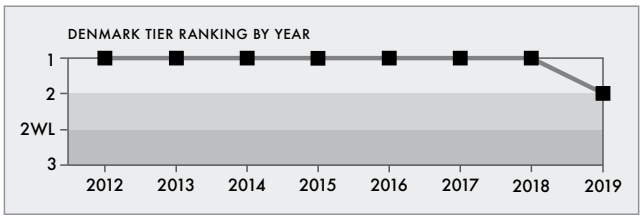
often recruit victims from their home countries and work in cooperation with local Czech citizens. Law enforcement report an increase in "marriages of convenience" where Czech women are recruited through sham marriages with non-EU men and then subjected to sex trafficking and/or forced labor. Private, unregistered labor agencies often used deceptive practices to recruit workers from abroad as well as from inside the country.

# DENMARK: TIER 2

The Government of Denmark does not fully meets the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included adopting a three-year national action plan and producing guidelines for businesses on preventing forced labor. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. The government initiated only one trafficking investigation during the reporting period, largely due to a reduction in the number of officers responsible for investigating human trafficking crimes. Additionally, courts convicted only one trafficker, the lowest number in more than a decade. The government continued to focus on the undocumented status of some foreign victims rather than screening for indicators of trafficking, often incarcerating them during review of their status. Furthermore, lack of incentives for victims to cooperate in investigations, such as residence permits, inhibited successful prosecutions and left victims vulnerable to re-trafficking and reluctant to come forward and work with police. Therefore Denmark was downgraded to Tier 2.




## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases under the trafficking statute and sentence convicted traffickers to significant prison terms. • Increase the number of police officers investigating trafficking crimes. • Increase incentives for all victims to cooperate in the prosecution of traffickers, including by permitting temporary residency for victims while they assist law enforcement. • Strengthen and streamline victim identification procedures, including by expanding law enforcement efforts to proactively identify and expeditiously transfer potential trafficking victims, especially those without legal status, from police or immigration custody to crisis centers or care providers to facilitate trust among this vulnerable group. • Allow victims receiving assistance to seek employment or temporary work.

## PROSECUTION

The government decreased law enforcement efforts. Section 262(a) of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of up to eight years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Since 2016, the government reassigned a large number of police units to counterterrorism, gang violence, and border security duties, shifting police attention away from trafficking and reducing the number of officers available to conduct investigations. Additionally, in 2018, the head of the police's anti-trafficking unit resigned due to the lack of resources; subsequently, the police folded the unit into the homicide division. Furthermore, police adopted a reactive approach to investigations and were more likely to investigate and charge suspected traffickers for crimes other than trafficking, such as pimping. As a result, during the reporting period, authorities investigated one trafficking case, a decrease from four in 2017, 25 in 2016, and three in 2015. Officials prosecuted three trafficking suspects, compared with two in 2017, three in 2016, and 58 in 2015. Courts convicted one trafficker in 2018, the lowest number of convictions in more than a decade (nine in 2017, 17 in 2016, 12 in 2015), and imposed a sentence of seven years' imprisonment. Experts reported authorities prosecuted limited trafficking cases because of the lack of incentives for victims to cooperate in investigations, escalating a sense of pessimism among police and NGOs about the likelihood of successful prosecutions. Additionally, experts criticized authorities' deficiency to prosecute and convict labor traffickers over the years, despite the significant number of identified victims. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government's Center against Human Trafficking (CMM) provided police with instructions on trafficking at the police academy and additional training for police who became investigators. CMM also provided guidelines to defense lawyers representing trafficking victims.

## PROTECTION

The government decreased protection efforts. Authorities identified 97 trafficking victims in 2018, compared with 98 in 2017. Of these victims, 61 were male, 35 were female, and one identified as transgender. Ten of the identified victims were minors (three in 2017). There were no Danish victims identified, compared with one in 2017. Experts noted authorities identified most victims via periodic police raids, and the trend toward online advertisement of prostitution made identifying sex trafficking victims more difficult. Government guidelines for identifying victims required the involvement of multiple government and law enforcement agencies, requiring several interviews of victims who were kept in detention before referral to NGOs, who stated victim identification methods were convoluted and involved them too late in the process. The government provided a list of indicators for police to reference for initial identification and procedures to guide officials in proactive victim identification. Guidelines required police to call CMM if a suspected victim was in custody. CMM was responsible for formal identification of victims of Danish or EU origin or who were documented migrants, and immigration services were responsible for formal identification of undocumented migrant victims following an initial CMM interview. Officials had the authority to detain potential victims for 72 hours and could extend this period when they needed more time to determine victim status or immigration status, or to identify traffickers. NGOs contended the current laws and political climate encouraged police officers to focus their efforts on addressing migration issues, thus primarily treating victims as undocumented immigrants subject to the justice system. NGOs also contended the onus of victim identification remained on victims rather than officials' proactive identification, and highlighted that many victims came from communities that distrust law enforcement, making them unlikely to self-

identify. Additionally, experts expressed concern over the lack of incentives, such as residence permits, for victims to cooperate in investigations.

CMM offered assistance to all victims, including information on undocumented victims' options for voluntary return, asylum, or humanitarian residence. In 2018, 89 victims accepted support and entered care facilities (88 in 2017). Government-operated and government-funded NGO facilities provided trafficking victims medical and psychological care, shelter, and financial, legal, and reintegration assistance, regardless of gender, disability, origin, or immigration status. Although these trafficking-specific services existed, authorities sometimes housed victims with asylum-seekers and refugees. Victims receiving assistance could not seek employment, but they could apply for compensation through a state fund and through civil suits against their traffickers. The government did not report if victims pursued these in 2018. The Danish Red Cross assisted unaccompanied children and child victims in another facility partially funded by the government and screened all unaccompanied minors in asylum centers for trafficking indicators. Danish Red Cross personnel expressed concern over the growing number of Moroccan boys living in asylum centers forced into petty criminality and the government's lack of response to this development, as well as the overall treatment of children in asylum centers.

The government provided undocumented trafficking victims a 30-day "extended time limit for departure" (with extension up to 120 days) as part of its prepared return program for trafficking victims ordered to leave Denmark. Regional anti-trafficking experts, including the Council of Europe, emphasized this period did not refer to a period of reflection and recovery necessary to determine whether victims would cooperate in the investigation of their cases; rather it was a period of time the victims had to cooperate in their repatriation. The government provided those who accepted the prepared return with up to six months temporary residency and training to prevent re-trafficking. Some victims chose not to participate in the program, reportedly based on the perception it was merely a preparation for deportation. Additionally, traffickers' debt-based coercion and victims' lack of protection in their home countries served as significant deterrents from accepting the prepared return. In 2018, the government did not report the number of trafficking victims who accepted a prepared return (13 in 2017, 12 in 2016). Regardless of whether foreign victims accepted the prepared return, the government provided 50,000 kroner ($7,670) to victims at deportation. Authorities deported undocumented victims who did not accept a prepared return unless they were assisting in the prosecution of a trafficker. The government did not report granting asylum residence permits to victims in 2018 (one in 2017). NGOs reported the threat of deportation prevented victims from coming forward and led some identified victims to leave shelters before the conclusion of police investigations or court proceedings in order to evade deportation.

### PREVENTION

The government maintained prevention efforts. Government officials adopted a 2019-2021 national action plan. In addition to the 9.4 million kroner ($1.44 million) allocated in 2016 to counter-trafficking efforts through 2020, the government allocated 64 million kroner ($9.82 million) to trafficking programs for the new action plan—a 30 percent decrease from the previous action plan's 88.3 million kroner ($13.55 million) budget. NGOs criticized government officials for misallocating funding in favor of prevention efforts, such as extravagant social media awareness campaigns, rather than prosecution or protection efforts. While the new plan allocated 500,000 kroner ($76,720) for shelters, CMM received 1.3 million kroner ($199,480) for a social media campaign on detecting signs of trafficking. CMM assessed the trend for sex trafficking shifted from the streets to the internet; thus the government provided 2.4 million kroner ($368,270) to an NGO to research escort services, develop methods to identify victims, and create new awareness and outreach campaigns. NGOs also criticized the government's push to decentralize government functions and spread offices around the country, which negatively affected anti-trafficking efforts. The Ministry for Gender Equality allocated 3.9 million kroner ($598,430) for a three-year, Danish trade union project, focusing on developing outreach work among workers vulnerable to forced labor. CMM produced guidelines for businesses on preventing forced labor. The government did not make efforts to reduce the demand for commercial sex. The government did not provide anti-trafficking training to its diplomatic personnel. CMM operated a hotline for reporting trafficking cases in Danish and English; in 2018, the hotline received 277 calls.

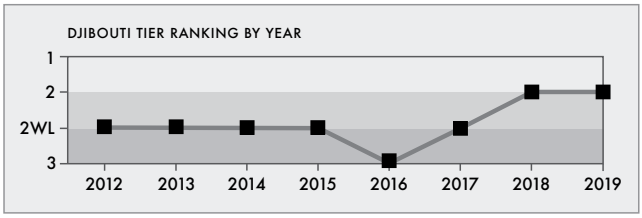
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Denmark, and traffickers, to a lesser extent, exploit victims from Denmark abroad. Traffickers subject men, women, and children from Eastern Europe, Africa, Southeast Asia, and South America to forced labor and sex trafficking in Denmark. For the first time since 2007, Nigerians did not represent the majority of identified victims (Filipinos were the most prevalent nationality), and victims of forced labor outnumbered victims of sex trafficking. Traffickers subject migrants, especially Filipino men, to labor trafficking in trucking, construction, agriculture, domestic service, restaurants, hotels, and factories through debt-based coercion, withheld wages, abuse, and threats of deportation. Traffickers exploit unaccompanied migrant children, particularly Moroccan boys, in sex trafficking and forced labor, including drug trafficking, theft, and other forms of forced criminality. Copenhagen's relatively small red-light district represents only a portion of prostitution in the country, which includes sex trafficking in brothels, bars, strip clubs, and private apartments. Additionally, NGOs report a trend toward prostitution advertised online rather than on the street. The rise in migrants, asylum-seekers, and refugees entering and transiting Denmark increased the size of the population vulnerable to human trafficking. While more recently the number of asylum-seekers and refugees declined, the number of victims from Romania, Thailand, Nigeria, and other African countries remain high.

## **DJIBOUTI:** TIER 2

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Djibouti remained on Tier 2. These efforts included allocation of government land to a locally operated NGO for the construction of the country's first overnight shelter. Government officials also authorized an NGO to house vulnerable street children, young migrants, and potential trafficking victims. In addition, officials independently identified and referred 28

potential trafficking victims to protective services and increased funding to ministries with trafficking equities. However, the government did not meet the minimum standards in several key areas. It did not convict any perpetrators of human trafficking, and limited coordination and understanding of trafficking indicators among front-line officials continued to inhibit law enforcement efforts. The government did not fully operationalize its national action plan to combat trafficking for the fourth consecutive year, and victim identification efforts were mostly conducted on an ad hoc basis despite there being a formal mechanism in place.




## PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute suspected trafficking offenders under the 2016 anti-trafficking law. • Institute and partner with international experts to provide regular training for judges, prosecutors, and law enforcement officials on the distinctions between trafficking and migrant smuggling and on compiling and interpreting evidence of trafficking crimes in cost-effective manners. • Establish a training program for the Coast Guard to improve identification of potential trafficking victims among migrants transiting by sea. • Provide support, as feasible, for the country's first 24-hour shelter for vulnerable migrants, including trafficking victims. • Widely disseminate and implement standardized procedures for government personnel to proactively identify potential victims, especially among vulnerable populations like migrants or orphans, and transfer them to care. • Continue to strengthen protective services for victims through partnerships with NGOs or international organizations. • Revise, finalize, and implement the extended national action plan. • Continue to coordinate with civil society to spread anti-trafficking awareness nationwide.

## PROSECUTION

The government maintained law enforcement efforts to combat trafficking. The 2016 Law No.133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalized sex trafficking and labor trafficking; it prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law considered the involvement of a minor or forcing a victim into prostitution as aggravating circumstances for which the penalties increased to 10 to 20 years' imprisonment. Law No.111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, remained in effect, also prohibited sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years' imprisonment, which were also sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Definitions and penalties in these two laws sometimes diverged, at times causing confusion that hampered law enforcement, prosecutorial, and judicial officials' ability to prosecute suspected traffickers effectively.

During the reporting year, the government investigated 29 potential trafficking cases, down from 250 investigations during the previous year; however, data from the previous year included many trafficking-related crimes like smuggling or domestic abuse, whereas data from this reporting period did not. The government reported prosecuting 58 suspected traffickers in 29 cases under the 2016 anti-trafficking law, compared to nine cases the prior year. It convicted an unknown number of defendants for smuggling, compared with one conviction in 2017 for forced labor, and also acquitted an unknown number due to insufficient evidence. Severe resource and capacity limitations impeded officials' ability to develop comprehensive investigations of trafficking indicators and crimes. Additionally, limited awareness among the Coast Guard on how to identify trafficking victims among migrants encumbered its ability to gather and collect evidence in potential trafficking crimes effectively. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses in 2018.

In 2018, the government newly designated the Ministry of Interior (MOI) as the entity officially responsible for migration issues, to include trafficking. According to civil society stakeholders, this restructuring allowed international partners and NGOs to more effectively coordinate and focus on anti-trafficking initiatives in-country. Furthermore, MOI and the Ministry of Justice (MOJ) held several trainings for technical advisors and judges to strengthen institutional knowledge on law enforcement efforts against trafficking; these trainings reached an unknown number of officials during the year. The government continued to provide in-kind support to anti-trafficking trainings facilitated and funded by international organizations. The MOJ, in collaboration with a foreign government entity, conducted a three-day seminar in Tadjourah to commemorate World Day against Trafficking; the event featured workshops from NGO leaders, government officials, and security services personnel and focused on the legal definition of trafficking, differentiation between trafficking and smuggling, and proper mechanisms to identify victims. Additionally, each law enforcement academy, as part of basic orientation courses, maintained training on recognizing trafficking cases.

## PROTECTION

The government increased efforts to protect trafficking victims. Although it had formal identification and referral procedures to guide officials in the proactive identification of victims, relevant officials did not consistently use these procedures. During the reporting period, without assistance from international organizations, authorities identified 28 potential trafficking victims and referred them all to care, an increase from seven it independently identified and assisted the previous year. For each of the 28 individuals, the government worked in tandem with an international organization to provide appropriate services. In addition, the government repatriated approximately 3,000 Ethiopians, which included an unknown number of migrants vulnerable to trafficking; it provided fully funded transportation to the Ethiopian border and subsequently coordinated with Ethiopian officials to conclude the repatriation process. The government continued to grant authority to an international organization to conduct trafficking screenings of all transiting migrants—many of whom were potential trafficking victims—and partnered with this entity to provide water, food, and temporary shelter for more than 1,000 people during the reporting period.

In January 2019, the MOI allocated government land to a locally operated NGO for the construction of a shelter for unaccompanied migrant and highly vulnerable street children—

the first secure, 24-hour dormitory in the country that could appropriately house trafficking victims. For the first time, the government also permitted one NGO and other organizations working with orphans to host minors at their respective facilities overnight; many of these vulnerable children previously slept on the streets or along Siesta Beach—a spot once notorious for trafficking. Separately, the Coast Guard provided clothing and food to vulnerable migrants stranded at sea and transported them to care provided by an international organization, typically in Khor Angar. Additionally, the government continued its administration and funding of three migrant response centers (MRCs) across the country, in Loyada, Obock, and Khor Angar, which included office and short-term living quarters staffed and operated by an international organization, along routes heavily traversed by migrants. Since 2017, the Ministry of Health has provided one full-time doctor—trained to identify trafficking indicators—to the National Union for Djiboutian Women counseling center, a facility that deals with trafficking cases among other crimes. Also during the year, health officials, in partnership with an international organization, continued to operate five mobile clinics in Djibouti's critical regions to provide care for the more than 300 Ethiopians who transited Djibouti daily to reach the Arabian Gulf. In addition, the Women and Family Promotion Ministry, in partnership with the European Union, executed and validated a qualitative research study to examine the plight of street children, one of the groups most vulnerable to exploitation. This ministry also increased the presence of social workers in Djibouti's rural areas to respond to instances of abuse, including trafficking, marking the first time rural citizens had access to counseling.

Key ministries that supported groups vulnerable to trafficking increased transparency regarding funding and provided significant resources during the reporting period, despite being overall resource-strapped. The government increased its funding from more than 90 million Djiboutian francs to more than 140 million Djiboutian francs ($508,470 to $790,960) to relevant ministries, MRCs, transit centers, and local NGOs, which operated counseling centers and other programs—including a hotline—that assisted potential trafficking victims during the year. The 2016 anti-trafficking law included provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency, as necessary, as a legal alternative to removal to countries where victims might face hardship or retribution; it was unclear whether the government employed these provisions during the reporting year. Additionally, the 2016 law directed the government to provide necessary victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to irregular implementation of formal identification procedures, trafficking victims may have remained unidentified within the law enforcement system.

## PREVENTION

The government increased its efforts to prevent trafficking. During the reporting period, the government continued revisions to its 2015-2022 national action plan but did not fully operationalize it for the fourth consecutive year, due in part to the recent transfer of responsibilities to the MOI. The justice ministry's website featured the government's anti-trafficking efforts throughout the year and publicized articles on human trafficking in addition to Djibouti's anti-trafficking law. The state-sponsored press also publicized articles on every anti-trafficking outreach event in Djibouti and included informational materials targeted to vulnerable groups, including street children and domestic violence victims. As part of the World Day against Trafficking, justice officials, in partnership with a foreign government entity, organized a three-day seminar to raise awareness on the dangers of trafficking among rural communities; an NGO provided the venue, and officials contributed refreshments, circulated invitations, and coordinated with the state-sponsored press to report on the event. This event culminated in a series of recommendations to improve inter-ministerial coordination on trafficking in remote locales. Additionally, officials worked with the Islamic High Council to produce sermons that contained trafficking awareness elements. In December 2018, justice sector officials hosted an event to socialize the issue of trafficking among imams and other religious leaders in Djibouti City. The Women's Ministry promulgated on the local radio and television stations its hotline for domestic abuse cases, which also included instances of sex trafficking, but did not report the number of trafficking or related calls it received or if it identified any traffickers as a result. In March 2019, the MOI, in partnership with the UN, organized a three-day workshop with representatives from law enforcement, judicial sector officials, and other ministries to foster a better understanding of the rights of children, particularly as they relate to trafficking. The government made efforts to reduce the demand for commercial sex acts and forced labor. The government increased the number of law enforcement personnel at nighttime at Siesta Beach—a time and location once notorious for commercial sex transactions—and the inspector general continued its unannounced public inspections at the sites of foreign companies throughout the country. Djibouti's armed forces—via a train-the-trainer program—provided pre-deployment civil-military training to their personnel to ensure service members did not engage in or facilitate any form of trafficking on international peacekeeping missions. The coast guard had a separate training for the identification of trafficking at sea. English and Amharic language teachers at the Ministry of Foreign Affairs' training center for diplomatic personnel included information on trafficking and domestic servitude in their course material.

