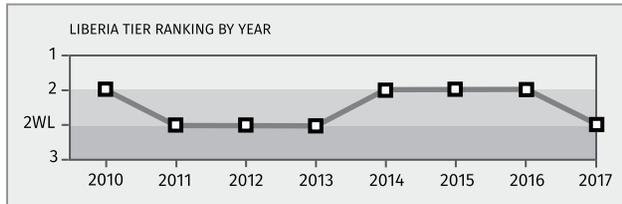
TRAFFICKING PROFILE

As reported over the past five years, Lesotho is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking, and for men subjected to forced labor. In Lesotho, Basotho children are subjected to domestic servitude and forced labor in animal herding; children, especially orphans who migrate to urban areas, increasingly are subjected to sex trafficking. Basotho women and girls seeking work in domestic service voluntarily migrate to South Africa, where some are detained in prison-like conditions or exploited in sex trafficking. Some Basotho men who migrate voluntarily, although illegally and often without identity documents, to South Africa for work in agriculture and mining become victims of forced labor; many work for weeks or months before their employers turn them over to South African authorities for deportation on immigration violations to avoid paying them. Basotho are also coerced into committing crimes in South Africa, including theft, drug dealing, and smuggling under threat of violence or through forced drug use. Foreign nationals, including Chinese, subject their compatriots to sex trafficking in Lesotho.

LIBERIA: TIER 2 WATCH LIST

The Government of Liberia does not fully meet the minimum standards for the elimination of trafficking; however, it is making

significant efforts to do so. The government provided emergency funding to temporarily shelter 25 potential child trafficking victims and prosecuted one trafficking case. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not provide training or basic resources to law enforcement or prosecutors to allow them to effectively identify, investigate, and prosecute trafficking cases; complicity and corruption continued to inhibit anti-trafficking law enforcement action; and for the third consecutive year, the government did not convict any traffickers. Victim care remained sparse and provided primarily by NGOs without government support, and the government did not allocate any funding specifically for anti-trafficking activities in its 2016 budget. Therefore, Liberia was downgraded to Tier 2 Watch List.



RECOMMENDATIONS FOR LIBERIA

Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials and cases against Liberian nationals; provide training and resources to enable law enforcement, immigration officials, social workers, prosecutors, and magistrates to identify, investigate, and prosecute trafficking offenses; increase collaboration with NGOs to ensure all victims receive services and that NGOs refer all alleged trafficking cases to law enforcement for investigation; finalize and implement the national referral mechanism and train law enforcement and social service workers and sensitize NGOs on its implementation; enact legislation that prescribes sufficiently stringent penalties for adult trafficking and penalties for sex trafficking commensurate with the penalties for rape; expand victim services—particularly for male victims, victims outside the capital, and long-term care—through the provision of increased financial or in-kind support to NGOs; create measures to identify trafficking victims among vulnerable populations, such as people in prostitution, and train officials on such procedures; provide the anti-trafficking taskforce with an operating budget, a victim protection budget, and resources to effectively implement the 2014-2019 national action plan; staff the anti-trafficking hotline in the evenings and at night; increase efforts to educate the public, particularly in rural areas, about human trafficking; and assist citizens with registering births and obtaining identity documents.

PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. The 2005 Act to Ban Trafficking in Persons prohibits all forms of trafficking and prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years imprisonment for the trafficking of children, but does not include a maximum sentence for the trafficking of adults. The prescribed penalties for child sex and labor trafficking are sufficiently stringent, but those prescribed for trafficking of adults are not. The penalties for adult and child sex trafficking are not commensurate with those for other serious crimes, such as rape.

The government reported four investigations, two prosecutions,

and no convictions during the reporting period, compared with two investigations, two prosecutions, and no convictions the previous reporting period. It initiated two potential trafficking investigations and continued two investigations and prosecutions initiated during previous reporting periods. One prosecution involved a foreigner residing in Liberia allegedly responsible for the exploitation of 16 Liberian women in Lebanon. The first trial began in September 2015 and resulted in a hung jury in January 2016; the second trial began in March 2016 and the judge acquitted the defendant of all charges in September 2016. The alleged middleman in the case remained at large. The second prosecution involving four defendants, including two Liberians, charged with migrant smuggling and human trafficking for attempting to sell a Sierra Leonean girl was ongoing at the end of the reporting period. Despite the identification of four trafficking victims through a joint government-NGO hotline, the absence of collaboration between government entities and some victims' reluctance to press charges against alleged traffickers resulted in law enforcement not investigating any traffickers in connection with the cases. The government has not convicted any traffickers in three consecutive years and has never convicted a Liberian trafficker under the 2005 law, despite the prevalence of internal trafficking.

The Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) was responsible for investigating trafficking cases. LNP did not receive any dedicated anti-trafficking funding or in-kind support, and therefore lacked the basic resources and investigative equipment to fully respond to and investigate allegations of trafficking, especially outside the capital. The government did not provide or support anti-trafficking training for officials, and labor inspectors, police, prosecutors, and judges lacked the skills and knowledge necessary to identify, investigate, and prosecute trafficking offenses. Unlike in previous years, LNP section heads did not receive training on reporting suspected trafficking cases to the WACPS. Anti-trafficking training was a component of the WACPS mandatory orientation for new officers, but it was unclear how many WACPS officers received this training during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, serious complicity allegations and judicial corruption remained, inhibiting anti-trafficking law enforcement action during the reporting period. NGOs and officials alleged some government employees had child domestic servants and exploited children in street hawking.

PROTECTION

The government maintained modest efforts to identify and protect trafficking victims. The government and NGOs identified five potential trafficking victims, compared with two identified the previous reporting period, and provided assistance to 25 suspected trafficking victims repatriated from Guinea and one victim identified the previous reporting period. The taskforce, in coordination with the Ministry of Gender, Children, and Social Protection (MOGCSP), was responsible for coordinating victim care. It did not receive a budget for victim protection, so it either referred victims to NGOs or requested emergency funds from MOGCSP to care for specific trafficking victims. MOGCSP provided emergency funding to shelter 25 potential Liberian child trafficking victims after their repatriation from Guinea. The government had one shelter for victims of sexual and gender-based violence run by MOGCSP that could also accommodate trafficking victims. It could not provide trafficking-specific services or accommodate long-term stays, however, so authorities

referred most victims to NGO shelters or private facilities for abused women and girls. NGO shelters and MOGCSF facilities could in theory care for male victims, although none reported having a male trafficking victim requiring care. The Ministry of Health provided some medical and psycho-social support to the 2015 victim and the 25 potential trafficking victims. In part due to a lack of communication between the government and NGOs, the government did not report providing services to the five potential trafficking victims identified during the reporting period. An NGO referred four potential trafficking victims to an NGO shelter and one potential victim to a community member for temporary shelter because the NGO and government shelters were full. The government relied on one NGO shelter for sexual and gender-based violence victims to provide all other trafficking victim care, including shelter, legal representation, food, vocational training, and family reunification. The NGO shelter could care for both foreign and domestic trafficking victims, among other victims of crime. Shelters often limited victims' stays to three months, due to a lack of space. Shelter and services for males and services specifically for victims with disabilities were extremely limited or unavailable in most of the country. Adult victims were sometimes allowed to leave the shelters at will; in some cases, however, shelter workers restricted victims from leaving, citing concerns reportedly for their safety and/or to protect the integrity of the testimony at trial. Shelters often could not protect victims' identities. The government did not provide any financial assistance to trafficking victims.

The draft national referral mechanism to direct victims towards services, developed by the taskforce in the previous reporting period, did not receive approval by the ministries of labor and justice for the second year. As a result, the government remained without a formal referral process, and agencies responsible for referring victims to services rarely coordinated such efforts, which may have resulted in delayed care for victims. Authorities reported the majority of law enforcement, immigration, and social services personnel lacked training on victim identification and interim referral procedures, which they cited as one of the greatest challenges to successfully investigating and prosecuting cases and ensuring victims received care. Despite this shortcoming, the government did not provide or support training on such measures during the reporting period. The government did not systematically encourage victims to participate in investigations and prosecutions of their traffickers, but it sometimes provided victims with shelter, transportation, and food allocations to offset the costs of participating in a trial; 10 trafficking victims received this assistance during the reporting period. The anti-trafficking law provides for restitution and victims could file civil suits against their traffickers, although no victims filed such suits during the reporting period. While the government did not have a formal policy that provides alternatives to removal to countries in which victims would face retribution or hardship, it could offer alternatives, including temporary residency, on a case-by-case basis. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, due to a lack of training on victim identification and the absence of measures to screen for trafficking among vulnerable populations, such as people in prostitution, it was possible that victims remained unidentified in the system.

PREVENTION

The government maintained minimal efforts to prevent trafficking in persons. The anti-trafficking taskforce, which

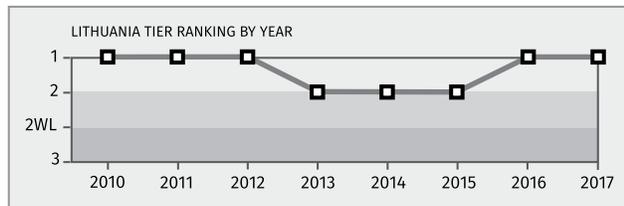
was responsible for coordinating anti-trafficking efforts across the government, did not hold regular meetings or have an operational budget to fund activities, which severely hampered inter-ministerial coordination and the government's overall ability to combat trafficking. Due to a continued lack of funding and poor logistical coordination, the taskforce did not implement any activities in the 2014-2019 anti-trafficking national action plan. The government did not allocate any funding specifically for anti-trafficking activities. During the reporting period, the government and an NGO established a hotline to report trafficking cases, and the government trained and paid the salaries of six Ministry of Labor employees to run the hotline 24 hours a day; in practice, however, only two of the six employees staffed the hotline during the day, and no employees staffed the hotline during the evenings or at night. Through reports to the hotline, the government and an NGO identified and referred to assistance four trafficking victims; due to a lack of communication between entities, however, officials did not investigate any alleged traffickers in connection with those victims. The national legislature passed the National Migration Policy, which aims to manage and mitigate the risk of transnational crimes, including trafficking, and proposes expanding rehabilitation and reintegration services for trafficking victims and implementing a referral system for trafficking victims to legal services; authorities launched the policy in January 2017. LNP, with funding from and in collaboration with an international organization, conducted human trafficking awareness classes for students in the capital; the government did not sponsor any outreach or awareness activities during the reporting period. The government did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Liberia is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking within the country from rural to urban areas is more prevalent than transnational trafficking, and the majority of victims are children. Most trafficking victims originate from and are exploited within the country's borders, where they are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, alluvial diamond mines, and on rubber plantations. Traffickers typically operate independently and are commonly family members who promise poorer relatives a better life for their children or promise young women a better life for themselves, take the children or women to urban areas, and exploit them in forced street vending, domestic servitude, or sex trafficking. While Liberian law requires parents to register children within 14 days of birth, fewer than five percent of births are registered; lack of birth registration and identity documents increase vulnerability to trafficking. Orphaned children are vulnerable to exploitation, including in street selling and child sex trafficking. A small number of Liberian men, women, and children are subjected to human trafficking in other West African countries, including Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria. Women from Tunisia and Morocco have been subjected to sex trafficking in Liberia, and Liberian women have been subjected to forced labor in Lebanon. Authorities identified Liberians in forced labor in small businesses and restaurants in Finland during the reporting period.

LITHUANIA: TIER 1

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Lithuania remained on Tier 1. The government demonstrated serious and sustained efforts by greatly increasing funding to NGOs for victim assistance programs, thereby providing support to more victims and at-risk individuals. The government established an interagency commission to coordinate national and local efforts and approved its 2017-2019 national action plan against trafficking. The government also appointed a national trafficking rapporteur to collect information and report on human trafficking. Although the government meets the minimum standards, a lack of victim protection during the investigation and trial process and a lack of knowledge within relevant agencies in recognizing indicators of child trafficking remained. The government provided training to law enforcement officials in collaboration with NGOs, but some police officers did not recognize sex trafficking among women coerced into prostitution and child trafficking. Children in state-run orphanages were vulnerable to human trafficking and some investigations were ongoing. The government continued to phase out these institutions in favor of the foster care system.



RECOMMENDATIONS FOR LITHUANIA

Increase proactive identification of child trafficking victims, and adults particularly in forced prostitution, through increased training for police officers on victim identification integrated into basic training and for child protective services officials; prevent the sex trafficking of children in state-run orphanages by investigating and prosecuting complicit or negligent orphanage authorities and ensuring ongoing reforms to the orphanage system to improve protection of vulnerable children; protect victims from threats and re-victimization during the investigation and trial of trafficking cases; provide specialized services to child victims in foster homes and mixed-use shelters; further improve training of investigators and prosecutors on building trafficking cases, including developing evidence beyond victim testimony; equip courtrooms with the capacity to allow victims to provide testimony outside the presence of their alleged traffickers; and conduct awareness campaigns targeting low-income and socially at-risk communities.

PROSECUTION

The government increased law enforcement efforts. Articles 147 and 157 of the criminal code prohibit all forms of trafficking and prescribe penalties ranging from two to 12 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In June 2016, the government passed amendments to articles 147 and 157 to include forced and sham marriages as a form of human trafficking; although sham marriages were

not a form of human trafficking under international law. Authorities initiated investigations of 29 trafficking cases in 2016, compared with 25 in 2015. The government initiated prosecutions of 64 suspected traffickers (27 in 2015 and 40 in 2014) and convicted 23 traffickers under articles 147 and 157 (17 in 2015). All 23 traffickers received prison sentences, with terms ranging from two to nine years. The government collaborated with foreign counterparts in 18 international trafficking investigations, compared with 17 in 2015 and two in 2014. The general prosecutor's office received no requests for extradition, but issued six European arrest orders in human trafficking cases. In March 2015, prosecutors announced an investigation into allegations that the director of an orphanage sexually exploited boys and operated a sex trafficking ring inside the institution, offering young boys to pedophiles. The investigation remained ongoing during the reporting period. In January 2015, prosecutors announced the investigation of a state-run residential institution for children with special needs; teenage residents allegedly had been subjecting girl residents to sex trafficking. The orphanage's director defended her institution by saying such activity is common at all Lithuanian orphanages. In March 2017, the court sentenced four men to two to four and a half years in jail for sex with juvenile residents of this orphanage and imposed one to three years probation sentences to four girls for facilitating prostitution. Prosecutors will appeal the decision asking the higher instance court to sentence the criminals for human trafficking.

The government demonstrated its commitment to train personnel throughout the reporting period. Although the basic training for police cadets includes only one hour on trafficking, the national police organized two two-day anti-trafficking training sessions for 32 police officers on victim identification and assistance. In March and April 2016, the national court administration held training for 84 judges and their assistants on communication during court procedures with victims, including children, and in May organized training for 43 judges and their assistants on psychological support to victims and witnesses during court process. In December, the prison department coordinated anti-trafficking training for 29 representatives of detention facilities and probation services, the state border guard service organized a two-day training for 29 state border officials, and the general prosecutor's office organized training for 166 prosecutors and their staff. Prosecutors reported collecting adequate evidence continued to be a problem in proving trafficking cases. Observers reported prosecutors relied on victims' testimony to prove trafficking cases.

PROTECTION

The government increased efforts to assist victims, including almost doubling funding for services. Law enforcement identified 41 victims in 2016, compared with 79 in 2015. Authorities identified fewer child victims: from 18 in 2015 to four in 2016. Government-funded NGOs provided support to 179 trafficking victims and at-risk individuals, including 88 male victims of labor trafficking and trafficking for criminal activities; NGOs assisted 139 victims in 2015. The central government allocated NGOs approximately €81,000 (\$85,353) for victim assistance programs, compared to approximately €43,000 (\$45,311) in 2015. NGOs noted additional funding was necessary to address all needs, such as securing staff salaries and implementing prevention work. The Ministry of Foreign Affairs assisted 11 trafficking victims in obtaining legal documents and providing consultations, and spent €1,360 (\$1,433) in repatriation. Six publicly funded men's crisis centers had the capacity to provide

assistance including finding shelter. Authorities placed child victims in foster homes and mixed-use shelters; although, these facilities were not dedicated exclusively to and may not have provided specialized care for child trafficking victims. In June, authorities established a national support center for sexually abused children in Vilnius. The government had a formal procedure to refer identified victims to care facilities for assistance, although it was underutilized in some parts of the country.

Law enforcement could offer foreign trafficking victims a 30-day reflection period to decide whether to cooperate with law enforcement. Foreign victims cooperating with law enforcement could receive temporary residency. Authorities identified one foreign victim in 2016 and one in 2015. The criminal code requires victims to testify. The law permits authorities to use video conferencing and other technologies in the courtroom, which could prevent re-traumatization of trafficking victims, but courts had limited technical capabilities and preferred traditional testimony to video. The government provided legal representation to victims; however, observers reported the attorneys had little experience with trafficking issues. NGOs often hired private attorneys for victims. Prosecutors noted victims continued to be reluctant to testify, specifically male trafficking victims who were also reluctant to receive NGO assistance. NGOs reported this often happened because traffickers threatened victims as they were entering or exiting the courtroom. Experts noted deficiencies in victim protection during the investigation and the trial process. In most cases in 2016, victims received compensation. Observers reported shortcomings in police identification of trafficking among individuals in prostitution; as a result, authorities subjected sex trafficking victims to administrative sanctions for prostitution and some police officers treated child victims trafficked for criminal activities as criminals rather than victims. Experts noted child protective services lacked knowledge in recognizing indicators of child trafficking.

PREVENTION

The government increased prevention efforts. In August, the government established an interagency commission for coordinating anti-trafficking efforts and approved a national action plan for 2017-2019 with approximately €183,000 (\$192,835) for implementation at national and local levels. The government appointed a national rapporteur for trafficking issues to collect information and report on the status of trafficking and anti-trafficking measures, and provide recommendations to the government for further progress by March 1 each year. A public research institute presented to government institutions, NGOs, and the diplomatic community its research on preventing sham marriages and its nexus to trafficking. The interior ministry continued to publish an annual report covering the government's anti-trafficking law efforts. Following concerns that large orphanages are unable to provide adequate care and prevent risks, including sex trafficking, the government worked to phase out large institutions and increase support for foster care. Public officials participated in NGO-organized prevention activities. Law enforcement authorities raised awareness in the media, and the police advertised and managed an email account that the public could use to report potential human trafficking situations and ask for advice. The government provided anti-trafficking training for its diplomatic personnel. The government continued to fine individuals who contributed to the demand for commercial sexual acts. Labor inspection published on its website information about forced

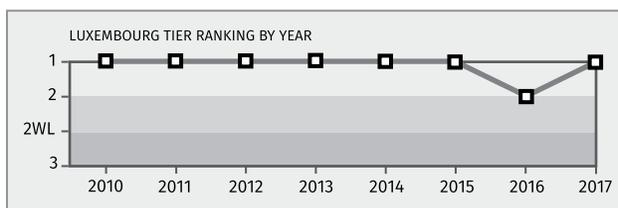
labor and a list of organizations that provide support to labor trafficking victims.

TRAFFICKING PROFILE

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking, as well as a source and destination country for men subjected to labor trafficking. Observers estimate 40 percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within the country. Lithuanian women are also subjected to sex trafficking in Western Europe and Scandinavia. Lithuanian children and adults are increasingly forced to engage in criminal activities, such as shoplifting and drug selling, in Nordic countries and Western Europe. Some Lithuanian men are subjected to forced labor, including in agriculture, in Ireland, the United Kingdom, and the United States. Men from neighboring countries, as well as China, may be subjected to labor trafficking in Lithuania. Vietnamese adults and children transiting through Lithuania may be trafficking victims. The approximately 4,000 boys and girls institutionalized in more than 95 orphanages are especially vulnerable to trafficking.

LUXEMBOURG: TIER 1

The Government of Luxembourg fully meets the minimum standards for the elimination of trafficking. The government made key achievements to do so during the reporting period; therefore, Luxembourg was upgraded to Tier 1. These achievements included increasing the number of prosecutions and convictions, finalizing and adopting a written national referral mechanism, enhancing the number of dedicated personnel to anti-trafficking positions, funding and launching an awareness campaign, and adopting a national action plan. Although the government meets the minimum standards, courts suspended the majority of sentences for convicted traffickers, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting efforts of police and prosecutors.



RECOMMENDATIONS FOR LUXEMBOURG

Vigorously prosecute, convict, and sentence labor and sex traffickers with sufficiently stringent prison sentences; revise the trafficking law, including article 382-1, to clarify that force, fraud, or coercion are core elements of the crime of trafficking of adults; continue to partner with and increase funding to NGOs to provide expedient victim assistance; ease requirements for non-EU trafficking victims to work in Luxembourg; continue to make resources available to law enforcement and government officials to proactively identify and assist victims and investigate labor and sex trafficking cases; and continue to work collaboratively with, and make resources available to, the national rapporteur to critically assess efforts and make recommendations to improve the government's response to human trafficking.

PROSECUTION

The government increased law enforcement efforts. Luxembourg prohibits all forms of sex and labor trafficking through articles 382-1 and 382-2 of the criminal code, although article 382-1 is broader than the international definition and could be used to prosecute non-trafficking cases, as force, fraud, and coercion are aggravating factors that increase penalties rather than a means to commit the offense. The prescribed penalties range from three to 10 years imprisonment for adult trafficking and 10 to 20 years imprisonment for child trafficking. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government reported initiating 10 investigations, the same number as the previous reporting period; eight cases were for sex trafficking and two for forced labor. The government initiated five new prosecutions, compared with two prosecutions in 2015. The government convicted 11 traffickers for sex trafficking in 2016, an increase compared with five in 2015. The courts suspended the majority of prison sentences in 2016, resulting in insufficiently stringent penalties which weaken deterrence of trafficking offenses. Six traffickers received fully suspended sentences and fines ranging from €1,000 to €10,000 (\$1,050 to \$10,530). Four traffickers received partially suspended sentences and were ordered to serve between six and 25 months in prison. Three of these four traffickers were also ordered to pay up to €15,000 (\$15,810) in fines. One trafficker had a prior criminal record and received a full sentence of two years imprisonment and a fine of €10,000 (\$10,530). During the reporting period, Luxembourg, in partnership with Belgium and the Netherlands, hosted three trainings and conferences for government officials, including police and prosecutors, and victim assistance NGOs to increase regional cooperation. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government increased efforts to protect trafficking victims. Authorities identified three victims of forced labor, compared with two female victims of sex trafficking in the previous reporting period. All of the victims were foreign citizens; two of the victims were adult males and the third victim was a minor female. The government increased dedicated anti-trafficking personnel with one new staff member at the Directorate of Immigration and a part-time position within the police for victim identification. The government finalized and adopted a written national referral mechanism for front-line responders in December 2016. The government launched a quarterly training at the National Institute for Public Administration for government officials and NGOs to raise awareness on trafficking indicators and the national referral mechanism; during the reporting period, the government trained 52 officials. The government continued to fund victim assistance. For the first time, the government reported disaggregated funding data of €142,000 (\$149,600) provided to two NGOs to coordinate trafficking victim care and €6.4million (\$6.7 million) to assistance centers that provided shelter and assistance to adult female and child victims of crime, including trafficking victims. Through government funding, the two NGOs were able to increase their joint availability to receive victims from 30 to 40 hours per week. If victims were identified outside of these hours, police could directly refer adult female and child victims to shelters for care; however, adult male victims identified outside of the NGOs' work hours were temporarily housed in hotels until longer-term housing could be identified. Adult male victims

received the same access to long-term accommodation and other victim services as adult female and child victims. During the reporting period, all three newly identified victims and four victims identified in an earlier period received assistance. The government had policies in place to encourage trafficking victims to assist in the prosecution of traffickers, including legal alternatives to removal to countries in which victims would face retribution or hardship. Trafficking victims were entitled to a 90-day reflection period to decide whether they wanted to testify, during which EU citizens could work. Upon expiration of the reflection period, the government could issue a foreign victim either temporary or permanent residency status, which confers the right to work, depending upon the victim's willingness to cooperate with law enforcement and whether the victim was an EU national. Victims were entitled to participate in a witness protection program to ensure their security before, during, and after a trial, and in February 2017 Parliament enacted a law on judicial protection of victims guaranteeing standards on rights and support. There were no reports authorities penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking.

PREVENTION

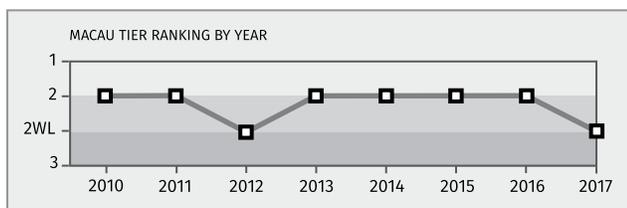
The government increased its prevention efforts. During the reporting period, the government adopted national action plans on human trafficking and also on prostitution, which included actions against sex trafficking. The government's inter-ministerial committee, chaired by the Ministry of Justice, met six times in 2016 to coordinate its anti-trafficking efforts. The government-funded a public audiovisual awareness campaign for €90,000 (\$94,840), which was launched in December 2016. The government collaborated with regional partners on an initiative against forced labor, including through the launch of a website in February 2017 that provided suggestions for government action and best practices. The national rapporteur on trafficking in persons finalized its first biannual report and presented it to a parliamentary justice commission in March 2017. The government provided €30,000 (\$31,610) to the UN voluntary trust fund on contemporary forms of slavery for 2016 and 2017 and provided funding for multiple development assistance programs in other countries, some of which contained anti-trafficking components. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided funding for an NGO-run website focused on the prevention of child sex tourism. The government provided anti-trafficking training for its diplomatic personnel; however, participation in the course is voluntary.

TRAFFICKING PROFILE

As reported over the past five years, Luxembourg is a destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex trafficking from Europe, Africa, Asia, and South America are exploited in prostitution in cabarets, private apartments, and on the street. Forced labor, sometimes involving Chinese or eastern or southern European men, women, and children, occurs in various sectors, including restaurants and construction. Traffickers reportedly transport an unknown number of Romani children from neighboring countries for forced begging in Luxembourg. Groups vulnerable to trafficking include migrant workers in domestic work, catering, construction, and begging, as well as unaccompanied foreign children and people in Luxembourg's legal and illegal commercial sex industry.

MACAU: TIER 2 WATCH LIST

The Government of the Macau Special Administrative Region (MSAR) of the People's Republic of China does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by inspecting employment agencies, construction sites, and companies with gaming licenses for indicators of trafficking; conducting numerous anti-trafficking trainings and public awareness campaigns, including through new online videos available in eight languages; and providing services to all victims identified during the reporting period. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Although authorities investigated four cases of potential labor trafficking in 2016, the government concluded they were not forced labor cases, and pursued prosecutions under other charges. Authorities have never identified labor trafficking victims in Macau. The government initiated eight trafficking investigations and two prosecutions, but did not obtain any trafficking convictions for the second consecutive year. Macau authorities identified four sex trafficking victims—the lowest number in the past five years. Therefore, Macau was downgraded to Tier 2 Watch List.



RECOMMENDATIONS FOR MACAU

Significantly increase efforts to investigate, prosecute, and convict sex and labor traffickers; improve and consistently implement proactive victim identification methods, especially among vulnerable populations such as migrant workers and children exploited in commercial sex, and increase efforts to identify labor trafficking and male victims; institute a minimum wage for foreign domestic workers; continue to educate law enforcement and other officials and the public on forced labor and sex trafficking; conduct sex trafficking awareness campaigns so visitors in Macau understand purchasing sex with children is a crime; and conduct a survey of the migrant labor population to identify its vulnerabilities to trafficking.

PROSECUTION

Authorities maintained minimal anti-trafficking law enforcement efforts. The anti-trafficking law, law number 6/2008 within the penal code, criminalizes all forms of trafficking in persons and prescribes penalties of three to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The more than 30 million annual tourists to MSAR continued to pose major challenges in addressing trafficking crimes. Prosecutors continued to use the “procuring of prostitution” provision for some cases with elements of trafficking; this crime has simpler evidentiary standards but carries lighter penalties than Macau’s trafficking law.

Authorities conducted investigations of eight suspected human

trafficking cases in 2016, the same number investigated in 2015. Two investigations resulted in trafficking prosecutions during the reporting period, compared to four in 2015. Four of the investigations involved suspected labor trafficking, but police officials referred three cases for prosecution on other charges after determining none exhibited elements of forced labor (zero labor trafficking prosecutions in 2015). Of four suspected cases of sex trafficking investigated by authorities, the government initiated two prosecutions on trafficking charges, which were ongoing at the end of the reporting period (four sex trafficking prosecutions in 2015). The other two cases were prosecuted under procurement statutes even though one victim was a child and thus, by international definition, a sex trafficking victim. The government did not obtain any sex trafficking convictions for the second consecutive year and has never obtained a labor trafficking conviction.

Authorities organized numerous anti-trafficking law enforcement and awareness trainings for police, social welfare officials, labor inspectors, and public security police officers during the year. Authorities reported cooperating with mainland Chinese and Hong Kong authorities on anti-trafficking efforts through intelligence exchanges and joint investigations. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

PROTECTION

Authorities decreased efforts to identify and protect trafficking victims. Authorities identified four victims of sex trafficking, including three children and one adult, compared to six in 2015, five in 2014, and 38 in 2013. Authorities have never identified labor trafficking victims in Macau. The social welfare bureau (SWB) reported offering shelter and providing economic, counseling, and medical assistance to all four identified victims in cooperation with local NGOs; local NGOs applauded the government’s cooperative efforts in providing victim support services. Authorities designated 21 beds for female trafficking victims at a shelter managed by SWB, which assisted the one adult victim identified in 2016. The government provided financial assistance to improve the facilities of an NGO-run home that housed all identified child victims and provided access to educational resources. SWB continued to operate a shelter for male victims, although, as in prior years, authorities did not identify any male victims during the reporting period. The government spent approximately 1.6 million pataca (\$200,000) on victim protection services and prevention programs across multiple government agencies, including allocations to NGOs for service provision at shelters, compared to 1.5 million pataca (\$187,500) allocated in 2015. The government allocated an additional 39,700 patacas (\$4,960) to an international organization to provide services to foreign victims of trafficking. Authorities had a formal victim identification process, operational referral process, and standardized screening questionnaire that guided law enforcement, immigration, and social services personnel to screen 1,132 individuals vulnerable to trafficking. Authorities sustained an existing partnership with local NGOs to provide interpreters to assist in interviewing foreign trafficking victims and to operate a 24-hour general hotline that could be used by trafficking victims. Authorities encouraged victims to assist in the investigation and prosecution of trafficking crimes by providing temporary shelter and assistance, but reported difficulty persuading victims to cooperate and therefore courts generally accepted a written statement in lieu of oral testimony. A new law allowing the government to pay workers’ salaries in advance while they pursue legal cases against their employers

came into force during the reporting period. Authorities reported that Macau law provides trafficking victims with permanent residency as a legal alternative to removal to countries in which they would face retribution or hardship, and authorities reported a policy allowing foreign victims to reside and work in Macau during criminal proceedings against their traffickers; authorities did not report providing any trafficking victims these immigration reliefs during the reporting period. The legal system allows for civil remedies, but no victim was known to have pursued this option in 2016.

PREVENTION

Authorities maintained efforts to prevent forced labor and sex trafficking. The interagency Human Trafficking Deterrent Measures Concern Committee, led by the security bureau, coordinated Macau's anti-trafficking efforts. The labor affairs bureau (LAB) and law enforcement agencies continued to disseminate thousands of leaflets, pamphlets, video clips, radio and television advertisements, and posters to raise awareness of labor trafficking in eight different languages. Authorities ran trafficking awareness videos at all border checkpoints. Authorities continued a trafficking awareness education project in local schools, held seminars with foreign consulates general and NGOs regarding labor rights for foreign domestic workers, and held 112 seminars for approximately 13,000 migrant construction workers. The government registered 2,713 labor dispute cases involving nearly 6,000 workers, most of whom were non-residents; the government found 56 percent of these complaints were substantiated, and approved 89 out of 93 applications for claims against their employers; it was unclear how many of these cases were related to human trafficking crimes. Authorities conducted 58 inspections on the premises of six casinos with gaming licenses and inspected construction sites and 132 employment agencies for labor trafficking, resulting in the investigation of five complaints of overcharging by employment agencies. Despite these efforts, the government did not identify any labor trafficking victims. The government introduced draft legislation that seeks to increase regulatory requirements for employment agencies and clarify the usage of recruitment fees. The government continued to work with local hotels and casinos to promote awareness among hotel staff of trafficking crimes and utilize a mechanism that required hotel employees to immediately report to police any suspected case of trafficking. The government reported it enforced regulations preventing individuals under the age of 21 from entering a casino. The government made efforts to reduce the demand for commercial sex acts, including sex tourism. Authorities did not report any investigations or prosecutions for child sex tourism.

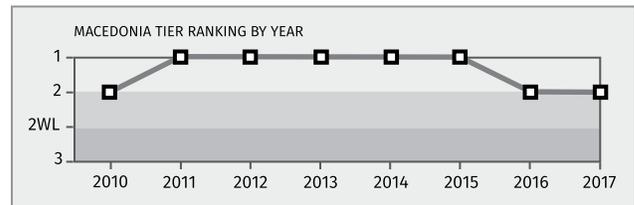
TRAFFICKING PROFILE

As reported over the past five years, Macau is primarily a destination and, to a much lesser extent, a transit territory for women and children subjected to sex trafficking and forced labor. Sex trafficking victims originate primarily from mainland China; many are from inland Chinese provinces and travel to the border province of Guangdong in search of more lucrative employment. Some are from Asia, Russia, Africa, and South America. Many trafficking victims respond to false advertisements for jobs, including in casinos in Macau, but upon arrival are forced into prostitution. Traffickers sometimes confine victims in massage parlors and illegal brothels, where they are closely monitored, threatened with violence, forced to work long hours, and have their identity documents confiscated. Minors are reportedly subjected to sex trafficking in connection with the gambling and entertainment industry in Macau.

Migrant construction and domestic workers may be vulnerable to labor exploitation. Some brokers who bring foreign men and women to Macau to renew work visas to other countries restrict these workers' movements and withhold their passports in conditions indicative of debt bondage and forced labor.

MACEDONIA: TIER 2

The Government of Macedonia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Macedonia remained on Tier 2. The government demonstrated increasing efforts by drafting and adopting the 2017-2020 national strategy and national action plan and appointing a national rapporteur and a national coordinator for trafficking. The government developed indicators for potential trafficking victims in mixed migration flows and standardized victim identification procedures for first responders. The government increased funding for trafficking victims sheltered at the government-run transit/reception center for foreigners. However, the government did not meet the minimum standards in several key areas. The government prosecuted and convicted the fewest number of traffickers ever reported. The government did not award any grants to anti-trafficking NGOs as it had done in past years and discontinued its partnership with NGOs that provided support services at the government-run shelter.



RECOMMENDATIONS FOR MACEDONIA

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sentences adequate to deter trafficking; provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; allocate increased resources for the protection of victims; train law enforcement officials, labor inspectors, diplomatic personnel, and other officials on proactive victim identification, particularly among child beggars, irregular migrants, refugees, and asylum-seekers; reactivate joint mobile identification units with formalized partnerships with NGOs; adopt and allocate funding for the national action plan; provide accommodation to foreign trafficking victims in safe and appropriately rehabilitative settings and allow victims to leave shelters at will; provide specialized services for male trafficking victims; improve compensation mechanisms for victims and inform them of their right to seek restitution; and make public government anti-trafficking efforts.

PROSECUTION

The government decreased law enforcement efforts. Articles 418(a) and (d) of the criminal code prohibit all forms of trafficking, including forced begging and forced criminality, and prescribe a minimum penalty of four years imprisonment

for trafficking adults and 12 years imprisonment for trafficking children. This is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In December 2015, the government deleted article 191(a) on child prostitution, which had allowed the prosecution of child sex traffickers for a lesser offense, and amended article 418(d), explicitly criminalizing forced begging of minors and increasing the minimum prison sentence for that crime. The government investigated two trafficking cases, compared to zero investigations in 2015; one case involved a labor trafficking suspect and the other case involved six suspects for sex and labor trafficking of children. The government prosecuted two alleged traffickers (seven in 2015). Courts convicted one trafficker (seven in 2015); the trafficker received probation, but prosecutors appealed the sentence. Additionally, an appellate court ruling for a 2012 case sentenced a trafficker to eight years in prison during the reporting period.

The Combating Trafficking in Human Beings and Migrant Smuggling Unit (CTHBMSU) within the Ministry of Interior (MOI) continued specialized investigations and led international investigations for trafficking. Corruption and official complicity in trafficking crimes remained concerns. The government charged a municipal inspector for trafficking of adults during the reporting period. Three police officers remained under investigation since 2014 for suspected involvement in organizations engaged in trafficking; the government did not provide an update on those cases. Observers reported some police and labor inspectors allegedly accepted bribes from traffickers. Authorities suspected bar and brothel owners received warnings ahead of time before police raids. The MOI, in cooperation with international organizations, trained 180 border police officers on trafficking issues. The Academy for Judges and Prosecutors, also in cooperation with international organizations and NGOs, trained 36 judges and 21 public prosecutors on trafficking issues.

PROTECTION

The government slightly increased victim protection efforts. The government identified six victims, compared to four in 2015; all six were female sex trafficking victims, compared to four female victims of sex and labor trafficking in 2015. Three victims were children and one was a foreign citizen. The government-run shelter for trafficking victims accommodated the three child victims and the Ministry of Labor and Social Policy (MLSP) provided psycho-social services to the other two domestic victims. The government repatriated the foreign victim voluntarily to Serbia. The government allocated a total of 4,822,000 denars (\$82,966) to combat trafficking, compared to 1,606,036 denars (\$27,633) in 2015. The government allocated 1,000,000 denars (\$17,206) to the government-run shelter, compared to 1,061,036 denars (\$18,256) in 2015. The government allocated 4,822,000 denars (\$82,966) for services for potential trafficking victims housed at the transit/reception center for foreigners, compared to 545,000 denars (\$9,377) in 2015. Unlike in previous years, the government did not award NGOs any grants for the 2016 fiscal year; NGOs reported their reliance on these grants to assist victims and thus reduced their services. NGOs reported the government relied heavily on funding from the international community and on NGOs to provide assistance, including rehabilitation and re-socialization services to potential and officially recognized victims.

The government, in cooperation with international organizations, developed indicators for potential trafficking victims in mixed migration flows and standardized victim

identification procedures. The government trained first responders, including police officers, labor inspectors, immigration officials, NGO workers, and social workers, on initial screening procedures for migrants, refugees, and unaccompanied children. MLSP provided advanced training to social workers on victim identification and dispatched 99 social workers to conduct proactive victim identification efforts at border crossings and migrant and refugee camps. The government and NGOs together identified 120 migrants as potential trafficking victims (78 adults and 42 children). The government did not revive its partnership with NGOs to operate six joint mobile identification units due to a lack of resources and political commitment. Macedonia experienced a significant decrease in migrants transiting through the country, and NGOs reported officials screened regularly for indicators of trafficking at border crossings; however, experts reported border agents were still unable to properly identify trafficking victims. MLSP social workers and police identified potential forced labor victims among predominately Romani children engaged in street begging and street vending. The government placed them in daycare centers and warned, fined, or jailed their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages.

First responders identified a total of 125 potential trafficking victims, compared to 94 in 2015. First responders referred potential victims to CTHBMSU and MLSP, who made the official identification. The government recognized six official victims in 2016. The government and NGOs provided potential victims and officially recognized victims protection and assistance, including psycho-social support, rehabilitation, and reintegration services; however, potential trafficking victims did not have access to the government-run shelter and its support services until officially identified by the government. The government ran a shelter for trafficking victims and a transit center for irregular migrants that offered separate facilities for foreign trafficking victims; both facilities could house male, female, and child victims. The government-run shelter opened only when authorities identified an official trafficking victim. The government-run shelter allowed victims freedom of movement, but the migrant facility did not permit foreign victims to leave without a temporary residence permit. In 2015, the government discontinued its partnership with NGOs that provided support services at the government-run shelter. Domestic victims could receive reintegration support, including education and job placement. Specialized assistance was not available for male victims, and the government did not provide services accessible for victims with disabilities.

The law permits foreign victims a two-month reflection period to decide whether to testify against their traffickers, followed by a six-month temporary residence permit, regardless of whether they testify; no foreign victims requested residence permits in 2016. MLSP reported 12 of the 125 potential victims assisted in initial investigations and two of the six officially identified victims gave statements against their alleged traffickers. The government reported no victims required witness protection services in 2016. While victims can claim restitution through civil proceedings, no victims have ever successfully completed a claim due to the complexity of the process. The government continued efforts to develop a victim compensation fund that allowed authorities to allocate compensation to victims from seized criminal assets. NGOs submitted a draft law allowing victims to receive compensation without having to file civil proceedings. Although there were no reports of trafficking victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking, in previous years police did not contact the anti-trafficking unit to screen

for potential victims of trafficking among dancers and other individuals found when conducting operations in nightclubs where sex trafficking was prevalent.

PREVENTION

The government increased prevention efforts. The National Commission, comprising government agencies, international organizations, and NGOs, met regularly and drafted and adopted the 2017-2020 national strategy and action plan. The national strategy and action plan prioritizes increasing institutional efficiency and preventive measures; however, the government did not yet allocate funding for implementation. The government appointed a national rapporteur in April, who is responsible for reporting and monitoring the implementation of anti-trafficking policies. The government also appointed a national coordinator in August, who heads the National Commission and coordinates anti-trafficking efforts. The government established three local anti-trafficking commissions (Prilep, Gevgelija, and Veles) and assisted a local commission's development of the first local action plan for trafficking. The government reported monitoring its anti-trafficking efforts but did not make assessment reports available to the public. The government did not fund awareness campaigns but partnered with NGOs to organize campaigns and provided venues, transportation, and logistical support. The helpline received 219 calls reporting information about trafficking; none of the calls resulted in an investigation or identification of a victim. The government, in partnership with NGOs, conducted seminars for Romani students, teachers, and NGOs on the risks of forced marriages of minors. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government warned citizens traveling abroad regarding fraudulent offers of employment within the Schengen zone. The government provided diplomats basic training on human trafficking and distributed a handbook on preventing trafficking for domestic servitude in diplomatic households.

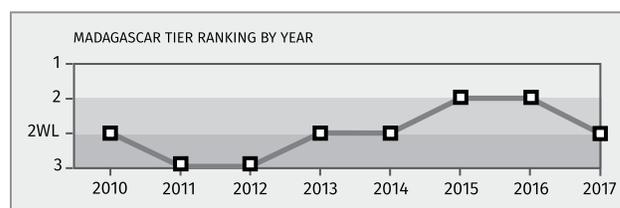
TRAFFICKING PROFILE

As reported over the past five years, Macedonia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls in Macedonia are subjected to sex trafficking and forced labor within the country in restaurants, bars, and nightclubs. Foreign victims subjected to sex trafficking in Macedonia typically originate from Eastern Europe, particularly Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine. Citizens of Macedonia and foreign victims transiting Macedonia are subjected to sex trafficking and forced labor in construction and agricultural sectors in Southern, Central, and Western Europe. Children, primarily Roma, are subjected to forced begging and sex trafficking through forced marriages. Migrants and refugees, particularly women and unaccompanied minors, traveling or being smuggled through Macedonia are vulnerable to trafficking. Students are vulnerable to false employment promises in other European countries. Traffickers frequently bribe police and labor inspectors. Police have been investigated and convicted for complicity in human trafficking.

MADAGASCAR: TIER 2 WATCH LIST

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking; however,

it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by expanding the child protection network and by working at the regional level to combat child sex trafficking. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government decreased efforts to prosecute and convict suspected traffickers. Despite increased reports of alleged complicity during the year, it did not hold any complicit officials accountable, and did not investigate reports of officials facilitating child sex trafficking. The government continued to lack formal procedures to proactively identify trafficking victims among vulnerable populations, did not systematically provide services to all victims, and did not make efforts to raise awareness. The government did not provide funding to the National Office to Combat Trafficking, the agency designated to lead national efforts, raise awareness, or operationalize the national action plan. Therefore, Madagascar was downgraded to Tier 2 Watch List.



RECOMMENDATIONS FOR MADAGASCAR

Increase efforts to prosecute and convict suspected trafficking offenders, including complicit officials; develop formal procedures for, and provide training to officials on, proactive measures to identify victims, investigate cases, and refer victims to appropriate services; adequately fund the National Office to Combat Trafficking and relevant agencies supporting anti-trafficking efforts; implement the five-year national action plan to combat trafficking; increase monitoring and regulation of recruitment agencies sending migrant workers to the Middle East; negotiate an agreement between the government, training centers, and recruiters for prospective migrant workers; collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse; increase efforts to raise public awareness of labor trafficking, including of adults subjected to forced labor; and, improve data collection on law enforcement efforts, including the number of victims identified, cases investigated and prosecuted, and the number of convictions.

PROSECUTION

The government decreased anti-trafficking law enforcement efforts, while reports of alleged complicity increased during the year. Anti-Trafficking Law No. 2007-038 prescribes punishments for sex trafficking, ranging from two years to life imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. Law No. 2014-040, effective 2014, broadened the scope of the 2007 anti-trafficking law and prohibits all forms of human trafficking, to cover sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. The 2014 anti-trafficking law imposes sufficiently stringent penalties for trafficking offenses, ranging from two to five years imprisonment and a one million to 10 million ariana (\$298-\$2,986) fine, and stiffer penalties of five to 10 years imprisonment and fines ranging from two million to 10 million ariana (\$597-\$2,986) for trafficking crimes committed against children.

National statistics on prosecutions and convictions remained difficult to obtain and verify. The media reported that the government took action to prosecute 32 trafficking offenses; however, as the government did not confirm these reports or provide details on these cases, it is unclear whether they definitively involved sex or labor trafficking crimes. The government did not report the number of investigations, compared to 14 prosecutions and eight trafficking-related investigations in the prior reporting period. The media reported the government convicted at least three traffickers in 2016 for child sexual abuse crimes, a decrease from 10 in 2015. During the reporting year, judges and prosecutors in Fianarantsoa and Antsirana met to discuss the anti-trafficking law. The government facilitated and led workshops, funded by an international organization, to educate judges, police, and *gendarmes* in Antananarivo, Morondava, and Fort Dauphin on the anti-trafficking law and to build law enforcement capacity for the investigation and prosecution of trafficking crimes. However, there remained a lack of coordination between agencies combating trafficking in persons and a reluctance of victims to file charges for fear of reprisals. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses despite allegations of corruption and complicity, including reports of an alleged network of government officials involved in falsification of identity documents utilized to facilitate child sex trafficking in Madagascar.

PROTECTION

The government continued modest efforts to protect victims. The government reportedly identified 117 victims, compared to 35 identified in the previous reporting period, and referred at least 41 to care. An NGO identified and assisted 415 victims; however, due to a lack of coordinated data collection at the national level, these numbers may be inexact. The government reported housing 35 child trafficking victims in a children's shelter and repatriating 70 transnational trafficking victims, six of whom received additional care; this compared to 35 sheltered and 60 repatriated in the previous year. The Government of Seychelles reported intercepting 16 potential female trafficking victims from Madagascar en route to Kuwait and coordinated with Malagasy authorities to repatriate them to Madagascar. The police reported identifying 56 victims, to whom they provided temporary shelter in police stations, given the lack of alternative options for adequate accommodation. The government also reported identifying 20 child trafficking victims from a list of 777 complaints lodged during the reporting period.

The government remained without formal procedures to proactively identify trafficking victims or refer victims for care. While the government offered some protection services, it is unclear how many victims received these benefits. The Ministry of Population and Social Affairs, in collaboration with an international organization, continued to coordinate approximately 780 child protection networks across the country, a significant increase from 450 in the prior reporting period. These networks are mandated to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims. However, the networks' protective services were at times inadequate, the standard of care was inconsistent across regions, and the government did not report whether any of the networks provided services to trafficking victims during the reporting year. A government hospital offered assistance to child victims of various abuses, including sex trafficking, in Antananarivo and another in Toamasina that opened in 2016. The government

continued to operate and fund the Manjary Soa Center in Antananarivo, which received 35 children who had been removed from situations of forced labor and sex trafficking. This center provided vocational training or reintegration into the public school system. The city of Antananarivo continued to manage an emergency center for child victims of domestic servitude, generally referred by the Morals and Protection of Minors Police Service (PMPM). Expenses, including food, lodging, psychological and medical aid, and educational services, and the salaries of personnel were funded by the city, in partnership with an international organization.

The Ministry of Population offers transnational trafficking victims psychological support through a social worker employed by the ministry, and financial and socio-economic support for re-integration in partnership with an international organization, as well as medical care and legal assistance. During the reporting period, the Ministry of Foreign Affairs facilitated, but did not fund, the repatriation of 70 transnational victims from Saudi Arabia, Kuwait, China, Comoros, and Thailand. The Ministry of Population provided six of the transnational victims with psychological and medical care, with one victim referred to a vocational training center and the other five receiving financial support, it is unclear if the remainder of repatriated victims received assistance. Such efforts represent an increase from 60 victims repatriated in the previous reporting period. In addition, the Honorary Malagasy Consul in Lebanon reportedly inflated the cost of passport renewal for Malagasy workers who had completed their work contracts or were detained in prisons for being undocumented after passport confiscation by their employers and took no action to facilitate their release and return to Madagascar. While the government initiated diplomatic discussions with Kuwait for the purpose of assisting transnational trafficking victims in domestic servitude, such efforts had limited effect in facilitating the protection of and legal remedies for exploited Malagasy workers in Kuwait and other destination countries. An NGO reported that trafficking victims continued to return from the Middle East, where they had been subjected to various forms of abuse while working in domestic service. Upon repatriation, the vast majority of Malagasy trafficking victims arrived destitute and in need of psychological and medical services. The Ministry of Foreign Affairs systematically informs the Ministry of Population of the repatriated victims, who will contact the victims upon return and refer them to NGOs for assistance, but reports indicate most victims are reluctant to accept assistance.

The 2014 anti-trafficking law provides foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution. There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking; however, without formal procedures to identify trafficking victims, it is likely. As a legal matter, trafficking trials may be held in private for the sake of the victim's confidentiality and privacy; however, the government did not report doing so in the reporting period and most cases were not prosecuted under the trafficking laws. Further, while the 2014 anti-trafficking law provides that victims are entitled to restitution for the third consecutive year this provision was not implemented.