## TRAFFICKING PROFILE

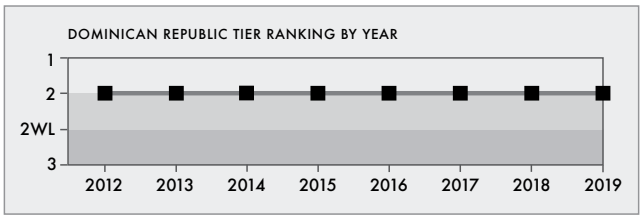
As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti. Men, women, and children, primarily economic migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. An unknown number of these migrants are subjected to forced labor and sex trafficking in their intended destinations, and these irregular migrants are also at increased risk of becoming trafficking victims in various transit points. Economic migrants also pass through Djibouti to return to their respective countries of origin. According to government estimates and an international organization, in 2018 more than 150,000 people embarked on the sea crossing from the Horn of Africa to Yemen, contributing to the highest annual total of the past decade. During the reporting year, approximately 91,500 Ethiopian migrants transited Djibouti (population of one million)—more than 300 each day—thereby putting a significant strain on the government's resources. In addition to this substantial influx of migrants, the civil war in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti. The government allowed roughly 37,500 people of diverse nationalities to enter freely and take refuge since the start of the Yemeni war in 2015; some of them had endured various types of exploitation, possibly including trafficking, before their arrival in Djibouti. Given the protracted political instability in

Ethiopia's Oromia and Somali regions, Ethiopians, including unaccompanied minors, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or to continue onward to destination countries in the Arabian Gulf, thereby causing an uptick in refugee camp populations by approximately 2,000; austere and overcrowded conditions in these camps perpetuated trafficking vulnerabilities.

During the reporting period, officials identified an increasing number of vulnerable minors in Djibouti City, particularly along the Siesta Beach road, and subsequently increased their presence along the beach and its surroundings to deter trafficking crimes. Djiboutian and migrant women and street children are vulnerable to sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure and arrival point for Yemen. Some smugglers may transport or detain migrants against their will and subsequently subject them to trafficking and other forms of abuse in Djibouti. Smuggling networks, some of whose members are likely Djiboutian, sometimes charge exorbitantly high rents or kidnap and hold migrants transiting Djibouti, including children, for ransom. Parents sometimes compel their children to beg on the streets as a source of familial income; children may also travel from foreign countries—including Ethiopia and Somalia—to beg in Djibouti.

## DOMINICAN REPUBLIC: TIER 2

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Dominican Republic remained on Tier 2. These efforts included convicting more traffickers and issuing severe penalties to several of them, developing a new national action plan, and increasing efforts to combat labor trafficking. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer cases and issued inadequate sentences to some convicted traffickers. The government did not offer comprehensive and sufficient specialized services for all victims and did not effectively screen for trafficking indicators or refer victims to care.




### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers involved in forced labor and sex trafficking, including complicit government officials. • Provide a dedicated budget to fully implement the national action plan. • Provide adequate human and financial resources and training to law enforcement, prosecutors, and judges to combat trafficking, particularly in areas outside of Santo Domingo. • Adequately fund and provide comprehensive, specialized services for victims. • Increase efforts to identify and combat child sex trafficking, including child sex tourism. • Proactively screen for trafficking indicators among Venezuelans and undocumented or stateless persons at risk of deportation, including those of Haitian descent, to identify victims, refer them to care, and prevent re-trafficking. • Fully implement protocols to identify adult and child trafficking victims and refer them to protective services. • Amend the 2003 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims younger than 18 years of age and in order to be consistent with international law.

### PROSECUTION

The government maintained prosecution efforts, but a lack of resources and personnel and leadership turnover hampered efforts. Dominican law criminalized sex trafficking and labor trafficking. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 15 to 20 years' imprisonment and fines. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Article 25 of the Child Protection Code of 2003 criminalized the offering, delivering, or accepting, without regard to means used, anyone younger than 18 years of age for the purpose of sexual exploitation, forced labor, or any other purpose that demeaned the individual, for remuneration or any other consideration, and prescribed a penalty of 20 to 30 years' imprisonment and a fine. All these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In partnership with NGOs and a foreign donor, the government began efforts to revise its law to remove the need to prove force, fraud, or coercion for child sex trafficking.

In 2018, the Attorney General's Office initiated 11 investigations (17 in 2017, 25 in 2016, and 15 in 2015) and prosecuted five cases involving 14 suspected traffickers. This is compared with 20 traffickers prosecuted in 2017, 40 traffickers in 2016, and 49 traffickers in 2015. The Attorney General's Office secured convictions of 22 defendants in nine cases of sex trafficking and one case of sex and labor trafficking in 2018, compared to 16 defendants convicted in 13 cases in 2017 and 13 defendants convicted in seven cases in 2016. Seventy percent of the 2018 convictions occurred in cases with underage victims. A court sentenced one trafficker to 25 years in prison, the maximum sentence prescribed by the trafficking law due to the existence of aggravating circumstances, and ordered the trafficker to pay 500,000 Dominican pesos ($10,010) compensation to each of the three victims. Two traffickers received sentences of 15 years in prison. Other sentences ranged from two to 10 years, with three including a portion of the sentence suspended and one taking into account time served. During the reporting period, the court of appeals upheld a 2017 guilty verdict in one trafficking case. In 2017, the government charged two police officers and two members of the military with sex trafficking; authorities suspended these individuals from their jobs and held them in pretrial detention pending the outcome of their court cases. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The national police anti-trafficking unit (ATU) opened 45 investigations in 2018; this compared with 83 investigations in 2017. The national police also conducted six raids in sex trafficking cases, versus seven in 2017, three in 2016, and none in 2015. In addition, in 2018, two foreigners (German, Italian) were charged and four foreigners were convicted (Canadian,

Italian, French, and American) with child sex tourism. In 2017, the Attorney General's Office charged 12 foreigners (American, Canadian, German, and Venezuelan) with child sex tourism and convicted four of them; the other eight cases were pending. The police reported 18 open investigations related to child sex tourism in Sosua and Puerto Plata and five in Boca Chica. The government cooperated with the United States, Belgium, Argentina, and Spain, on investigations and prosecutions of traffickers; this included the 2017 arrest and joint U.S.-Dominican investigation of a U.S. citizen for child sex trafficking, which resulted in a 2018 U.S. conviction. The government announced it significantly increased its military and law enforcement presence along the border. However, the limited number of police officers dedicated to combat trafficking, lack of resources, and procedural inefficiency hindered progress.

In September 2018, the Attorney General replaced many of his top and more experienced prosecutors, including the prosecutor for the specialized anti-trafficking unit. The leadership for the unit changed twice within the last year, and the Attorney General's office had only two prosecutors for the majority of the reporting period—half the number of previous years. Although the office added one additional prosecutor in late 2018, experts noted the lack of human and financial resources for prosecution was an area of urgent concern. The government's anti-trafficking resources were concentrated in Santo Domingo, resulting in gaps in other areas of the country. Judges, prosecutors, and police lacked specialized training in investigating, identifying, prosecuting, and sentencing those accused of trafficking crimes. Experts reported observing some judges favored the rights of defendants over the rights of trafficking victims. In 2018, 480 National Police officers received training on investigations and victim identification by an international organization; this was an increase from 300 officers trained in 2017. With funding from a foreign donor, 32 prosecutors from throughout the Dominican Republic received training on trafficking cases.

## PROTECTION

The government maintained victim protection efforts. Authorities identified 96 victims (84 sex trafficking, 12 labor trafficking), compared with 102 sex trafficking victims identified in 2017 and 157 sex trafficking victims in 2016. All 96 were female and included 25 minors and 71 adults. Sixty-eight of the 71 adults were foreigners. In collaboration with other government agencies, international organizations, and NGOs, the ATU provided foreign and domestic trafficking victims accommodation in shelters, psychological, and legal assistance, reintegration and repatriation assistance, medical services, and support for higher education. The government permitted victims to work. According to NGOs, fifteen victims participated in the legal process of their cases. With NGO funding, the government assisted in the repatriation of four Venezuelan adult victims of trafficking to their country of origin. The government referred 40 victims to shelters and care centers; the remainder chose to stay with family members or acquaintances. The government coordinated housing and an airline ticket for a Dominican victim in Nicaragua, as well as an airplane ticket for a Dominican victim in Bahrain.

The government reported spending 545,500 Dominican pesos ($10,920) for victim assistance. NGOs reported victim services were ad hoc, minimal, and not well coordinated or specialized. The government did not report the amount of assistance spent on victims. Authorities and observers noted the government lacked adequate funding, shelter capacity, trained personnel, equipment, and knowledge to provide adequate victim protection. There were no full-time government shelters for adult trafficking victims. In June 2018, the government signed an agreement with the Dominican Conference of Religious Men and Women to operate Casa Malala, which would be the government's first adult victim shelter in Santo Domingo, but the shelter was not open full-time while the government developed a protocol governing its operation. Child trafficking victims were sheltered with other children in government centers that were unable to offer specialized, expert care.

Government officials reported having protocols to identify and assist adult and child trafficking victims; however, authorities did not fully or effectively implement the protocols across all levels of government nationwide. The government worked with NGOs to screen for potential victims; experts reported the lack of a formal referral process for victims. The government had protocols to screen for trafficking victims when detaining or arresting individuals in vulnerable groups, but authorities acknowledged that they have not yet applied them effectively. Experts assessed the government did not have the capacity to effectively screen adult Haitian migrants who might be victims of trafficking before facing penalties and being deported back to Haiti. The government, working with NGOs, offered protection to trafficking victims during the legal process. However, the court system lacked a sufficient number of specialized cameras to allow victims to be interviewed in a safe environment when necessary to avoid re-traumatization. Experts reported victims could give testimony by video or written statements. The government provided legal assistance to victims who wished to file civil suits against their traffickers. In 2018, two convictions required the traffickers pay restitution to the victims: in one case 500,000 Dominican pesos ($10,010); and a second case was an upheld appeals case that required 150,000 Dominican pesos ($3,000). This is compared with no victims receiving restitution in 2017 or 2016. The National Institute of Migration (INM), an autonomous government agency, offered a certificate program to employees of the Ministry of the Interior and Police on providing protection and assistance to women and girl victims of trafficking; 45 individuals received training through this program. In November 2018, the government partnered with an NGO and provided in-kind assistance to host a workshop on caring for child survivors of sexual exploitation; thirty-five officials from Santo Domingo, Sabana Perdida, Boca Chica, and Los Alcarrizos participated.

## PREVENTION

The government increased prevention efforts. In May 2018, the government adopted a new national anti-trafficking plan, which replaced the national plan that expired in 2014. The plan assigned goals, responsibilities, and deadlines to each of the 14 government agencies comprising the Inter-institutional Commission Against the Trafficking of Persons and Illicit Smuggling of Migrants (CITIM), overseen by the Ministry of Foreign Affairs. By the end of the reporting period, the government did not specify whether it allocated the necessary human and financial resources in the national budget to support the plan. Observers lauded the plan's content but questioned whether the government would devote sufficient resources to its implementation.

Authorities noted improved attention and partnerships to identify and combat potential labor trafficking cases. In 2018, the Ministry of Labor completed an externally funded assessment project carried out by an international organization that analyzed the strengths and weaknesses of the Inspections Department of the Ministry of Labor. The government planned

to use this assessment to create a roadmap for improvement. The Ministry of Labor accepted a grant from an external funder to strengthen its technical capacity and raise private sector awareness of the worst forms of child labor, including labor trafficking, with the help of an international organization. The Ministry of Labor participated in a training program sponsored by a foreign government on trafficking and is working with an international organization to increase capacity, including increasing awareness and understanding of how to identify and combat labor trafficking.

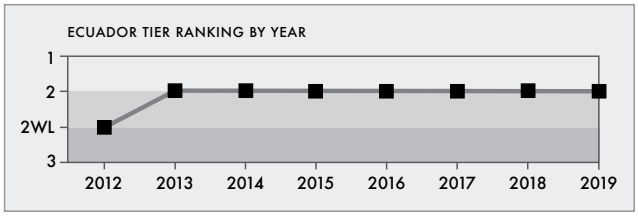
The government, in partnership with NGOs and the Dominican airport agency, which provided space for the event, launched a campaign against sexual exploitation and abuse of minors, which included trafficking, at several airports; authorities also sent these campaign materials to Dominican embassies. The Attorney General's office partnered with a foreign donor to host a conference to raise awareness about the importance of protecting victims' rights in criminal proceedings, strengthening inter-institutional cooperation and coordination, and improving use of new technologies to counter the online recruitment and exploitation of children, women, and men. The Ministry of Education and the Dominican Federation of Municipalities participated in a foreign donor-sponsored program on preventing trafficking that trained 252 public school counselors and 40-plus technicians from the Ministry of Education, 25 vice-mayors, and 55 municipal officials who work with women and youth in the National District, Puerto Plata, Samaná, San Juan and Santiago. These officials in turn provided training for at least 12,600 teenage student leaders at schools in those locations. The Ministry of Women conducted training workshops for six municipal networks on the prevention and detection of trafficking cases, as well as a workshop on trafficking for 911 emergency lines. The government partnered with an international organization and conducted a "training of trainers" program for specialized tourist police in Puerto Plata, hotel, and restaurant security mangers in Bavaro and Punta Cana, and hotel managers in Boca Chica. The government compiled data on its anti-trafficking efforts and published its annual report. INM also started a new project with a foreign government focused on increasing the capacity of journalists to report on trafficking crimes. The government operated a national trafficking hotline 24 hours a day. The government did not provide information on the number of calls received or investigated. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Dominican Republic, and traffickers exploit victims from the Dominican Republic abroad. Dominican women and children were sex trafficking victims throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. Foreign national victims from the Caribbean, Asia, and Latin America were trafficking victims in the Dominican Republic. Experts noted an increase in the number of Venezuelan trafficking victims in the Dominican Republic since the onset of Venezuela's economic and political crisis. The Dominican Republic is a destination for sex tourists primarily from North America and Europe, who target Dominican children for child sex trafficking. Sex trafficking of 15- to 17-year-old girls occurs in streets, in parks, and on beaches. Government officials and NGOs report an increase in traffickers recruiting Colombian and increasingly Venezuelan women to dance in strip clubs and later coerce them into sex trafficking. Traffickers lure Dominican women to work in nightclubs in the Middle East, Africa, the Caribbean, and Latin America and subject them to sex trafficking. Dominican officials and NGOs documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics. There are reports of forced labor of adults in construction, agricultural, and service sectors. Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings. Unofficial border crossings remain unmonitored and porous, leaving migrants, including children recruited to work in the agricultural and construction sectors, vulnerable to trafficking. NGOs report police complicity in areas known for child sex trafficking.

## **ECUADOR:** TIER 2

The Government of Ecuador does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ecuador remained on Tier 2. These efforts included identifying and assisting more victims, including Venezuelans, establishing a new specialized shelter for adolescent victims, and developing and implementing a case management database. However, the government did not meet the minimum standards in several key areas. Efforts were inadequate in some coastal cities with a notable prevalence of sex and labor trafficking. The Ministry of Labor made insufficient efforts to address labor trafficking, and specialized services for all victims remained unavailable in most of the country. The government investigated, prosecuted, and convicted fewer cases.




### PRIORITIZED RECOMMENDATIONS:

Strengthen the provision of specialized services for trafficking victims, including for boys, adults, girls under the age of 12, and victims of forced labor. • Vigorously investigate, prosecute, and convict traffickers, including public officials complicit in trafficking. • Increase efforts to combat trafficking in coastal cities, particularly Guayaquil. • Consider adopting a comprehensive anti-trafficking law that criminalizes trafficking in line with international definitions and stipulates protection measures and preventive techniques to combat trafficking. • Increase use of the national protocol for protection and assistance to trafficking victims, including identifying trafficking victims among vulnerable populations, such as irregular migrants, LGBTI individuals, and individuals in prostitution. • Train labor officials on trafficking indicators and expand the Ministry of Labor's mandate to include inspections of the informal sector. • Provide adequate funding and increase staffing of the anti-trafficking unit. • Train all officials working on trafficking cases on victim-centered investigative techniques. • Increase

victim-centered anti-trafficking training for police officers, judges, labor inspectors, immigration officials, social workers, and other government officials, particularly to enhance victim identification. • Establish an office for a specialized prosecutor to focus solely on trafficking crimes. • Partner with civil society to finalize, resource, and implement the national anti-trafficking action plan. • Approve and implement the recently introduced protocol to enhance interagency coordination in the provision of victim services.

## PROSECUTION

The government decreased law enforcement efforts. Articles 91 and 92 of the 2014 Criminal Code (COIP) criminalized sex trafficking and labor trafficking and prescribed penalties ranging from 13 to 16 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as kidnapping. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as essential elements of an adult trafficking offense. Article 91 defined trafficking broadly to include all labor exploitation, child pornography, child labor, illegal adoption, servile marriage, and the sale of tissues, fluids, and genetic materials of living persons. Observers indicated that the absence of comprehensive anti-trafficking legislation remained one of the biggest challenges in the fight against trafficking since the COIP did not stipulate protection mechanisms for victims or establish guidelines for preventive measures.

Although the law defined trafficking more broadly than the definition under international law, the government-reported data for 2018 included details that identified which cases met the international definition of sex and labor trafficking; data on 2017 cases continued to include crimes outside the international definition, making it difficult to compare efforts. The Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling reported the government initiated 139 investigations into alleged trafficking cases in 2018 (compared with 171 in 2017). The government arrested 18 suspected traffickers and conducted 13 anti-trafficking operations (compared with conducting 23 operations and arresting 44 suspected traffickers in 2017). Authorities prosecuted 24 cases (61 prosecutions in 2017), 22 for sex trafficking and two for forced labor, and convicted 19 traffickers (31 in 2017), 18 for sex trafficking and one for forced labor. Sentences for traffickers ranged from four to 25 years' imprisonment.

The Anti-Trafficking Unit (ATU), under the command of the National Police Unit for Crimes against Children and Adolescents (DINAPEN), was the primary law enforcement unit responsible for investigating trafficking cases. Officials from the ATU received extensive training on victim-centered investigative techniques, but remained critically understaffed and under-resourced. The ATU had 10 officers and frequent rotation of staff for mandatory police training reduced the number of active staff to six officers for most of the year. Although ATU officials received mandatory annual training on trafficking and officers applied a victim-centered approach to investigations, observers reported some officials outside of the ATU did not handle anti-trafficking operations with a victim-centered approach. The Specialized Prosecutor's Office in Transnational and International Organized Crime (FEDOTI) had prosecutorial responsibility for trafficking cases at the national level; however, due to its broad mandate, the majority of its work focused on the prosecution of non-trafficking crimes. Authorities recognized that sex trafficking was most prevalent in coastal provinces; however, government efforts to prosecute, protect, and prevent trafficking in major port cities like Guayaquil were deficient.

The government provided in-kind support to an international organization to train migration officials and first responders on trafficking indicators, mostly as a response to a mass influx of Venezuelan refugees and migrants. The Ministry of Labor (MOL) did not train labor inspectors on trafficking indicators, and the agency's mandate did not include investigations of accusations of abuse in informal sectors. NGOs and some government officials expressed concern the MOL did not make sufficient efforts to investigate labor trafficking crimes. The government did not report investigating, prosecuting, or convicting any new cases of official complicity; however, most complicity cases from previous years remained open, including the case involving officials in Guayaquil who allegedly issued fraudulent identity documents to adolescent girls later trafficked in commercial sex. Together with Colombia, the government offered a workshop for officials on victim identification, differentiating between trafficking and other crimes, and techniques for interviewing potential victims.

## PROTECTION

The government increased protection efforts. Authorities identified 167 victims and assisted 152 (compared with 56 assisted in 2017 and 75 in 2016). NGOs identified and assisted an additional 89 potential child trafficking victims (compared to 70 in 2017). It was unclear how many government- and NGO-identified cases involved trafficking as defined in international law given the overlapping trafficking-related criminal offenses. According to the Ministry of Interior (MOI), authorities identified 31 Venezuelan women and five Venezuelan girls as victims but did not report if these victims were included in the total number of victims identified.

The government had a victim identification manual to aid with the proactive identification of victims and authorities regularly referred victims to services. In 2018, the MOI drafted a protocol for strengthening interagency cooperation on trafficking crimes; approval for the plan was pending at the end of the reporting period. Authorities, in partnership with NGOs, continued to provide emergency and medium-term services to victims, including medical, legal, psychological, and educational support, in addition to specialized shelter for underage female victims. Insufficient services and shelters for boys, adult victims of trafficking, and girls under 12, continued to be a concern. These victims had limited options for general services through care centers providing ambulatory services by interdisciplinary teams formed by psychologists, social workers, and attorneys. Two specialized shelters with limited government funding provided services to female adolescent sex trafficking victims. Police reported challenges finding shelters for victims, particularly in provinces outside the capital; as a result, police sometimes placed victims in non-specialized shelters until space in a shelter became available. Observers expressed concern that some local officials did not provide Venezuelan victims with protection services due to insufficient understanding of their obligation to assist. An NGO reported one case in which the provincial state attorney's office in Carchi province rejected a claim for assistance from a Venezuelan adolescent female self-identified as a victim of trafficking; presumably leaving the victim unprotected and vulnerable to re-trafficking. Authorities reported allocating $1.44 million for victim protection and assistance through its federal budget; however, civil society organizations continued to express concern over insufficient funding for victim protection.

The Office of the Prosecutor General had a formal witness protection program (SPAVT) that provided immediate support to victims, allowing a 30-day reflection period before deciding whether to participate in the penal process against their traffickers. If victims chose to assist in the prosecution of their traffickers, the government continued to provide services; otherwise, officials referred underage victims to the Ministry of Social and Economic Inclusion and adult victims to the Human Rights Secretariat to assist with their reintegration. Services offered by the SPAVT included shelter, medical assistance, legal support, psychological care, job placement, and assistance with school or university admissions. In 2018, the SPAVT inaugurated a new specialized shelter that could house up to 21 female adolescent victims. The SPAVT program assisted 18 victims during the year, compared with 31 in 2017. Foreign victims were entitled by law to the same services as domestic victims. The government had mechanisms to repatriate victims, and Ecuadorian diplomatic and consular missions abroad had funding to provide food, lodging, and airplane tickets to Ecuadorian victims seeking repatriation. In 2018, the government provided lodging, food, medical care, and other essential services for 14 Ecuadorian victims identified abroad. Authorities funded the return ticket for four victims and coordinated the return of all 14 victims. According to authorities, financial restitution was not available for trafficking victims. The Human Mobility Law guaranteed the non-return of people to countries where their lives or relatives are at risk, including foreign victims of trafficking. Authorities reported they could grant temporary or permanent residency to foreign victims and in cases where the victims wish to repatriate, the government assisted. During the reporting period, the government returned one Venezuelan victim and reported taking measures to verify the victim's safety upon return. In 2018, authorities developed a database that registered the progress of trafficking and smuggling cases to ensure timely access to care, data collection, and general information on the status of each case.

### PREVENTION

The government increased prevention efforts. The MOI chaired the Anti-Trafficking in Persons Committee, and the Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling was the committee's technical secretariat. The government continued to use the 2006 national action plan, and with the support from a foreign government and an international organization, it began the development of a new national action plan. For five months of the year, officials from the anti-trafficking committee disseminated prevention material and information on reporting trafficking crimes at major bus terminals around the capital, reaching daily riders, including Venezuelan migrants. Authorities conducted 21 awareness-raising events targeting the public and some youth. The MOI also launched a series of illustrated advertisements and a social media campaign to raise awareness. In September 2018, authorities from Colombia and Ecuador held a bi-national fair at a main border crossing to educate the public about trafficking; the event reached over 1,000 people. The criminal code prohibited sex tourism, but the government reported there were no investigations, prosecutions, or convictions of child sex tourists in 2018.

The Ministry of Tourism (MOT) conducted inspections of hotels to ensure compliance with regulations to prohibit the entry of children vulnerable to sex or labor trafficking. In 2018, the MOT provided training to 32 travel agents through an optional online course focused on victim identification. The MOL required employers to register the contract of all foreign workers so authorities could verify adequate work conditions and salaries. The government did not report efforts to reduce the demand for commercial sex acts or forced labor. The government operated a hotline where the public can report crimes, and in 2018, calls to the hotline led to the identification of seven Venezuelan victims.

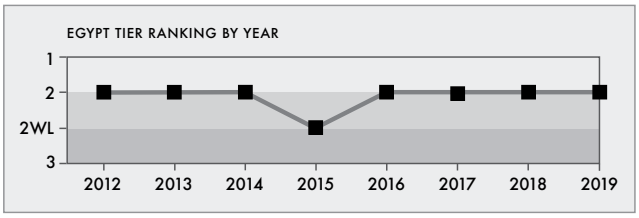
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ecuador, and traffickers exploit victims from Ecuador abroad. Traffickers exploit Ecuadorian men, women, and children in sex trafficking and forced labor within the country, including in domestic service, begging, banana and palm plantations, floriculture, shrimp farming, fishing, sweatshops, street vending, mining, and other areas of the informal economy. Sixty percent of underage female sex trafficking victims identified and assisted domestically by one of the specialized shelters came from the city of Quevedo. Indigenous and Afro-Ecuadorians, Colombian refugees, and Venezuelan migrants are particularly vulnerable to trafficking. Women, children, refugees, and migrants continued to be the most vulnerable to sex trafficking; LGBTI individuals also remain vulnerable to sex trafficking. Traffickers promising a better life confiscate documents, impose debts, and threaten or force into prostitution migrants from South and Central America, the Caribbean, and to a lesser extent Africa and Asia in Ecuador. Ecuador is also a destination for South and Central American women and girls exploited in sex trafficking, and forced labor for domestic service and begging. Haitians migrate through Brazil into Ecuador to seek jobs on banana plantations, where they are vulnerable to forced labor. Traffickers use Ecuador as a transit route for trafficking victims from Colombia and the Caribbean. Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced labor in begging, in domestic service, in sweatshops, or as street and commercial vendors in Ecuador or in other South American countries. Ecuadorian children are subjected to forced labor in criminal activity, such as drug trafficking and robbery. Traffickers exploit Ecuadorian men, women, and children in sex trafficking and forced labor abroad, including in the United States, and in other South American countries, particularly in Chile. Some Ecuadorian trafficking victims are initially smuggled and later exploited in prostitution or forced labor in third countries, including forced criminality in the drug trade. Allegedly, corrupt Ecuadorian officials have alerted traffickers before some law enforcement operations, and some local authorities assisted traffickers to get falsified identity documents, which resulted in victims' lack of confidence in the police and a reluctance to report potential cases.

## **EGYPT:** TIER 2

The Government of Egypt does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Egypt remained on Tier 2. The government identified more victims through the national anti-trafficking hotline, it updated, implemented, and identified points of contact to better implement the National Victim Referral Mechanism, and it signed an interagency protocol to establish a shelter for trafficking victims. The government continued to prosecute and convict alleged traffickers, and the National Coordinating Committee on Preventing and Combating Illegal

Migration (NCCPIM & TIP) continued to coordinate inter-ministerial anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. The government did not report referring or assisting the large majority of trafficking victims it identified during the reporting period. The government remained without effective victim identification and referral procedures; as a result, authorities may have penalized identified and unidentified victims for unlawful acts traffickers compelled them to commit, such as immigration violations. As in the previous reporting period, the government continued to lack appropriate protection services, including shelters, for victims of all forms of trafficking, and it did not provide in-kind support or funding to civil society organizations that provided essential victim care.




## PRIORITIZED RECOMMENDATIONS:

Implement country-wide procedures and guidelines for law enforcement, judicial, and other relevant officials to proactively identify and refer trafficking victims to appropriate care. • Provide protection services to victims of all forms of trafficking, including dedicated shelters, and allocate adequate resources for these services. • Ensure trafficking victims are not treated as criminals for unlawful acts traffickers compelled them to commit, such as immigration violations. • Increase and track investigations, prosecutions, and convictions of sex and labor trafficking, and punish offenders—including complicit officials and child sex tourists—with sufficiently stringent sentences. • Continue to use the specialized trafficking courts and train judicial officials in these courts on the anti-trafficking law and utilizing a victim-centered approach for the treatment of victims and witnesses of trafficking crimes during investigations and court proceedings. • Continue training for all government officials, including police, security officials, judges, prosecutors, and social workers, on implementation of the anti-trafficking law, victim identification techniques, and victim referral procedures. • Increase efforts to address and reduce the demand for "summer marriages" and commercial sex acts. • Provide a clear legal basis for NGOs to provide services to trafficking victims and populations vulnerable to human trafficking. • Amend the labor law to include labor protections for Egyptian and foreign domestic workers. • Increase funding and staffing for NCCPIM & TIP to better lead national anti-trafficking efforts. • Improve data collection for human trafficking cases and disaggregate sex, labor, and other forms of trafficking. • Continue ongoing nationwide awareness campaigns.

## PROSECUTION

The government demonstrated mixed prosecution efforts. The 2010 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties from three to 15 years' imprisonment and fines, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government investigated 78 cases of alleged human trafficking crimes, 21 of which were ongoing at the end of the reporting period. The 78 investigations represented an increase from 23 in 2017. At the end of 2018, the government referred 44 cases for prosecution involving 60 total alleged perpetrators charged for sex trafficking and child trafficking that involved child marriage, but it did not provide the details of these cases. This compared to the previous reporting period during which the government referred 41 cases for prosecution but did not provide case details. The government reported it secured convictions in 11 trafficking cases in 2018, in comparison to three traffickers convicted in 2017 who received sentences of four to ten years' imprisonment. In March 2019, the media reported the government convicted 40 individuals, including a government official, for sexual exploitation and smuggling of migrant children; these perpetrators reportedly received sentences of three to 16 years' imprisonment. NGOs reported that local police, security services, and other governmental personnel continued to lack an understanding of trafficking. Although the Ministry of Justice (MOJ) maintained 27 judges in eight specialized chambers in the courts of appeal in three governorates to prosecute human trafficking cases, NGOs reported these courts were not fully utilized during the reporting period and the MOJ did not share detailed information on the resources, staffing, or responsibilities of these courts.

Although the government had legal guidelines for evidence collection, prosecution of trafficking cases, and victim protection, relevant authorities did not fully implement the guidelines during the reporting period and continued to cooperate with an international organization to update them. In 2018, the NCCPIM & TIP and other governmental agencies—in cooperation with international organizations—provided several trainings to hundreds of police officers, judges, prosecutors, social workers, and civil society representatives. The Ministry of Interior (MOI) continued to include anti-trafficking educational materials as a part of its annual trainings and curriculum for new police officers. The Ministries of Foreign Affairs and Defense also included anti-trafficking modules in basic trainings for officials.

## PROTECTION

The government maintained weak victim identification and protection efforts. The government remained without an effective victim identification and referral system; however, NCCPIM & TIP updated, disseminated, and identified specific points of contact to better implement the national victim referral mechanism during the reporting period. The government did not report referring or assisting the large majority of trafficking victims it identified during the reporting period. The government's anti-trafficking hotline identified 42 potential child trafficking victims, which represented a slight increase from 33 potential victims identified by the hotline in the prior reporting period; however, the government did not report referral of these 42 potential victims to protection services. The government identified 13 trafficking victims during a law enforcement investigation and referred them to protection services. However, ineffective victim identification and referral procedures and policies may have contributed to authorities punishing or penalizing identified and unidentified victims for illegal acts such as immigration violations. For example, while the government waived all visa overstay fees for refugees and asylum-seekers, there was no exemption for trafficking victims. Therefore authorities may have arrested and deported some identified and unidentified victims for illegal immigration or unauthorized employment violations.

The government's provision of appropriate protection services to victims of all forms of trafficking remained weak.

The government remained without shelter or other essential rehabilitative services specifically dedicated to the needs of trafficking victims. Thirty-three government-run shelters for other vulnerable populations were reportedly available to adult and child trafficking victims, some of which could serve foreign victims; however, observers reported that shelter services were poor and some were reluctant to place victims in those shelters due to safety concerns and fear of re-traumatizing the victim due to lack of staff training and inadequate assistance available. In October 2018, the government signed an interagency protocol to establish a shelter for Egyptian female and child trafficking victims and requested funding for such a shelter, scheduled to open in 2020. The shelter would not be available for foreign trafficking victims, despite recommendations from civil society to allow foreign victims care at this shelter. The Ministry of Social Solidarity continued to operate 17 mobile units that provided legal, medical, psychological, and social services to street children, a population highly vulnerable to trafficking; in 2018, the units assisted 14,671 children, but the government did not report if the units identified or referred to protection services any potential child trafficking victims among this population. An NGO—in partnership with the National Council for Childhood and Motherhood (NCCM)—reportedly operated a daytime center for the rehabilitation of trafficking victims, but the government did not report if any trafficking victims received care at this center. The government continued to rely on international and civil society organizations to provide and fund victim assistance, but it did not—in turn—provide financial assistance to these organizations, which affected their ability to offer protective services to victims. Moreover, Egypt's Law on Non Governmental Organizations hindered legal approvals and registrations for NGOs operating in Egypt, thereby impeding their efforts to provide essential services to victims.

The anti-trafficking law guaranteed protection of witnesses of trafficking crimes. NCCPIM & TIP reported the MOI allowed foreign trafficking victims residency status, but it did not report providing this status to any victims during the reporting period. During the reporting period, Egyptian authorities coordinated with the Embassy of the Republic of the Congo (ROC) to assist a Beninese child trafficking victim to return home to the ROC. During the reporting period, the government reported the Egyptian embassy in Beirut, Lebanon assisted an unknown number of Egyptian nationals, who were fraudulently recruited and falsely promised employment by a recruitment agency in Lebanon leaving them vulnerable to trafficking. The embassy helped some of them find jobs or assisted in legalizing their status in Lebanon, while the Lebanese government deported some of them back to Egypt; the government did not report if any of those that were deported received reintegration assistance or other social services upon their return to Egypt.

## PREVENTION

The government maintained efforts to prevent human trafficking. Lack of financial resources in the government budget remained a significant impediment to implementation of anti-trafficking programs, including prevention efforts. NCCPIM & TIP continued to coordinate inter-ministerial anti-trafficking efforts throughout the reporting period; however, NGOs reported NCCPIM & TIP was not fully staffed with trafficking experts, which hindered its ability to lead national anti-trafficking efforts or provide appropriate training for police, judicial officials, and prosecutors. The government reportedly continued to implement and update the 2016-2021 National Strategy for Combating and Preventing Trafficking in Persons, but the government did not report specific efforts to do so or information on the resources allocated for implementation of the plan. During the reporting period, President Sisi publicly acknowledged the importance of prioritizing the fight against trafficking, and NCCPIM & TIP cooperated with African Union (AU) member states to increase cooperation on human trafficking issues during and after Egypt's presidency of the AU. In December 2018, the NCCPIM & TIP developed a map that identified the governorates and districts in Egypt where trafficking was most prevalent based on prosecution data and complaints reported by the anti-trafficking hotline; NCCPIM & TIP used this map to target training and awareness campaigns. The government conducted multiple awareness raising activities during the reporting period. For example, NCCPIM & TIP distributed anti-trafficking informational booklets to migrant laborers and all Egyptian embassies and diplomats abroad. NCCPIM & TIP and the National Council of Women conducted a media campaign about the treatment of domestic workers, a population vulnerable to trafficking. NCCPIM & TIP—in partnership with international organizations and donors—conducted an awareness campaign on the dangers of illegal migration, but it was unclear if it directly addressed human trafficking issues. The Administrative Control Authority, which investigated official corruption, elevated its involvement in combatting trafficking and highlighted its role in trafficking investigations in promotional material. The government provided Egyptian diplomats guidelines on human trafficking and the protection of victims, as well as human rights training that included anti-trafficking guidance in their pre-departure courses. As reported in the previous reporting period, the government provided mandatory anti-trafficking training to Egyptian nationals deployed abroad as part of peacekeeping missions. NCCM continued to operate an anti-trafficking hotline to receive reports about potential human trafficking cases and upgraded the hotline in May 2018, allowing it to operate 24 hours a day, seven days a week, and added a capacity-building program for the hotline agents to better handle child trafficking cases. The National Council for Women also continued to operate a hotline that received reports of potential trafficking crimes.

The government did not report efforts to reduce the demand for commercial sex acts, but it reported that it began to develop a strategy to stop forged marriage contracts in order to reduce the incidents of "summer marriages" of girls by foreign tourists for the purpose of sexual exploitation. The government continued efforts to reduce the demand for forced labor. During the reporting period, the government issued 6,663 formal warnings for labor violations and filed 602 violation reports. Concerning Egyptian nationals employed abroad, the government reported it investigated 139 labor complaints, inspected 817 recruitment agencies, and filed 155 reports of labor violations. In the absence of labor law protections for domestic workers, authorities implemented a labor contract—approved in February 2018—that employers could choose to use, which offered some protections for Egyptian domestic workers, but it did not provide protections for foreign domestic workers.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Egypt, and traffickers exploit victims from Egypt abroad. Egyptian children are vulnerable to sex trafficking and forced labor in domestic service, street begging, drug trafficking, and agricultural work. Traffickers, including some parents, force Egyptian children to beg in the streets of Cairo, Giza, and Alexandria or exploit girls in sex trafficking. NGOs reported lack of economic and educational opportunities are risk factors for parents to exploit their children,

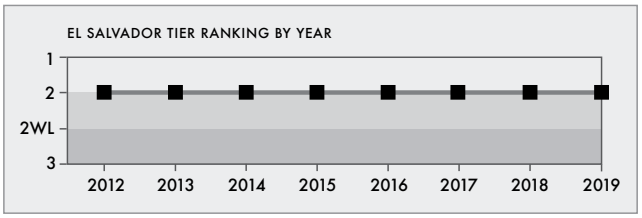
especially girls. Child sex tourism occurs primarily in Cairo, Alexandria, and Luxor. Individuals from the Arabian Gulf, including Kuwait, Saudi Arabia, and United Arab Emirates purchase Egyptian women and girls for "temporary" or "summer marriages" for the purpose of commercial sex, including cases of sex trafficking, as well as forced labor; these arrangements are often facilitated by the victims' parents and marriage brokers, who profit from the transaction. Traffickers subject Egyptian men to forced labor in construction, agriculture, and low-paying service jobs in neighboring countries.

Traffickers subject men and women from South and Southeast Asia and East Africa to forced labor in domestic service, construction, cleaning, and begging. In 2017, observers reported an increase in West African migrant trafficking victims, although it was unclear if this was the result of increased victim identification or an actual increase in numbers. Foreign domestic workers—who are not covered under Egyptian labor laws—from Bangladesh, Eritrea, Ethiopia, Indonesia, the Philippines, and Sri Lanka are highly vulnerable to forced labor, experiencing excessive working hours, confiscation of passports, withheld wages, denial of food and medical care, and physical and psychological abuse. Traffickers subject women and girls, including refugees and migrants, from Asia, Sub-Saharan Africa, and the Middle East to sex trafficking in Egypt. In 2018, an international organization reported a new trend of Colombian nationals who are smuggled into Egypt to work in the entertainment industry; these individuals may be vulnerable to sex trafficking. Syrian refugees who have settled in Egypt remain increasingly vulnerable to exploitation, including forced child labor, sex trafficking, and transactional marriages of girls—which can lead to sexual exploitation, including sex trafficking, and forced labor. Irregular migrants and asylum-seekers from the Horn of Africa, who transit Egypt en route to Europe, are increasingly vulnerable to exploitation along this migration route.