PREVENTION

The government demonstrated limited efforts to prevent trafficking and coordinate national-level anti-trafficking measures. The PMPM, despite resource constraints, worked at the regional level to combat child sex trafficking in Toamasina,

Nosy Be, Toliara, and the Sava and Amoron'i Mania regions. The National Office to Combat Trafficking, intended to lead national efforts, did not receive funding or demonstrate leadership in driving national efforts or raising awareness and did not undertake steps to operationalize the national action plan nor allocate funds to do so, unlike prior years. The government continued to employ a national toll-free hotline to report child abuse, including child trafficking; during the reporting period, the hotline received 1,475 calls related to child abuse, but it was unclear if any of these related to child trafficking crimes. The Ministry of Justice continued its anti-trafficking awareness campaign through weekly national radio broadcasts and in person in Mahajanga, Antsiranana, and Nosy Be, to educate the public on the 2014 anti-trafficking law. The Ministry of Tourism regional authorities, during routine hotel inspections, continued to include specific reminders and information on the fight against child sexual exploitation and required that posters against child sexual exploitation be visible in the hotel reception area.

The government did not make any discernable efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. A 2013 ban on domestic worker travel to Gulf countries remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Mauritius, Kenya, Comoros, and South Africa. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, in April 2016, the Ministry of Employment suspended all existing accreditations for placement agencies and established new conditions for placement agencies to become accredited. While nine agencies have completed applications under the new process, the government had not issued any accreditations by the close of the reporting period, consequently inhibiting legal recruitment of migrant workers. Ministry of Employment officials reported ongoing efforts to set up a tripartite agreement between the ministry, placement agencies, and vocational training centers that would encourage training centers to develop training programs for departing migrant workers, with the costs to be borne by the placement agencies. In partnership with an international organization, the government held several working group meetings with stakeholders, reviewed labor migration assessments, and began development of a training program for departing migrant workers.

In 2016, the Ministry of Tourism, in partnership with international organizations, disseminated the Tourism Code of Conduct against Commercial Child Sexual Exploitation and Sex Tourism to approximately 900 tourism operators in 12 regions who signed onto the Code and regional/tourism authorities in eight of the 12 regions created regional action plans to address child sexual exploitation and sex tourism. However, the government did not operationalize the tourist police branch in Ranohira Isalo, established in the previous reporting period, to protect against commercial sexual exploitation of children. The government provided general guidance to diplomatic personnel on preventing trafficking.

TRAFFICKING PROFILE

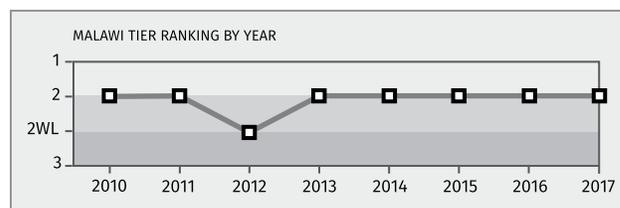
As reported over the past five years, Madagascar is a source and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Malagasy children, mostly from rural and coastal regions, and from impoverished families in urban areas, are exploited in child sex trafficking, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. Most child sex trafficking occurs with the involvement

and encouragement of family members; however, tourist operators, hotels, taxi drivers, massage centers, and local adults in prostitution also facilitate this crime. Some children are fraudulently recruited for work in Antananarivo as waitresses and masseuses before being exploited in child sex trafficking. Reports suggest child sexual exploitation is most prevalent in tourist destinations and surrounding formal and informal mining sites. NGOs previously reported government officials' complicity in obtaining falsified national identity cards facilitates the child sex trafficking in Madagascar and forced labor in domestic servitude of Malagasy women abroad. Previous reports indicated child sex trafficking of boys was becoming more prevalent. Child domestic labor continues to be a problem and informal employment agencies recruit child domestic workers who Malagasy men exploit as child sex trafficking victims, while most child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians.

Many Malagasy women are employed as domestic workers in Lebanon, Kuwait, and Saudi Arabia, and the media reports that informal placement agencies are still attempting to circumvent the 2013 ban against sending workers to the Middle East by routing them via Mauritius, Seychelles, Comoros, and Kenya using tourist visas. Malagasy women are sent by persons acting as informal placement agents to China with falsified identity cards and exploited in forced labor and sold as brides. Reports state that Malagasy men in the Middle East may endure forced labor in the service and construction sectors and may endure forced domestic servitude in China. Recently, migrant workers are increasingly targets for blackmail or solicitation of bribes, largely consequences of the suspension of accreditation of placement agencies. Reports indicate Malagasy workers in Lebanon are victims of various forms of abuse by their employers, such as physical violence and confiscation of passports, which might have been a factor in their subsequent imprisonment.

MALAWI: TIER 2

The Government of Malawi does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Malawi remained on Tier 2. The government demonstrated increasing efforts by working with a foreign government to repatriate a larger number of trafficking victims than in the previous reporting period; drafting a national action plan; convening the first meeting of the National Coordination Committee; using the 2015 anti-trafficking act to prosecute all trafficking crimes during the reporting period; and increasing cooperation between district-level police stations and the national police service. However, the government did not meet the minimum standards in several key areas. The government continued to lack standardized procedures to effectively identify and refer victims. It did not provide victims adequate protection and continued to rely on international organizations and NGOs to fund most anti-trafficking programs.



RECOMMENDATIONS FOR MALAWI

Enter lists of enforcement and protection officers and shelters for trafficking victims in the official gazette in order for the law to be fully operational; fully implement the prosecution and protection provisions in the 2015 anti-trafficking law; vigorously prosecute and sentence both sex and labor trafficking offenses under the 2015 law; ensure all convicted traffickers receive jail time by consistently applying sufficiently stringent punishments; support training and increase funding for judges, prosecutors, labor inspectors, and police to identify, investigate, and prosecute trafficking crimes; develop formal guidelines to identify trafficking victims, especially among vulnerable populations, and refer them to available services; increase the availability of shelters and protection services for victims, including through in-kind or material support to NGOs for expansion of direct service provisions; improve and expand the collection of national prosecution and protection data; and increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints.

PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. The 2015 Trafficking in Persons Act prohibits all forms of trafficking and prescribes punishments of up to life imprisonment, without the option of fines. Penalties prescribed under other relevant statutes range from small fines to 14 years of imprisonment. The use of fines in lieu of imprisonment is an ineffective deterrent against trafficking crimes. These penalties are sufficiently stringent and commensurate with punishment prescribed for other serious crimes, such as rape.

In 2016, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from seven of Malawi's 34 district-level police stations. Officers in seven districts sent trafficking information and statistics to police headquarters every month via a text messaging application and the MPS analyzed that data to assess trafficking trends. MPS reported it arrested and prosecuted at least 30 alleged traffickers and convicted 18, a significant decrease from 68 traffickers prosecuted and 58 convicted during the previous reporting period. All cases were prosecuted under the 2015 anti-trafficking act. During the year, the courts sentenced some traffickers to 14 years imprisonment; others, however, were suspended resulting in no jail time for convicted traffickers. The Ministry of Home Affairs, which includes MPS and immigration officials, maintained primary responsibility for the prosecution of trafficking crimes and enforcement of trafficking laws.

The MPS retained anti-trafficking training in its curricula for the Limbe, Mtakata and Mlangeni Police Training School and Zomba Police College. The Department for Immigration trained an unknown number of new immigration officers on victim identification and assistance to potential trafficking victims. A high court judge, in partnership with the Women Judges Association of Malawi, trained magistrates on the prevalence of trafficking in the country and on the 2015 anti-trafficking law with a particular focus on sentencing guidelines for offenders. In October, the Ministry of Gender and the Southern Africa Development Community (SADC) Secretariat conducted a training for 39 law enforcement officers, including police, immigration officials, social workers, and prosecutors on the legal instruments available to counter trafficking. Despite media reports that several police, health, and immigration officials were complicit in trafficking young women to Kuwait, the government did not report any investigations, prosecutions,

or convictions of government officials complicit in human trafficking offenses. In November 2016, a United States District Court for the District of Maryland issued a default judgement awarding more than \$1 million in damages to a domestic worker who sued her former employer, a Malawian diplomat for trafficking; the diplomat left the United States in 2012 and remains in the Malawian Foreign Service. The government did not take any action during the reporting period to hold the diplomat accountable.

PROTECTION

The government maintained inadequate protection efforts. The government continued to lack systematic procedures for the proactive identification of victims and their referral to care. Given severe resource constraints, the government relied largely on NGOs to identify victims and provide long-term care. The government did not provide in-kind or financial support for most NGO services, including those offered at the only dedicated shelter for trafficking victims in the country, which is operated by an international NGO. The national government lacked comprehensive data on the number of victims it identified, referred, or assisted during the reporting period; however, MPS reported it identified at least 168 trafficking victims, a decrease from 197 identified during the previous reporting period. The government actively worked with officials in Kuwait to repatriate 53 women victims of domestic servitude. The government ran one social rehabilitation center in Lilongwe for vulnerable children, orphans, and child trafficking and gender-based violence victims, providing counseling and rehabilitation services. The center is chronically underfunded and poor conditions there reportedly led some child sex trafficking victims to leave the shelter and return to the brothels from which they had been removed. The lack of adequate and sustained assistance left victims vulnerable to re-trafficking.

Some of the approximately 300 police sub-stations at the village level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately and the quality of services remained variable throughout the country. Some foreign victims avoided these centers due to fear of deportation. Malawian law does not provide foreign victims with temporary residency or other legal alternatives to their removal to their countries of origin; foreign victims faced deportation unless they challenged their immigration status in court. In 2016, there were no credible reports of trafficking victims being detained, fined, or jailed for unlawful acts committed as a direct result of their being subjected to trafficking; however, due to a lack of formal victim identification procedures during the reporting period, and the absence of alternatives to deportation for trafficking victims, some unidentified trafficking victims may have remained in the criminal justice system or been deported.

PREVENTION

The government maintained modest efforts to prevent trafficking. The National Coordination Committee, established under the anti-trafficking act which came into force in November 2015, held its first meeting during the reporting period. The Malawi Network Against Child Trafficking, comprised of government officials, NGOs, and international stakeholders, convened two national level meetings, compared with zero the previous year. The government drafted a national action plan to combat trafficking, which is now awaiting final ministerial approval. As a member of SADC, the government adopted the ten-year SADC Regional Plan of Action on Trafficking in Persons. The

government conducted awareness campaigns by placing anti-trafficking messages on billboards throughout urban areas and the inspector general of police spoke publicly on several occasions about the dangers of trafficking. Nonetheless, most public awareness campaigns continued to be spearheaded by NGOs. Compulsory universal birth registration, enacted in 2012, became effective during the reporting period.

Malawian officials worked with the Government of Kuwait to negotiate a modified visa regime whereby Malawians could no longer receive visas for unskilled household work positions, which traffickers used to recruit at least 53 women who they later exploited. The government did not conduct any labor inspections for the second consecutive year; however, the Ministry of Labor recruited and trained 21 new labor inspectors during the reporting period. Due to lack of funding, more than sixty percent of positions within the Ministry of Labor were vacant, impeding efforts to identify and penalize fraudulent labor recruitment during the year. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor. Malawi did not provide anti-trafficking training for its diplomatic personnel. With support and assistance from foreign entities, the government ensured Malawian troops received anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

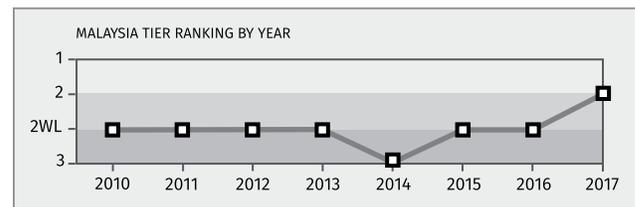
TRAFFICKING PROFILE

As reported over the past five years, Malawi is a source country for men, women, and children subjected to forced labor and sex trafficking. To a lesser extent, it is a destination country for men, women, and children from Zambia, Mozambique, the Great Lakes region, and the Horn of Africa who are subjected to labor and sex trafficking, and a transit country for people from these countries exploited in South Africa. Most Malawian trafficking victims are exploited within the country, generally transported from the southern part of the country to the central and northern regions for forced labor in agriculture (predominantly the tobacco industry), goat and cattle herding, and brickmaking. Many cases of child labor external to the family involve fraudulent recruitment and physical or sexual abuse, indicative of forced labor. Traffickers—primarily facilitators or brothel owners—typically lure children from their families in rural areas under pretenses of employment opportunities, clothing, or lodging for which they are sometimes charged exorbitant fees, resulting in prostitution coerced through debts. Traffickers subject teenage boys to forced labor on farms and young girls to sexual exploitation in nightclubs or bars. Children are subjected to forced labor in begging, small businesses, and potentially in the fishing industry; in past years, some were coerced to commit crimes. Adult tenant farmers are vulnerable to exploitation, as they incur debts to landowners and may not receive payment during poor harvests. Malawian victims of sex and labor trafficking have been identified in Mozambique, South Africa, Zambia, and Tanzania. Some young girls are drugged, gang-raped, and exploited in commercial sex. Some girls recruited for domestic service are instead forced to marry and subsequently subjected to child sex trafficking by their “husbands”. Fraudulent employment agencies lure women and girls to Gulf states where they are exploited in sex and labor trafficking.

MALAYSIA: TIER 2

The Government of Malaysia does not fully meet the minimum

standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Malaysia was upgraded to Tier 2. The government demonstrated increasing efforts by expanding trafficking investigations, prosecutions, and convictions. Officials strengthened enforcement of the law prohibiting passport retention, convicting 17 employers for unauthorized retention of passports, compared to zero during the previous year. To galvanize coordinated anti-trafficking operations, the government established a new interagency law enforcement taskforce, to which 17 officers from seven agencies were assigned and trained on investigative tactics. The government approved an updated national action plan spanning 2016-2020 and allocated sufficient resources towards its implementation. However, the government did not meet the minimum standards in several key areas. The government’s victim protection efforts remained largely inadequate. Newly implemented laws created a process for shelter residents to move freely and to work if they are cleared by medical, security, and mental health professionals and approved by the anti-trafficking council (MAPO). However, bureaucratic delays, including a lack of counselors able to complete required mental health evaluations; risk-averse and paternalistic attitudes towards victims; and lack of victim interest in available work opportunities resulted in a very low number of victims being granted the right to work and/or to move freely. Of the 1,558 victims identified, the government conducted only 106 risk assessments and ultimately granted six victims work visas and 12 special immigration passes for freedom of movement. An additional 28 victims were approved for freedom of movement, but delays in obtaining required passports from their home countries meant that they either had returned home or remained waiting at the end of the reporting period. Complicity among law enforcement officials, in the form of accepting bribes to allow undocumented border crossings, hampered some anti-trafficking efforts. While authorities investigated these crimes, culpable officials typically avoided punishment. However, the government arrested at least forty-two officials during the reporting period for smuggling and trafficking-related offenses, although it is unclear how many they charged with trafficking-related crimes.



RECOMMENDATIONS FOR MALAYSIA

Improve implementation of the regulations for the 2015 amendments to the anti-trafficking law to increase the number of trafficking victims who obtain employment and routinely authorize victims of trafficking freedom of movement; increase the number and effectiveness of trafficking prosecutions and convictions, including of complicit officials, through improved collaboration across law enforcement agencies, stronger cooperation between law enforcement officials and prosecutors, more effective investigations, reduced court delays, and increased judicial familiarity with the full range of trafficking crimes, particularly forced labor; make public the results of investigations involving corrupt officials to increase transparency and deterrence and hold officials criminally accountable when they violate the law; increase the capacity of

labor inspectors to identify trafficking victims among vulnerable groups, such as migrant workers, and to effectively investigate labor trafficking; implement planned changes to the foreign worker levy schedule to make employers, not employees, responsible for recruitment fees; improve case management and communication with trafficking victims, including through increased prosecutor-victim interaction at least two weeks prior to trial in compliance with the attorney general's directive; continue collaboration with credible and effective NGOs and implement plans to provide more services for victims, including the construction of new shelters; continue to inform workers, including domestic workers, of their rights to maintain access to their passports at any time, without delay or approval, and without consequence to their status and relationship with their employer, and include language explicitly stating passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labor source countries; effectively enforce the law prohibiting employers from retaining passports without employees' consent, educate workers and employers on foreign worker rights, including legal recourses and remedies against traffickers, and ensure employers provide lockers or other secure passport storage facilities; expand labor protections for domestic workers, continue investigating allegations of domestic worker abuse, and educate employers about domestic workers' rights; and fully implement the 2016-2020 national plan to combat trafficking.

PROSECUTION

The government expanded law enforcement efforts. The 2007 Anti-Trafficking in Persons Act—amended in 2010 and 2015—prohibits all forms of human trafficking and prescribes punishments of up to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. During the 2016 reporting period, the government conducted 581 investigations of potential trafficking cases, a significant increase from 158 in 2015. Investigations resulted from police raids or reactive labor inspections from employee tips. The government initiated prosecutions against 175 alleged traffickers, up from 38 initiated the previous year. The government convicted 35 traffickers—18 for labor trafficking and 17 for sex trafficking—representing the highest number of convictions achieved annually and a notable improvement from seven traffickers convicted in 2015. Of the 35 convicted, 29 were prosecuted under the Anti-trafficking Act, and six others under other laws such as the Immigration Act and the penal code. Fourteen traffickers received prison sentences of at least four years, and some were as high as ten years. Of the remaining 21, eight traffickers received sentences of between one and three years imprisonment, nine received sentences of less than one year, and four received no jail time and were fined. The attorney general's chambers filed appeals for cases involving 13 individuals who received insufficiently stringent sentences. The attorney general's chambers reported a majority of prosecutors maintained compliance with the 2014 written directive requiring them to engage with victims at least two weeks prior to trial to better understand and address victims' concerns about the inner workings of trials; however, the limited availability of certified interpreters and Malaysia's decentralized jurisdictions made routine compliance difficult. The government strengthened its enforcement of the law against unauthorized passport retention by securing 17 convictions of employers who contravened the Malaysian Passport Act of 1966; it did not prosecute any employers for this crime in 2015, and only one in 2014.

The government established a new interagency law enforcement

taskforce, to which 17 officers from seven agencies were assigned and trained on investigative tactics and the identification of high-value targets; the taskforce officially launched operations in January 2017. Between its inception and the end of the reporting period, the taskforce successfully conducted four operations, including a raid on a bird's nest factory, which led to the arrests of two senior and two working-level staff members and the identification of 172 victims. The government expanded the initial six-month mandate of the taskforce to December 2018. The Royal Malaysia Police continued to serve as the lead enforcement agency under the anti-trafficking act and maintained a specialized anti-trafficking unit comprised of 235 officers posted throughout the country. The labor department also had a specialized trafficking enforcement team composed of 30 officers. The attorney general's chambers appointed ten additional trafficking-specialist deputy public prosecutors throughout Malaysia, raising the total to 52, an increase from the 42 on staff in 2015.

The government continued to conduct anti-trafficking trainings, this year reaching more than 1,600 officers, focusing on victim protection, law enforcement, and prosecution, among other topics. Home affairs officials continued to provide anti-trafficking training opportunities for their own officers and those from other relevant agencies, and the anti-trafficking council conducted eight sessions for a total of 125 government officials focusing on sensitization to trafficking issues and amendments to the law. During the year, a total of 99 prosecutors at the attorney general's chambers participated in 10 training programs, three internationally-based and seven in Malaysia.

The May and August 2015 discoveries of migrant camps and mass graves along the border with Thailand fueled reports corrupt officials facilitated migrant smuggling, which may have included trafficking crimes. In 2016, investigations into these camps and graves yielded four migrant smuggling convictions in Malaysia; no Malaysian nationals were among those convicted. During the reporting period, the investigations remained ongoing and Malaysia and Thailand continued to cooperate in the search for additional suspects and extradition of 10 identified targets, none of whom were Malaysian citizens. Malaysian officials have also requested that Bangladesh locate and extradite one suspect in the case.

Complicity among law enforcement officials, in the form of accepting bribes to allow undocumented border crossings, hampered some anti-trafficking efforts. The government detained 42 immigration and police officers for their involvement in facilitating smuggling and trafficking crimes; authorities prosecuted five of these officers and the cases remained ongoing at the end of the reporting period. In June 2016, the government unveiled a scheme organized by an unknown number of immigration officials to manipulate the country's passport control system at various points of entry, ostensibly to allow smugglers and traffickers to operate undetected; ensuing, the government fired 15 culpable officers, suspended 14, froze the salaries of eight, and reassigned more than 60 others. There were no reports of criminal prosecutions of these officials.

PROTECTION

The government increased efforts to identify trafficking victims, but protection measures remained inadequate. Not all victims of trafficking were granted freedom of movement and the ability to work while their investigations were pending in the judicial system. The government reported law enforcement agencies followed standardized procedures to identify trafficking victims.

Identification of labor trafficking cases continued to rely on reactive labor inspections in response to workers' complaints of non-payment of wages and other violations. In 2016, the government reported identifying 3,411 potential trafficking victims, of which it confirmed 1,558 as trafficking victims, a marked increase over the 305 victims confirmed in 2015. However, enforcement agencies employed the anti-trafficking law broadly by indiscriminately labeling all foreign women during bar or massage parlor roundups as potential trafficking victims without screening for indicators. The government did not always proactively screen the vulnerable migrant worker population for indicators of trafficking, which left an unknown number of potential victims without proper care. The anti-trafficking law provides trafficking victims immunity from immigration-related offenses, such as illegal entry, unlawful presence, and possession of fraudulent travel documents. Potential trafficking victims who denied they had been subjected to trafficking or whose employers confiscated their documents were sometimes detained, deported, or charged with immigration offenses during the reporting period.

During the reporting period, the attorney general approved and the deputy prime minister enforced implementing regulations for the amendments to the anti-trafficking law. The amendments allow victims—at the discretion of the anti-trafficking council—to work and to move freely in and out of government facilities, pending a security risk assessment, medical screening, and mental health evaluation; allow the court to order convicted traffickers to pay restitution to their victims and provide an avenue for victims to bring civil suits against their abusers; expand interim protection orders from 14 to 21 days to allow for more thorough investigations; allow NGOs to serve as designated protection officers; and institutionalize a high-level anti-trafficking committee. During the reporting period, the government continued its collaboration with civil society stakeholders, most notably by co-developing a set of standard operating procedures for granting freedom of movement for victims, which was used to approve applications for freedom of movement and work permits. Several operational issues remained, however, including limitations on certain nationalities working in specific sectors; accountability for providing security risk assessments, psychological evaluations, and medical screenings; and a lack of trained mental health professionals to administer them. Near the end of the reporting period, the government expanded the pool of trained counselors—from three to 146—available to conduct psychological evaluations by authorizing counselors working with domestic abuse victims and other vulnerable populations to also evaluate trafficking victims.

Of the 1,558 victims identified, authorities completed 106 risk assessments to consider whether to grant freedom of movement; authorities denied 60 victims freedom of movement based on alleged medical or security concerns. The medical screenings were conducted by trained physicians. During the reporting period, the government issued six work visas to trafficking victims—compared to four issued the previous year. The government authorized freedom of movement for an additional 40 foreign victims, but delays in obtaining passports from victims' respective embassies stymied the issuance process of special immigration passes, which are prerequisite for freedom of movement. Ultimately, the government issued 12 special immigration passes during the reporting period. The remaining 28 victims awaited their passports at the end of the reporting period or decided to return to their home countries as soon as their passports were ready. Malaysian officials continued to streamline the normally arduous administrative processes for

linking victims interested in employment with a luxury hotel chain by waiving some requirements for new job applicants, focusing mostly on the risk assessment process. However, the remaining six eligible participants declined to participate in the employment program, citing preferences to return to their respective countries of origin or dissatisfaction with the offered salary, which was significantly above the minimum wage. The government commenced monthly allowance payments of 120 Malaysian ringgit (RM) (\$27) to victims for incidental expenditures, and appointed 12 individuals to form the first NGO protection officer cohort.

During the year, most trafficking victims were housed in government facilities as part of a court-ordered 21-day interim protection order (for suspected trafficking victims) or a subsequent 90-day protection order (for certified trafficking victims). Some victims, however, remained in the shelters for up to six months. Shelters became severely over-crowded as increased police efforts to identify victims led to more shelter residents. For example, the largest shelter has a capacity of approximately 70 residents but occasionally housed up to two hundred individuals or more. Most victims who stayed in government shelters did so without freedom of movement or the right to work, in contravention of global best practices. As in past years, many victims preferred to immediately return to their home countries. Although the law permits victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings. During the reporting period, many victims were unwilling to testify. The reluctance of victims to provide witness testimony reportedly stemmed from a desire to avoid protracted criminal proceedings, to return home more quickly, and bribes or intimidation from traffickers.

The Ministry of Women, Family, and Community Development maintained seven facilities specifically to house trafficking victims—four for women, one for men, and two for child trafficking victims. During the reporting period, the government allocated 3.06 million RM (\$682,270) to open three new trafficking shelters in the states of Kedah, Kelantan, and Sarawak. The government provided basic services for all victims staying in its facilities, including food, shelter, medical care, social and religious activities, and security; NGOs provided some victim rehabilitation and counseling services in most shelters, typically without government-allocated funding. Victims could make phone calls at least once per month, and shelter staff provided opportunities for victims to engage in handicrafts and other income-generating activities. In general, NGOs were understaffed and expressed that they had difficulty in maintaining adequate resources to provide consistent services for victims. During the reporting period, Malaysian officials provided three NGOs with 483,000 RM (\$107,690)—ten times more than was provided in the previous year—to conduct various programs and activities with trafficking shelter residents, and also increased its funding allocation to 5.3 million RM (\$1.18 million), up from 4.6 million RM (\$1.03 million) the previous year, to the Ministry of Women, Family, and Community Development to operate government facilities for trafficking victims.

PREVENTION

The government maintained modest efforts to prevent trafficking. MAPO was headed by the home affairs ministry and included representation from five enforcement bodies, other government entities, and two NGO representatives. It met on a quasi-monthly basis and was active in coordinating interagency anti-trafficking efforts and conducting trainings for government ministries, in addition to consultation sessions

with NGO partners to strengthen victim protection. In 2016, the government maintained its allocation of 4 million RM (\$891,860) to operate the MAPO secretariat. The deputy prime minister approved an updated national action plan spanning 2016-2020, which outlined the government's objectives to combat trafficking by strengthening laws, improving cooperation and investigation skills among law enforcement agencies, raising public awareness, and increasing partnerships with NGOs on victim protection. The government produced and aired 6,492 public service radio broadcasts and 1,648 television segments during the reporting period, compared to 6,447 and 1,347 announcements, respectively, in 2015. It also disseminated 20,000 informational booklets on trafficking via 139 information centers around the country; it distributed 50,000 the year prior. Labor officials also provided banners and other signage at the Kuala Lumpur International Airport in holding lounges for newly arrived migrant workers in a range of languages to help educate foreign workers about their rights in Malaysia. During the reporting period, the government organized 11 awareness-raising programs with the plantation industry to sensitize them to forced labor indicators; the government organized similar outreach activities in the previous reporting period in the electronics sector.

The government had existing MOUs with the governments of Sri Lanka, Vietnam, Thailand, China, Pakistan, Bangladesh, India, Indonesia, and Cambodia to improve regulation of foreign worker contracts and rights. In 2016, the government expanded its MOU with Cambodia—enacted in 2015 to govern Cambodian domestic workers in Malaysia—to include factory, plantation, and construction workers. Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage. Labor inspectorates conducted 49,610 labor inspections, which resulted in the issuance of 5,297 correction notices and the referral of 27,063 labor disputes to the labor courts. Labor officials referred two cases to the attorney general's chambers for prosecution, while the rest were resolved through back-payment for exploited workers and levied fines for noncompliant employers; in 2015 the government reported 47,000 labor inspections, 6,500 citations issued for contraventions of the Employment Act, and seven cases of exploitative labor referred for criminal proceedings—the outcomes of the seven cases were unknown at the end of the current reporting period. Following claims that one of its labor suppliers misled migrant workers about wages and housed them in poor conditions, McDonald's Malaysia discontinued its work with that labor supplier. The government did not demonstrate efforts to reduce demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, Malaysia is a destination and, to a much lesser extent, source and transit country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the estimated two million documented and an even greater number of undocumented migrant laborers in Malaysia. Foreign workers constitute more than 20 percent of the Malaysian workforce and typically migrate voluntarily—often illegally—to Malaysia from Bangladesh, India, Nepal, Burma, Indonesia, the Philippines, and other Southeast Asian countries, mostly in pursuit of better economic opportunities. Some of these migrants are subjected to forced labor or debt bondage by their employers, employment agents,

or informal labor recruiters when they are unable to pay the fees for recruitment and associated travel. Foreign workers employed by outsourcing or contract labor companies, which may or may not have oversight of personnel issues or day-to-day working conditions, have heightened vulnerabilities to exploitative labor conditions and a reduced ability to resolve disputes. Agents in labor source countries may impose onerous fees on workers before they arrive in Malaysia, in some cases causing debt bondage. Foreign workers in Malaysia and the companies that employ them are subject to a complex system of government fees for immigration processing, foreign worker levies, and other administrative processes. The law allows many of the fees, which are initially paid by employers, to be deducted from workers' wages, incentivizing employers to prevent workers from ending their employment before fees are recouped. Authorities report large organized crime syndicates are responsible for some instances of trafficking. Official complicity and corruption among immigration and police officers remains a problem and impedes some efforts to address trafficking. Discoveries of migrant camps and mass graves along the border with Thailand in 2015 generated reports some officials were complicit in facilitating migrant smuggling, which may have included trafficking crimes; however, no Malaysian official was held criminally accountable.

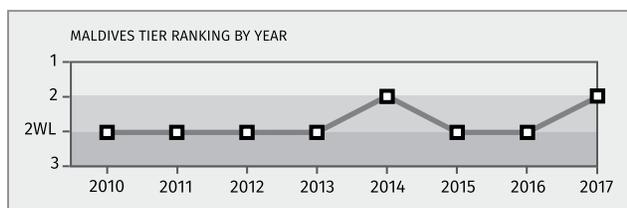
Some migrant workers on palm oil and agricultural plantations, at construction sites, in the electronics industry, and in homes as domestic workers are subjected to practices that can indicate forced labor, such as passport retention—both authorized and unauthorized—and contract violations, restricted movement, wage fraud, and imposition of significant debts by recruitment agents or employers. Contract violations remain widespread in Malaysia. Passport retention remained widespread and problematic; Malaysian law allows employers to hold workers' passports with the workers' permission, but it is difficult to determine if workers have freely given permission, and some employers may retain the passports to prevent workers from changing jobs. In efforts to circumvent anti-trafficking protections established by the Indonesian government, some Indonesian workers may transit Malaysia legally en route to Middle Eastern countries, where some may be subjected to domestic servitude. Although significantly fewer than the number of forced laborers, some young foreign women—mainly from Southeast Asia—are recruited ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, but are instead forced or coerced into the commercial sex trade. Vietnamese women and girls enter into brokered marriages in Malaysia and are subsequently forced into prostitution.

The more than 150,000 registered refugees and asylum-seekers in Malaysia lack formal status and the ability to obtain legal work permits, leaving them vulnerable to trafficking. Many refugees incur large smuggling debts, which traffickers use to subject some refugees to debt bondage. Children from refugee communities in peninsular Malaysia are reportedly subjected to forced begging. A large population of Filipino Muslims resides illegally in Sabah, some of whom are vulnerable to trafficking. Few Malaysian citizens are subjected to trafficking internally and abroad.

MALDIVES: TIER 2

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated

increasing efforts compared to the previous reporting period; therefore, Maldives was upgraded to Tier 2. The government demonstrated increasing efforts by convicting traffickers under its trafficking law for the first time. The government increased investigations, prosecutions, and the identification of trafficking victims. The government acceded to the 2000 UN TIP Protocol, launched awareness campaigns and amended its employment act to require employers to establish and pay employees' salaries through bank accounts. However, the government did not meet the minimum standards in several key areas. The government's trafficking law does not conform to the 2000 UN TIP Protocol as its definition of human trafficking is generally predicated on the movement of the victim. The government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, thereby preventing proactive identification of victims. Dedicated trafficking victim protection services were limited—while the government allocated funds for the construction of a trafficking victim shelter, construction had not begun by the end of the reporting period. Victims lacked regular access to medical and psycho-social support and dedicated translators.



RECOMMENDATIONS FOR MALDIVES

Amend the Prevention of Human Trafficking Act (PHTA) to refine the definition of human trafficking to conform with the 2000 UN TIP Protocol; while respecting due process, increase efforts to investigate and prosecute suspected traffickers, including allegedly complicit officials; formally adopt SOPs for proactive identification of trafficking victims and referral to protection services, and train officials on their use; re-establish the state-run shelter and consistent rehabilitation services; finalize and implement the standard operating procedures for shelter operations and victim services; increase efforts to monitor and punish labor recruitment agents and firms engaging in fraudulent practices; enforce prohibitions against passport retention by employers, including government agencies; provide translators to law enforcement and labor authorities to ensure foreign workers are able to participate in inspections, investigations, and prosecutions of their alleged traffickers; and continue to raise public awareness of human trafficking through media campaigns.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The PHTA criminalizes some, but not all forms, of sex and labor trafficking. In a departure from the 2000 UN TIP Protocol definition, articles 11 through 16 define human trafficking to require the act of transporting a person, either transnationally or internally, "through unlawful coercive means," or in a conspiracy with others. To constitute trafficking under the PHTA, the transportation must be done for the purpose of compelling a person to provide work or a service, marry, or undergo an unnecessary medical procedure or test, which are forms of exploitation different from those in the 2000 UN TIP Protocol. It is not clear whether its reference to "work or service" includes "the exploitation of the prostitution of others" which is central to the 2000 UN TIP Protocol. With regard to

children, however, article 14 criminalizes "exploitative conduct," which explicitly is defined to include prostitution. Consistent with international law, articles 14 and 15 provide that when children are transported for the purpose of forced labor or services, the child will be presumed to not have consented to the exploitation. The PHTA does include forced labor—but only if a person is transported. Article 16 criminalizes debt bondage without reference to transportation. The penalty for violation of the PHTA is from seven to 15 years imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Maldives Police Service (MPS) reported investigating 11 trafficking cases, 10 forced labor and one sex trafficking, during the reporting period, an increase from six in 2015. The government reported prosecuting four new cases, an increase from zero prosecutions in the three previous reporting periods. The prosecutor general's office (PGO) and Maldives immigration stated the disproportionately small number of prosecutions is due to courts not accepting electronic documents as evidence, including employment visas for migrant workers. For the first time, the government secured a conviction under the PHTA. Three foreign nationals were each sentenced to 10 years imprisonment in a sex trafficking case prosecuted during previous reporting periods.

Maldives immigration continued to implement mandatory training curriculum on trafficking for new recruits. MPS conducted several anti-trafficking trainings for officers during the reporting period. An international organization partnered with the government to conduct multiple anti-trafficking trainings for various agencies, including a training of trainers for law enforcement and training for 35 judges that resulted in a formal commitment by the judges to combat human trafficking. Despite these trainings, officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Officials also acknowledged government efforts were mainly focused on transnational labor trafficking to the possible detriment of addressing sex trafficking cases.

Private employers and some government agencies frequently held the passports of foreign workers they employed, including the ministries of education and health who held the passports of foreign teachers and health care workers. Maldives immigration reported it investigated cases of employer passport retention and negotiated the return of documents to employees; however the government did not report whether it penalized employers for such acts. Authorities did not report collaborating on transnational investigations with other governments, even though victims were referred to MPS by their foreign high commissions during the reporting period. Law enforcement efforts continued to be hampered by the absence of dedicated foreign language interpreters for victim-witnesses. International experts stated some traffickers operated with impunity because of their connections with influential Maldivians. Observers reported some judges were reluctant to hear trafficking cases, and in some cases police were unable to obtain warrants to arrest traffickers. NGOs reported some officials warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses, and officials may have been involved in labor recruiting practices that can lead to trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government slightly increased its victim protection efforts through increased efforts to identify victims. The government

identified 18 victims during the reporting period, an increase from nine in the previous reporting period. One victim was a woman exploited in sex trafficking, and 17 were men subjected to forced labor; all victims were foreign national adults—most were from Bangladesh. The PHTA provides in article 32 a 90-day reflection period during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. The police reported two victims received extensions of the reflection period. Victims are entitled to receive rehabilitative services, including shelter, health care, counseling, translation services, and police protection; however, in practice, victim care services were limited. Victims lacked regular access to medical and psycho-social support. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. The government provided 17 of the identified victims with rehabilitation services; one victim declined services and was voluntarily repatriated. Two victims identified in a previous reporting period continued to receive rehabilitation services from the government. The government allocated funding in 2016 for the construction of a shelter for trafficking victims; however, construction had not commenced by the end of the reporting period. The government placed victims in guest house facilities. Maldives Immigration maintained a shelter for undocumented male migrant workers, but this shelter did not provide trafficking-specific services. There were no local NGOs providing services to trafficking victims during the reporting period.

The government did not formally adopt the SOPs for victim identification, protection, and referral that had been finalized in the previous reporting period. MPS reported it disseminated the SOPs to officers and that police followed the SOPs, resulting in an increase in victims identified; however, other agencies reported they had no knowledge of the SOPs. Immigration officials reported they screened all foreign workers detained for deportation for trafficking indicators and referred one suspected case to the police; however, officials also stated some potential victims may have been deported. Foreign victims may be granted a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Maldives immigration funded the voluntary repatriation of all 18 identified trafficking victims during the reporting period.

PREVENTION

The government increased its efforts to prevent human trafficking. The government acceded to the 2000 UN TIP Protocol in September 2016. The Ministry of Economic Development (MED) coordinated government and NGO anti-trafficking efforts through the national steering committee (NSC); while the NSC met during the reporting period, several agencies reported the meetings were infrequent and overall coordination was weak. The Ministry of Law and Gender, a former chair of the steering committee, was largely excluded from the government's anti-trafficking infrastructure, subsequently increasing coordination challenges. The government continued to implement its 2015-2019 national action plan. In April 2016, MED published a booklet outlining the government's anti-trafficking efforts and during the reporting period, MED held two media briefings to inform the public about government activities to combat trafficking. The government developed and ran a public awareness campaign covering 13 anti-trafficking topics via television and radio programming from June through August 2016, and another campaign in January through March

2017 disseminated information to media, students, and the general public. The government also promoted its trafficking hotline with assistance from an international organization, at airport and ferry terminals, fairs, and a youth career event.

The government's revised regulations on foreign employment agencies came into force in March 2016 and require agencies to be licensed and fully compliant with regulations by July 2017. MED made 158 inspection visits to agencies in 2016. In August 2016, the Employment Act was amended to require employers to open a bank account for each migrant worker in the worker's name and deposit all payments into the account. Employers who do not deposit the salary of their migrant workers into their bank accounts may be penalized between 10,000 and 50,000 Maldivian rufiyaa (\$661-\$3,305). Maldives immigration implemented pre-departure and health screening of potential migrant workers in Bangladesh during 2016, in part to mitigate fraudulent recruitment. Maldives immigration conducted radio and television programs focused on safe migration and human trafficking. Immigration officials reported blacklisting 2,073 labor-recruiting companies and individuals for various labor-related infractions; however, officials noted blacklisting was ineffective as companies could register under a new name to continue operations. Maldives immigration continued to implement a program allowing undocumented victims of labor law violations to be employed by a local company and given legal status to remain in the country; during the reporting period 1,186 undocumented workers enrolled in this program. The government provided anti-trafficking training for its diplomatic personnel. The government did not report any efforts to reduce the demand for commercial sex acts or forced labor.

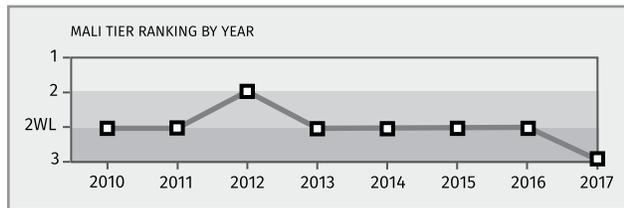
TRAFFICKING PROFILE

As reported over the past five years, Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking, and a source country for women and children subjected to labor and sex trafficking. An unknown number of the approximately 130,000 documented and 60,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—are subjected to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. Migrant workers pay approximately \$2,500 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt bondage upon arrival. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives; recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. A small number of women from Asia, Central Asia, and Eastern Europe, as well as girls from Bangladesh and Maldives, are subjected to sex trafficking in Maldives. Maldivian children are transported to the capital, Male, from other islands for domestic service; some of these children are also reportedly subjected to sexual abuse and may be victims of forced labor. Maldivian women may be subjected to sex trafficking in Sri Lanka.

MALI: TIER 3

The Government of Mali does not fully meet the minimum standards for the elimination of trafficking and did not

demonstrate overall increasing efforts to do so compared to the previous reporting period. Although Mali meets the criteria for Tier 2 Watch List, because it has been on Tier 2 Watch List for four years, it is no longer eligible for that ranking and is therefore ranked Tier 3. Despite a lack of overall increasing efforts, the government took some steps to address trafficking, including convicting its first traffickers under the 2012 anti-trafficking law and sending one trafficker to jail. In addition, the government allocated a line item for anti-trafficking activities in its annual budget and disbursed funding to support training on the anti-trafficking law, in-kind support to victim shelters, and awareness-raising activities. However, there were reports the government also provided some in-kind support to and on some occasions collaborated with the Imghad Tuareg and Allies Self-Defense Group (GATIA), a non-government militia headed by a Malian general that used and recruited child soldiers. It did not investigate any government officials for complicity in child soldiering. Moreover, contrary to government protocol, officials transferred four ex-child combatants whom international authorities had removed from GATIA back to a government official with ties to GATIA to facilitate family reintegration; it is unclear if the victims were reunited with their families. The government did not have standard procedures to identify and refer victims to care and continued to detain some former child soldiers in adult prison facilities for alleged association with militias. Furthermore, many judicial personnel were still unaware of the 2012 anti-trafficking law, and police lacked funding and resources to investigate trafficking cases.



RECOMMENDATIONS FOR MALI

Cease support to groups that use and recruit child soldiers; follow the established protocol for referring children allegedly associated with armed groups to care, and cease detaining such children; vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including those who recruit and use child soldiers and allegedly complicit officials, and prescribe penalties with terms of imprisonment; further train judges and prosecutors on the 2012 anti-trafficking law; develop standardized mechanisms to identify potential trafficking victims, including children among armed groups, and refer them to care, and train government officials on such procedures; train law enforcement on effective case investigation techniques and provide them with the necessary resources to investigate trafficking cases; expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants; continue funding or in-kind support to NGOs that assist trafficking victims to expand shelters and services for victims, including outside the capital; enact legislation to criminalize hereditary slavery, and investigate and prosecute cases of it, especially in the north; fully implement the 2015-2017 national action plan to combat trafficking, including by formalizing the roles and responsibilities of various anti-trafficking committee members; and increase efforts to raise public awareness of trafficking, including child forced begging in Quranic schools.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices criminalizes all forms of trafficking of adults and children. The law prescribes penalties of five to 10 years imprisonment, and a maximum of 20 year imprisonment for cases involving aggravating circumstances, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Forced begging is considered a crime under articles 10 and 11 of the 2012 law, and carries penalties of two to five years imprisonment and a fine of 500,000 to 2 million West African CFA francs (FCFA) (\$800 - \$3,200), which is sufficiently stringent. The 2012 law does not criminalize hereditary slavery, however, and reports indicated this practice was increasing in the north.

As in the previous reporting period, the justice minister issued a decree instructing all judicial personnel to prioritize prosecutions of cases under the 2012 law. Although the government did not have a centralized mechanism to collect or maintain comprehensive anti-trafficking law enforcement and victim identification statistics, it reported investigating 11 trafficking cases, prosecuting at least seven traffickers in six cases, and convicting four traffickers in three cases. This is compared with investigating three potential cases and not prosecuting or convicting any traffickers in the previous reporting period. Nine investigations, three prosecutions, and the appeal of the acquittal of one trafficker remained ongoing at the end of the reporting period. The judge sentenced one trafficker to one year imprisonment for transporting eight Ivoirian children to a Quranic school where they would have been exploited in forced begging or other forced labor; this was the government's first conviction under the trafficking article of the 2012 law, although the judge found mitigating circumstances so the prescribed sentence was below the minimum of five years imprisonment specified in the law. Judges also sentenced three traffickers under the forced begging article of the 2012 law in two additional cases. Although the law prescribes a penalty of five years imprisonment and a fine, the judge used mitigating circumstances to impose sentences of one year imprisonment, suspended, for one individual and two years imprisonment, suspended, and fines of 25,000 FCFA (\$40) for the other two traffickers. Penalties without imprisonment are inadequate to deter the crime.

The Ministry of Justice trained more than 180 law enforcement, prosecutors, and judges on victim identification, trafficking case investigations, and prosecuting alleged traffickers under the 2012 law. The ministry also distributed 200 copies of the law to judges, police, and magistrates during the trainings. Despite these efforts, continued lack of awareness of the 2012 law stymied law enforcement action, and the police's system-wide lack of funding and resources, including vehicles and equipment necessary to investigate trafficking crimes, remained serious concerns. Reports alleged pervasive corruption throughout government security forces and the judiciary impeded efforts to prosecute crimes, including trafficking. There were reports corruption and complicity in trafficking offenses among local police and *gendarmes* in Farako may have facilitated forced labor and sex trafficking in mining communities. The non-government militia GATIA, led by a Malian general, used and recruited child soldiers during the reporting period, but the government did not report any investigations, prosecutions, or convictions of traffickers for child soldiering offenses, nor did it investigate any officials for complicity in such acts. During the reporting period, authorities arrested a former diplomat from Democratic Republic of the Congo for allegedly facilitating the

transportation of Congolese girls to African, European, and Asian countries for exploitation. Authorities also arrested two Malian police officers who were alleged accomplices, and the investigation was ongoing at the end of the reporting period.

PROTECTION

The government increased efforts to identify and protect some trafficking victims but continued to detain some former child soldiers recruited by non-government militias. Government officials and NGO partners identified 108 trafficking victims, primarily Nigerians and other West Africans exploited in Mali, and 35 potential child trafficking victims, compared with 48 victims identified in the previous reporting period. The National Police's Brigade for the Protection of Morals and Children (BPMC) identified the 35 potential trafficking victims, two of whom it found working in nightclubs and 33 who were mistreated child domestic workers; it is unclear if the BPMC referred any of the children to services or investigated the cases. The government did not have standardized mechanisms to identify potential trafficking victims and refer them to care. The government provided nominal assistance to victims, including familial reunification and travel documentation, but primarily relied on privately-funded NGOs and international organizations to provide shelter, counseling, food, repatriation, and reintegration services. The Ministry for the Advancement of Children, Women, and Families had some facilities for vulnerable victims that trafficking victims could access, although it did not report if any did so during the reporting period. The government did not provide financial support to NGOs that assisted victims, although it did provide significant in-kind support to these facilities during the reporting period, including 270 beds, mattresses, mosquito nets, and blankets; 18 refrigerators; nine televisions; and food for 10 shelters. The government continued to rely on private and international donors to provide the majority of funding for the centers. Shelters and services for victims outside the capital remained limited, especially in the north. Foreign and domestic victims received the same services, and while some facilities could offer specialized services for females, there were no such services for males. The government did not report identifying or assisting any victims of hereditary slavery in areas where this practice was prevalent. During the reporting period, authorities provided transportation assistance to assist the repatriation of five Congolese trafficking victims. In collaboration with an NGO, the government also coordinated the repatriation of Malian nationals exploited abroad and the provision of food, shelter, and medical assistance upon repatriation. The government offered legal alternatives to removal to countries in which victims would face retribution or hardship. The government does not have formal policies to encourage victims to participate in trials against their traffickers. Victims may legally file civil suits against their traffickers, although the government did not report that any did so during the reporting period. International organizations continued to report viewing children among the ranks of rebel militias and terrorist organizations in the north. Despite the government's 2013 inter-ministerial protocol that requires authorities to direct former child soldiers to rehabilitation centers, at least seven children remained in state-run detention facilities, including adult prisons, for association with armed groups; some of the children had been in detention since 2014. An international organization identified and referred to the National Directorate for the Promotion of Children and Families for care four ex-child combatants associated with GATIA, aged 14 to 17 years old; in violation of the 2013 protocol, however, the directorate gave the children to a government official who had ties to GATIA

to facilitate family reunification; it is unclear if the children were reunited with their families.

PREVENTION

The government increased efforts to prevent trafficking. Officials continued modest efforts to implement the 2015-2017 anti-trafficking national action plan. For the first time, the government created a line item in its annual budget specifically for anti-trafficking efforts and allocated an additional 200 million FCFA (\$319,930) for such efforts during the reporting period, bringing the total funding allocated for anti-trafficking efforts in 2016 to 450 million FCFA (\$719,840). It used this funding for trainings on the 2012 law, awareness-raising activities, and in-kind support for NGO victim shelters. The government also conducted an awareness-raising session on child forced begging for 30 Quranic school teachers, known as *marabouts*. The national committee, charged with coordinating government anti-trafficking efforts, met infrequently during the reporting period. The lack of coordination among committee members and ownership for individual responsibilities impeded its effectiveness and delayed the disbursement of funding for anti-trafficking activities. Labor inspectors remained without sufficient capacity or resources to regulate the informal sector, where most cases of forced labor occurred. The government did not make efforts to decrease the demand for forced labor or commercial sex acts. It did not provide anti-trafficking training for its diplomatic personnel or peacekeepers deployed abroad.

TRAFFICKING PROFILE

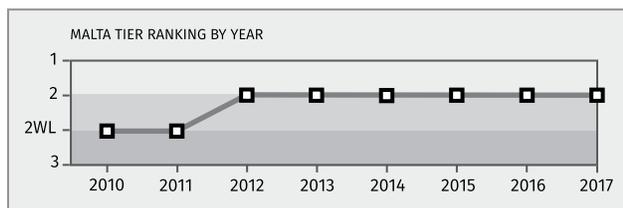
As reported over the past five years, Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking; boys from Guinea and Burkina Faso, however, are subjected to forced labor in artisanal gold mines, and women and girls from other West African countries, particularly Nigeria, are exploited in prostitution and sex trafficking throughout Mali. Nigerian authorities estimate more than 5,000 Nigerian girls are victims of sex trafficking in Mali. Women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines. Men and boys are subjected to forced labor in agriculture—especially rice production—artisanal gold mines, domestic work, transportation, begging, and the informal commercial sector. NGOs reported concerns that high unemployment, food insecurity, and security threats are driving some families to sell their children into domestic servitude or forced labor in gold mines. Some members of Mali's black Tuareg community are subjected to slavery practices rooted in traditional relationships of hereditary servitude, including in salt mines in Taoudeni in northern Mali, and reports indicate it is worsening. Malian boys and other West African nationals are forced to beg or perform agricultural work by unscrupulous *marabouts* in Mali and neighboring countries, including Senegal and Guinea. NGO reports indicate Malian children endure forced labor on cotton and cocoa farms in Cote d'Ivoire. Other Africans transiting Mali to Europe, primarily via Algeria and Libya and less so via Mauritania, are vulnerable to trafficking. Nigerian traffickers fraudulently recruit Nigerian women and girls with promises of taking them to Europe but exploit them in sex trafficking in Mali. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia.