From 2007 to 2017, criminal groups in Egypt's Sinai Peninsula subjected thousands of African migrants to forced labor and sexual servitude, smuggling, abduction, and extortion. According to victim testimonies collected by an Israeli NGO, between November 2015 and April 2016, Bedouin groups forced approximately 61 Sudanese asylum-seekers to work in agriculture, tree lumbering, and marijuana growing; these groups physically abused the victims, including beatings and deprivation of food and water, and extorted money from them for their release. International organizations based in Egypt observed the flow of migrants into the Sinai declined substantially in 2015, due in part to Egyptian military operations, and Israeli NGOs reported the flow of African migrants arriving in Israel from the Sinai stopped in 2017.

# **EL SALVADOR:** TIER 2

The Government of El Salvador 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 period; therefore El Salvador remained on Tier 2. These efforts included investigating an allegedly complicit government official, convicting and sentencing more traffickers to significant prison terms, and providing services to girl victims. However, the government did not meet the minimum standards in several key areas. The government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. Victim services for adults, boys, and LGBTI persons were severely lacking. The government offered few long-term support or reintegration services to victims, leaving them vulnerable to re-trafficking.




## PRIORITIZED RECOMMENDATIONS:

Provide adequate funding for and implement the victim assistance protocols, paying particular attention to areas where gaps in current assistance exist—adults, boys, and LGBTI victims. • Implement procedures to proactively identify victims among vulnerable groups, including children apprehended for illicit gang-related activities, irregular migrants returning to El Salvador, and individuals in commercial sex. • Amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law. • Strengthen efforts to investigate, prosecute, and convict traffickers, especially for forced labor, including forced criminal activity. •Conduct thorough criminal investigations and prosecutions of alleged government complicity in trafficking offenses. • Enforce laws punishing local labor brokers for illegal practices that facilitate trafficking, such as fraudulent recruitment and excessive fees for migration or job placement. • Develop a case management system to improve data collection, sharing, and analysis related to trafficking cases. • Expand prevention measures to target populations particularly vulnerable to trafficking.

## PROSECUTION

The government maintained law enforcement efforts. The 2014 Special Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 14 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law considered the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime; the penalties increased to 16 to 20 years' imprisonment for trafficking offenses involving these factors.

Authorities investigated 74 cases (71 sex trafficking cases and three forced labor cases), compared to 76 cases (73 sex trafficking cases, two forced labor cases, and one domestic servitude case) in 2017 and 55 sex trafficking cases in 2016. In 2018, authorities prosecuted nine cases and convicted seven traffickers, including for sex trafficking and forced labor, compared to nine cases and six sex traffickers convicted in 2017 and seven prosecutions and six sex traffickers convicted in 2016. Offenders convicted in 2018 received sentences of six to 10 years' imprisonment, compared to sentences ranging from 10 to 14 years' imprisonment in 2017. Authorities arrested an allegedly complicit government official on charges of drug trafficking and human trafficking. In previous years, authorities investigated prison guards and the former head of the anti-trafficking unit for alleged complicity in trafficking offenses, but did not hold any officials responsible, raising serious concerns of a lack of accountability and weak law enforcement.

Observers reported law enforcement and prosecutors lacked sufficient funding and personnel to pursue cases, and judges required additional training to understand the dynamics of trafficking cases, non-testimonial evidence used by prosecutors to corroborate victim testimony, and threats of reprisal from traffickers, all of which impeded efforts to hold traffickers accountable. Officials reported the absence of an electronic case management system hindered the collection, sharing, and analysis of law enforcement information. Experts expressed concern over the court's acquittal and affirmation on appeal of several defendants accused of knowingly patronizing a child sex trafficking victim to perform a commercial sex act despite compelling evidence. Law enforcement and prosecutors participated in specialized trafficking training provided by foreign governments and international and non-governmental organizations. The government cooperated with law enforcement bodies from Costa Rica, Guatemala, Mexico, and the United States but did not report any concrete results related to this cooperation.

## PROTECTION

The government maintained victim protection efforts. The government identified 53 victims (50 sex trafficking victims and three forced labor victims), compared to 72 victims (67 sex trafficking victims and five forced labor victims) in 2017 and 53 victims in 2016. Those identified included 18 women and 32 girls; 52 were Salvadoran and one was a foreign national. Authorities have not identified men or boys as trafficking victims since 2016. The anti-trafficking council provided a manual to immigration officials to identify possible trafficking victims in border regions; however, the government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. The anti-trafficking council provided some training on victim identification to immigration officials, labor inspectors, physicians, service providers, and tourism professionals. Officials observed a gap between knowledge of victim identification procedures and the application of those procedures by first responders.

In September 2018, the anti-trafficking council launched an interagency protocol for immediate victim assistance, which complemented the "Protocol for Intergovernmental Action for the Integral Care of Trafficking in Persons Victims" revised during a previous reporting period and required by the national action plan. According to a key government official, the protocols have resulted in victims and receiving more expedited medical and psychological attention. The anti-trafficking council operated 19 offices to provide information and referrals to victims in 15 municipalities across the country. The Ministry of Justice and Public Security's budget for the victims' attention and gender equality area in FY 2018 was $370,960, while the anti-trafficking unit received a separate budget of $486,570. The government maintained only a single shelter with the capacity for 20-25 girls that housed and offered psychological and medical care to 11 girls in 2018, compared to 12 girls in 2017 and 15 girls in 2016. The government referred 50 victims to NGOs for temporary shelter, psychological services, and job placement services. The government offered no specialized services or shelter to boys, adults, or LGBTI victims, although NGOs reported these populations needed shelter, rehabilitation, and mental health services. Authorities assisted Salvadorans returned from abroad by providing medical and social services, but the government did not identify trafficking victims among returnees in 2018. The government offered few long-term support or reintegration services to victims, leaving them vulnerable to re-trafficking.

El Salvador's laws allowed judges to order convicted traffickers to pay restitution; however, the courts did not order restitution in any cases in 2018. The government provided witness protection and support to identified victims, including disguising victims' identities in court and allowing victims to provide testimony by deposition. Government officials and NGO representatives stated police need additional procedures and training to properly identify, interact with, and protect victims, who were often mistaken for criminals and may have been punished for such crimes. Furthermore, civil society organizations reported the government treated as criminals children forced to engage in illicit activity by criminal groups, rather than providing them protection as trafficking victims. Criminal groups restricted the access of authorities and NGOs in neighborhoods they controlled, impeding victim protection and assistance efforts. The 2014 trafficking law provided foreign trafficking victims the right to seek residency status, which would allow them to work legally, but authorities did not offer such protection to any foreign victims in 2018, compared to four foreign victims in 2017 who ultimately requested to be repatriated to their country of origin.

## PREVENTION

The government maintained prevention efforts. The national anti-trafficking council coordinated the efforts of 10 institutions and extended through the end of 2019 the previous national anti-trafficking action plan, which required the government to make efforts to prevent trafficking, identify and protect victims, prosecute traffickers, coordinate inter-agency work, cooperate with the public, and provide training. The government promulgated regulations to further implement the 2014 law, specifically to facilitate investigations of forced child labor cases and improve coordination between law enforcement and prosecutors, which resulted in national police officers identifying forced child labor cases. The government promoted the UNODC "Blue Heart" Campaign for a second year, which included billboards and broadcast media and training for hotel staff and bus drivers, but did not report any concrete results of the campaign. The National Civil Police established a 24-hour crime-reporting hotline, which resulted in 10 potential trafficking leads, and operated the 911 emergency hotline, which resulted in eight trafficking leads. The government did not punish labor recruiters for illegal practices that contribute to trafficking or enforce labor migration policies that could decrease migrants' vulnerability to exploitation abroad. The Ministry of Labor administered a labor inspection program but did not identify any cases of forced labor for the second year in a row. The Ministry of Labor developed a labor inspection plan to verify compliance with labor laws for migrant workers arriving at ports of entry aimed at preventing forced labor. The National Civil Police conducted searches at bars and beauty salons to identify potential sex trafficking but did not report identifying any cases. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Salvadoran law criminalized sex tourism and prescribed penalties of four to 10 years' imprisonment, but authorities did not report any investigations of sex tourism. The tourism ministry trained tour guides, businesses, and students in a popular tourist destination to prevent and report trafficking crimes.

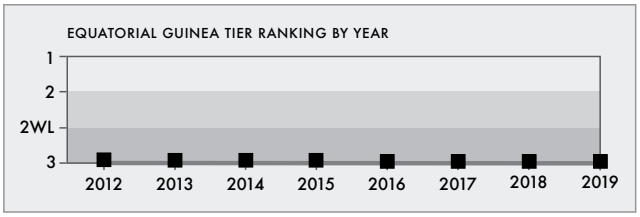
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in El Salvador, and traffickers exploit victims from El Salvador abroad. Traffickers exploit women, men, and children in sex trafficking within the

country; LGBTI persons, especially transgender individuals, are at particular risk. Traffickers sometimes exploit their own children and family members. Traffickers exploit Salvadoran adults and children in forced labor in agriculture, domestic service, begging, and the textile industry. Traffickers exploit men, women, and children from neighboring countries—particularly Nicaragua, Guatemala, and Honduras—in sex trafficking and forced labor in construction, domestic service, or the informal sector. Traffickers recruit victims in the regions of the country with high levels of violence and coerce victims and their families through threats of violence. Gangs actively recruit, train, arm, and subject children to forced labor in illicit activities—including assassinations, extortion, and drug trafficking—and force women and children to provide sexual services and childcare for gang members' children. Traffickers exploit Salvadoran men, women, and children in sex trafficking and forced labor in Guatemala, Mexico, Belize, and the United States. Traffickers exploit some Salvadorans who irregularly migrate to the United States in forced labor, forced criminal activity, and sex trafficking en route or upon arrival. Traffickers exploit some Latin American migrants who transit El Salvador to Guatemala and North America in sex and labor trafficking. Corruption and complicity, including within law enforcement, the prison system, and local government, remained a significant obstacle to law enforcement efforts.

## EQUATORIAL GUINEA: TIER 3

The Government of Equatorial Guinea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Equatorial Guinea remained on Tier 3. Despite the lack of significant efforts, the government took positive steps to address trafficking, including increased acknowledgment of the issue, which led to its adopting a national action plan incorporating a whole of government approach; investigating at least one potential trafficking case; and increasing public awareness programming. However, the government did not prosecute any suspects and has never convicted a trafficker under its 2004 anti-trafficking law. The government did not proactively identify any trafficking victims and did not develop standard operating procedures to identify or refer trafficking victims to care. Officials did not provide any trafficking training to law enforcement personnel during the reporting period.




### PRIORITIZED RECOMMENDATIONS:

Develop, disseminate, and implement formal procedures to identify and refer trafficking victims to care, especially among child laborers, undocumented immigrants, and women in prostitution. • Train social workers, law enforcement, labor inspectors, and immigration officials on trafficking indicators. • Use the 2004 anti-trafficking law to prosecute and convict traffickers, including complicit officials. • Dedicate resources and empower officials to implement the 2019-2021 national action plan to combat trafficking in persons. • Ensure consistent application of existing procedures for screening foreigners and notifying embassies before deportation to ensure trafficking victims are provided appropriate care and safe, voluntary repatriation. • Further enfranchise and support NGOs operating shelters for trafficking victims, including male victims. • Regularly convene the inter-ministerial anti-trafficking commission and create technical working groups to increase coordination between government ministries, law enforcement, presidents of communities, and NGOs. • Amend the 2004 anti-trafficking law to remove the requirement of a demonstration of force, fraud, or coercion in child sex trafficking cases. • Expand the anti-trafficking public awareness outreach campaigns on the mainland as well as on Bioko Island to educate more individuals on trafficking indicators and how they can report potential victims to government officials. • Further research the extent and nature of human trafficking within the country according to the national action plan.

### PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. The 2004 Law on the Smuggling of Migrants and Trafficking in Persons criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed penalties of 10 to 15 years' imprisonment and a fine of at least 50 million CFA francs ($82,800) if the offense involved an adult victim; an additional five years would be added to the principal penalty for offenses involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law defined trafficking broadly to include illegal adoption.

The government investigated at least one potential trafficking case involving one suspect during the reporting period, compared with investigating two cases of suspected child trafficking in the previous reporting period. In February 2019, police arrested a suspected trafficker after a victim reported the case to an embassy in Malabo. Reports indicated the government subsequently deported the suspect for an unrelated crime due to a lack of conclusive evidence of trafficking. As in the previous year, authorities did not report any prosecutions and the government has never convicted a trafficker under its 2004 law. Officials may have prosecuted traffickers under other laws during the reporting period. The government did not report investigating, prosecuting, or convicting government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not conduct anti-trafficking trainings for law enforcement officials in 2018, although it worked with an international organization at the end of the reporting period to organize trainings for government officials per its national action plan.

### PROTECTION

The government maintained limited efforts to protect victims and did not take steps to identify victims proactively within the country. Authorities provided shelter and medical care to one potential victim who self-identified to a foreign embassy in Malabo. Officials coordinated with the individual's embassy through the repatriation process and funded their return travel

home. The government provided $50,000 to an NGO providing services to female victims of violence, including likely trafficking victims. The government did not have formal procedures to identify or refer trafficking victims to care. The government had no formal policies to provide foreign trafficking victims legal alternatives to their removal to countries where they might face retribution or hardship. High-level government officials' expressions of interest in combatting trafficking in persons during the reporting period translated to limited tangible improvement in working level officials' capacity to identify proactively victims of trafficking.

Police and border officials solicited bribes from detainees—the majority of whom were young foreign men, although children and women were also detained—and deported those who did not pay. In 2018, there were no verified reports authorities penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to a lack of formal victim identification procedures and reports of officials requiring bribes from detainees, some unidentified trafficking victims may have been penalized.

### PREVENTION

The government increased efforts to prevent trafficking. During the reporting period, the government convened its anti-trafficking inter-ministerial committee multiple times and coordinated with international organizations, foreign governments, and civil society to draft and approve a 2019-2021 national action plan to improve its ability to prosecute traffickers, proactively identify victims, and raise awareness in the capital and on the mainland; however, the government did not report allocating a budget to implement the action plan during the reporting period. The government convened its inter-ministerial committee once in the previous reporting period.

In 2018, officials launched an awareness raising campaign using multiple media platforms including radio, television, and social media to increase the population's understanding of trafficking in persons; the government funded and provided official space for at least two week-long seminars on the mainland and in the capital to raise the public's awareness about trafficking in persons. Prostitution was legal in the country and, in an attempt to decrease exploitation of vulnerable individuals and demand for commercial sex acts by increasing the cost of purchasing sex, the government continued implementing regulations requiring all commercial sex establishments to register and provide contracts to their workers.

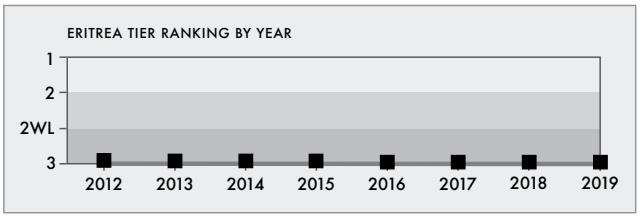
The Ministry of Labor and Social Security continued to implement regulations for all companies to sign formal labor contracts with their employees, and created and advertised an anonymous reporting portal for labor violations, including forced and child labor. During the reporting period, the Ministry of Labor and Social Security continued to partner with the non-governmental General Director of the National Financial Research Organization to inspect businesses and ensure firms complied with labor laws, fining multiple Chinese companies in 2018; some of these fines may have been in response to trafficking violations. In February 2019, the government issued a public decree prohibiting children from working as street vendors, resulting in increased public awareness of forced child labor. The Ministry of Foreign Affairs (MFA) instructed diplomats posted abroad to review visa applications for signs of trafficking, resulting in MFA officials denying multiple applications from Cameroonians and Nigerians based on potential trafficking indicators. The government did not report taking any further action on these visa denials. During the reporting period, the government funded $1.3 million for UN programming to advance human rights within Equatorial Guinea; some of these programs addressed human trafficking.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Equatorial Guinea. The majority of trafficking victims are exploited in the cities of Malabo, Bata, and Mongomo, where relative wealth and security make the country an attractive destination for Central and West African migrant workers. Equatoguinean traffickers exploit local and foreign women in the commercial sex trade in these cities. Lower oil prices and oil production in recent years caused a contraction of the country's economy, leading to a decreased government budget for social welfare programming, and shrinking formal economic activity. Experts noted the sustained economic downturn resulted in Equatoguineans in urban centers replacing some foreign domestic servants with children from rural areas in Equatorial Guinea, who they then subject to forced labor. LGBTI youth are often left homeless and stigmatized by their families and society, increasing their vulnerability to trafficking. Equatoguinean business owners reportedly subject children from nearby countries—primarily Nigeria, Benin, Cameroon, Togo, and Gabon—to forced labor as domestic workers, market laborers, vendors, and launderers. Traffickers recruit individuals from Benin, Cameroon, Ethiopia, and other African countries, as well as from Latin America and the Caribbean for work in Equatorial Guinea, and sometimes subject them to forced labor or forced prostitution. Foreign firms recruit Chinese nationals to migrate to Equatorial Guinea for work or to engage in prostitution, and subject some of them to passport confiscation, increasing their vulnerability to forced labor or sex trafficking. Companies in the construction sector, among others, also held the passports of foreign workers, increasing their vulnerability to forced labor. Experts reported corrupt and complicit officials—including senior members of the government—participated in trafficking-related crimes during the reporting period.

## **ERITREA:** TIER 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Eritrea remained on Tier 3. Despite the lack of significant efforts, during the reporting year the government cooperated with an international organization to host and facilitate a conference on compliance with international conventions on organized crime, particularly on trafficking, and trained some Eritrean prosecutors and law enforcement officials. However, the government continued to subject its nationals to forced labor in its compulsory national service and citizen militia by forcing them to serve for indefinite or otherwise arbitrary periods. The government did not report any trafficking investigations, prosecutions, or the identification and protection of any victims. The government did not report holding any complicit officials accountable for trafficking crimes. Authorities did not report the development of formal procedures for the identification and referral of victims to care, nor did the government report providing any services directly to victims. The government regularly conflated trafficking with transnational migration or smuggling.




## PRIORITIZED RECOMMENDATIONS:

Enforce existing limits on the length of active national service to 18 months and cease the use of threats and physical punishment for non-compliance. • Develop, enact, and enforce an anti-trafficking statute that criminalizes all forms of trafficking, including sex trafficking and forced labor, clearly differentiating between emigration, smuggling, and human trafficking. • Provide protective services to trafficking victims. • Extend existing labor protections to persons performing national service and other mandatory citizen duties. • Continue and strengthen partnerships with international organizations to provide training to all levels of the government, specifically law enforcement and border guard officials, on identifying and responding to trafficking crimes.