In early 2012, rebel and Islamic extremist groups occupied northern Mali. During their 2012-2013 occupation of the north, these terrorist organizations and armed groups recruited

and used children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols. These groups reportedly used girls for sexual exploitation, including sex slavery through forced marriages to members of these militias. The armed groups purportedly forced some families to sell their children to the groups. Reports also indicate some parents collaborate with armed groups to insert their children into the group's ranks so the parents can benefit from possible disarmament, demobilization, and reintegration assistance. During the reporting period, an international organization identified six Malian former child soldiers in a Mauritanian refugee camp; due to porous borders and families living on both sides of the border, it is possible Malian armed groups have also forcibly recruited some Mauritanian children to be child soldiers in Mali. The government provided some in-kind support to and collaborated with GATIA, a non-government militia led by a Malian general that used and recruited at least 76 children in 2016, including children as young as 11 years old and at least 14 girls. Although there is no evidence the Malian military recruits or uses child soldiers, poor military recordkeeping systems and the ready availability of fraudulent birth certificates impeded the government's ability to verify the precise age of all Malian soldiers. The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) investigated 23 cases of conflict-related sexual violence, including forced prostitution and sexual slavery, in Gao, Timbuktu, Kidal, and a refugee camp in Mauritania in 2016. MINUSMA investigated four members of GATIA, three members of the Mali Defense and Security Forces (MDSF), and civilians in these cases, although it did not report any prosecutions or convictions for trafficking offenses. The unstable security environment in and extremely restricted access to northern and central Mali, where the government exercises limited territorial control, limited the availability of comprehensive reporting. Furthermore, the security situation prevented government officials—including judges—from operating in certain regions of the country, limiting victims' access to justice.

MALTA: TIER 2

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Malta remained on Tier 2. The government demonstrated increasing efforts by identifying significantly more victims and providing all of them with shelter and services and funding training for police recruits and officers, border agents, and diplomats. However, the government did not meet the minimum standards, as it has not secured any trafficking convictions since 2012.



RECOMMENDATIONS FOR MALTA

Vigorously investigate and prosecute trafficking offenses and

pursue adequate sentencing for convicted trafficking offenders; increase efforts and training of relevant staff and officials to proactively identify trafficking victims among vulnerable immigrant populations, particularly migrant workers, child trafficking victims, and women in prostitution; use anti-trafficking training for police officers, prosecutors, and judges to increase focus on working with victims and procedures for appropriate referral for care; increase funding to the inter-ministerial committee for implementing the national action plan; increase funding for both short- and long-term shelter and assistance adapted to the needs of trafficking victims, including male victims and minors; provide adequate availability of translators for victims; and increase awareness campaigns.

PROSECUTION

The government maintained law enforcement efforts. Article 248A-G of the criminal code prohibits both sex and labor trafficking and prescribes penalties of four to 12 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not obtained a conviction since early 2012. The government conducted three investigations and initiated prosecution of four defendants in one case, which remained pending at the close of the reporting period. These efforts were on par with the previous reporting period when the government initiated investigation of two cases and prosecution of two defendants. Three labor trafficking prosecutions initiated in 2014 remained pending at the close of the reporting period. Both the appeal of a 2012 conviction of a police officer for alleged collusion with a trafficker, and the prosecution of a 2004 case involving a police official, remained pending. There were no new investigations or prosecutions of government employees complicit in human trafficking offenses.

The slow pace of court proceedings hampered prosecutions relying on victims to provide testimony in court. The government, in collaboration with an international organization and a foreign embassy, completed a six-month research and training program for police officers, prosecutors, and judges, to raise awareness of trafficking within the judiciary. Frequent turnover of vice unit investigators, who also served as prosecutors, presented a challenge to authorities working to ensure all stakeholders receive specialized training.

PROTECTION

The government demonstrated modest efforts to protect trafficking victims. Police identified 35 foreign trafficking victims, including 32 Filipino labor trafficking victims in a single case involving a cleaning company (18 males and 14 females), two female domestic servitude victims, and one female sex trafficking victim; such efforts were an increase from two victims identified in the previous reporting period. The government had standard operating procedures in place for victim identification, and that allowed a range of entities to refer victims to the government's social welfare agency for care, which offered emergency shelter, medical care, and counseling. NGOs also provided this support, either funded by the government or other donors; one NGO received €33,000 (\$34,773) in government funds for this purpose during the reporting period. All 35 victims received care services. NGOs continued to provide support and services to 10 trafficking victims identified in 2014, some of whom also continued to receive financial support from the government. While NGOs reported assisting victims who are children, the government has never formally identified a child trafficking victim.

The government encouraged, but did not require, victims to assist in the investigation and prosecution of their alleged traffickers and provided them with protective support, including the option to testify via video. The law provides victims a two-month reflection period to recover and contemplate cooperation with law enforcement. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a temporary residence permit, police protection, legal assistance, and the right to work. The government provided these entitlements to all 35 of the trafficking victims identified during the reporting period. There were no reports the government penalized victims for unlawful acts committed as a direct result of being subjected to trafficking. Courts, however, have convicted some minors for prostitution in recent years, who may have been unidentified sex trafficking victims. Additionally, migrants who entered the country illegally, some of whom may have been trafficking victims, were routinely held in detention centers. In December 2015 the government issued new guidance that limited the circumstances under which irregular migrants could be detained, although implementation of the new procedures remained pending at the close of the reporting period. There was also inadequate availability of translators for victims.

PREVENTION

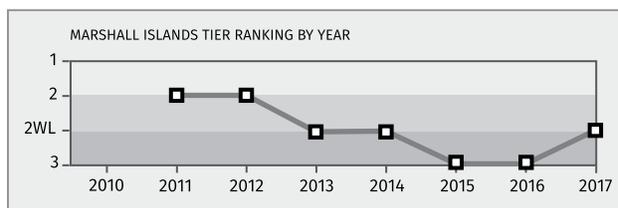
The government maintained prevention efforts. The inter-ministerial anti-trafficking committee continued to implement a national action plan, and it published a new action plan for 2017 to 2020. For a third consecutive year, the government maintained an anti-trafficking budget of €20,000 (\$21,075), which did not include government funds provided to agencies for victim support. The government conducted awareness-raising efforts at schools and through dissemination of materials at Maltese diplomatic missions abroad regarding employment standards. The inter-ministerial anti-trafficking committee charged with implementing the national action plan remained unable to fully implement the plan due to a lack of funding. Nonetheless, the committee publicly released semi-annual reports in July and December monitoring the government's anti-trafficking efforts in 2016. Authorities conducted 1,159 labor inspections and increased the number of inspectors, although the government did not make efforts to reduce the demand for commercial sex acts or forced labor. The social welfare agency continued to run a hotline for individuals in need of social services, including potential trafficking victims. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Malta is a source and destination country for women and children subjected to sex trafficking and a destination for women, men, and children subjected to labor trafficking. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims largely originate from China, and Southeast Asia. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe, Russia, and Ukraine working in nightclubs represent populations vulnerable to exploitation. The approximately 5,000 irregular migrants from African countries residing in Malta may be vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors.

MARSHALL ISLANDS: TIER 2 WATCH LIST

The Government of the Republic of the Marshall Islands (RMI) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, RMI was upgraded to Tier 2 Watch List. These achievements included drafting a new trafficking law, approval of the National Action Plan to Combat Trafficking, and continued implementation of parts of the plan begun prior to its approval in 2015. The government also provided funding for victim services and targeted awareness-raising efforts conducted by the National Taskforce on Human Trafficking (NTHT), initiated two investigations into allegations of labor trafficking, and assisted in the protection and repatriation of a foreign labor trafficking victim. The government also made modest efforts to identify trafficking victims, notably among foreign men working on fishing vessels in Marshallese waters. Despite these achievements, the government did not prosecute or convict any individuals for trafficking offenses, nor did it strengthen its efforts to identify trafficking victims among foreign and local women in prostitution.



RECOMMENDATIONS FOR THE MARSHALL ISLANDS

Increase efforts to investigate, prosecute, convict, and sentence traffickers under amended provisions of the criminal code prescribing stringent penalties commensurate with other serious crimes; adopt proactive procedures to identify trafficking victims among vulnerable groups, such as foreign workers and women in prostitution, and train officials on their use; strengthen efforts to implement the National Action Plan to Combat Trafficking in Persons; train law enforcement and prosecution officials to implement the anti-trafficking laws; adopt comprehensive labor codes to govern workers' rights and employers' responsibilities; strengthen efforts to fund and administer protective services for victims, in cooperation with NGOs and international organizations; develop and conduct anti-trafficking education and awareness-raising campaigns; undertake research to study human trafficking in the country; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government increased some of its law enforcement efforts; however, other law enforcement efforts remained inadequate. The Parliament introduced the Prohibition of Trafficking in Persons Act in January 2017, which had not yet been promulgated at the end of the reporting period. Article 251 of the criminal code prohibited only transnational forms of trafficking and prescribed penalties of up to 35 months imprisonment for the trafficking of adults, and up to 10 years imprisonment for the trafficking of children. The 2015 Child Rights Protection Act prohibited the domestic and transnational trafficking of children. The legal definition of trafficking did not include all forms of the crime. The penalties for subjecting children to

trafficking were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape, but the penalties for adult trafficking were not.

The government did not prosecute or convict any individuals for trafficking offenses in 2016, but it initiated two new trafficking investigations—an increase from none in the previous reporting period. In one case, a Cambodian man was recruited to work as a translator on a ship, but upon boarding the vessel was subjected to forced labor as a fisherman. When the vessel docked in Majuro, he attempted to leave, at which point the captain told him he must pay \$4,000 for his freedom. He managed to obtain an internet connection and file a report with an international organization, which notified the NTHT. The division of immigration located the individual and discussed the situation with him in a safe location, then helped him to contact his family to ensure they could receive him in Cambodia. The shipping agent agreed to fund his repatriation, but there were no reports of government efforts to secure back payment of his salary. Authorities closed the investigation after the victim chose not to press charges. In Ebeye, local law enforcement collaborated with the FBI regarding a potential trafficking case, but details were not available at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government slightly increased its efforts to identify trafficking victims and to ensure their access to protective services. Unlike the previous five years, the government identified at least one trafficking victim. Law enforcement and social services personnel did not employ systematic procedures to identify trafficking victims among women in prostitution and child sex trafficking, but did so in the fishing sector; during the reporting period, law enforcement implemented a newly formulated standard operating procedure to screen 79 crew members aboard a fishing vessel for indicators of labor trafficking. The government provided \$137,000 to an NGO to support protective services for victims of gender-based violence and human trafficking—an increase from no contributions in 2015. The NGO also signed an MOU with the Marshall Islands police department on victim assistance during the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. The NTHT held monthly meetings with participation by the director of immigration, assistant attorney general, law enforcement authorities, NGOs, and faith-based organizations, and briefed the Office of the President and Cabinet on multiple occasions throughout the reporting period. The NTHT held 17 meetings and conducted awareness-raising sessions and training workshops for more than 2,600 individuals from schools, government, law enforcement, and civil society—an increase of more than 1,000 from the previous reporting period. Ebeye leadership also established the Kwajalein Atoll Counter Human Trafficking (KACHT) Working Group, which aimed to leverage tribal leadership to increase awareness about and prevent trafficking among vulnerable traditional communities living in a high-travel geographic region. KACHT helped to facilitate a 16-day awareness-raising campaign, educating more than 500 people on trafficking issues. During the reporting period, RMI law enforcement hosted the Guam Attorney General's Office for discussions with the NTHT on trafficking cooperation

and aimed to increase its investigative partnership with the Guam Coalition Against Human Trafficking. The RMI Cabinet endorsed the National Action Plan to Combat Trafficking in July 2016. Authorities enforced fishing regulations barring individuals from boarding licensed foreign fishing vessels docked in Majuro in an attempt to mitigate the potential for the commercial sexual exploitation of women and underage girls. The government did not provide anti-trafficking training for its diplomatic personnel, nor did it take steps to reduce the demand for commercial sex acts or forced labor. The RMI is not a party to the 2000 UN TIP Protocol.

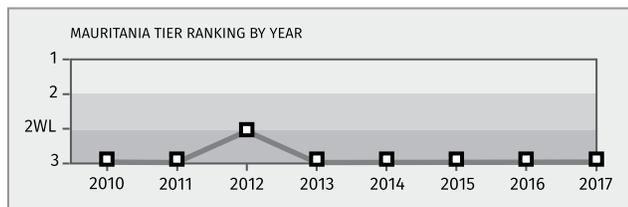
TRAFFICKING PROFILE

As reported in the last three years, RMI is a source and destination country for RMI women and children and a destination for women from East Asia subjected to sex trafficking. RMI girls are recruited by foreign business owners and are subjected to sex trafficking with crew members of foreign fishing and transshipping vessels that dock in Majuro. Some of these foreign fishermen themselves are subjected to conditions indicative of forced labor on ships in Marshallese waters. Foreign women, most of whom are long-term residents, are subjected to forced prostitution in establishments frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women are recruited with the promise of other work and, after paying large recruitment fees, are forced into prostitution. Limited reports indicate some Marshallese searching for work in the United States experience indicators of trafficking, such as passport confiscation, excessive work hours, and fraudulent recruitment. Some Marshallese children are transported to the United States, where they are subjected to situations of sexual abuse with indicators of sex trafficking.

MAURITANIA: TIER 3

The Government of Mauritania does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Mauritania remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. As mandated by the 2015 anti-slavery law, the government opened three regional courts to exercise exclusive jurisdiction over human trafficking and hereditary slavery cases and prosecuted and convicted two slaveholders—its first convictions under the 2015 anti-slavery law and its first two convictions for any trafficking offense since 2011. The anti-slavery courts did not receive adequate funding, however, and the government did not train judges on the 2003 anti-trafficking or 2015 anti-slavery laws, which limited the government's overall effectiveness in investigating and prosecuting such cases. The government continued to prevent certain anti-slavery groups from bringing forward criminal charges against slaveholders by not officially recognizing such organizations, and it allegedly tortured some of those advocates. Despite long-standing reports that prosecutors and judges refused to prosecute alleged slaveholders or prosecuted them for lesser offenses to avoid bringing a slavery case to trial, the government did not investigate these claims. Although NGOs documented over 7,100 cases of child domestic workers with indicators of forced labor and police identified more than 649 child slavery and forced begging victims in 2016, the government did not investigate any of those cases or remove the victims from their situations of exploitation. *Tadamoun*, the government agency mandated to address poverty and the “vestiges of slavery,” continued to make efforts to reduce socio-economic

inequality but did not fulfill its role to submit criminal cases on behalf of victims and represent victims in cases against their alleged traffickers or slaveholders. Government agencies charged with combating trafficking and slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and there remained a fundamental lack of commitment to make serious and sustained efforts to combat hereditary slavery.



RECOMMENDATIONS FOR MAURITANIA

Significantly increase efforts to investigate, prosecute, and convict traffickers and slaveholders with sufficiently stringent sentences using the 2003 anti-trafficking and 2015 anti-slavery laws; hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged slavery offenses and efforts to interfere with ongoing investigations; sufficiently fund the anti-slavery courts and train prosecutors and judicial officials on the 2003 anti-trafficking and 2015 anti-slavery laws; provide victims with easier access to legal assistance, and enhance *Tadamoun's* efforts to submit criminal claims on behalf of victims; protect victims who participate in legal investigations from intimidation and threats from their alleged traffickers or slaveholders; develop standard procedures to identify and refer trafficking and slavery victims to services, and train law enforcement on such measures; in partnership with NGOs, increase efforts to provide protective services and vocational training to victims; investigate and prosecute individuals accused of fraudulently recruiting Mauritians abroad for exploitation; with input from civil society, develop and implement a plan to provide economic resources—through monetary or property allotment—to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement, if they so choose; devote staff to implement the national anti-trafficking action plan; raise public awareness of trafficking, including hereditary slavery and the 2015 anti-slavery law; and legally recognize all legitimate anti-trafficking and anti-slavery NGOs, including the Initiative for the Resurgence of the Abolitionist Movement.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons prohibits almost all forms of trafficking and prescribes penalties of five to 10 years imprisonment, which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalizes hereditary slavery and prescribes sufficiently stringent penalties of five to 20 years imprisonment, which exceed penalties for other serious crimes. The law also includes prohibitions on forced marriage. The 2015 anti-slavery law mandated the creation of regional anti-slavery courts with exclusive jurisdiction over trafficking and slavery cases, and the government opened and made operational all three courts during the reporting period; the courts are located in Nema, Nouakchott, and Nouadhibou. The courts lacked the staff, funding, and resources to investigate and prosecute trafficking and slavery crimes throughout their

regions, and none of the appointed judges were specifically trained to address the unique challenges of investigating slavery cases, including how to prevent slaveholders from intimidating victims and victims from withdrawing their cases.

The anti-slavery courts received 47 cases for investigation under the 2015 anti-slavery law involving at least 53 suspects and prosecuted and convicted two slaveholders, compared with two investigations and no prosecutions or convictions the previous reporting period. The Nema anti-slavery court completed one investigation from the previous reporting period that led to the conviction of two defendants for slaveholding; the court sentenced them to five years imprisonment, with one year to be served and four years suspended. Each defendant also had to pay a fine of 100,000 Mauritanian ouguiya (MRO) (\$282) and one million MRO (\$2,817) in damages to each of the two victims. These were the government's first convictions under the 2015 anti-slavery law and its first convictions for a trafficking or slavery offense since 2011; with the suspension of most of the prison time for both convicted slaveholders, however, the judge minimized the deterrent effect of these law enforcement measures. Forty-six slavery investigations remained pending among the three regional courts, including 17 cases from the previous reporting period. The special brigade for minors identified more than 649 child slavery and child forced begging victims in 2016; the government did not report launching investigations into suspected traffickers or slaveholders in any of the cases. During the reporting period, the Nouakchott Court of Appeals ruled in favor of two former slaves who were appealing the leniency of their slaveholder's 2011 sentence. While the court upheld the original prison sentence of two years with release after three months, which the defendant had already served, it increased the victims' compensation, ordering the defendant to pay a total of 2,248,000 MRO (\$6,332).

Efforts to address hereditary slavery remained weak. Despite its directive to do so, *Tadamoun* did not submit any criminal claims on behalf of victims during the reporting period. The 2015 anti-slavery law authorizes human rights associations that have been legally established and operating for at least five years to bring forward criminal charges on behalf of victims; however, this authorization bars one of the country's leading anti-slavery NGOs—which the government has not legally recognized—from bringing forward such claims. During the reporting period, reports emerged that authorities tortured members of this anti-slavery organization while they were in police custody for alleged participation in a riot; several of the members were acquitted of all charges or had convictions overturned, and some advocates claimed the alleged torture was intended to discourage them from future anti-slavery advocacy. During the previous reporting period, the government had sentenced three activists to two years imprisonment for anti-slavery advocacy. In May 2016, the government reduced the sentences of the two activists who were still in prison from two years to one year imprisonment—after they had already served 18 months—and released them from prison, but it did not overturn their convictions. The government continued investigations from previous reporting periods into a tribal leader and former military colonel for alleged complicity in human trafficking; it did not report any prosecutions or convictions of government officials complicit in human trafficking offenses. Serious corruption and complicity concerns remained, including reports of police, prosecutors, and judges who refused to investigate and try cases of hereditary slavery and heavy governmental influence over the judiciary, which restricted its independence. Reports persisted that prosecutors and judges often prosecuted alleged slave owners for lesser offenses to avoid bringing a

slavery case to trial, calling into question the political will of law enforcement and judiciary officials to address such crimes. Despite the government's recognition that law enforcement and judicial officials lacked critical understanding of how to conduct trafficking investigations and the 2015 anti-slavery law, it did not provide training during the reporting period.

PROTECTION

The government maintained minimal efforts to protect trafficking victims, including those exploited in hereditary slavery. The special brigade for minors identified more than 649 child slavery and child forced begging victims, and courts reported at least 46 victims were involved in 46 investigations. NGOs did not collect comprehensive trafficking victim statistics, but several reported identifying significant numbers of potential child trafficking victims in 2016. NGOs identified 6,353 cases of abuse of child domestic workers—an indicator of forced labor, and a second identified 1,258 child labor victims who were deprived of proper care or public services, marginalized, or living in difficult conditions and isolated areas—which increased their vulnerability to human trafficking. The government did not report removing any children from exploitative situations, referring them to care, or investigating the potential forced labor offenses. Twenty-four Mauritanian females were identified in domestic servitude in the Gulf states during the reporting period.

The government did not provide financial or in-kind support to NGOs that continued to provide the majority of protective services to trafficking victims. The Ministry of Social Affairs, Childhood, and the Family (MASEF) continued to manage seven public centers for the protection and social integration of children, which child trafficking victims could access. The centers provided services to 540 children during the reporting period, an increase from 373 children the previous reporting period; however, it is unclear how many were trafficking victims. The special brigade for minors had the authority to refer children to the centers, but it is unclear if they did so in practice and if other law enforcement knew these procedures. The government allocated 35 million MRO (\$98,600) to these facilities to fund staff and psycho-social assistance—a significant decrease from 76.9 million MRO (\$217,000) allocated the previous reporting period. The facilities only provided short-term protections, and even in situations of trafficking, staff generally returned children to their families or the *imams* who had facilitated their exploitation. MASEF sometimes referred children to other government centers or NGO facilities for additional care and vocational training; it is unclear how this referral mechanism worked and if any trafficking victims received additional services. There are no shelters dedicated specifically to trafficking victims, nor are there shelters available for adult trafficking victims; victims must depart MASEF centers at age 18. *Tadamoun* could offer assistance to slavery victims, commonly in the form of income-generating activities; it reported providing assistance to 61 slavery victims since 2013, although it was unclear how many—if any—received assistance during the reporting period and how victims could access this assistance. The lack of long-term rehabilitative care rendered victims vulnerable to re-trafficking after identification.

The 2015 anti-slavery law provides for comprehensive legal assistance for victims of hereditary slavery, requiring officials to provide them information on their rights and exempt them from judicial fees; however, it is unclear whether the government applied such provisions during the reporting period. The law also mandated the creation of support centers to facilitate such assistance in each province, but no such centers were established

during the reporting period. The law allows for the government to provide victim compensation, but officials did not report if any victims received compensation during the reporting period. While victims may seek restitution from their traffickers, the complex and opaque legal system made such efforts extremely difficult. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking, but the absence of measures to identify trafficking victims among vulnerable populations was likely to have led to some victims being penalized. For example, officials often jailed women suspected of prostitution and held illegal migrants in detention until their refugee status had been resolved. In 2016, the Ministry of Interior deported 5,800 foreign residents to their countries of origin and did not screen for indicators of trafficking. Mauritania does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

PREVENTION

The government maintained modest efforts to prevent human trafficking. No single government agency was responsible for leading national anti-trafficking efforts, which hampered the government's effectiveness. The government did not finalize its draft national action plan. It did not provide staff to implement its 2014-2017 roadmap to fight the vestiges of slavery—a separate plan drafted in collaboration with an international organization—as it had committed to doing the previous reporting period. The inter-ministerial anti-trafficking committee, which reports to the prime minister and was responsible for the implementation of the action plan, met three times during the reporting period, compared with twice the previous reporting period, but did not make tangible efforts to implement the plan. *Tadamoun* continued to construct schools and provide income-generating activities in poverty-stricken areas, focusing particularly on communities of slave descendants and groups vulnerable to exploitation. In partnership with international organizations, the government organized two workshops on trafficking. The first workshop addressed the rights of children in Quranic schools, encouraging the modernization of the schools' learning methods and underlining legal protections available to students, in an attempt to reduce occurrences of forced begging. The second workshop trained 50 magistrates and 50 court clerks on the definition of trafficking, the difference between human trafficking and illegal immigration, and a review of international and national frameworks that address trafficking; the training did not address the 2015 anti-slavery law. The government continued its campaign to register all citizens and foreign residents and to issue secure biometric identity documents; despite these efforts, however, a significant portion of children continued to lack identity documents, which prevented some from enrolling in school and increased their vulnerability to trafficking. The government did not make efforts to reduce the demand for forced labor or commercial sex acts. Despite large groups of Mauritians fraudulently recruited for work abroad, the government did not make efforts to oversee labor recruitment or investigate labor recruiters or brokers allegedly involved in fraudulent recruitment. The government did not provide anti-trafficking training for its diplomatic personnel. A foreign donor provided human rights training that included an anti-trafficking element to Mauritanian troops before their deployment abroad on international peacekeeping missions.

TRAFFICKING PROFILE

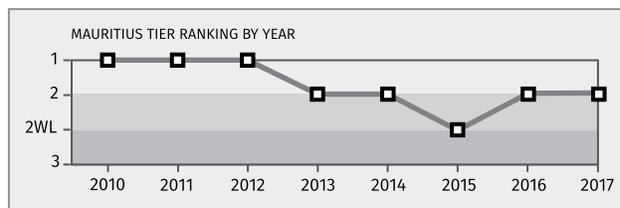
As reported over the past five years, Mauritania is a source, transit, and destination country for men, women, and children

subjected to forced labor and sex trafficking. Adults and children from traditional slave castes in the Black Moor and Afro-Mauritanian communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on the total number of slaves does not exist, local and international experts agree hereditary slavery continues to affect a significant portion of the country's population in both rural and urban settings. Separately, some boys from Mauritania and other West African countries who study at Quranic schools are forced to beg for food and money to pay corrupt imams. Boys from low-income families in the *Halpulaar* community are most vulnerable to forced begging by unethical imams. Street gangs force Mauritanian children to beg and sell drugs in Nouakchott. Approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities, as well as women and girls from Mali, Senegal, The Gambia, and other West African countries—are forced into domestic servitude in Mauritania, sometimes by recruiters who fraudulently promise parents they will provide shelter and education for the children. West African women and girls are vulnerable to domestic servitude and sex trafficking in Mauritania. Sub-Saharan African migrants transit Mauritania en route to Morocco and Europe, where some are exploited in forced labor and sex trafficking. Mauritanian women and girls are fraudulently recruited by foreign recruitment agencies and Mauritanian middlemen for nursing and teaching jobs abroad and exploited in forced labor and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East promising substantial payment, and are exploited as sex slaves in Saudi Arabia and other Gulf countries. During the reporting period, international authorities identified and removed from a refugee camp in southeastern Mauritania six Malian child soldiers who had been forced to work as cooks, porters, servants, and messengers for rebel groups in Mali. Due to the proximity between the countries and their porous borders, it is possible that Malian armed groups also forcibly recruited some Mauritanian children.

MAURITIUS: TIER 2

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Mauritius remained on Tier 2. The government demonstrated increasing efforts by prosecuting a trafficking suspect under the anti-trafficking law for the first time and opening a new shelter for trafficking victims. The government increased efforts to identify and provide protective services for adult and child trafficking victims, including adult migrant workers, and increased investigations of employers who retained employee's passports. The government continued to conduct public awareness campaigns and train front-line officers. However, the government did not meet the minimum standards in several key areas. Protection services for adults remained

lacking, with neither specialized shelters nor systematic provision of medical, psychological, and financial assistance for adult victims. Coordination between law enforcement and prosecutors remained weak and the judicial process was slow, discouraging some victims from pursuing legal redress. There also was no clear government agency responsible for assisting adult sex trafficking victims.



RECOMMENDATIONS FOR MAURITIUS

Improve coordination between law enforcement and prosecutors to decrease the length of the judicial process; improve protection services for adult trafficking victims by implementing standardized procedures for victim identification and referral to protective services, including adequate assistance once identified; empower an inter-ministerial coordination committee to address all forms of trafficking, not just child trafficking; vigorously investigate and prosecute trafficking offenses, and convict and punish traffickers under the anti-trafficking law, including cases involving forced labor or forced prostitution of adults; increase monitoring of employers of migrant workers to identify and investigate indicators of trafficking; establish procedures to guide officials in proactive victim identification and referral among at-risk populations, specifically for women in prostitution and migrant workers; continue to provide specific anti-trafficking training to law enforcement officials and labor inspectors, social workers, prosecutors, and magistrates to improve case investigation and victim identification and referral to appropriate care; finalize the national action plan to combat trafficking, allocate sufficient funding to its implementation, and ensure clear roles and responsibilities in its implementation; and conduct a national awareness campaign on all forms of trafficking.

PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. The Combating of Trafficking in Persons Act of 2009 criminalizes all forms of trafficking of adults and children, prescribing penalties of up to 15 years imprisonment for convicted offenders. The law prohibits the recruitment of workers by using fraudulent or deceptive offers; however, it does not appear to reach foreign recruiters who operate outside Mauritius. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and the Judicial Provisions Act of 2008 prescribes punishment for child trafficking offenses of up to 30 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The government initiated three trafficking investigations and prosecution of one suspect in 2016, compared to six investigations and no prosecutions in 2015. For the first time, the government charged a suspect under the anti-trafficking law, initiating prosecution of the alleged trafficker for child sex trafficking. However, there were no convictions in 2016, similar to the previous reporting period, and the government has never convicted an offender under the anti-trafficking law. The judicial process is prohibitively long, frequently many

years, which can dissuade victims from seeking legal redress; lack of coordination among law enforcement and prosecutors contributed to this and remained weak during the reporting period. Historically, the Ministry of Labor, Industrial Relations, Employment, and Training (MOL) has addressed potential labor trafficking cases through arbitration and mediation, rather than criminal investigation and prosecution, allowing traffickers to repeatedly commit trafficking offenses and face only administrative penalties. Despite the illegality of passport seizure, this practice remained widespread. However, beginning this reporting period, in collaboration with the Bangladeshi High Commission in Mauritius, the MOL identified and referred cases of passport retention to the passport and immigration authorities; nonetheless, the government did not report prosecution of employers for this crime.

During the reporting period, the Mauritius Police Training School provided anti-trafficking courses to 551 senior police officers, 26 fisheries officers, and 194 police recruits and the MOL conducted an in-house trafficking training for 102 labor officers and inspectors, including the Special Migrants Unit. The government led an anti-trafficking training at the University of Mauritius on the legal framework for combating trafficking, attended by 50 law students. The government trained an unknown number of officials from the Passport and Immigration Office (PIO) on victim identification measures. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

PROTECTION

The government increased efforts to identify and protect victims of sex and labor trafficking, but the availability of services for adult trafficking victims remained lacking. The government identified three child sex trafficking victims and eight adult forced labor victims during the reporting period, compared to 10 victims identified in total in 2015. The Child Development Unit (CDU) of the Ministry of Gender Equality, Child Development, and Family Welfare continued to employ the standard referral procedure after identifying child trafficking victims. In May 2016, the government opened and initiated management of a new shelter for child trafficking victims that assisted 24 girls exploited in sex trafficking, including the three it identified. Child victims could leave the shelter to attend school and received shelter as well as medical and psychological assistance. The government provided funding for several anti-trafficking NGOs in the amount of approximately 11,000 rupees (\$307) per month per child, and also funded several NGO-run daycare centers for trafficking victims.

There were no standard referral procedures for adult sex or labor trafficking victims, nor was there a clear government agency responsible for assisting adult sex trafficking victims. There was neither specialized shelter, nor systematic provision of medical, psychological, or financial assistance for adult trafficking victims. In February of 2017, the PIO of the Mauritius Police Force conducted a raid to identify foreign persons with expired visas, during which officials identified eight men from Nepal as potential forced labor victims, who reported having paid recruiters in Nepal and India for work in Mauritius. The government provided assistance to two victims that remained in Mauritius as prosecution witnesses; however, it is unclear whether the remaining victims received assistance before the government facilitated their repatriation.

There were no reports the government arrested or punished

trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. However, due to the lack of identification measures and gaps in understanding of human trafficking among some law enforcement officers, some adult victims of forced prostitution and forced labor may have been penalized for unlawful acts committed as a direct result of being subjected to trafficking. For example, law enforcement officers generally did not screen women in prostitution for trafficking indicators. During the reporting period, immigration officials continued to regularly turn back single Malagasy women, traveling on their own, with less than 4,200 rupees (\$117) who attempted to enter the country on tourist visas on the grounds that they might be coming to Mauritius to engage in prostitution. The 2009 anti-trafficking law provides legal alternatives, including temporary residency, to removal to countries in which trafficking victims would face retribution or hardship; however, in the past, the government sometimes deported trafficking victims. The law allows for victims to file civil suits against their alleged traffickers for restitution; however, civil suits can be prohibitively expensive and lengthy. There were no reports trafficking victims filed any civil suits during the reporting period. The government generally encourages, but does not require, victim cooperation in investigations and prosecutions. In an effort to encourage cooperation, victims and witnesses could request police protection by contacting their local police.

PREVENTION

The government increased prevention efforts. While the government did have an inter-ministerial coordination committee to address trafficking as a whole, the committee only met once during the reporting period and there was still confusion among agencies which department was responsible for addressing adult trafficking. The government conducted several awareness-raising campaigns during the report period. The police's family protection unit and the minors brigade continued extensive public awareness campaigns on child abuse and child rights at schools and community centers that included information on the dangers and consequences of facilitating child sex trafficking, which reached an estimated 13,600 people. The police continued to hold the annual police security and safety day which included presentations on anti-trafficking, reaching 34,400 people. The Ministry of Tourism and External Communication continued to distribute pamphlets warning tourism industry operators of the consequences of engaging in or facilitating child sex trafficking. The crime prevention unit distributed anti-trafficking posters to police stations, high schools, and community centers. The government continued to run the drop-in center that promoted its services through bumper stickers, a toll-free number, and community outreach, and a social worker continued to promote the services in communities and schools.

The MOL conducted nearly 300 sessions to sensitize migrant workers of their rights, including producing relevant documents in the native language of the migrant worker. The government increased the number of inspectors within the MOL's Special Migrant Workers Unit—responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites—from six to nine during the reporting period. The unit conducted 402 inspections, compared to 72 in the previous reporting period; however, this number of inspections remained inadequate relative to the approximately 37,000 migrant workers employed in Mauritius and the government did not report suspending any labor recruitment licenses for trafficking-related crimes during

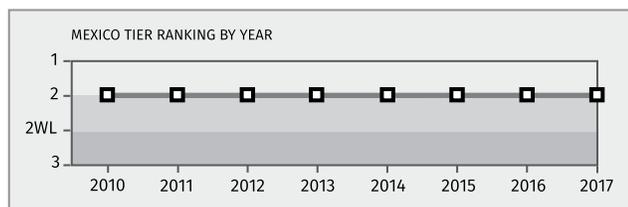
the reporting period. Although the MOL is required to approve all employment contracts before migrant laborers enter the country, some migrant laborers reportedly enter the country with contracts that are incomplete or have not been translated into languages the workers understand. The government did not make any discernable efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Mauritius is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Girls from all areas of the country are induced or sold into sex trafficking, often by their peers, family members, or by businessmen offering other forms of employment. Taxi drivers allegedly transport child sex traffickers to their victims with whom they engage in commercial sex acts. Girls and boys whose mothers engage in prostitution reportedly are vulnerable to sex trafficking at a young age. Small numbers of Mauritian adults have been identified as labor trafficking victims in the United Kingdom, Belgium, and Canada. Malagasy women transit Mauritius en route to employment as domestic workers in the Middle East, where many are subjected to forced labor and sex trafficking. Mauritius' manufacturing and construction sectors employ approximately 37,000 foreign migrant workers from India, China, Sri Lanka, and Madagascar, with the vast majority from Bangladesh, some of whom are subjected to forced labor.

MEXICO: TIER 2

The Government of Mexico does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Mexico remained on Tier 2. The government demonstrated increasing efforts by convicting more traffickers than in the previous year; identifying and providing support to trafficking victims subjected to forced labor in Mexico and abroad; and engaging in new anti-trafficking prevention efforts in the travel and tourism sector. However, the government did not meet the minimum standards in several key areas. Official complicity continued to be a serious and largely unaddressed problem. The government identified fewer victims and provided limited specialized services for identified trafficking victims. Shelters remained inadequate compared to the scale of the problem and victim services were unavailable in much of the country, leaving many reported victims vulnerable to re-trafficking.



RECOMMENDATIONS FOR MEXICO

Strengthen efforts to investigate and prosecute trafficking offenses and convict traffickers, especially for forced labor

crimes; increase efforts to hold public officials complicit in trafficking accountable through effective prosecutions and stringent sentences; develop and implement a national strategic action plan on victim services in consultation with international organizations and NGOs to include specialized trafficking victim services and shelters funded by the government; finalize and implement victim identification and referral protocols; amend anti-trafficking laws at the federal and state levels to incorporate the definition of trafficking in international law; increase the capacity of state-level anti-trafficking committees and specialized anti-trafficking units to respond more effectively to trafficking cases, through increased funding and staff training; verify, through increased training and monitoring, that victims are not coerced into testifying against traffickers or inappropriately misidentified as traffickers; continue to strengthen data collection efforts; provide effective protection for witnesses and victims testifying against traffickers; and continue to improve coordination mechanisms among federal, state, and local authorities.

PROSECUTION

The government decreased investigations and prosecutions, but convicted more traffickers than in 2015. Law enforcement efforts were undermined by significant official complicity in trafficking crimes, mainly by local police and other local authorities. The general anti-trafficking law of 2012 prohibits all forms of human trafficking, prescribing penalties ranging from five to 30 years imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, in contrast to the international definition, the law establishes the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime and defines illegal adoption without the purpose of exploitation as a form of human trafficking. Federal officials have jurisdiction over all international trafficking cases, all cases that take place on federally administered territory involving organized crime, and all cases involving allegations against government officials. States investigate other internal trafficking cases. Fourteen of 31 states have aligned their trafficking laws with the federal law, which may address inconsistencies among those states' laws and improve interstate investigations and prosecutions. In October 2016, the Mexican Senate approved amendments to the 2012 law that would align it more closely with international law; however, the reforms remained under consideration in the Chamber of Deputies. In December 2016, the Mexican Congress approved a Crime Victim's Law, which includes but is not limited to trafficking victims; and mandates the creation of a federal fund for crime victim assistance and mandates the states also create such funds.

Data based on the broad definition of trafficking in the 2012 law indicated authorities initiated 188 federal and 288 state investigations in 2016, compared with 250 federal and 415 state investigations for trafficking in 2015. Authorities initiated prosecutions against 479 individuals in federal and state cases in 2016 compared to 578 individuals in federal and state cases in 2015. Mexican authorities reported convicting 228 traffickers involved in 127 federal and state cases in 2016, compared to 86 traffickers involved in 36 federal and state cases in 2015. However, it was unclear how many of these convictions were for trafficking crimes as defined by international law. The government did not report the range of sentences, but media reported sentences ranged from 15 years to 60 years imprisonment. Investigations and prosecutions were sometimes delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the

country, which hindered prosecutions and caused additional stress for victims. Authorities did not treat cases involving individuals who may have been forced by criminal groups to engage in illicit activities as potential trafficking cases, despite indicators of force or coercion. In June 2016, the government completed a lengthy transition to an accusatory criminal justice system at the federal and state level. Notable cases included the conviction of a notoriously violent trafficker who had exploited dozens of trafficking victims over a period of years to a sentence of more than 22 years in prison and a fine of 1.3 million pesos (\$62,947); the arrest of 10 alleged traffickers in a multi-country trafficking network and the identification of 11 child trafficking victims; and, with the assistance of United States law enforcement, the arrest and indictment of several members of a family for operating a sex trafficking network over the past decade in Mexico and New York.

In 2016, the federal government decreased overall funding for investigations and prosecutions, impeding its ability to investigate and prosecute all crime, including trafficking crimes. The 2012 law obligated states to have a dedicated human trafficking prosecutor; 24 of 31 states have specialized prosecutors or units, but some states lacked funding to employ one. Some judges' and prosecutors' lack of understanding of trafficking led to traffickers being prosecuted for more minor offenses or to being acquitted when prosecuted for human trafficking. Authorities maintained strong law enforcement cooperation with the United States, partnering on three joint law enforcement operations, which resulted in the identification of nearly 56 victims and the arrest of 29 alleged traffickers. Mexican authorities continued to exchange information on human trafficking and migrant smuggling investigations through an ongoing working group. Some federal government agencies hosted anti-trafficking training with foreign donor support and funding; foreign governments and civil society provided the majority of specialized training.

Despite persistent reports of extensive official complicity, authorities did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking in 2016; the government has not convicted a complicit official since 2010. Some officials extort bribes and sexual services from adults in prostitution and child sex trafficking victims; extort irregular migrants, including trafficking victims; falsify victims' documents; threaten victims with prosecution to compel them to file official complaints against their traffickers; accept bribes from traffickers; facilitate movement of victims across borders; operate or patronize brothels where victims are exploited; or fail to respond to trafficking crimes, including in commercial sex locations. The government did not report on the status of investigations opened in previous years, including a municipal employee arrested for trafficking in Oaxaca in 2014, the 2013 investigation of two Tijuana police officers for exploiting a sex trafficking victim, or the 2012 investigation of a Chihuahua state employee charged with forced labor.

PROTECTION

The government decreased protection efforts, as it identified fewer victims and provided limited specialized services for identified trafficking victims. The government reported identifying 740 trafficking victims in 2016—707 for sex trafficking, 15 for forced labor, 14 for forced criminality, two for slave-like conditions, one for slavery, and one for forced begging—compared with 1,814 trafficking victims in 2015. The federal government identified 179 victims—58 children and 136 adults; 37 male victims and 157 female victims compared

with 876 victims in 2015. The state governments identified 561 victims—173 children and 518 adults; 93 male victims and 598 female victims compared with 938 victims in 2015. The Ministry of Foreign Relations identified and provided support to 20 Mexicans subjected to forced labor abroad. In addition to the number of victims identified by the states, the press reported a case of 81 workers exploited in the tomato fields of Queretaro in which authorities arrested seven suspected traffickers for forced labor and provided services to the victims. The inter-secretarial anti-trafficking commission continued to use a victim identification and referral protocol developed in 2015, but did not report whether it led to increased identification and referral. The government reported 14 states used victim identification and referral protocols, but state governments did not report whether the protocols led to increased identification and referral. The Executive Commission for the Attention to Victims (CEAV) reported it provided officials a protocol outlining provision of assistance to victims; however, NGOs reported the protocol was ineffective. While immigration agents used a lengthy human rights questionnaire to identify potential trafficking victims, and some government institutions had informal victim referral procedures, most officials lacked clear guidelines for identifying and referring victims to services. An international organization worked with the National Migration Institute (INM) to develop a victim identification and referral protocol, which had not been implemented. NGOs questioned the government's ability to accurately identify trafficking victims among vulnerable populations, such as migrant workers and persons in prostitution.

In 2016, the CEAV did not report how much it spent for victim assistance, compared to 47 million pesos (\$2.3 million) for assistance to crime victims, including trafficking victims, in 2015. Federal and state entities offer victims emergency services, such as medical care, food, and temporary lodging, which some victims received during the year. Longer term victim services vary in scope and quality overall, but may include medical, psychological, legal, and educational services. The government did not report how many identified victims received particular services such as shelter. Services in most parts of the country remained inadequate compared to the significant number of trafficking victims identified by NGOs and officials. Government-funded services for male and forced labor victims were particularly weak. Shelters for vulnerable children younger than age 13 and for female victims of violence did not report how many trafficking victims they assisted in 2016. The Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) continued to operate a high-security shelter in Mexico City for up to 50 female victims of violence, including trafficking victims, who were participating in the legal process against their exploiters. The government did not report whether the shelter housed trafficking victims in 2016. Women were allowed to have their children with them at the shelter. Women were not allowed to leave the shelter alone; NGOs expressed concern this arrangement re-traumatized some victims. In addition to shelters, there are two publically funded women justice centers in the states of Hidalgo and Guanajuato that work jointly with the Specialized State District Attorneys for Trafficking in Persons to provide a temporary shelter to TIP victims. FEVIMTRA received 71.6 million pesos (\$3.5 million) in 2016, compared with 93.4 million pesos (\$4.5 million) in 2015, to provide assistance to female victims of extreme violence, including trafficking. The State of Puebla continued to operate the country's only public-private shelter, funded by the state government and private entities. The State of Mexico opened three trafficking-specific shelters in 2016; and the City of Mexico opened a trafficking-specific shelter, which could

provide medical, legal, psychological, legal, and social services, but lacked dedicated funding. NGOs, many with foreign donor or private funding, provided the majority of specialized shelters and assistance. Some shelters relied on the prosecutor's office to identify victims and received funding based on the number of victims housed, which observers suggested created an incentive to hold victims pending the conclusion of a case and could compromise the shelter's independence and sustainability of operations. Coordination between federal, state, and local officials on victim services and case management was weak.

Many victims were afraid to identify themselves as trafficking victims, and few filed complaints or assisted in investigations and prosecutions due to their fear of retribution from traffickers, the lack of specialized services, or distrust of authorities. The law has provisions to protect victims from punishment for unlawful acts committed as a direct result of being subjected to trafficking, but NGOs reported that in practice some officials unlawfully detained or punished victims. NGOs reported the government did not properly identify trafficking victims, but instead conducted anti-trafficking raids for the purpose of detaining individuals in prostitution and irregular migrants. Some public officials misunderstood the legal definition of trafficking and conflated it with migrant smuggling and prostitution. Some officials transferred victims to the INM for detention and deportation due to their immigration status and lack of formal identification as trafficking victims. Individuals in prostitution in Mexico City alleged officials detained and forced them to sign declarations accusing detained individuals of trafficking, which raised serious concerns about law enforcement tactics to secure evidence. NGOs also reported officials often re-traumatized trafficking victims due to lack of sensitivity. Foreign trafficking victims could receive refugee status independent of any decision to testify against suspected traffickers, but civil society reported few victims received this legal alternative to deportation in practice. Many foreign trafficking victims returned to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported providing food and assistance to six foreign trafficking victims in 2016 and issued temporary immigration relief to four victims renewable yearly depending on the victims' specific circumstances—compared with 14 victims assisted and 12 victims issued temporary immigration relief in 2015. In some cases, authorities shared victims' names and case details with the press. The national anti-trafficking law provides for restitution to be paid from a victims' fund, but the government did not report whether the courts awarded any trafficking victims restitution.

PREVENTION

The government increased prevention efforts. The inter-secretarial anti-trafficking commission met once in 2016 to coordinate federal government efforts and reported on 2016 national anti-trafficking efforts. The government continued to implement the national action plan for 2014–2018, but did not report dedicating funds to implement the plan. Twenty-five out of 31 states had state-level anti-trafficking committees, which varied in effectiveness. Experts reported uneven interagency coordination at the federal and state levels.

The federal government provided anti-trafficking training to 16,639 public servants in 2016. Nineteen federal government agencies hosted nearly 800 trainings; engaged in 443 awareness-raising activities across the country, such as workshops and conferences, theater productions, and videos; and distributed 296,000 educational materials sensitizing over 100,000

individuals to the issue of trafficking. The Mexico City government provided funding to an NGO-run anti-trafficking hotline for the capital that provided referrals to appropriate Mexican agencies for victim assistance. The NGO hotline received 646 calls in 2016, resulting in the identification of 71 individual trafficking victims and 21 groups. The National Human Rights Commission, with the support of the government, promoted a national awareness campaign in airports and bus terminals, and conducted anti-trafficking training and awareness sessions for a range of audiences.

The inter-secretarial anti-trafficking commission continued to work with an international organization to develop a national information system, which could track the number of victims identified, referred, and assisted across the country. The Secretary of Labor and Social Welfare published an inspection protocol for use in federal job centers with agricultural activities, which included a requirement to identify victims of forced labor and to report such crimes to law enforcement officials. The government conducted outreach to foreign migrant workers to inform them of their rights and responsibilities and inspections of worksites to detect irregular activity, including underage workers who may be vulnerable to trafficking. However, according to NGOs, authorities did not conduct enough inspections, investigate complaints, or audit supply chains; and inspectors lacked resources and faced technical difficulties in carrying out inspections. Authorities did not report efforts to regulate or hold accountable fraudulent labor recruiters.

The Secretary of Tourism instituted a new program to prevent trafficking in the travel and tourism sector; secured 692 signatures to its "code of conduct" from travel agencies, hotels, restaurants, tourist guides, training centers, and transportation providers; trained students pursuing careers in this sector; and distributed awareness materials to prevent trafficking and reduce the demand for sexual exploitation of children in tourism destinations. Despite sex tourism being an increasing problem, the government did not report investigating, prosecuting, or convicting child sex tourists; some NGOs alleged some corrupt local officials allowed child sex tourism to occur. The government did not report efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel. Consular officials signed an agreement with an international organization to develop a consular protocol for the protection of Mexican national trafficking victims.

TRAFFICKING PROFILE

As reported over the past five years, Mexico is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, migrants, and LGBTI individuals. Mexican women and children, and to a lesser extent men and transgender individuals, are exploited in sex trafficking in Mexico and the United States. Mexican men, women, and children are exploited in forced labor in agriculture, domestic servitude, child care, manufacturing, mining, food processing, construction, tourism, forced begging, and street vending in Mexico and the United States. Traffickers used fraudulent labor recruiters or deceptive offers of romantic relationships; or extorted through the retention of identity documents, threats to notify immigration officials of victims' immigration status, or threats to harm family members to enslave individuals. Transgender Mexicans in commercial sex are vulnerable to sex trafficking.

Some Mexicans are held in debt bondage in agriculture, and are indebted to recruiters or to the company itself. Residents at some substance addiction rehabilitation centers and women's shelters have been subjected to forced labor and sex trafficking. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America; some of these victims are exploited along Mexico's southern border. Victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States. Child sex tourism remains a problem and continues to expand, especially in tourist areas and in northern border cities. Many child sex tourists are from the United States, Canada, and Western Europe; Mexicans also purchase sex from child sex trafficking victims. Organized criminal groups profit from sex trafficking and force Mexican and foreign men, women, and children to engage in illicit activities, including as assassins; lookouts; and in the production, transportation, and sale of drugs. Trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, is a significant concern.