## PROSECUTION

The government maintained negligible anti-trafficking law enforcement efforts. The Eritrean Penal Code of 2015 criminalized some forms of trafficking in persons. Article 315 criminalized trafficking in women and young persons for sexual exploitation, which was punishable by up to seven years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. Article 297 criminalized enslavement and prescribed penalties of seven to 16 years' imprisonment, which were sufficiently stringent. Article 299 criminalized forced labor and prescribed penalties from six to 12 months' imprisonment or a fine of 20,000 to 50,000 nakfa ($1,330-$3,330). These penalties were not sufficiently stringent.

The government did not report investigating, prosecuting, or convicting suspected traffickers during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking, but sources indicated Eritrean military officers may have been complicit in smuggling, and possibly trafficking offenses; during the previous reporting period, unconfirmed reports claimed the government arrested 44 military officials for conspiracy to subject Eritreans to migration-related crimes and possibly trafficking. The government did not report providing any trafficking-specific training for judicial, prosecutorial, or law enforcement personnel; however, for the first time, in January 2019, it cooperated with an international organization to host and facilitate a conference on compliance with international conventions on organized crime, to include trafficking, which reached an unknown number of prosecutors and law enforcement officials who participated. The government continued to conflate transnational migration and human trafficking crimes.

## PROTECTION

The government did not report any efforts to identify or protect trafficking victims. The government did not have formal procedures to proactively identify trafficking victims among vulnerable groups, particularly those fleeing the country, primarily to Sudan and Ethiopia; some of these nationals were vulnerable to being indiscriminately arrested, detained, harassed, or forcibly recalled into national service. The government did not report having or developing a systematic mechanism for the referral of identified trafficking victims to care. In addition, it did not provide information on its funding for victim protection, any incentives for victims to assist in trafficking investigations or prosecutions, and it did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government maintained negligible efforts to prevent trafficking. It provided minimal information regarding any Eritrean national action plan but sought assistance from international entities to develop interstate cooperative agreements on organized crime, to include trafficking. In recent years, the government reportedly educated its citizens on the dangers of irregular migration and trafficking through awareness-raising events, poster campaigns, and mass convocations and exhortations, through the National Union of Eritrean Women, National Union of Eritrean Youth and Students, and National Confederation of Eritrean Workers; however, such efforts conflated transnational migration and human trafficking. It continued to subject its nationals to forced labor in its compulsory national service and citizen militia. While the Proclamation of National Service 11/199 prohibited the recruitment of children younger than 18 years of age into the armed forces and applied sufficiently stringent penalties for this crime, previous reports alleged some children younger than 18 were sent to *Sawa* military and training academy for completion of their final year of secondary education. The government did not report on its efforts to reduce the demand for commercial sex acts or forced labor, or its provision of anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims in Eritrea, and traffickers exploit victims from Eritrea abroad. Perennially, thousands of Eritreans who fled the country are smuggled migrants seeking to be reunited with family members already overseas; those who sought to escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; were in search of better economic opportunities; or hoped to avoid the often indefinite periods of service in the government's mandatory National Service. Proclamation 82 of 1995 requires all persons aged 18 to 40 years to perform compulsory active national service ostensibly for a period of 18 months—six months of military training followed by 12 months of duty in a variety of military, security, or public service positions. However, since the 1998-2000 Eritrean-Ethiopian border conflict, the 18-month limit has been suspended; most individuals are not demobilized from government work units after their mandatory period of service but rather forced to serve indefinitely under threats of detention, torture, or familial reprisal. An international organization assesses that many Eritrean asylum seekers, particularly those who deserted National Service when they fled, expressed well-founded fears of persecution in Eritrea, and there are an unknown number of cases of returnees disappearing, presumably in prison, with their whereabouts unknown. It was this same expert's assessment that traffickers exploited Eritreans in forced labor and sex trafficking primarily in Sudan, Ethiopia, and Libya.

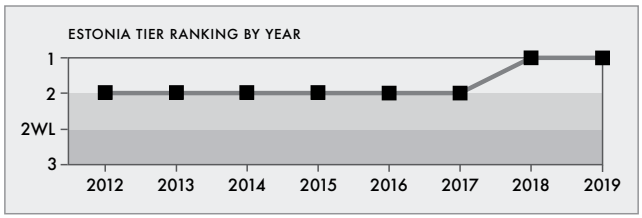
National Service takes a wide variety of forms, including active military duty, although active military duty constitutes a small and diminishing percentage; office work in government agencies and enterprises (functions ranging from lawyers, diplomats, and mid-level managers to skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals and support workers; elementary and secondary school teachers; and construction or other unskilled physical labor. Conditions are often harsh for those in military service or physical labor, though some National Service members experience normal, civilian workplace conditions, albeit with low pay and negligible to complete lack of freedom of choice or movement. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects. Eritreans may be released from National Service after an indefinite number of years by petitioning the government based on criteria that shift periodically and are not fully transparent; policies and practices for obtaining release from National Service are inconsistent across organizations and job fields. Certain professions (e.g., medicine and teaching) exist almost exclusively within the ranks of the National Service. Wages are extremely low—although pay raises have been granted for a number of job functions in recent years—and the government often supplants obligated payments with food or non-food rations. Eritrean officials continue to discuss—particularly on the heels of the 2018 peace agreement with Ethiopia—hard-capping National Service to 18 months, but this change in policy has never been publicly announced and those serving in the obligatory government program beyond 18 months have yet to be demobilized.

All 12th-grade students, including some younger than age 18, are required to complete their final year of secondary education at the *Sawa* military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. Government policy bans persons younger than 18 from military conscription; however, according to previous reports from some organizations outside of Eritrea, the government in some instances includes children younger than age 18 in groups sent to *Sawa*. For unreported reasons, during the current reporting period the government discontinued *Maetot*, a national service program in which secondary-school children were assigned to work in public works projects, usually within the agricultural sector, during their summer holidays. Unaccompanied children continue to be vulnerable to violence and exploitation. Some officials detain or force into military training children who attempt to leave Eritrea despite some of them being younger than the minimum service age of 18. Traffickers subject Eritreans to forced labor and sex trafficking in Israel, reportedly after they survive torture while transiting through the Sinai Peninsula. Traffickers also subject smaller numbers of Eritrean women and children to sex trafficking in Sudan; anecdotal reports suggest traffickers sometimes force Eritrean migrants into prostitution in nightclubs in Khartoum, Sudan. International criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where traffickers subject them to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report traffickers force them to work as cleaners or on construction sites during their captivity.

From September-December 2018, the government opened various land border crossing points with Ethiopia that had been closed for 20 years, and ceased requiring exit visas or other travel documents for Eritreans crossing to Ethiopia. While reports allege this open border has drastically reduced the business of migrant smuggling into Ethiopia, other sources say these networks still exist. During the reporting period, on the Eritrean side, one of the two official border crossings with Sudan remained closed. Most Eritreans consensually commence their outbound journeys with the aid of payment to smugglers, but in many cases this movement devolves into trafficking situations and conditions highly vulnerable for exploitation. Eritrea's strict exit control procedures and limited issuance of passports, which compel those who cannot obtain exit visas or documents to travel clandestinely, increase its nationals' vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and to a lesser extent Djibouti, with the ultimate goal of seeking asylum in Europe or at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, Israel, or Uganda; some also strive to reach the United States. An international body posits the number of Eritreans crossing into Ethiopia during the initial two months following the September 2018 border opening was 27,000, while other sources allege as many as 200,000 fled to Ethiopia by the end of the year. Another international organization estimates 3,500 Eritreans entered Sudan seeking refugee or asylum status in 2018. The small number of Eritreans crossing into Djibouti were almost exclusively members of the Afar ethnic group, which spans the Eritrea, Djibouti, Ethiopia border region. Afar members are able to cross the border freely with a permit from a tribal leader; it is an otherwise restricted military area through which non-Afars are prohibited to enter. During the current reporting period, concerns materialized that Eritrea's development of the port in Massawa for domestic use and to service Ethiopia could exacerbate trafficking vulnerabilities due to increased commerce and an uptick in foreign laborers. Moreover, the lack of visa requirements for Eritreans traveling to Ethiopia, as well as the ability to travel overland without passports heightens these workers' vulnerability to exploitation. Reports persist that Eritrean military officers are complicit in migration-related and possibly trafficking crimes along the border with Sudan.

## **ESTONIA:** TIER 1

The Government of Estonia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Estonia remained on Tier 1. These efforts included implementing labor act amendments prohibiting recruitment agencies from charging worker-paid recruitment fees, developing new identification and referral guidelines, and ordering restitution payments from traffickers to victims. The anti-trafficking working group, comprising 35 government agencies and NGOs, published an annual report of its activities, and the government established a national victim support hotline for all victims of violent crime, including trafficking, while providing funding to a separate NGO-run hotline. Although the government meets the minimum standards, authorities investigated and prosecuted fewer trafficking cases and courts convicted fewer traffickers. Additionally, authorities neither identified nor assisted any potential labor trafficking victims.




## PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers under Section 133 of the penal code. • Proactively identify potential labor trafficking victims, particularly among foreign workers, and refer them to government-sponsored assistance. • Encourage police and the labor inspectorate to investigate labor trafficking cases. • Expand efforts to train law enforcement, particularly on investigative tactics, victim psychology, and applying Section 133. • Implement new identification and referral guidelines and train officials on their responsibilities to identify and refer potential victims to assistance. • Provide specialized training for law enforcement, judicial, and civil service personnel on all forms of trafficking and working with victims. • Encourage more victims to assist prosecutions by facilitating access to effective legal counsel. • Broaden public awareness efforts to educate at-risk communities, such as migrants, on the risks of trafficking.

## PROSECUTION

The government decreased law enforcement efforts. Sections 133, 1331, and 175 of the penal code criminalized sex trafficking and labor trafficking. Section 133 (trafficking in human beings) criminalized placing a person in a situation of exploitation through force, fraud, or coercion, and prescribed penalties of between one and seven years' imprisonment for offenses involving an adult victim, and three to 15 years for those involving a child victim. Section 1331 (support to human trafficking) separately criminalized the transportation, delivery, escorting, acceptance, concealment, or accommodation of an individual into a situation of exploitation through force, fraud, or coercion, and prescribed penalties of up to five years' imprisonment for offenses involving an adult victim, and between two and 10 years' imprisonment for those involving a child victim. Section 175 (human trafficking in order to take advantage of minors) criminalized inducing a child to engage in a criminal offense, begging, prostitution, or the production of pornography without requiring a demonstration of force, fraud, or coercion and prescribed penalties of two to 10 years' imprisonment. The penalties under Sections 133, 1331 and 175 were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Overextended government personnel continued to constrain productivity in 2018. Police investigated four new cases under Section 133, compared with 10 in 2017. Authorities prosecuted three cases (16 in 2017), and courts convicted 12 traffickers (14 in 2017). Prison sentences ranged from four years and three months to five years and four months. Under Section 175, authorities investigated 28 crimes (67 in 2017); prosecuted 30 cases (57 in 2017); and did not convict any traffickers for the second consecutive year. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

Observers reported the need for increased training for new law enforcement, judicial, and civil service personnel working on trafficking issues. The Border Guard Board continued to provide general training for law enforcement officials; however, experts noted a need for more specific trainings on investigative tactics and victim psychology. Experts also noted defense lawyers and victims' legal counsel were often not trained on trafficking law. The State Court organized training sessions on understanding trafficking and victim assistance options for 64 judges and court officials. The Ministry of Social Affairs and an NGO organized two training sessions for teachers on identifying and assisting potential victims.

## PROTECTION

The government maintained protection efforts. The government developed new identification and referral guidelines, describing all relevant authorities' responsibilities to assisting victims. In 2018, authorities identified 14 victims (12 in 2017), and 14 sex trafficking victims received government-sponsored assistance, the same as in 2017. Of the victims who received assistance, six were minors and seven were foreign nationals. The Victim Support Act and the penal code allowed multiple actors, including NGOs, to identify victims and refer them to the Social Insurance Board, permitting victims to receive comprehensive, government-funded, trafficking-specific services without first requiring the victim's cooperation with police or the commencement of criminal proceedings. Victims who cooperated with law enforcement received services, such as accommodation, psychological, medical, and legal assistance, for an unrestricted time period while presumed victims who did not participate in criminal proceedings could receive government-funded services for up to 60 days. The law also guaranteed victims access to support and assistance when an authority of another country identified the victim and initiated criminal proceedings outside of Estonia. The Aliens Act enabled foreign victims to receive temporary residence permits, accommodation, and education; the government did not grant temporary residence permits to any foreign victims in 2018. Despite reports of an increased number of foreign victims of labor trafficking in Estonia, authorities did not identify any potential labor trafficking victims.

In 2018, the social board allocated €100,000 ($114,680) to an NGO providing support services to women in prostitution, some of whom may have been sex trafficking victims, compared with €99,500 ($114,110) in 2017. The social board also allocated €25,000 ($28,670) for trafficking victims' support, such as shelters, compared with €33,960 ($38,940) in 2017. Authorities placed child trafficking victims and unaccompanied children in alternative care facilities, including a dedicated center for child victims of abuse, including sexual violence and trafficking. A witness protection law allowed trafficking victims to provide testimony anonymously, but authorities did not report whether this had ever been applied in a trafficking case or whether victims had ever served as witnesses in criminal trials. Courts ordered traffickers to pay €21,000 ($24,080) in restitution to five victims.

## PREVENTION

The government increased prevention efforts. The government continued to fund and implement its 2015-2020 plan for reducing violence, which included trafficking. The anti-trafficking working group, comprising 35 government agencies and NGOs, met regularly and published an annual report of its activities. The government participated in a multi-country project, establishing a comprehensive approach to

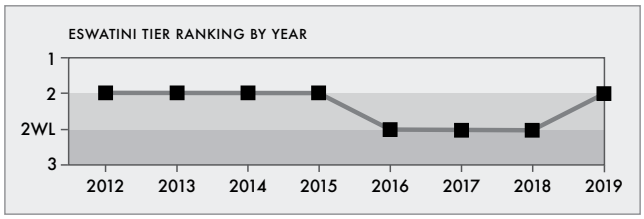
the prevention and investigation of labor trafficking cases, particularly cases combining economic crime and illicit financial flows. Authorities organized a trafficking seminar for employees in the hospitality industry. Amendments to the labor act entered into force, prohibiting recruitment agencies from charging worker-paid recruitment fees. The interior ministry developed an action plan for preventing illegal employment of foreign workers in Estonia. The government did not make efforts to reduce the demand for commercial sex acts. In January 2019, the government started a 24-hour national victim support hotline for all victims of violent crime, including trafficking. The hotline complemented the existing NGO-operated anti-trafficking hotline, which received 433 calls from vulnerable individuals. The government allocated €38,000 ($43,580) to the NGO-operated hotline.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Estonia, and traffickers exploit victims from Estonia abroad. Estonian women and children are subjected to sex trafficking within Estonia and in other European countries. Experts report a rise in Estonian women, primarily young Russian-speaking women, recruited for sham marriages in Western Europe. After entering these marriages willingly, traffickers confiscate the women's passports and force them into prostitution or labor. Traffickers subject Estonian women and men to conditions of forced labor within Estonia and elsewhere in Europe, particularly in the construction, cleaning, and social welfare sectors, as well as in seasonal jobs. Traffickers force Estonian children to commit crimes, such as theft. Reports indicate an increase in the number of foreign nationals, particularly men from Ukraine and Moldova, vulnerable to labor exploitation within Estonia, particularly in construction, agriculture, and forestry.

## **ESWATINI:** TIER 2

The Government of Eswatini, previously known as Swaziland, does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Eswatini was upgraded to Tier 2. These efforts included enacting the Sexual Offenses and Domestic Violence Act (SODVA), which abolished the cautionary rule that previously required additional corroborating evidence to substantiate testimony from witnesses deemed less reliable (such as children and victims of gender-based violence), and established new penalties for perpetrators of sex trafficking and new legal protections for victims of exploitation, including sex trafficking. The government convicted a trafficker for the first time in six years and sentenced him to 18 years' imprisonment. It increased training for front-line responders on victim identification and referral and trained prosecutors and magistrates on the SODVA. In addition, the government finalized a new, five-year national action plan and conducted an increased number of awareness raising activities throughout the country, including incorporating chiefdoms and traditional systems of governance for the first time. However, the government did not meet the minimum standards in several key areas. For example, it did not have shelter policies or guidelines to ensure quality of care for trafficking victims.




### PRIORITIZED RECOMMENDATIONS:

Address leadership issues at the anti-trafficking secretariat and enable task force to fulfill its statutory responsibilities. • Increase efforts to identify, investigate and prosecute more trafficking crimes, including internal trafficking cases. • Convict more traffickers and sentence them to significant prison terms. • Implement the national anti-trafficking action plan. • Ensure all victims of trafficking are provided with appropriate and comprehensive care, including by developing shelter policies or guidelines to ensure quality of care. • Identify key NGO partnerships for provision of protective services and strengthen coordination with such NGOs. • Continue training law enforcement officials, social workers, and others to identify trafficking victims proactively among vulnerable populations. • Improve trafficking data collection and analysis, utilizing the SADC data collection system for collecting trafficking case data at the national and regional level. • Conduct anti-trafficking public awareness campaigns.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2009 People Trafficking and People Smuggling (Prohibition) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment for offenses involving an adult victim, and up to 25 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government shelved a long-pending draft bill to amend the 2009 People Trafficking and People Smuggling (Prohibition) Act, as it determined the bill would have done little to enhance prosecutorial capability or improve victim protection, as intended at the outset, and instead would have created expensive new bureaucratic structures and remuneration provisions for the benefit of the trafficking secretariat. Poor performance by leadership personnel at the anti-trafficking secretariat remained the principal obstacle to progress on trafficking during much of the reporting period. After the government recognized the shortcomings within the secretariat leadership, a new cabinet instituted policies to address or remove obstacles that had long-hindered trafficking prosecutions and internal and external communication in relation to trafficking issues. The government enacted the SODVA in August 2018, which introduced new legal protections for victims of exploitation, including sex trafficking. The Act prescribed penalties of up to 20 years' imprisonment, a fine of up to 100,000 emalangeni ($6,970), or both, for the commercial sexual exploitation of an adult and, up to 25 years' imprisonment with no option of a fine if the offense involved a child.

The government investigated six suspected trafficking cases—two cases of forced labor, four sex trafficking cases—compared with 14 the previous year and initiated prosecutions of three alleged traffickers compared with three during the previous reporting period. The government acquitted one defendant

and convicted one trafficker under the anti-trafficking law and sentenced him to 18 years' imprisonment for sex trafficking, the most stringent sentence handed down since enactment of the anti-trafficking law in 2009. In addition, the government investigated more than 2,000 cases under the SODVA since it became effective in August 2018, although it is unclear how many included potential trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government trained a wide range of front-line responders during the reporting period. The Royal Eswatini Police Service (REPS) trained new police recruits on proactive victim identification and referral guidelines and the Director of Public Prosecution's (DPP) office trained more than 100 police officers, police station chiefs, prosecutors, and magistrates. Four senior magistrates trained fellow magistrates on the newly-enacted SODVA. The government continued to provide anti-trafficking training at the police college for all in-service and pre-service officers and trained an unknown number of new police recruits during the reporting period.