MICRONESIA, FEDERATED STATES OF: TIER 2

The Government of the Federated States of Micronesia (FSM) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, FSM remained on Tier 2. The government increased the number of investigations into alleged trafficking cases, leading to the conviction of one offender, and strengthened its efforts to raise trafficking awareness among law enforcement and government officials. It established new mechanisms—including the creation of an anti-trafficking coordinator position—to oversee government anti-trafficking work, and two out of four states approved state-level action plans to implement the FSM National Action Plan. Despite these efforts, the government did not meet the minimum standards in several key areas. Although the government prosecuted and convicted a trafficker, the courts allowed the individual to pay restitution and repatriation costs in lieu of a prison sentence. Authorities did not follow an established procedure to identify victims among vulnerable populations or refer them to protective services, which remained undeveloped and under-resourced.



RECOMMENDATIONS FOR THE FEDERATED STATES OF MICRONESIA

Increase efforts to investigate, prosecute, and convict trafficking offenders, and sentence them to penalties commensurate with the seriousness of the crime, and cease the practice of allowing offenders to pay fines or restitution in lieu of being sentenced to prison; develop and implement procedures

for the proactive identification of trafficking victims among vulnerable populations, including in the legal commercial sex industry; develop and implement a victim referral system and establish and allocate funding for specialized protective services for trafficking victims, including shelters; strengthen efforts to implement the National Action Plan, including through establishment of state-level anti-trafficking taskforces in all four states; and strengthen efforts to conduct anti-trafficking awareness campaigns targeted to government and law enforcement officials, traditional leaders, healthcare professionals, and the public.

PROSECUTION

The government increased investigations and training, but it convicted only one offender, who was allowed to pay restitution to his victims in lieu of a prison sentence. The national anti-trafficking law criminalizes all forms of trafficking, and each of the four states has its own trafficking law prescribing penalties. The national and state laws prescribe prison sentences that are sufficiently stringent. However, when allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. In lieu of prison time, offenders convicted in Chuuk, Yap, and Kosrae states can elect to pay a fine as low as \$5,000; offenders may face even lower fines in Pohnpei State. Courts may also approve plea bargains requiring the payment of restitution costs to victims in lieu of prison sentences. The national law prescribes penalties of up to 15 years imprisonment or fines up to \$25,000 for adult trafficking, and 30 years imprisonment or fines up to \$50,000 for child trafficking. Pohnpei State's law prohibits sex trafficking of children and forced labor of adults and prescribes penalties of up to 10 years imprisonment or fines up to \$10,000, or both; however, it does not explicitly prohibit sex trafficking of adults. Chuuk State's law includes the same prohibitions, but prescribes penalties of up to 15 years imprisonment for forced labor, 25 years imprisonment for child sex trafficking, or fines up to \$10,000, or both. Kosrae State's law prohibits all forms of trafficking and prescribes penalties of 10 years imprisonment or fines up to \$20,000, or both. Yap State's law prohibits all forms of trafficking and prescribes penalties of up to 15 years imprisonment or fines up to \$1 million, or both.

In 2016, the government reported conducting investigations into eight alleged trafficking cases in Chuuk, Pohnpei, and Yap, compared to five in 2015 and two in 2014. Of these investigations, only one led to a prosecution culminating in a conviction, compared to one conviction in 2015 and none in 2014. Yap State convicted a local restaurant owner for subjecting two Filipino citizens to forced labor, but the courts approved a plea bargain that obligated the trafficker to pay full repatriation costs and \$7,000 in restitution for each victim. Two other cases identified in 2016 were pending a trial date at the end of the reporting period. In partnership with an international organization and a foreign government, the government conducted anti-trafficking training for 70 law enforcement officials and 75 service providers—an increase from 30 law enforcement and government officials in 2015. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government maintained inadequate efforts to identify and protect trafficking victims. Law enforcement, health care, and

labor inspection entities did not employ standard procedures for identifying victims in the commercial sex industry, which was legal in all but Kosrae State. The government did not allocate any funding for protective services or establish shelters dedicated to trafficking victims. Authorities reported providing physical security and psychological counseling to an unspecified number of trafficking victims during the reporting period. The Department of Justice continued to work with state governments on development of a directory listing churches, NGOs, and local government bodies that may be able to provide limited additional protective services to trafficking victims. However, the government did not report how many victims benefited from any of these services. Authorities did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution, nor did it provide incentives for victims to participate in trials. Although there were no reports of victims punished for crimes committed as a direct result of having been subjected to trafficking, some potential victims may have been detained due to a lack of formal victim identification procedures.

PREVENTION

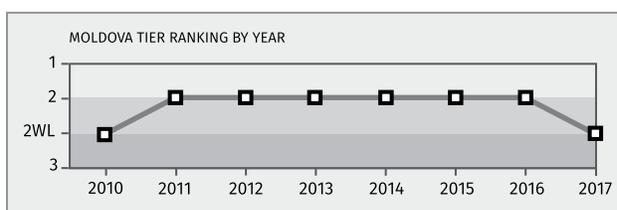
The government increased efforts to prevent trafficking. Authorities continued to dedicate a small amount of funding for anti-trafficking activities but did not provide details on how these funds were allocated. In January 2017, the government opened an office dedicated to anti-trafficking efforts under the direction of a newly appointed coordinator and staffed by two investigators; the office opened too late in the reporting period to generate any notable progress. Officials reported continued efforts to raise trafficking awareness in furtherance of the National Action Plan—including among traditional leaders whose communities may be at higher risk—but did not provide statistics or specific information about the nature of awareness raising campaigns. Two of the four states established anti-trafficking taskforces guided by respective state action plans during the reporting period; the remaining two were in the process of creating taskforces at the end of the reporting period. The government did not develop campaigns or disseminate informational materials aimed at reducing the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, the Federated States of Micronesia is a source, transit and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The groups most vulnerable to trafficking in FSM include foreign migrant workers, especially from the Philippines, and Micronesian women in prostitution. Women and girls are allegedly exploited in prostitution (child sex trafficking for girls) by the crew members of docked Asian fishing vessels and by foreign construction workers. FSM women recruited with promises of well-paying jobs in the United States and its territories are subsequently forced into prostitution or domestic labor upon arrival. Local authorities claim many sex trafficking cases are unreported due to social stigma and victims' fear of possible repercussions in their home communities. Foreign migrants from Southeast Asian countries report working in conditions indicative of human trafficking on Asian fishing vessels in FSM or its territorial waters.

MOLDOVA: TIER 2 WATCH LIST

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by convicting more traffickers and amending its laws to codify victim protection standards. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Pervasive corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. Law enforcement efforts were hampered by worsening legal and organizational obstacles, including changes in the national anti-trafficking investigative body. Authorities identified and assisted fewer victims, and victims continued to suffer from intimidation from traffickers. Although convictions increased, investigations and prosecutions of traffickers decreased. Therefore, Moldova was downgraded to Tier 2 Watch List.



RECOMMENDATIONS FOR MOLDOVA

Vigorously investigate, prosecute, and convict traffickers, including government officials complicit in human trafficking, and impose sufficiently stringent sentences; implement measures to address corruption in the judicial sector; exempt trafficking victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin; shield trafficking investigators and prosecutors from external influence and internal corruption; improve protection of victims and witnesses during court proceedings, including prosecutions for witness tampering and intimidation; train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions; seek restitution for victims in criminal cases; improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations; and fund and maintain data for the hotline on child abuse and exploitation.

PROSECUTION

The government decreased law enforcement efforts. Articles 165 (trafficking in persons) and 206 (trafficking of children) of the criminal code prohibit all forms of trafficking and prescribe penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code was amended to increase fines for forced labor offenses. Corruption in the judicial system remained an acute impediment to bringing traffickers to justice. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds, although comprehensive statistics on the rate of appeal were not available. Criminal cases against public officials for complicity rarely resulted in conviction, in large part due to corruption and weaknesses in the judicial system. Several government officials were investigated in 2016 for complicity in

trafficking. Two police officers were indicted for sex trafficking. A village mayor was indicted for labor trafficking. Several Moldovan diplomats and the head of the foreign ministry's consular affairs department were investigated, arrested, or indicted for extorting or accepting bribes to facilitate illegal migration. However, none of the criminal investigations of public officials initiated in 2014, 2015, or 2016 were finalized, and most remained pending in court.

Prosecutions against the head of a human rights agency for forcing children to beg in Russia and a bailiff for compelling two persons into prostitution remained ongoing. A 2014 trafficking conviction against a public official and his accomplices remained pending appeal. A court acquitted the former head of the Biathlon Federation of Moldova of child trafficking charges in 2014 and instead issued a 3,000 lei (\$151) fine for organizing illegal migration; an appeal remained pending. A court still had not issued a verdict in a 2013 case against a police officer who allegedly accepted a bribe to convince his colleagues to close the investigation of a trafficking case. A case against the former head of the interior ministry's division to combat organized crime for involvement in human trafficking remained ongoing.

There were allegations of corruption by officers assigned to the interior affairs ministry's investigatory Center for Combating Trafficking in Persons (CCTIP); the Deputy Director of CCTIP and one of his trafficking investigators were arrested in February on corruption charges.

Law enforcement efforts continued to face institutional obstacles in 2016. CCTIP did not have a director from May to November 2015 and from February to November 2016. Due to the lack of effective direction, cooperation between CCTIP and some civil society actors and international partners continued to deteriorate for much of the reporting period, hampering the center's ability to conduct complex international operations. Observers reported CCTIP focused on simpler domestic sex trafficking cases rather than complex international cases, potentially to boost the center's statistics. This focus on statistics moved CCTIP away from its traditional strength of resource intensive victim-centered investigations. The appointment of a new CCTIP director in November 2016 led to improved working relationships with civil society and international partners and an initial shift back to investigating complex cases of international sex and labor trafficking. However, CCTIP continued to lack sufficient resources, particularly financial resources and experienced investigative staff. Reforms to the Prosecutor General's Office (PGO) in August eliminated the use of specialized prosecutors, disbanded the specialized anti-trafficking prosecutorial unit, ended the taskforce approach to investigations, and reduced institutional knowledge regarding the use of victim-centered approaches to investigations and prosecutions. Although the PGO hired four new prosecutors in November 2016 to cover trafficking cases, observers expressed concern the reforms had weakened the office's ability to prevent corruption and increased both the mistreatment of trafficking victims and the arbitrary dismissal of cases. Observers further noted the new unit was not dedicated only to trafficking cases, prosecutors had not received comprehensive training, and the new unit was vulnerable to corruption and political influence.

Developing investigative techniques that corroborate testimony and employing a victim-centered approach to cases are key to successful prosecutions. Prosecutors' reliance on victim testimony can hinder successful prosecutions and result in acquittals. A February 2016 Constitutional Court decision limited the time suspects may be detained to 12 months.

Because it often takes years before a final verdict is issued in trafficking cases, this ruling would allow suspected traffickers to be released before trials conclude, enabling them to flee the country or retaliate against witnesses. The National Investigative Inspectorate (INI) maintained a policy requiring CCTIP to regularly inform the INI of the suspects in CCTIP's investigations, to include subjects of search warrants before searches are executed, which increased the risk of corrupt officers warning suspects ahead of raids or intervening in ongoing investigations.

Authorities decreased investigations in 2016, carrying out 151 trafficking cases, compared to 189 in 2015. The government decreased prosecutions, completing 33 cases in 2016, compared to 76 in 2015. The government increased convictions in 2016, convicting 56 traffickers, compared to 39 in 2015. Of the 56 convicted traffickers, 47 received prison terms, with one suspended sentence. The average jail sentence was 7.5 years for trafficking in persons and 9.5 years for trafficking in children. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government and international organizations trained police, border guards, prosecutors, and judges in 2016. Judges and prosecutors were required to complete a 40-hour course on trafficking.

PROTECTION

The government decreased victim protection efforts. Two provisions of the criminal code, articles 165 (4) and 220 (4), were amended to absolve victims and minors of responsibility for all acts committed as a result of being subjected to trafficking. In addition, a new law established a legal framework for the rehabilitation of victims of violent crimes, including trafficking victims, providing them with a right to specified public services. However, implementation of its protection mechanisms often fell short in practice, due to pervasive corruption and a lack of funding. The government identified 232 trafficking victims in 2016, a decrease from 310 in 2015. Of these identified victims, 35 were children, a decrease from 68 in 2015. Some law enforcement officials may have intentionally avoided taking action on victim identification and investigation of trafficking crimes. The law requires adult trafficking victims confront their alleged traffickers in person at a police station to begin an investigation, and sometimes on multiple occasions over the course of an investigation and trial; this requirement likely deters victims from reporting crimes and can re-traumatize victims.

The government maintained funding levels for victim protection, budgeting approximately 8.6 million lei (\$430,151) to repatriation assistance and seven shelters for victims of crime and family violence, with increased funding for some shelters and programs offset by decreases to others. The government did not disburse all of the budgeted funds, with shelters and protection programs generally receiving 66 percent to 78 percent of the allocated fund amounts. The government often relied on NGOs and international organizations to supplement government employee salaries and fund victim services; government contributions are often insufficient to cover basic living expenses for both employees and victims.

The government assisted 124 victims with repatriation assistance or shelter care, compared with 132 in 2015. Teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance; observers noted some teams were less effective than others in assisting identified victims. Through the Chisinau and regional centers, victims

could receive shelter and medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. Psychological assistance, legal aid, and long-term reintegration support were insufficient, however, and victims were unable to obtain the free medical insurance that is afforded under Moldovan law. Trafficking victims often struggled to find pro bono legal representation. The weak capacity of social workers in outlying regions led to inefficient and poor quality services offered to victims. These deficiencies contributed to the continued vulnerability of trafficking victims to re-victimization. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Officials interviewed victims 14 years old or younger in specialized hearing rooms with recording equipment with the assistance of a psychologist. Male victims were entitled to all forms of assistance, but lacked access to shelters, which were designed for female victims. Care providers reported bureaucratic impediments to moving victims with severe mental health needs to state-run psychiatric institutions.

The government did not adequately protect victims participating in investigations and prosecutions. Victims were seldom fully informed of their rights. At times, police may have done so intentionally attempting to secure victims' cooperation. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. Judges disregarded laws and regulations designed to protect victims during trial proceedings thereby violating victims' rights and allowing traffickers to intimidate some victims in the courtroom so that the victims felt pressured to change their testimony.

Victims had the right to sue traffickers for damages, but most did not due to threats from perpetrators, inability to present proof required by courts, and perceived corruption in the judiciary. There were no civil suits against traffickers in 2016; and seven cases in which prosecutors froze suspected traffickers' assets remained pending from the previous year. While the law provides for restitution awards to trafficking victims in criminal cases, none were reported. It is unclear whether prosecutors do not seek restitution or judges do not award it when requested. The criminal code exempts trafficking victims from criminal liability for committing offenses related to their exploitation. However, when authorities classified cases under related statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. The government punished trafficking victims for unlawful acts committed as a direct result of being subject to trafficking. Similarly, when authorities reclassify sex trafficking cases to pimping cases, victims were no longer exempted from punishment and could be charged with prostitution offenses. Victims can be fined or imprisoned for making false statements if they change their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the traumatization experienced. Observers reported some cases of authorities charging child sex trafficking victims with prostitution or other offenses, in violation of Moldovan and international law. In one case, police detained a child sex trafficking victim for theft and extortion after she refused her trafficker's demand to have sex with a purchaser of commercial sex. Police terminated the investigation only after an international organization interceded for the victim.

PREVENTION

The government decreased efforts to prevent human trafficking. The national anti-trafficking committee (NCCTIP) and its secretariat coordinated the government's anti-trafficking

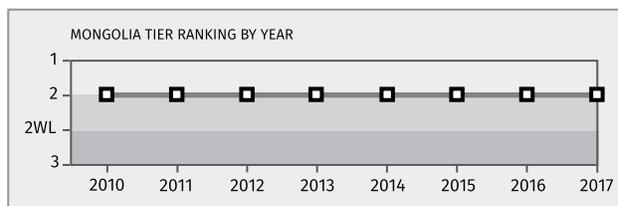
response. The government eliminated a coordinator staff position on the secretariat, reducing the committee's ability to coordinate public awareness campaigns and advocacy. As prescribed in the national action plan for 2014-2016, which was extended for an additional year, NCCTIP implemented programs to raise awareness among students and Moldovan citizens abroad, as well as the general public through a website and a national anti-trafficking week. In 2015, the government ceased state funding to the specialists running a hotline on child abuse and exploitation; the hotline continued to operate with funding from an international organization in 2016. The government provided training for its diplomatic personnel on identifying trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, Moldova is primarily a source country for men, women, and children subjected to sex trafficking and forced labor. Moldovan victims are subjected to sex and labor trafficking within Moldova and in Russia, Ukraine, and other countries in Europe, the Middle East, Africa, and East Asia. Women and children are subjected to sex trafficking in Moldova in brothels, saunas, and massage parlors. Increasingly, girls aged 13 to 15 are victims of sex trafficking. Child sex tourists, including from the EU, Turkey, Australia, Israel, Thailand, and the United States, subject Moldovan children to commercial sexual exploitation. The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Official complicity in trafficking continues to be a significant problem in Moldova.

MONGOLIA: TIER 2

The Government of Mongolia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Mongolia remained on Tier 2. The government demonstrated increasing efforts by prosecuting more cases, adopting an action plan on victim protection, and facilitating trainings for government entities and stakeholders. However, the government did not meet the minimum standards in several key areas. The government did not proactively identify trafficking victims from vulnerable populations, and authorities arrested or detained potential victims for acts committed as a direct result of being subjected to trafficking. The government did not fund victim shelters or services during the year.



RECOMMENDATIONS FOR MONGOLIA

Develop and implement formal procedures to guide government officials, including police, immigration, and labor authorities, in victim identification and referral to protective services; cease penalizing trafficking victims for offenses committed as a result

of being subjected to trafficking; allocate funding to support both government and NGO-run shelters and other forms of victim assistance and protection; increase efforts to investigate and prosecute all trafficking offenses using article 113 of the criminal code; continue to monitor working conditions and investigate claims of labor exploitation of foreign contractors employed in Mongolia; implement the national action plans to combat trafficking and protect victims; and engage in efforts to reduce demand for commercial sex acts, particularly throughout major transportation hubs.

PROSECUTION

The government increased law enforcement efforts. The government adopted the last of six implementing regulations required by the 2012 anti-trafficking law. Article 113 of the criminal code prohibits all forms of human trafficking, defines trafficking in accordance with international law, and prescribes penalties of up to 15 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, under article 113, authorities investigated three potential trafficking cases, (14 in 2015), prosecuted 14 defendants (five in 2015), and convicted nine traffickers (eight in 2015). The government did not provide sentencing details or disaggregate ongoing prosecutions initiated in prior years from new cases in 2016. Authorities frequently charged suspected sex traffickers under article 124, which criminalizes inducing others into and organizing prostitution but does not require the element of force, fraud, or coercion that defines a trafficking crime and prescribes smaller penalties of up to five years imprisonment. Authorities prosecuted 37 defendants and convicted eight under article 124 in 2016; however, it was unclear how many of these cases had direct links to sex trafficking. In addition, due to the misconception among many government officials that only females can be sex trafficking victims, authorities rarely used articles 113 or 124 to prosecute cases in which males were the victims but instead used provisions with less stringent penalties. The government-funded training courses for over 500 law enforcement officers and social workers on topics including human trafficking, child protection, and labor exploitation. The government also provided in-kind support, including trainers and a venue, for trainings aimed at NGOs, prosecutors, judges, and police, as well as social, health, education, and employment officers. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government decreased efforts to protect victims. NGOs provided the vast majority of protection services for victims, including long-term resources, without support from the government. Victims' services continued to be available principally at two shelters run by the Mongolian Gender Equality Center (GEC). For the second consecutive year, the government did not report funding GEC facilities. In 2016, the GEC assisted a total of one potential labor and 43 potential sex trafficking victims, compared with 36 sex trafficking victims the previous year; 20 referrals originated from law enforcement agencies. All identified victims were female, and one was a child. Of the 44 potential victims assisted by the GEC, 22 chose to report their cases to law enforcement. National police agency investigators reported using an 11-question trafficking risk assessment checklist to identify victims proactively among vulnerable populations; however, NGOs indicated identification and referrals were not systematic but rather depended on the

initiative of individual officers. Mongolian authorities fined, arrested, and detained trafficking victims, including children, for crimes committed as a direct result of being subjected to trafficking during the reporting period. The government adopted implementing regulations for an action plan for 2016-2024 on the protection and assistance of victims and witnesses. Mongolian officials maintained operation of a private victim and witness room at the First District First Instance Criminal Court in Ulaanbaatar. The government assisted in the repatriation of four Mongolian trafficking victims from China in 2016. The government did not identify foreign victims during the reporting period. Mongolian law does not provide legal alternatives to the removal of foreign victims to countries in which they could face retribution or hardship.

PREVENTION

The government maintained modest efforts to prevent trafficking. Although the Anti-Trafficking sub-council did not meet regularly in 2016, the government re-established its Crime Prevention Coordinating Council, which held the first of regular meetings in December and effectively fulfills the sub-council's role of coordinating anti-trafficking efforts. Justice officials submitted to the cabinet a national action plan for 2017-2021; the plan remained under review at the end of the reporting period. The government continued work with an international organization to establish an integrated statistical database, which will be publicly accessible in the future. In 2016, government officials conducted a study on the working conditions of foreign laborers in Mongolia; the report was not yet finalized at the end of the reporting period. Officials continued to disseminate a daily public service announcement (PSA) on social media and television, in addition to distributing a PSA to police stations in all provinces. Authorities, with assistance from an international organization, funded and distributed passport inserts to Mongolian citizens traveling abroad that provided emergency information for trafficking situations at major transportation hubs and in areas with high population density; however, this activity ceased in June 2016 while the inserts underwent revision. The government inspected labor contracts of Mongolians recruited to work abroad to ensure their compliance with the law, including adequate wages; authorities collected fines from four companies for visa violations and to recover underpaid wages of foreign workers. The government did not take measures to reduce the demand for forced labor or commercial sex acts. In 2016, the government provided anti-trafficking training for all peacekeepers in advance of their deployment abroad and required its diplomatic personnel to be familiar with anti-trafficking laws prior to assignment abroad.

TRAFFICKING PROFILE

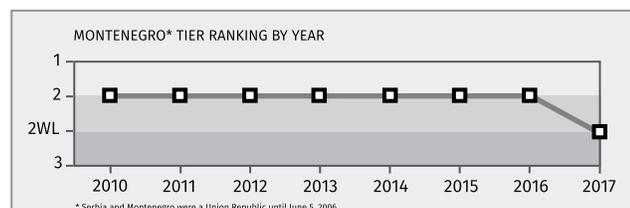
As reported over the past five years, Mongolia is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Mongolian men, women, and children are subjected to forced labor in Turkey, Kazakhstan, Israel, Norway, and Sweden and to sex trafficking in South Korea, Japan, China, Hong Kong, Macau, Malaysia, Germany, Sweden, Belgium, Turkey, and the United States. Women and girls are subjected to sex trafficking in Mongolian massage parlors, hotels, bars, and karaoke clubs. Mongolian girls employed as contortionists—often under contractual agreements signed by their parents—are subjected to forced labor primarily in Mongolia and Turkey and less so in Hong Kong and Singapore. Women are subjected to domestic servitude or forced prostitution after entering into commercially

brokered marriages to Chinese men and, with decreased frequency, South Korean men. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. A significant number of Mongolian victims from rural and poor economic areas are subjected to sex trafficking in Ulaanbaatar and border areas. Japanese and South Korean tourists engage in child sex tourism in Mongolia.

The continued development of the mining industry in southern Mongolia led to an increase in internal and international migration, increasing the risk of trafficking, particularly along the China-Mongolian border. Increasing their vulnerability to exploitation, truck drivers transporting coal across the border often have their passports confiscated as collateral for their vehicles; young women are also at risk of being exploited in prostitution by drivers who are awaiting border crossing. Some Mongolian children are forced to beg, steal, or work in the informal sectors of the economy, such as horse racing, mining, herding, and construction, and are sometimes subjected to sex trafficking—often with familial complicity. North Korean and Chinese workers employed in Mongolia are vulnerable to trafficking as contract laborers in construction, production, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining. Purportedly, North Korean laborers do not have freedom of movement or choice of employment and are allowed to keep only a small portion of their wages while being subjected to harsh working and living conditions. Chinese workers have reported non-payment of wages. Previous reports allege corruption among Mongolian officials impedes the government’s anti-trafficking efforts.

MONTENEGRO: TIER 2 WATCH LIST

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by increasing funds for the NGO-run shelter and the Office for the Fight against Trafficking in Persons (OFTIP). The government adopted a 2017 action plan for the implementation of its 2012-2018 anti-trafficking strategy. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not prosecute or convict any traffickers for the second consecutive year and tried several potential trafficking cases as lesser crimes. The government identified fewer victims overall and did not identify any sex trafficking victims. The lack of convictions prevented victims from obtaining restitution from their traffickers. Therefore, Montenegro was downgraded to Tier 2 Watch List.