## PROTECTION

The government maintained victim protection efforts. The government identified five trafficking victims, and referred all victims to care, a decrease from identifying and referring to care 14 victims during the previous reporting period. Of those victims identified, four were sex trafficking victims—three women from Eswatini and one from South Africa—and one man, a victim of forced labor from Pakistan. After providing food, clothing, toiletries, psycho-social support, and medical care for all victims at government facilities, the government reunified the Swati victims with their families and the anti-trafficking secretariat coordinated with the governments of South Africa and Pakistan to safely repatriate the two foreign victims. The government owned one facility that provided short-term care for trafficking victims and partnered with several NGOs to provide long-term, comprehensive care, but it did not have shelter policies or guidelines to ensure quality of care. The government allocated 80,000 emalangeni ($5,570) for the second consecutive year to a victim assistance fund for protective services. The government reported no victims were detained or fined for unlawful acts committed as a result of their being trafficked. The government trained an increased number of front-line responders. The government improved coordination between law enforcement, the judiciary, and victim protection providers. The government encouraged victims to assist in investigations by providing witness protection services, as well as transportation and accommodation, as needed.

The SODVA created new legal protections for victims of exploitation, including sex trafficking victims. Under the new law, the REPS, the DPP, His Majesty's Correctional Services, the Director of Health Services, and the Deputy Prime Minister's Office were given new responsibilities to ensure a victim-centered approach. Every law enforcement officer had an affirmative obligation to inform victims of the availability of counseling and other protective services. The act required that medical treatment be provided in such a way as to reasonably minimize the effects of secondary trauma on the victim. The SODVA also established victim and witness protection provisions to facilitate safe communication with officials, such as police and magistrates, required the use of child-friendly courts for child victims, and established several additional protections for child witnesses. The SODVA created protective measures to support children during trial. Notably, the act abolished the common law "cautionary rule" in relation both to children and all victims of sexual offenses, including sex trafficking victims. Formerly, the "cautionary rule" dictated that the testimony of certain witnesses, like women and minor children, needed to be independently corroborated based on perceptions of their comparatively diminished reliability and competency. The government trained an increased number of front-line responders, which improved its implementation of the victim identification guidelines and national referral mechanism, which were established in 2015. The government employed a victim-centered approach throughout the referral process and improved coordination between law enforcement, the judiciary, and victim protection providers. The government encouraged victims to assist in investigations by providing witness protection services, as well as transportation and accommodation, as needed.

## PREVENTION

The government increased efforts to prevent trafficking. In collaboration with an international organization, the government finalized a new, five-year national action plan. The task force for the Prevention of People Trafficking and People Smuggling was reestablished in January 2017 after a four-month lapse and met regularly in 2018 and early 2019. The secretariat conducted public awareness activities at the Eswatini international trade fair, targeting traditional leaders, students, young women, and parents with information on preventing child trafficking and how to report suspected cases. The secretariat conducted sessions on human trafficking at schools with the assistance of teachers and police officers. The secretariat continued its border campaign, placing posters at various land borders and the airport to raise awareness on trafficking. Department of Immigration officials presented messages on television and radio to raise awareness of trafficking. The Ministry of Tinkhundla, which oversees chiefdoms and traditional systems of governance, developed an anti-trafficking awareness program to be shared throughout Eswatini's four regions and later in the chiefdoms. Swati officials also presented messages targeting young women on television and radio. The government continued to participate in the SADC regional data collection tool by uploading trafficking cases, victim and trafficker profiles, and sharing information with neighboring countries. The government's anti-trafficking hotline continued to receive tips on potential cases; the government did not report how many tips it received or what action it took. The government did not make efforts to reduce the demand for commercial sex or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

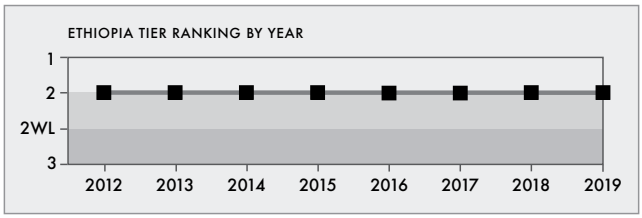
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Eswatini, and traffickers exploit victims from Eswatini abroad. Swati trafficking victims come primarily from poor communities with high HIV/AIDS prevalence rates. Traffickers exploit Swati girls, particularly orphans, in sex trafficking and domestic servitude, primarily in Eswatini and South Africa. Traffickers force Swati boys and foreign children to labor in agriculture, including cattle herding, and market vending within the country. Mozambican boys migrate to Eswatini for work washing cars, herding livestock, and portering; traffickers exploit some in forced labor. Traffickers use Eswatini as a transit country to transport foreign victims to South Africa for forced labor. Traffickers reportedly force Mozambican women into prostitution in Eswatini, or transport them through Eswatini to South Africa. Some traffickers force Swati into commercial sex in South Africa after voluntarily migrating

in search of work. Reports suggest labor brokers fraudulently recruit and charge excessive fees to Swati nationals for work in South African mines—means often used to facilitate trafficking crimes. Swati men in border communities are recruited for forced labor in South Africa's timber industry.

## ETHIOPIA: TIER 2

The Government of Ethiopia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ethiopia remained on Tier 2. These efforts included assisting in the interception of more than 10,000 individuals vulnerable to trafficking and convicting an increased number of traffickers. The government also improved oversight of overseas recruitment agencies and amplified awareness across the country on trafficking and trafficking-related crimes through its community dialogue program. However, the government did not meet the minimum standards in several key areas. The government did not sufficiently address internal trafficking, including child sex trafficking, and lacked standard procedures for front-line responders to proactively identify trafficking victims among vulnerable migrants. The government did not provide sufficient victim services to male victims, and for the third consecutive year, Ethiopian officials did not report allocating funds for the implementation of its national action plan.




### PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute traffickers for sex trafficking and internal trafficking offenses. • Develop standardized procedures for the proactive identification and referral of internal and transnational trafficking victims. • Finalize and operationalize the national referral mechanism's standard operating procedures and promulgate it to all regions. • Increase trainings for law enforcement and judicial officials on the anti-trafficking proclamation and how to differentiate between trafficking and smuggling. • Extend protective services to male victims of trafficking and provide in-kind or monetary support to ensure adequate care for all victims, where feasible. • Fully implement the overseas employment proclamation, by continuing to strengthen oversight of overseas recruitment agencies, assigning and training labor attachés, and investigating and prosecuting illicit recruiters. • Improve screening procedures in the distribution of national identification cards and passports to prevent their fraudulent issuance to children. • Incorporate information on human trafficking and labor rights in Middle Eastern and other countries into pre-departure training provided to all migrant workers. • Ensure awareness campaigns reach all parts of the country, including rural Ethiopia. • Allocate funding toward implementation of the national action plan.

### PROSECUTION

The government maintained its anti-trafficking law enforcement efforts; however, it continued to focus on transnational labor trafficking versus internal sex trafficking and forced labor cases. The 2015 anti-trafficking proclamation, No.909/2015, criminalized sex trafficking and labor trafficking, and prescribed penalties of 15 to 25 years' imprisonment and a fine of 150,000 to 300,000 Ethiopian birr ($5,350 to $10,700) for offenses involving an adult male victim, and 25 years to life imprisonment and a fine of 200,000 to 500,000 Ethiopian birr ($7,130 to $17,830) for those involving an adult female victim or a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Employment Exchange Services Proclamation No.923/2016, which governed the work of licensed labor recruitment agencies, contained various penalties for an employment agency's failure to comply with its provisions, and provided that furnishing falsified evidence or documents, or advertisements used to recruit or deploy a worker entailed criminal liability; however, it did not specify what portion of the Criminal Code applied.

For calendar year 2018, federal and regional justice officials investigated 535 ongoing cases and convicted 1,028 traffickers under the 2015 anti-trafficking proclamation, of whom it sentenced 240 to prison time; however, some of these cases likely involved smuggling and other crimes often conflated with trafficking. In 2017, the government convicted 182 traffickers. It did not report any law enforcement efforts against traffickers who exploited Ethiopian nationals in-country. The government did not report any investigations, prosecutions, or convictions of public officials allegedly complicit in human trafficking offenses. Financial and capacity constraints continued to impede data collection by regional police, and poor communication and coordination between the regions and the federal government also hindered effective law enforcement efforts. The government continued to partner with international organizations to conduct trainings—funded by foreign donors—for regional and federal government personnel mostly on the 2015 anti-trafficking proclamation.

### PROTECTION

The government maintained modest efforts to protect trafficking victims. The government sustained close partnerships with international organizations and NGOs to identify and provide services to victims. Although it did not allocate funding to these entities, it provided some in-kind support, including land, facilities, staff, and other logistical support on an ad hoc basis. In 2018, federal and regional governments intercepted more than 10,100 adults and children across Ethiopia, the vast majority of whom were intending to depart for work in Gulf States and other African countries, on par with the roughly 10,600 persons it diverted the previous year; the government provided an unknown number of these potential victims with shelter, healthcare, psychological support, and rehabilitative skills trainings for alternative employment. However, the government remained without standardized procedures for the proactive identification and referral of internal and transnational trafficking victims during the reporting year. It is therefore likely that some victims among these populations were not provided proper care. The government continued to jointly operate two migration response centers in Afar and Metema with an international organization, and provided rent-free usage of the government facilities. The government maintained operation of child protection units in Addis Ababa and several major cities, which aimed to intercept and care for child trafficking

victims identified as being en route from rural to urban areas. Police and civil service transport workers—trained to recognize internal child trafficking victims—referred the majority of intercepted children to local shelters. Officials provided shelter, food, education, medical assistance, and familial reunification where feasible. An NGO focused on transnational trafficking cases continued to provide comprehensive reintegration services, familial reunification, medical care, mental health counseling, legal counsel, food and housing, and vocational training for women and children. There continued to be a dearth of care available for male trafficking victims, although in 2018 an NGO opened two rehabilitation centers for vulnerable men and unaccompanied children. During the year, the government collaborated with an international organization to repatriate and provide assistance for more than 2,600 Ethiopians from Saudi Arabia, a small fraction of the overall returnees from this Gulf state. Since the government lacked funding to repatriate all of its nationals, it assisted with victim identification services in respective countries and sometimes negotiated discounted air fares for returnees. Some Ethiopian diplomatic missions in the Gulf states had shelters for victims on respective mission compounds where they could stay temporarily, and the missions engaged with host government authorities on behalf of victims.

The 2015 anti-trafficking proclamation established a fund to support victim protection and rehabilitation efforts funded through fines imposed on, and the sale of confiscated property from traffickers. These funds were augmented by voluntary contributions from foreign donors and other government agencies; however, similar to the previous year, the government did not report efforts to begin financial allocations to and administration of the fund. The national referral mechanism, which remained unimplemented and only unofficially finalized, designated the anti-trafficking task force as the lead coordinator for identifying and referring trafficking victims to services. An international organization and other government entities played vital roles in implementation of the referral process. The mechanism incorporates special identification and screening tactics for child trafficking victims, in addition to the profiling of potential trafficking victims among voluntary returnees and deportees at the Bole International Airport. During the reporting period, the anti-trafficking task force, in partnership with an international organization, developed and promulgated to key government ministries a special screening form intended to assist in the accurate identification of trafficking victims. Although the overarching victim referral mechanism has been unofficially in effect since 2016, civil society reported it remained nascent and unimplemented. Similarly, implementation of the national mechanism for referring repatriated trafficking victims to social services also remained limited due to weak interagency coordination and a dearth of resources. During the reporting year, however, the government developed standard operating procedures for victim identification and referral. In addition to the national referral mechanism, regional governments worked with local and federal police to refer victims to shelters and other protective services. However, the government continued to lack standardized proactive screening procedures to detect potential trafficking victims among vulnerable populations, particularly migrant laborers and returnees, and refer them for protective services.

While officials reported encouraging victims in some cases to assist in the investigation and prosecution of their traffickers, the number of victims who took an active role in these processes was unknown and it was unclear whether the government provided them legal assistance or other support to facilitate their doing so. With technical assistance from an international organization, the government established a specialized witness protection unit within the Attorney General's office and co-chaired a two-day regional witness protection meeting to strengthen cooperation and partnership between the Ethiopian officials and their regional counterparts. According to some Supreme Court officials, children were able to testify against traffickers via video. The anti-trafficking law allowed foreign national victims to receive temporary resident permits or repatriation assistance on an as-needed basis. The government did not report information on whether any victims received deportation relief during the reporting period. The 2015 anti-trafficking proclamation extended protections to trafficking victims as outlined under the Witness and Whistleblowers Protection Proclamation (No.699/2010), which included protection from prosecution for crimes committed as a result of being subjected to trafficking. There were no reports that any trafficking victims had been summarily deported without proper screening; or detained, fined, jailed, or otherwise penalized for unlawful acts traffickers compelled them to commit in 2018. However, the government housed some victims at police stations while they were waiting to provide testimony in their respective trafficking cases. Given ad hoc implementation of formal identification and referral procedures, some trafficking victims may have remained unidentified within the law enforcement system.

## PREVENTION

The government increased efforts to prevent trafficking. The anti-trafficking task force met every six months during the year and appointed a new Secretary who was active in speaking to the media about the overarching problem of trafficking in Ethiopia. The task force organized itself into three subgroups: prevention, protection, and prosecution. However, the second National Human Rights Action Plan 2016-2020, which parliament approved in 2016 and included various activities to curb trafficking, also included a media campaign and increased efforts in urban centers to assist women and child victims. However, the plan remained without funding dedicated to its implementation for the third consecutive year. The Attorney General's Office, in conjunction with an international organization and academic institution, continued to publicize a trafficking manual, screened an anti-trafficking movie in various districts in Amhara, and conducted a training for task force members on best practices in public awareness raising. Local and regional state governments, in collaboration with an international organization, continued to host and facilitate hundreds of "community dialogue" sessions—that aimed to raise awareness of trafficking, trafficking-related crimes, and the risks of irregular migration at the grassroots level throughout the country. The effort reached hundreds of thousands of Ethiopians. These dialogues empowered communities to actively engage in reporting suspected traffickers and brokers, and also disseminated information pertaining to government actions on the restoration of legal path for migration to Gulf states. Assisted by government cooperation and in-kind support, an international organization provided training for community dialogue facilitators in Amhara, Oromia, Tigray, and other regional states and established 1,890 community dialogue groups on how to alert law enforcement personnel to potential traffickers and broader trafficking networks. An unspecified number of investigations commenced from this effort during the reporting period. Moreover, officials around the country produced public service announcements and interviews on television and radio to elevate the public's awareness of the dangers of trafficking. This initiative reached the general public, as well as religious and traditional leaders, elders, and media personnel. However, the aforementioned awareness campaigns

did not always penetrate all parts of rural Ethiopia, where there remained a baseline lack of awareness of the dangers of irregular migration and human trafficking.

Despite being amended in 2016, the government did not fully implement the employment proclamation during the current reporting period. The revised overseas employment proclamation required greater oversight of private employment agencies, placement of labor attachés in Ethiopian embassies abroad to assist victims employed there, and establishment of an independent agency to identify and train migrant workers. Two additional components of the proclamation stipulated rules for licensing and advertising for overseas employment, in addition to penalties for employment agencies that contravened the revised employment proclamation (e.g., false advertisement, passport confiscation, and rights violations). The revised proclamation required employment agencies to deposit one million Ethiopian birr ($35,660) in a bank as insurance, which would be used to assist and repatriate trafficking victims. During the reporting period, the government applied these stringent application requirements and determined 135 private employment agencies were in compliance and merited licensing. In 2018, the government employed 616 labor inspectors who carried out approximately 38,000 labor inspections at formal work sites; however, it did not report numbers of license or agency suspensions or labor law violations as a result of these inspections. This was in part due to limited understanding of trafficking crimes. The government fully funded the labor inspectorate by allotting 5.8 million Ethiopian birr ($206,850) for its mandate. During the reporting year, the government signed a bilateral agreement with Saudi Arabia and continued negotiations with the United Arab Emirates, Kuwait, and Oman on similar employment treaties; Ethiopia had such agreements in place with Qatar and Jordan. These agreements required signatories to commit to ethical recruitment, legal remedies against those who violate the law, and equal protection of Ethiopian workers, to include equal wages for equal work, reasonable working hours, and leave time. Also during the year, the government began pre-departure orientations for migrant laborers, most of whom aimed to reach destinations in the Arabian Gulf, to brief them on their rights and the dangers of trafficking. Ethiopian officials continued efforts to implement a 2012 law requiring registration of all births nationwide; however, the lack of a uniform national identity card continued to impede implementation of the law and allowed for the continued issuance of district-level identity cards, which were subject to fraud. The government reported efforts to reduce the demand for commercial sex acts and forced labor during the reporting period. A foreign donor and facilitator provided Ethiopian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

## TRAFFICKING PROFILE

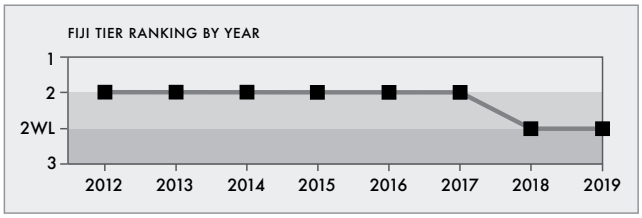
As reported over the past five years, human traffickers exploit domestic and foreign victims in Ethiopia, and traffickers exploit victims from Ethiopia abroad. Scarce economic opportunities and dire poverty coupled with familial encouragement compels thousands of Ethiopians, including a substantial percentage of individuals under age 30 and unmarried, to transit, primarily via Djibouti or Somalia, to Yemen and onward to Saudi Arabia and Europe. Illegal border crossings into Kenya have increased, with victims destined for South Africa to connect to onward flights to Ecuador with a final destination of the United States or Canada. The least common route is through Sudan and Libya with the hope of crossing the Mediterranean and ultimately reaching Europe. Reports suggest that along the above three routes, irregular Ethiopian migrants who began their journeys voluntarily are subsequently vulnerable to sexual exploitation or forced labor in transit countries and in their intended destinations. An international organization reported an uptick in the number of minors traveling along the eastern migration route towards Yemen, hoping to reach Saudi Arabia. Approximately 100,000 Ethiopians perennially travel illegally to Saudi Arabia for work; this route is treacherous due to the sea journey, and civil war and overall lawlessness in Yemen. Typically in past years, young men and women migrate northwest via Sudan aiming for Europe, while young women tend to travel through Eritrea or Djibouti to secure domestic work in Saudi Arabia. The Ethiopian government lifted its October 2013 ban on domestic worker employment in the Gulf states in September 2018 for countries where bilateral labor agreements exist, namely, Qatar, Saudi Arabia, and Jordan. The ban has contributed to irregular migration and trafficking. Saudi Arabia remains the primary destination for irregular migrants, representing 80-90 percent of Ethiopian labor migration; reportedly, more than 200,000 Ethiopians reside there. From March to November 2017, Saudi Arabia offered an amnesty period, declaring that all irregular migrants can voluntarily leave the country; an international organization reported more than 100,000 migrants returned to Ethiopia during this timeframe, of which nearly 65,000 were deportees and more than 70 percent male. Per an NGO, increasing numbers of women and girls are going to the Middle East for domestic work. Many Ethiopian women working in domestic service in the Middle East face severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, passport confiscation, and confinement. Ethiopian women who migrate for work or flee abusive employers in the Middle East are also vulnerable to sex trafficking. Ethiopian men and boys migrate to the Gulf states and other African nations, where traffickers subject some to forced labor.

Internal trafficking to larger cities for domestic work exists, but the true extent of the problem is difficult to assess. Local NGOs assess that the number of internal trafficking victims exceeds that of external trafficking, particularly children exploited in commercial sex and domestic servitude. Following protracted conflict in the Oromia region in late 2016, Djibouti reported a sharp increase in ethnic Oromo asylum-seekers entering the country. Past accounts document ethnic Tigrayans move from the Amhara region into Tigray to escape ethnically-based unrest in Amhara. Internally displaced persons—a population vulnerable to trafficking—grew rapidly during the reporting period to nearly three million people due to internal conflict and drought. Families continue to play a major role in financing irregular migration, and may force or coerce their children to go abroad or to urban areas in Ethiopia for employment. An international organization assesses that most traffickers are small local operators, often from the victims' own communities, but that well-structured, hierarchical, organized crime groups are also responsible for irregular migrants becoming highly susceptible to trafficking. Labor recruiters often target young people from Ethiopia's vast rural areas with false promises of a better life. Girls from Ethiopia's impoverished rural areas are exploited in domestic servitude and commercial sex within the country, while boys are subjected to forced labor in traditional weaving, construction, agriculture, and street vending. There are reports that some young girls are exploited in commercial sex in brothels concentrated in Addis Ababa's central market. Ethiopian girls have previously been exploited in domestic servitude and commercial sex in neighboring African countries,

particularly Djibouti and Sudan. Ethiopian boys are sometimes subjected to forced labor in Djibouti as shop assistants, domestic workers, and street beggars, in addition to forced criminality.

## **FIJI:** TIER 2 WATCH LIST

The Government of Fiji does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the formalization of the police's anti-trafficking unit, which will result in increased resources to investigate trafficking cases. Officials initiated prosecutions of two suspected labor traffickers, provided training for police officers, and conducted public awareness campaigns. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not identify any victims of trafficking, investigated fewer cases, and did not convict any traffickers for the fourth consecutive year. The government did not have guidelines for victim identification or referral procedures, and officials did not take steps to proactively identify victims. The government did not take steps to update or implement its 2011 anti-trafficking action plan, and some reports suggested official complicity impeded anti-trafficking efforts. Therefore, Fiji remained on Tier 2 Watch List for the second consecutive year.




### PRIORITIZED RECOMMENDATIONS:

Develop and implement formal victim identification and referral procedures for police, immigration, customs, and labor officials. • Proactively screen groups vulnerable to trafficking, such as foreign migrant workers on fishing vessels, persons in prostitution, and exploited children. • Increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers, including by convening the Inter-Agency Working Group on People Trafficking. • Amend trafficking-related provisions of the Crimes Act to criminalize all forms of trafficking. • Increase efforts to facilitate the ability of identified victims to work and earn income while assisting with investigations. • Deliver effective training to a greater number of police, prosecutors, immigration, customs, and labor officials on trafficking. • Update and implement the 2011 anti-trafficking national action plan. • Designate a government agency responsible for coordinating victim services. • Increase dissemination of labor and sex trafficking awareness campaigns.

### PROSECUTION

The government maintained law enforcement efforts. The 2009 Crimes Act criminalized some forms of labor trafficking and all forms of sex trafficking. Sections 112-117 criminalized trafficking in persons but, inconsistent with international law, required either transnational or domestic movement in order to constitute a trafficking offense. These articles prescribed penalties of up to 20 years' imprisonment for movement-based trafficking offenses involving adult victims and up to 25 years' imprisonment for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as kidnapping. Sex trafficking offenses that did not involve movement could be prosecuted under Sections 106, 107, 226, and 227 of the Crimes Act. Section 106 criminalized sexual servitude by means of force or threat and prescribed penalties of up to 15 years' imprisonment if the offense involved an adult victim and up to 20 years' imprisonment if the offense involved a child victim. Section 107 criminalized "deceptive recruiting for sexual services," including inducing and maintaining individuals in prostitution through deceptive means, and prescribed penalties of up to seven years' imprisonment if the offense involved an adult victim and up to nine years' imprisonment if the offense involved a child victim. Sections 226 and 227 criminalized the buying or selling of children for "immoral purposes," which included prostitution, and prescribed penalties of up to 12 years' imprisonment. The penalties prescribed under these sections were sufficiently stringent and commensurate with the penalties prescribed for other grave crimes, such as rape. While Sections 103 and 118 criminalized slavery and debt bondage respectively, all forms of labor trafficking were not criminalized under the Crimes Act. The law prescribed penalties of up to 25 years' imprisonment for slavery, and penalties of up to one year imprisonment for debt bondage involving an adult victim, and up to two years' imprisonment for those involving a child victim; the penalties for slavery were sufficiently stringent, while the penalties for debt bondage were not.

Police initiated investigations of three suspected trafficking cases in 2018 (six in 2017). The government initiated prosecutions of two suspects for their alleged involvement in subjecting Fijians to forced labor in New Zealand and one alleged sex trafficker (three in 2017). The government obtained zero trafficking convictions for the fourth consecutive year. In an effort to improve the capacity of the police's anti-trafficking unit, which did not previously have adequate resources to effectively conduct investigations, the government formalized the unit in order to increase its budget and staff to seven officers; however, the budget did not increase during the reporting period. Police did not proactively investigate trafficking cases. Prosecutors continued to return case files to the police for further investigation, and police continued to request additional instruction on the requirements of trafficking case files. This disconnect continued to impair the government's pursuit of trafficking cases. Inadequate victim support, including insufficient efforts to enable victims to work and earn income while assisting with investigations, impaired the success of prosecutions. Restrictive policies limiting law enforcement officials' access to child victims staying in government shelters may have hindered the ability of police and prosecutors to build rapport with victims, obtain statements, and prepare victims for trials against their traffickers. The government conducted seven trainings for police recruits and prosecutors; however, contacts reported law enforcement were often not aware of the definition of trafficking, procedures for interviewing victims, or how to proactively identify victims. Fijian law enforcement cooperated with South Korean authorities to investigate leaders of a church that allegedly confiscated the passports of its members who worked in various companies owned by the church without pay. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, some reports indicated low-level official complicity impeded anti-trafficking efforts, including by preventing the investigation of trafficking in Chinese-operated brothels.

## PROTECTION

The government decreased efforts to identify and protect victims. The government did not identify any trafficking victims (six in 2017). Government officials did not proactively screen for victims of trafficking among vulnerable populations and did not use guidelines for identification of victims. The government did not report efforts to train labor inspectors, customs officials, or immigration authorities on trafficking or victim identification. The government did not develop a formal mechanism to refer victims to services as set out in its national anti-trafficking action plan and did not designate an agency to coordinate victim services. The government apportioned funds to operate safe houses for trafficking victims, asylum-seekers, and migrants awaiting deportation; ten children's homes partially funded by the government were available to shelter victims younger than 21 years of age. The government made available accommodation, legal aid, medical care, interpreters, and allowances for basic necessities. The lack of proactive screening may have resulted in the penalization of unidentified victims. The government did not offer legal alternatives to foreign victims' removal to countries in which they would face retribution or hardship.

## PREVENTION

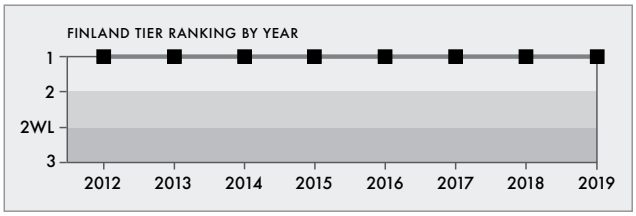
The government maintained minimal efforts to prevent trafficking. The government had not taken steps to implement a national action plan drafted in 2011. The police anti-trafficking unit conducted public awareness campaigns and seminars aimed at children and parents; nonetheless, observers reported minimal public awareness of trafficking. Labor officials conducted awareness programs targeted at Fijians who work overseas to prevent labor exploitation. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government trained some diplomatic personnel on trafficking but did not provide anti-trafficking training to Fijian military personnel prior to their deployment abroad as part of international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Fiji, and traffickers exploit victims from Fiji abroad. Traffickers subject Fijian women and children to sex trafficking and domestic servitude. Family members, taxi drivers, foreign tourists, businessmen, crew on foreign fishing vessels, and other traffickers have allegedly exploited Fijian women and children in sex trafficking. Traffickers exploit victims in illegal brothels, local hotels, private homes, and massage parlors, and sometimes utilize websites and cell phone applications to advertise victims for commercial sex. Some Fijian children are at risk of trafficking as families follow a traditional practice of sending them to live with relatives or families in larger cities, where they may be subjected to domestic servitude or coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees. Traffickers exploit women and children from China, Thailand, and Fiji in hotels and illegal Chinese-operated brothels. Fijian adults working overseas, including in New Zealand and Australia, are subjected to forced labor, particularly in the construction and agriculture industries. Traffickers subject workers from South and East Asian countries to forced labor in small and informal farms and factories, construction, and on fishing vessels that transit through Fiji or board fishing vessels (mainly China- and Taiwan-flagged) from Fiji ports and waters.

# **FINLAND:** TIER 1

The Government of Finland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Finland remained on Tier 1. These efforts include increasing investigations, referring more victims to care, and allocating more funding for victim assistance. Although the government meets the minimum standards, four of five convicted traffickers received probation without serving any time in prison. A lack of specialized government personnel handicapped the enforcement of existing legislation, leading to some trafficking cases being investigated and prosecuted under less serious offenses. Additionally, implementation of the national referral mechanism and development of a national action plan remained slow in the absence of a permanent national anti-trafficking coordinator to lead the country's anti-trafficking efforts.




## PRIORITIZED RECOMMENDATIONS:

Sentence traffickers with adequate sentences, with the majority of convicted traffickers serving significant prison terms. • Investigate and prosecute sex trafficking and labor trafficking cases using the trafficking statute. • Increase efforts to train law enforcement officials, prosecutors, and judges on applying the trafficking law. • Appoint a permanent national anti-trafficking coordinator to lead anti-trafficking efforts. • Increase the number of government officials, such as police, who specialize in trafficking cases and allocate sufficient resources to and create dedicated law enforcement units for trafficking investigations. • Expand access to victim services regardless of whether a suspected trafficker is prosecuted and irrespective of the statutes under which a suspected trafficker is being prosecuted. • Implement the national referral mechanism for all sectors of the government, allocate sufficient funding for implementation, and train officials on its use to identify proactively potential victims and refer them to services. • Develop clear guidance for national victim assistance system personnel to follow on treating victims exploited within Finland who do not want to involve the police. • Develop, publish, and implement a national action plan for 2019.

## PROSECUTION

The government maintained law enforcement efforts. Law 1889-39 of the penal code criminalized sex trafficking and labor trafficking and prescribed sentences of between four months and six years' imprisonment for offenses involving an adult victim and between two and 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to use laws against pandering, discrimination, and usury, among others, to investigate and prosecute some suspected traffickers; the penalties for these crimes were generally far less severe than those for

trafficking crimes. In 2018, the government reported initiating 88 investigations of trafficking cases (38 sex trafficking, 20 labor trafficking, and 30 unconfirmed), compared with 77 cases in 2017 (30 sex trafficking, 22 labor trafficking, and 25 unconfirmed). Authorities prosecuted six cases involving 21 suspected traffickers (11 cases involving an unknown number of suspected traffickers in 2017). Finnish courts convicted five traffickers (six in 2017); one trafficker received a two-year prison sentence and the other four received probation. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The National Bureau of Investigation (NBI) and the Romanian police cooperated on a sex trafficking case involving a Romanian man exploiting five Moldovan women in Finland; Finnish courts convicted the man to five and a half years in prison. Law enforcement expressed increased concern regarding Romanian and Moldovan criminal organizations trafficking individuals from their home countries in Finland.

Despite the NBI's appointment of a second investigator dedicated to investigating trafficking, a lack of specialized government personnel strained law enforcement anti-trafficking effectiveness and implementation of existing legislation. Experts raised concerns that the lack of specialized police anti trafficking units led to law enforcement investigating and prosecuting trafficking cases under less serious offenses. Nearly 750 law enforcement and border guard personnel received training on recognizing and investigating trafficking. The government, in conjunction with an international organization, sponsored a training for more than 300 health care professionals and social workers to identify the characteristics of trafficking in clients whom they encounter. The prosecutor's office held an annual training course for prosecutors throughout the country regarding trafficking trials.

## PROTECTION

The government increased protection efforts. The government provided both direct care and funding for third-party care through an asylum reception center that coordinated the national victim assistance system. The assistance system admitted 163 potential trafficking victims in 2018, of which 10 were children; most were exploited prior to their arrival in Finland. Comparably, the assistance system admitted 127 victims in 2017 (14 were children), most of whom were sex trafficking victims exploited in a foreign country; Nigerian women continued to account for the majority of sex trafficking victims. Authorities noted a growing number of sex trafficking victims exploited within Finland. Authorities registered 18 such victims in 2018 (eight in 2017); however, observers reported there were more victims who went unregistered, misrepresenting the real scale. Finnish law required police to pursue domestic cases specifically as trafficking crimes in order for victims to receive services through the assistance system beyond the initial emergency. A study commissioned by the government revealed mandatory police involvement in domestic cases strongly deterred victim cooperation due to fear of consequences, distrust with authorities, or belief that the police would not keep them safe from their traffickers. Additionally, assistance system personnel lacked guidance regarding referrals of victims who were trafficked domestically and did not wish to contact the police. Furthermore, according to the national rapporteur, the placement of the assistance system within immigration services misrepresented trafficking as a crime requiring migration and reduced the focus on trafficking committed within Finland.

Multiple actors within the government and civil society could identify trafficking victims. Although police and immigration officials used written guidelines for identification and referral, the government recognized these guidelines as inadequate. To address this shortcoming, the government created a national referral mechanism for victim identification and assistance, but the government neither implemented nor dedicated funding toward the mechanism. Once referred to the assistance system, consultants evaluated cases and decided on the victim's course of care, which could include transportation to a safe house, psychological, medical, and legal assistance, or shelter. There was one government-funded shelter specifically for trafficking victims, though it accepted only women and their children. Care providers sheltered most trafficking victims in private accommodations. Child services assigned unaccompanied child victims a guardian to serve as a legal representative. Authorities placed Finnish children who could not return to their families in foster care, while authorities placed unaccompanied migrant children in a migrant reception center specifically for children. There was no dedicated shelter for male victims. In 2018, the government spent approximately €1.2 million ($1.38 million) on trafficking victim assistance and protection, compared with €955,000 ($1.1 million) in 2017. In addition, the government allocated €257,000 ($294,720) for services to multiple organizations.

To receive long-term assistance, Finnish law requires victims to either cooperate with police to commence a criminal investigation or receive a specialized residence permit from Finnish Immigration Services. Finnish law allowed foreign victims a six-month reflection period during which they could receive care and assistance while considering whether to assist law enforcement, and the law allowed legal residents a recovery period of up to three months. Victims could receive renewable temporary residence permits, which were valid for six to 12 months and allowed victims to seek employment. The government offered continuous residence permits to three victims in particularly vulnerable positions. Authorities provided temporary residence permits to five victims and renewed five permits. In instances where victims did not possess a national passport, the government could grant a temporary alien passport. According to officials, all victims accepted into the assistance system consented to cooperate with police in the prosecution of their traffickers; however, in cases where victimization occurred outside of Finland, which was the case for the majority of victims identified, and the conditions of the relevant jurisdiction made law enforcement cooperation unlikely, police did not open a criminal investigation.

## PREVENTION

The government increased prevention activities. During the reporting period, the government lacked a national action plan; however, various agencies continued to implement initiatives from the 2016-2017 plan. The government appropriated €500,000 ($573,390) for implementation in 2018. After the national coordinator departed his position in February 2018, the government failed to appoint a permanent coordinator. Experts criticized the vacancy and reported it hindered progress and effectiveness. The non-discrimination ombudsman, in her capacity as the national rapporteur, submitted a report to parliament with recommendations for legislative reforms, official referral procedures for occupational safety and health authorities, and enhanced cooperation between law enforcement and authorities coordinating the victim assistance system. In conjunction with Bulgaria, Estonia, and Latvia, the government participated in a multi-year project profiling trafficking in regional supply chains. The government allotted €20,000

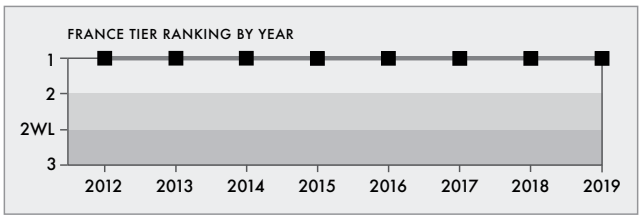
($22,940) for the development of guidelines for private sector employers to detect labor trafficking. The government did not make efforts to reduce the demand for commercial sex acts. Finland's laws against child sex tourism had extraterritorial reach, although the government did not investigate or prosecute any perpetrators. The national assistance system maintained a hotline and website in multiple languages exclusively for trafficking victims.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Finland, and, to a lesser extent, traffickers exploit victims from Finland abroad. Traffickers operate from abroad using threats of violence, debt leverage, and other forms of coercion. Victims originate primarily in Eastern Europe, Africa, South Asia, and the Middle East. Authorities report a surge in victims among asylum-seekers and other migrants, most of whom are exploited prior to their arrival in Finland, such as Nigerian women who account for the majority of sex trafficking victims; however, experts note a growing number of sex trafficking cases within Finland. Foreign-born workers and immigrants, many of whom arrive in Finland legally, are especially vulnerable to exploitation in the construction, restaurant, agriculture, metal, and transport industries, and as cleaners, gardeners, and domestic workers. Law enforcement note most labor trafficking involves small-scale operations in businesses, rather than larger criminal syndicates. Seasonal berry pickers, many of whom are Thai, are especially vulnerable to labor exploitation.

## **FRANCE:** TIER 1

The Government of France fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore France remained on Tier 1. These efforts included investigating and convicting more traffickers, identifying more victims, and approving a new national action plan. Although the government meets the minimum standards, it continued to lack coordinated and comprehensive data on trafficking, did not provide adequate resources for its anti-trafficking committee, and did not deploy sufficient efforts against labor trafficking. The government did not report the number of prosecutions and sentences for the reporting period, making it difficult to assess law enforcement efforts.




### PRIORITIZED RECOMMENDATIONS:

Coordinate and centralize the timely collection of trafficking data across the government. • Increase funding and resources for anti-trafficking coordination and victim assistance. • Increase interagency coordination to investigate and prevent labor trafficking. • Create an inter-ministerial body focused on trafficking in all its forms. • Consistently screen all migrants for trafficking indicators. • Implement the second national action plan for all forms of trafficking. • Improve the quality of shelters and specialized assistance for child victims. • Improve victims' access to restitution. • Strengthen victim protection for child victims of forced begging and theft. • Offer the reflection period to all victims, including migrants and victims of forced begging and criminality.

### PROSECUTION

The government increased law enforcement efforts. Article 225-4 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to seven years' imprisonment and a fine of up to €150,000 ($172,020) for offenses involving an adult victim, and up to 10 years' imprisonment and a fine of up to €1.5 million ($1.72 million) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The government investigated 313 cases in 2018 (264 in 2017), involving 944 suspects (771 in 2017). In one noteworthy case from June 2018, the government charged a police officer assigned to a local human trafficking unit for complicity in sex trafficking. In 2017, the most recent year in which complete data was available, courts convicted 63 traffickers, compared with 48 in 2016 and 71 in 2015. The government did not report complete sentencing data but confirmed several cases in which traffickers received significant prison terms during the reporting period. For instance, in May 2018, a Paris court sentenced 15 Nigerian sex traffickers to prison sentences ranging from two to 11 years and ordered them to pay heavy fines. In November 2018, a Marseille court sentenced 14 Romanian and Bulgarian sex traffickers to prison sentences ranging from two to 11 years. In December 2018, a Nimes court sentenced nine Romanian sex traffickers to prison sentences ranging from two to eight years. Courts seized €10 million ($11.47 million) of assets from convicted traffickers, compared with €6 million ($6.88 million) in 2017.