RECOMMENDATIONS FOR MONTENEGRO

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, for trafficking crimes under article 444 of the criminal code; encourage trafficking victims’ participation in prosecutions in a manner that protects victims;

increase proactive screening of potential victims, especially for children engaged in begging and women in prostitution; train first responders on victim identification and referral and provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; make efforts to ensure raids of prostitution establishments do not lead to the arrest of trafficking victims, minimize harm to potential victims and include arrangements to segregate traffickers from such victims; conduct victim-centered interviews, and quickly transition identified victims to post-rescue care and shelter; create a compensation fund, allocate adequate funds towards a compensation fund, and inform victims of their right to compensation; and integrate Romani groups into decision-making processes regarding victim protection.

PROSECUTION

The government continued to decrease anti-trafficking law enforcement efforts. Article 444 of the criminal code prohibits sex and labor trafficking and prescribes penalties of up to 12 years imprisonment, with longer sentences possible for cases involving child trafficking, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government did not initiate any prosecutions under article 444 in 2016 or 2015. The government did not secure any convictions under article 444 in 2016, 2015, or 2014. The government did, however, investigate seven suspected trafficking cases, compared with four in 2015. Two of the 2016 cases led to the arrest and prosecution of three suspects for brokering in prostitution, a crime of promoting prostitution or leading or inciting another to engage in prostitution, and six suspects for migrant smuggling, not trafficking. Observers reported authorities investigated and prosecuted many possible sex trafficking cases under other offenses, such as brokering in prostitution (article 210), due to a lack of evidence or reluctance of victims to act as a witness. Brokering in prostitution prescribes a penalty of up to one year imprisonment, and if against a minor imprisonment for one to ten years. However, in one case involving brokering in prostitution of three children and four adults, the basic court convicted the perpetrator and sentenced her to one year and seven months imprisonment, lower than the prescribed minimum of three years for trafficking of children under article 444. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

Law enforcement continued proactive investigations through two taskforces targeting forced child begging and sex trafficking. A specialized trafficking unit within the Department for the Fight against Organized Crime and Corruption of the Police Directorate also investigated trafficking cases. Law enforcement conducted regular raids on bars, night clubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations. In 2015, the government established a new Office of the Special State Prosecutor to expand its capacity to prosecute cases of organized crime, including trafficking; however, the last suspect prosecuted under article 444 was in 2014. The Ministry of Interior (MOI), in cooperation with an international organization, trained 91 border police officers in eight separate sessions. The government also trained 41 members of local parliaments, 16 prosecutors, and 30 judges. MOI, OFTIP, and the police academy trained 17 representatives from the police directorate on trafficking issues. The police academy also trained new police cadets on trafficking issues. The government slightly increased cooperation with foreign governments and signed a trilateral agreement with Albania and

Kosovo that unified standard operating procedures (SOPs) on identifying trafficking victims and providing support services. The government also extradited to Serbia two Serbians suspected of trafficking.

PROTECTION

The government decreased victim protection efforts. The government identified one potential trafficking victim, compared to 16 potential victims in 2015. The potential victim was a child forced to beg. The government did not identify any sex trafficking victims (16 sex trafficking victims in 2015). The government also identified two female Romani children forced into marriage and vulnerable to domestic servitude (four children forced into marriage in 2015). The government-funded NGO-run shelter accommodated the only child victim, compared to four victims in 2015. OFTIP allocated €27,000 (\$28,451) to the NGO-run shelter, compared to €26,000 (\$27,397) in 2015. Police identified 75 child beggars in 2016, compared to 122 in 2015 and 156 in 2014, but did not identify any of them as trafficking victims. The government accommodated most of the children identified as beggars at local social welfare centers until being released to their parents or guardians.

A multi-disciplinary national referral mechanism provided SOPs for identifying and referring victims to services. First responders carried out the preliminary identification of potential victims and then contacted police who formally recognized the individuals as potential trafficking victims. The government identified potential victims as an official trafficking victim only in cases with a final conviction; however, the government provided the same services to potential victims and officially recognized victims. The government, in cooperation with international organizations, continued to disseminate a victim identification checklist containing trafficking indicators to all law enforcement agencies, prosecutors, health and social workers, and school directors; however, police still conducted the majority of proactive identification efforts. For example, police officers proactively screened foreign nationals and seasonal workers during the summer tourist season for indicators of trafficking. Observers reported the low number of identified victims illustrates victim identification procedures remained an area for improvement.

The government-funded NGO-run shelter makes available specialized services for trafficking victims, including medical, psychological, and social assistance; legal assistance; and vocational training and reintegration assistance. Male victims can be accommodated in separate living quarters in the shelter, as were children from adults. Victims can leave the shelter after assessment by police, or by the social welfare centers in the case of children. The Ministry of Labor and Social Welfare (MLSW) operated local and social welfare centers and two regional institutions, which provide general services for victims of abuse, including trafficking victims. Although MLSW did not provide specialized services for trafficking victims, MLSW can provide separate facilities for males and females. MLSW trained 112 staff on trafficking indicators and interview techniques.

The law provides witness protection, free legal aid, and a psychologist to encourage victims to participate in prosecutions; however, observers reported the government assigned lawyers with little or no experience in trafficking. The law also provides for the possibility for victim restitution and entitles foreign trafficking victims to receive a temporary residence permit, lasting from three months to one year, and work authorization. No victims applied for temporary residence permits in 2016 or

2015. Additionally, no victims participated in the prosecution of their traffickers or requested restitution in 2016 and 2015. The Law on Compensation of Victims is intended to provide financial assistance to victims of intentional violent crimes leading to severe physical injuries or emotional distress; however, this law will not go into effect until Montenegro becomes a member of the European Union. Montenegrin law prohibits the detention or arrest of persons believed to be human trafficking victims for crimes related to the trafficking. However, in October 2014, the high court confirmed the guilty verdict of a Moldovan trafficking victim and sentenced her in absentia to one year in prison for perjury for her testimony in a high profile 2002 trafficking case in which she accused high-level officials of being involved in human trafficking. NGO representatives strongly condemned the verdict for its weak legal reasoning and its chilling effect on possible future cases.

PREVENTION

The government increased prevention efforts. The government adopted a 2017 action plan to implement its 2012-2018 anti-trafficking strategy. The government produced semiannual reports on progress implementing the strategy and action plan and allocated €174,860 (\$184,260) to OFTIP, compared to €151,165 (\$159,289) in 2015. OFTIP led overall anti-trafficking efforts and the head of OFTIP was the national coordinator for the anti-trafficking taskforce, comprised of government agencies, NGOs, international organizations, and the international community. The coordination team monitored the implementation of the national referral mechanism and met twice a year and when a potential victim was identified.

The government organized seminars for healthcare workers, municipality representatives, social workers, and inspectors, on their respective roles and responsibilities in anti-trafficking efforts. The government also conducted a joint training on a multi-disciplinary approach to combating trafficking of children with police, prosecutors, judges, social workers, NGO and international organization representatives, and local government officials. The government, in coordination with the Roma Council and NGOs, organized awareness campaigns targeting the Romani community on trafficking issues. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims. One hotline received 414 calls of which 15 were potential trafficking cases. The other hotline received 3,384 calls but only a small portion involved trafficking. In addition, the government conducted a national awareness campaign that included an awareness-raising video shown on television stations; and increased cooperation with media outlets to advertise the SOS hotline. Authorities provided specialized training to labor inspectors, although inspectors did not identify any cases of forced labor during the reporting period. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The national action plan included providing anti-trafficking training for diplomats; however, the government did not report providing training or guidance for its diplomatic personnel. The government required nationals deployed abroad as part of peacekeeping or similar missions to attend lectures on trafficking. The government trained 52 soldiers on trafficking before their deployment.

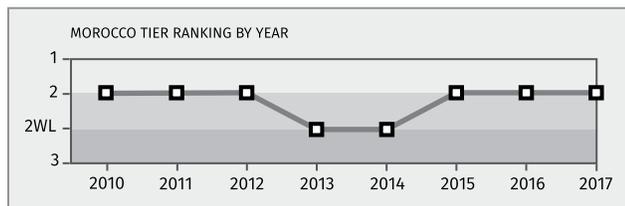
TRAFFICKING PROFILE

As reported over the past five years, Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex

trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Sex trafficking victims are exploited in hospitality facilities, bars, restaurants, night clubs, and cafes. Children, particularly Roma and Albanian, are subjected to forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Kosovo, and forced into domestic servitude. International organized criminal groups occasionally subject Montenegrin women and girls to sex trafficking in other Balkan countries.

MOROCCO: TIER 2

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Morocco remained on Tier 2. The government demonstrated increasing efforts by enacting a new anti-trafficking law prohibiting all forms of trafficking and establishing an inter-ministerial anti-trafficking commission. It also worked to reduce vulnerability to trafficking by enacting a new law limiting child domestic work and by extending legal protections and social services to irregular migrants. However, the government did not meet the minimum standards in several key areas. The government reported limited efforts to investigate and prosecute potential trafficking crimes, and it did not report screening for or proactively identifying trafficking victims, especially among irregular migrants, who remained highly vulnerable to trafficking in Morocco. As a result, unidentified victims among vulnerable populations remained at risk of penalization and re-trafficking. The government also did not provide specialized protection services specifically catered to the needs of trafficking victims.



RECOMMENDATIONS FOR MOROCCO

Implement the 2016 anti-trafficking law and train judicial and law enforcement authorities on its application; significantly increase investigations, prosecutions, and convictions of traffickers, and impose sufficiently stringent sentences; develop procedures for officials to proactively identify trafficking victims, especially among irregular migrants; ensure victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; provide adequate protection services for trafficking victims via funding or in-kind support to NGOs that provide specialized services for victims of all forms of trafficking; develop and implement formal procedures for victim identification and referral to care using a victim-centered approach; significantly improve law enforcement data collection and reporting, including the disaggregation of data between human trafficking and human smuggling crimes; and enhance public awareness campaigns addressing all forms of trafficking of men, women, and children.

PROSECUTION

The government improved its law enforcement capacity by enacting an anti-trafficking law, but it made limited efforts to investigate and prosecute potential trafficking crimes. The government enacted anti-trafficking law 27.14 in September 2016, which prohibits all forms of trafficking. The law prescribes penalties of five to 30 years imprisonment, which are sufficiently stringent, consistent with the UN Convention Against Transnational Organized Crime, and commensurate with other serious crimes, such as rape. Several pre-existing laws used during the reporting period prohibited some, but not all, forms of trafficking. Generally, penalties under these laws were not sufficiently stringent. Morocco's penal code prohibits forced child labor through article 467-2, which prescribes penalties of one to three years imprisonment, which are not sufficiently stringent. The penal code also prohibits "forced prostitution" and "child prostitution" through articles 497-499, which prescribe penalties of up to 10 years or life imprisonment for crimes found to have occurred with aggravated circumstances; these penalties are sufficiently stringent and commensurate with other serious crimes such as rape. The penal code does not specifically define and penalize sex trafficking. Article 10 of Morocco's labor code prohibits forced labor of a worker; this offense is punishable by a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties are not sufficiently stringent.

The government did not make arrest or prosecution data public. Some media outlets and diplomatic missions reported that the government maintained close cooperation with Spain to arrest, prosecute, and convict international human traffickers. In February 2017, the Moroccan government cooperated with the Spanish government in the arrest of a 10-member human trafficking ring moving trafficking victims between Morocco and Spain. The government also reported cooperating with the governments of the Netherlands and Turkey on international trafficking cases during the reporting period. In 2016, the government reported two convictions of forced child begging in which the two perpetrators each received sentences of one-month probation, which advocates consider inadequate to deter the commission of these serious crimes. The government also reported disbanding 33 human smuggling and trafficking networks in 2016, but it did not report prosecuting the perpetrators operating these networks for alleged trafficking crimes. The government initiated separate investigations of and arrested three Saudi Arabian nationals and one American on charges of child sex trafficking and child sex tourism. In 2016, the government continued to investigate seven Moroccan peacekeepers accused of sexual exploitation in the Central African Republic and the Democratic Republic of the Congo, as reported by an international organization. At the end of this reporting period, the international organization reported three of these investigations remained pending, two were found unsubstantiated, and two were found substantiated. In the two substantiated cases, the government reportedly handed down a prison sentence to one former peacekeeper and the other was repatriated with further updates pending. In 2016, the government held three roundtable discussions for officials on victim identification, referral, and protection, which aimed to strengthen the capacity and coordination of anti-trafficking personnel in seven departments throughout the country. Additionally, authorities from various ministries, including the police, met regularly to coordinate various anti-trafficking efforts. The Ministry of Justice organized regular training programs on human trafficking for judges and other judicial officials in 2016. After the government enacted the 2016 anti-trafficking law, an international organization—with

in-kind assistance from the government—trained a group of judges on its provisions and implementation.

PROTECTION

The government sustained minimal efforts to identify and protect trafficking victims. As in past years, the government did not report proactive efforts to identify trafficking victims, including within vulnerable populations such as irregular migrants. International organizations and NGOs reported some local law enforcement officials informally referred cases of vulnerable women, children, and migrants, including potential trafficking victims, to them for social services. Although the government drastically decreased forced deportations of migrants over the last couple of years, it continued to regularly conduct forced internal relocations of irregular migrants, particularly in Nador. The government did not make efforts to identify potential trafficking victims among the vulnerable irregular migrant population, and therefore some unidentified victims may have been penalized for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration and prostitution violations. While the government continued efforts to regularize various types of irregular migrants, it did not make efforts to identify potential trafficking victims among those whose stay was regularized through this program.

The government did not provide protection services designed or funded specifically to assist trafficking victims. Civil society organizations and some foreign embassies continued to be the primary providers of protection services for trafficking victims, and the government did provide limited funding or in-kind support. Additionally, some police officials reportedly helped foreign embassies recover migrants' passports confiscated by their employers. The government continued to provide a wide variety of legal protections and social and health services to vulnerable women and children, including victims of crime and abuse, some of whom may have been unidentified trafficking victims. In 2016, the Ministry in Charge of Residents Abroad and Migration Affairs (MCRAMA) offered financial assistance to 231 projects dedicated to providing integration programs including social, medical, and legal services to vulnerable migrants, refugees, and trafficking victims, but it did not report how many trafficking victims received this assistance during the reporting period. By the end of this reporting period, MCRAMA expanded this civil society partnership program to 124 organizations in ten different regions throughout Morocco. MCRAMA had a plan of action to protect Moroccan migrants abroad; it did not provide specialized care during the reporting period for repatriated Moroccans exploited abroad. The government reportedly encouraged victims to cooperate in investigations against their traffickers, yet the government did not report that any victims testified in 2016. Decree No. 1-11-164 and the anti-trafficking law 27.14 provide some protections to victims and witnesses who testify against traffickers. The government provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

PREVENTION

The government increased efforts to prevent human trafficking. The new anti-trafficking law stipulates the formation of a national inter-ministerial anti-trafficking commission to coordinate efforts to combat and prevent trafficking. In 2016, the government drafted guidelines and responsibilities for the new commission, but did not finalize them by the end of the reporting period or establish the committee. In August 2016,

the government enacted a law that prohibits the employment of domestic workers under the age of 16 and strictly limits the employment of children between the ages of 16 and 18 for domestic work; to give employers time to comply, the law was not implemented during the reporting period but is scheduled to enter into force in August 2017. In December 2016, the government announced and adopted a plan to implement the second phase of its 2014 migrant regularization campaign, which granted legal status to various types of irregular migrants and allowed them access to jobs, employment services, education, legal protections, and some social services; as of March 2017, more than 18,000 migrants had already applied for regularization. The government continued to take some measures to reduce the demand for commercial sex acts and child sex tourism. In November 2016, in partnership with an international organization, the government developed a program to raise awareness about child exploitation on the internet. In addition, the government made efforts to reduce the demand for forced labor. In 2016, the Ministry of Employment and Social Affairs conducted 543 child labor inspections, resulting in 79 formal notices addressed to unlawful employers. Labor inspectors also withdrew 80 children under the age of 15 from work sites and 166 children between the ages of 15 and 18 from hazardous work sites. The government did not report if it imposed any financial penalties on these employers, nor if inspectors identified any trafficking victims among these children. As in previous years, inspectors continued to be hindered by inadequate staffing and did not have the legal authority to enter homes, preventing them from identifying children or adults in domestic servitude. The government provided its diplomatic personnel human rights training, which included background on human trafficking issues. Moroccan peacekeeping forces continued to operate under a "no tolerance" policy, and the government provided training on the issue of sexual exploitation, but not specifically human trafficking, to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions.

TRAFFICKING PROFILE

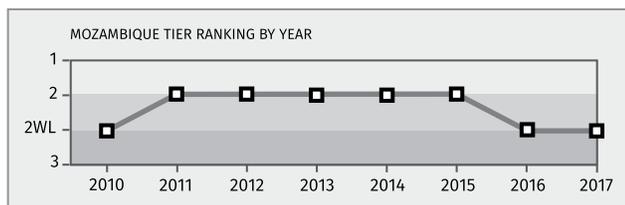
As reported over the past five years, Morocco is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. According to a November 2015 study conducted by the Moroccan government, with support by an international organization, children are exploited in Morocco for labor, domestic work, begging, and sex trafficking. Although the incidence of child domestic work has reportedly decreased since 2005, girls are recruited from rural areas for work in domestic service in cities and become victims of forced labor. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal and construction industries and in mechanic shops. The 2015 study also found that some women are forced into prostitution in Morocco by members of their families or other intermediaries. Some female undocumented migrants, primarily from sub-Saharan Africa and a small but growing number from South Asia, are coerced into prostitution and forced labor. Criminal networks operating in Oujda on the Algerian border and in the northern coastal town of Nador force undocumented migrant women into prostitution and begging; networks in Oujda also reportedly force children of migrants to beg. Some female migrants, particularly Nigerians, who transit Oujda are forced into prostitution once they reach Europe. International organizations, local NGOs, and migrants report unaccompanied children and women from Cote d'Ivoire, Democratic Republic of the Congo, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports

suggest Cameroonian and Nigerian networks force women into prostitution, while Nigerian networks also force women to beg in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia are recruited for employment as domestic workers in Morocco; upon arrival, some are subjected to forced labor, experiencing non-payment of wages, withholding of passports, and physical abuse at the hands of their employers.

Moroccan men, women, and children are exploited in forced labor and sex trafficking, primarily in Europe and the Middle East. Moroccan women forced into prostitution abroad experience restrictions on movement, threats, and emotional and physical abuse. Some foreigners, primarily from Europe and the Middle East, engage in child sex tourism in major Moroccan cities.

MOZAMBIQUE: TIER 2 WATCH LIST

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by continuing to prosecute and convict traffickers; identifying victims and referring them to care; developing a draft national referral mechanism (NRM); training front-line responders; and coordinating awareness-raising events. However, the government did not demonstrate increasing efforts compared to the previous reporting period. While the number of investigations decreased, the numbers of prosecutions and convictions increased. The government did not finalize implementing regulations for the 2008 anti-trafficking law and the government's funding for and provision of protective services remained inadequate. The labor ministry employed an insufficient number of labor inspectors, and they lacked training and resources to effectively monitor for child trafficking and other labor violations. Therefore, Mozambique remained on Tier 2 Watch List for the second consecutive year.



RECOMMENDATIONS FOR MOZAMBIQUE

Increase efforts to prosecute and convict traffickers; finalize and implement the national action plan, and issue regulations necessary to implement the protection and prevention provisions of the 2008 anti-trafficking law; expand the availability of protective services for victims via increased funding or in-kind support to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons; build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims; develop a formal system to proactively identify trafficking victims among vulnerable populations and finalize and implement the national referral mechanism; institute a unified system for collecting trafficking

case data; monitor the reported growth of commercial sex and train officials to investigate and prosecute those facilitating child sex trafficking or adult forced prostitution; and expand training for law enforcement officers in victim identification, particularly at border points.

PROSECUTION

The government made uneven anti-trafficking law enforcement efforts. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years imprisonment for these offenses, which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The 2014 penal code prohibits involuntary commercial sexual exploitation and forced labor of men and women.

The government continued to manually compile anti-trafficking law enforcement data; however, it did not provide case-specific details. In 2016, the government reported initiating investigations of 20 suspected trafficking cases, compared with 35 the previous year and prosecutions of 17 defendants, compared with 10 the previous year. It reported convicting 16 traffickers under the 2008 anti-trafficking law, all of whom received prison terms, ranging from eight to 20 years imprisonment; the number of convictions represents an increase from 11 offenders convicted in 2015. As the 2008 anti-trafficking law criminalizes trafficking for the purpose of organ removal, law enforcement statistics likely included such cases, in addition to sex and labor trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

In partnership with international organizations, the government trained 30 members of the National Reference Group for Child Protection and Combating Trafficking in Persons (NRG), an inter-ministerial body responsible for coordination of national anti-trafficking efforts, on victim identification. An international organization trained approximately two dozen members of the Maputo Province Reference Group, consisting of officials from the provincial administrative office, attorney general's office, police, border guards, social workers, and NGOs, trained 24 provincial reference group members on victim identification twice during the reporting period. An international organization also provided training for the Maputo City Reference Group on victim identification. The attorney general's office worked with an international organization to train 100 provincial reference group members in Gaza, Nampula, and Tete provinces. The Ministry of the Interior trained 60 of its personnel from Gaza, Inhambane, and Maputo on victim identification. Expert reports allege traffickers commonly bribe police and immigration officials to facilitate trafficking crimes both domestically and across international borders.

PROTECTION

The government maintained inadequate protection efforts. The government reported referring 11 trafficking victims, including 10 children, to an international organization for protective services. An international organization reported identifying one additional child victim. Officials continued to rely on technical and financial support from NGOs and international organizations to provide protection and rehabilitation services for victims and offered limited shelter, medical, and psychological assistance. In partnership with an

international organization, the government developed a draft NRM during the reporting period. The drafting process involved significant coordination among multiple government agencies, law enforcement, and civil society. However, it did not finalize implementing regulations for the protection and prevention provisions of the 2008 anti-trafficking law. Draft implementing regulations for trafficking victim and witness protection were not finalized by the end of the reporting period.

Officials continued to operate facilities in more than 215 police stations and 22 “Victims of Violence” centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime; however, it remained unclear whether trafficking victims benefited from these services in 2016. The anti-trafficking law requires police protection for victims who participate as witnesses in criminal proceedings against traffickers. The multi-sectoral care mechanism, which coordinates referrals and protective provisions for female victims of violence, remained inadequate and inoperative in 2016. Although Mozambican law provides for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution, the government did not use this provision during the reporting period.

PREVENTION

The government made modest efforts to prevent trafficking. The NRG met at least twice during the reporting period to coordinate anti-trafficking efforts at the national level and to draft an updated national action plan; however, the plan was not finalized by the end of the reporting period. Provincial-level “reference groups,” consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations, continued to coordinate regional efforts to address trafficking and other crimes. These groups carried out awareness campaigns throughout the country with support from an international NGO. The labor ministry employed an inadequate number of labor inspectors who lacked training and resources to effectively monitor for child trafficking and other labor violations, especially on farms in rural areas. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts or forced labor during the year. It did not provide anti-trafficking training for its diplomatic personnel.

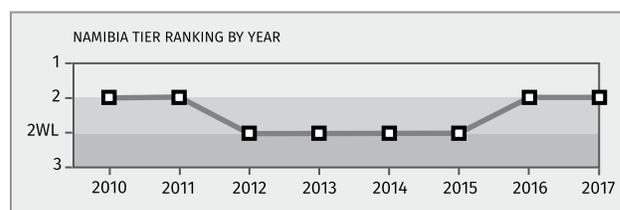
TRAFFICKING PROFILE

As reported over the past five years, Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. In addition to voluntary migrants from neighboring countries, women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and sex trafficking. Mozambican girls are exploited in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Swaziland and South Africa. Child sex trafficking is of growing concern in Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, they

increase the demand for sexual services, potentially including child sex trafficking. Mozambican men and boys are subjected to forced labor on South African farms and mines where they often labor for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Swaziland to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Mozambican adults and girls are subjected to forced labor and sex trafficking in Angola, Italy, and Portugal. Persons with albinism, including children, are increasingly vulnerable to trafficking for the purpose of organ removal. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports allege traffickers bribe officials to move victims within the country and across national borders to South Africa and Swaziland.

NAMIBIA: TIER 2

The Government of Namibia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period, therefore, Namibia remained on Tier 2. The government demonstrated increasing efforts by identifying and referring to care more trafficking victims, by drafting a national mechanism to refer victims to care, and by establishing a multi-sectoral steering committee, the TIP National Coordinating Body (TNCB), and signing a memorandum of understanding to strengthen inter-ministerial coordination on trafficking cases. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers. Government-funded shelters lacked personnel and resources to assist victims. The government did not conduct awareness activities.



RECOMMENDATIONS FOR NAMIBIA

Finalize and enact comprehensive anti-trafficking legislation; increase efforts to investigate, prosecute, and convict traffickers, including for forced labor; adopt and implement the draft national mechanism to identify victims and refer them to care; allocate additional resources for shelter services, including to develop a plan to fully operationalize renovated safe houses specifically for trafficking victims; finalize and implement a new national action plan to guide anti-trafficking efforts; train officials on relevant legislation; institute a unified system for collecting trafficking case data for use by all stakeholders; strengthen coordination among government ministries at both the ministerial and working level; and increase efforts to raise awareness, especially in rural areas.