Three bodies investigated trafficking crimes: the Ministry of Interior's Central Office for Combating Human Trafficking (OCRTEH), comprising 25 investigators, was responsible for cases of sex trafficking, while the Central Office for Combatting Illegal Labor (OCLTI) and the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants (OCRIEST) were responsible for labor trafficking. OCRTEH continued institutional training programs for magistrates, police, civil servants, NGOs, and the hospitality sector. The Ministry of Justice (MOJ) continued to train prosecutors and judges on the implementation of the anti-trafficking statute. The government collaborated in international investigations, including with EUROPOL, INTERPOL, the United Kingdom (UK), and Bosnia. Building on previous engagement, OCRTEH provided technical assistance to Nigerian anti-trafficking police.

### PROTECTION

The government maintained protection efforts. The government identified 950 potential trafficking victims, compared with 894 in 2017 and 1,118 in 2016. For the second consecutive year, the governmental Mission for the Protection of Women against Violence and the Fight against Human Trafficking (MIPROF) and the National Supervisory Body on Crime and Punishment released the results of a large-scale victim survey completed by 24 NGOs, intended to serve as a model for future annual data collection on victims. It found 74 percent were victims of sex trafficking, 15 percent forced labor, seven percent forced

criminality, two percent forced begging, and two percent of other forms of exploitation. Fifty-three percent of victims surveyed came from Nigeria, with the remainder from North Africa and Eastern Europe.

The government had formal procedures for identifying victims and an NGO-run referral mechanism. The Ministry of Solidarity and Health and the City of Paris provided funding for the Ac-Se system, an NGO-managed network of 45 NGO-run shelters and specialized NGOs assisting adult victims of sex and labor trafficking. Both police and NGOs referred victims to Ac-Se. Ac-Se assisted 86 trafficking victims in 2018, compared with 79 in 2017 and 82 in 2016. Ninety-five percent were victims of sex trafficking and the remaining five percent of labor trafficking. Ac-Se provided them shelter, legal, medical, and psychological services. The government continued to identify fewer victims than in previous years; civil society did not interpret this trend as a decrease in trafficking prevalence and reported an increase in victims over recent years. The government provided Ac-Se with €234,000 ($268,350) in 2018, in addition to an unreported amount of funding to NGOs supporting the Ac-Se network.

Local governments provided French language classes to victims, and some victims could qualify for subsidized housing and job training programs. The government, through the national employment agency, provided some foreign victims an initial stipend of €350 ($401) a month; civil society reported the conditions for being granted a stipend were not uniform and varied by region. The central and municipal governments also partially funded the operation of a shelter in Paris and a small number of emergency apartments external to the Ac-Se system. Police referred child trafficking victims to the Child Welfare Services (ASE) system. GRETA and the French independent rapporteur on trafficking reported a lack of adequate resources for the special assistance needs of child trafficking victims. The French Office for the Protection of Refugees and Stateless Persons' (OFPRA) social workers, staff, senior protection officers, interpreters, and new refugee protection officers received training on victim identification and assistance protocols. The government continued to operate a hotline for children in abusive situations, including trafficking. Ac-Se, with assistance from 60 partner organizations, operated a separate hotline during the reporting period. The hotline on average referred 50 trafficking cases a year to Ac-Se for assistance. The MOJ partnered with Ac-Se to train front-line responders, including labor inspectors and social workers, on the identification and referral of trafficking victims. The MOJ continued to hold an annual seminar on victim identification procedures for members of the judiciary. Newly assigned border police and cybercrime investigators received victim identification training. Aviation and law enforcement officials contributed to an NGO-led victim identification training for Paris airport staff. The government distributed pocket-sized victim identification indicator guides to border police and NGOs, and developed detailed internal training manuals for educators and security forces who encounter child trafficking victims.

The government had an NGO-run referral program to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short-term care. Judges heard criminal trials for trafficking or aggravated pimping in private at the victim's request. Victims could receive a 30-day reflection period during which they could decide whether to lodge a complaint or participate in criminal proceedings against a trafficker; however, some authorities were not familiar with the reflection period and did not offer it. Victims were eligible for temporary residence permits, regardless of whether they cooperated with police investigations. Trafficking victims were also eligible for international protection under refugee status or subsidiary protection status in cases where victims had a credible fear of retaliation, including from public authorities in their country of origin, if returned. However, a large collective of anti-trafficking NGOs believed the new law on asylum and immigration, which eased restrictions on migrant deportation, limited victims' ability to receive temporary residence due to new time-bound restrictions on permit applications and more stringent approval criteria. GRETA reported police arrested and prosecuted child victims of forced begging and criminality without screening for trafficking indicators. Criminal courts could order traffickers to pay restitution to victims; however, authorities did not report ordering such restitution. Victims could bring a civil suit against a trafficker for compensation and were eligible to receive compensation through the Crime Victims Compensation Program. However, NGOs reported victim compensation payments were rare; the government did not report any instances of victim restitution or compensation during the reporting period.

## PREVENTION

The government maintained prevention efforts. MIPROF coordinated government-wide anti-trafficking efforts and the prevention of violence against women, and increased its staff by two during the reporting period. MIPROF's anti-trafficking steering committee, comprising national, regional, and local governments, as well as NGOs, met once a year. The government internally approved its second national action plan to counter trafficking, however, its implementation was still pending at the time of this report. The 2017-2019 national action plan for mobilization against all violence against women also included measures to counter trafficking, most notably the creation of multidisciplinary regional commissions to counter prostitution, pandering, and trafficking. Eleven departments had developed multidisciplinary regional commissions, with six more in the final stages of development. GRETA requested off-cycle, high-level talks with the government over concerns with delays in implementing the national action plan and other recommendations from its 2017 report. Authorities, civil society, and GRETA reported the government did not fully implement the national action plan to counter trafficking due to a lack of funding and MIPROF's mission led to insufficient efforts against labor trafficking.

The Human Rights Commission continued to serve as the independent rapporteur for trafficking. The rapporteur expressed concern over the delay in creating a new national action plan and echoed NGOs' concerns over the new asylum law's potential negative impact to victim protection. The government continued to lack a comprehensive and centralized data system on trafficking. The government did not report investigating or prosecuting any cases of child sex tourism. The MFA funded anti-trafficking capacity-building programs across Africa's Gulf of Guinea region, and the government continued victim support operations in Libya. France implemented an agreement for joint operations and training with the Libyan Coast Guard, as well as the provision of patrol vessels. However, some European and international NGOs criticized this coordinated effort of turning migrant boats back to Libya, citing poor security and human rights conditions inside Libya and an increased risk of trafficking for migrants forced to remain in Libya. French law required large companies (more than 5,000 employees) to create plans to mitigate risks against labor exploitation of sub-contractors. The government provided anti-trafficking training to all peacekeeping troops prior to their deployment abroad

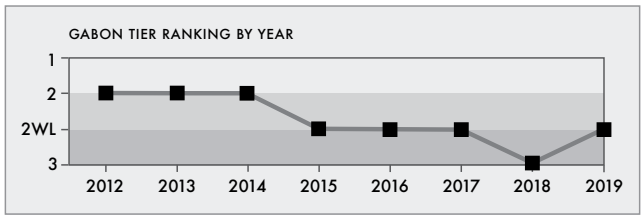
on international peacekeeping missions and issued a manual for all security forces stationed abroad. The government did not provide systemic anti-trafficking training for its diplomatic personnel, although consular officials received training on identifying forced domestic servitude.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims, and to a limited extent, domestic victims in France. Sex and labor traffickers exploit foreign victims from Eastern Europe, West and North Africa, Asia, and the Caribbean. Sex trafficking networks controlled by Nigerians, Bulgarians, Romanians, Chinese, and French citizens force women into prostitution through debt bondage, physical force, and psychological coercion, including the invocation of voodoo and drug addiction. The government estimates the majority of the 30,000 people in prostitution in France, about 90 percent of whom are foreign, are likely trafficking victims. Traffickers exploit children, primarily from Romania, West and North Africa, and the Middle East, in sex trafficking in France. In suburban areas, there is a sharp rise in sex traffickers known as "lover boys," coercing vulnerable girls into sex trafficking, often through a sham romantic relationship. Expansive criminal networks force children to commit crimes. Traffickers exploit the large influx of unaccompanied minors that have entered France in recent years. Roma and unaccompanied minors in France are vulnerable to forced begging and forced theft. Labor traffickers exploit women and children in domestic servitude, mostly in cases in which families exploit relatives brought from Africa to work in their households. The number of male victims of sex and labor trafficking has increased. Nigerian trafficking networks use migrant and drug trafficking routes through Libya and Italy to transport women and girls to France, where they subject them to trafficking. Traffickers force children living in migrant camps in northern France to commit crimes, including facilitating smuggling to the UK. Traffickers hold Vietnamese migrants in makeshift migrant camps awaiting transit to the UK for labor exploitation. Chinese victims often enter France on short-term student or tourist visas.

# **GABON:** TIER 2 WATCH LIST

The Government of Gabon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Gabon was upgraded to Tier 2 Watch List. These achievements included increasing the number of trafficking investigations, prosecutions, and convictions; identifying child victims; expanding awareness activities; and signing two bilateral cooperation agreements with neighboring countries aimed at increasing cooperation on cross-border trafficking cases. Despite these achievements, the government did not investigate credible reports of trafficking-related corruption, and it did not enact a proposed amendment to criminalize adult trafficking. It also did not increase efforts to identify, refer, or provide services to adult victims.




## PRIORITIZED RECOMMENDATIONS:

Fully investigate credible reports of government corruption related to trafficking, especially allegations of official complicity and judicial staff taking bribes. • Vigorously investigate and prosecute suspected traffickers, and seek to convict traffickers through independent and fair trials. • Regularly convene the Criminal Session of the Appeals Court in order to increase the number of trafficking cases heard. • Enact legislation to criminalize all forms of trafficking, including crimes involving adult trafficking victims. • Expand training for social workers, law enforcement officers, labor inspectors, and judicial staff on existing laws to promote more effective trafficking investigations, prosecutions, and convictions of traffickers found guilty following an independent and fair trial. • Regularly convene the inter-ministerial committee and expand its mandate to include adult trafficking. • Draft a national action plan including measures to address adult trafficking. • Expand awareness-raising campaigns to include information on adult trafficking. • Increase financial or in-kind support to government-run and NGO shelters. • Collaborate with foreign governments to investigate, prosecute, and convict members of transnational trafficking groups and repatriate foreign victims. • Train social workers and first responders on promising practices in the provision of care for trafficking victims.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Existing laws did not criminalize all forms of human trafficking. Law 09/04 to Prevent and Combat Child Smuggling criminalized selling children; subjecting them to debt bondage; and bringing them into the country to employ them unlawfully; and prescribed penalties of a "custodial sentence" and a fine of 10 million to 20 million Central African francs (CFA) ($16,560-$33,120). Title 1, Article 4 of the Gabonese labor code criminalized forced labor and prescribed penalties of one to six months' imprisonment or a fine of 300,000 to 600,000 CFA ($500-$990). Neither law provided sufficiently stringent sentences. Articles 260 and 261 of the penal code, which specifically criminalized pimping, could be applied to adult and child sex trafficking crimes and prescribed penalties of two to five years' imprisonment and a fine of 100,000 to two million CFA ($170-$3,310). Law 21/63-94 also criminalized forced prostitution of adults and prescribed penalties of two to 10 years' imprisonment. These penalties were sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The Senate approved a revised Penal Code in December 2018, which increased punishments for existing child trafficking offenses and criminalized some forms of adult trafficking; the bill was pending presidential approval at the close of the reporting period.

The government reported investigating 17 suspected trafficking cases and prosecuting three of those cases during the reporting period, compared with investigating one trafficking case during the previous reporting period. In March 2019, the government convicted one trafficker under Gabon's 2004

anti-child trafficking law, sentencing the trafficker to 10 years' imprisonment and a fine of 10 million CFA ($16,560). The government did not report convicting a trafficker in the previous six years. Because the government did not report case details, authorities may have charged suspects with trafficking-related offenses. Only the Criminal Session of the Appeals Court was authorized to hear trafficking cases because it is a crime equivalent to murder in the Gabonese legal system; however, the court was backlogged with cases and did not routinely meet, in part because of a lack of funding. In addition, due to a lack of training and widespread corruption, prosecutorial judges tasked with investigating trafficking cases often did not investigate cases brought to their attention, creating significant obstacles to prosecuting trafficking crimes. Furthermore, a lack of coordination between ministries contributed to the government's limited capacity to collect and manage anti-trafficking law enforcement data. The government did not report investigating, prosecuting, or convicting complicit government employees; however, corruption and official complicity in trafficking crimes remained significant concerns. Some judges allegedly received bribes from traffickers and actively delayed or dismissed trafficking cases. During the reporting period, the government signed bilateral cooperation agreements with Togo and Benin intended to expand law enforcement coordination to address international trafficking networks; however, officials did not report extraditing any trafficking suspects or investigating cross-border cases resulting from the agreements.

## PROTECTION

The government marginally decreased efforts to identify and protect victims. Officials identified and referred 50 child labor trafficking victims to shelters providing medical, legal, and psychological care, compared with 65 in 2017. The government did not report identifying any adult trafficking victims and did not provide victims with trafficking-specific resources. The government decreased funding to NGOs that provided shelter and services to victims for the fifth consecutive year, and there continued to be a lack of shelter space to accommodate all trafficking victims. The government continued to fund two NGO-run shelters offering services to orphans and street children vulnerable to trafficking, providing financial and in-kind support, including funding for social workers, medical support, psychological services, legal assistance, tuition, and food and furniture vouchers. Some government workers reportedly used personal funds to assist victims. The same services were available for male, female, foreign, and Gabonese victims, including those repatriated from abroad. There were no government or NGO-run shelters specifically designated for adult victims, although adult victims could potentially access government services for victims of domestic abuse or other forms of violence. The government did not report any victims using these services during the reporting period. Shelters provided services to adults and some allowed child trafficking victims to remain after they reached 18 years of age; however, the government did not report referring any adults to such facilities during the reporting period. Officials have the authority to permit adult male victims to leave shelters unchaperoned but not adult female victims, allegedly for their safety and to prevent re-trafficking.

The Ministry of Health, Social Protection, and National Solidarity, in coordination with foreign embassies, assisted in the repatriation of an unknown number of foreign child trafficking victims, compared with 42 during the previous reporting period. If victim repatriation was not an option, the Ministry of Social Affairs could provide a victim with immigration relief and resettle them in Gabon, but the government did not report any victims utilizing this legal alternative. While the government encouraged victims to cooperate with authorities to provide testimony for the prosecution of alleged traffickers, prosecutors, police, and magistrates routinely took victims' testimony at the time of the arrest of the suspected traffickers or identification of the victim; this approach is neither victim-centered, nor the most effective. While the government has sought restitution for trafficking victims in the past, it did not report doing so during the reporting period. Victims could file civil suits against their traffickers, but there were no known cases of such action, in part due to lack of knowledge of the option. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of being exploited; however, due to negligible efforts to identify adult trafficking victims, some may have remained unidentified in the law enforcement system.

## PREVENTION

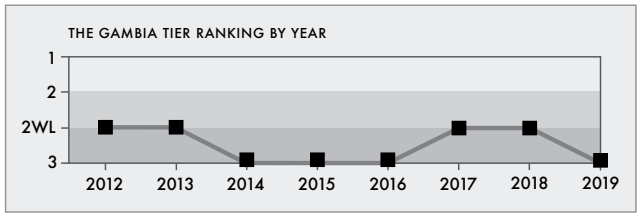
The government increased prevention efforts. Unlike previous years, the government—with support from an international organization—conducted three awareness raising campaigns in 2018 incorporating radio, television, print, and social media focused on preventing child trafficking and violence against minors; however, the government suspended the inter-ministerial child trafficking committee's budget in 2018. The inter-ministerial child trafficking committee conducted a training in July 2018 with the support of an international organization to improve coordination on child protection issues. The government convened a drafting committee in January 2019 to create a five-year anti-trafficking action plan by the end of the year. The government did not make any discernible efforts to reduce the demand for commercial sex acts or forced labor. Officials, with foreign donor support, continued to provide anti-trafficking training to approximately 450 Gabonese troops prior to their deployment on an international peacekeeping mission in the Central African Republic. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Gabon, and traffickers exploit victims from Gabon abroad. Traffickers subject girls to domestic servitude and forced labor in markets or roadside restaurants; force boys to work as street vendors, mechanics, microbus transportation assistants, and as laborers in the fishing sector; and force West African women into domestic servitude or prostitution within Gabon. In eastern provinces within the country, shopkeepers exploit Gabonese children in markets to forced labor. In some cases, smugglers who assist foreign adults migrating to Gabon then subject those migrants to forced labor or prostitution after they enter the country via plane or boat with falsified documents. Some victims are economic migrants transiting Gabon from neighboring countries en route to Equatorial Guinea. Traffickers appear to operate in loose, ethnic-based criminal networks, at times involving female traffickers—some of whom are former trafficking victims—in the recruitment and transportation of victims from their countries of origin. In some cases, families willingly give children to intermediaries who fraudulently promise education or employment, and instead subject the children to forced labor through debt bondage. Some traffickers procure falsified documents for child trafficking victims identifying them as older than 18 years to avoid prosecution under the child trafficking law. Traffickers often operate outside the capital to avoid detection by law enforcement.

# THE GAMBIA: TIER 3

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore The Gambia was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including continuing to partner with an NGO to prevent forced begging in Quranic schools and doubling the National Agency Against Trafficking in Persons' (NAATIP) budget for 2019. However, the government did not complete any trafficking prosecutions for the second consecutive year, did not investigate cases of child sex tourism even after NGOs brought such accusations to authorities, identified and assisted the fewest number of trafficking victims in five years, failed to protect trafficking victims from intimidation, and decreased efforts to raise public awareness about human trafficking.




## PRIORITIZED RECOMMENDATIONS:

Direct and fund law enforcement to investigate all reported trafficking cases, including those brought forward by civil society. • Increase efforts to vigorously investigate, prosecute, and convict traffickers, including complicit government officials and allegations of child sex tourism, while following due process. • Develop and train government officials on standard procedures to proactively identify trafficking victims, including among people in prostitution and other vulnerable groups. • Increase funding and in-kind support to facilitate training for social workers to provide trafficking victims adequate social services. • Improve safety measures for victims receiving services to ensure confidentiality and privacy. • Train law enforcement, prosecutors, and judges to investigate and prosecute all forms of trafficking using the 2007 Trafficking in Persons Act. • Raise awareness of child sex trafficking among civil society, including how to report cases. • Amend the labor law to extend protections to domestic workers. • Collaborate with foreign law enforcement to investigate and prosecute foreign child sex tourists. • Facilitate coordination between Gambian and European travel agencies to discourage child sex tourism.

## PROSECUTION

The government maintained weak anti-trafficking law enforcement efforts. The 2007 Trafficking in Persons Act, as amended in 2010, criminalized sex trafficking and labor trafficking and prescribed penalties of 50 years to life imprisonment and a fine of between 50,000 and 500,000 dalasi ($1,000-$10,000). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government investigated one sex trafficking case that led to the prosecution of two Nigerian defendants, which remained ongoing at the end of the reporting period. The government did not convict any traffickers. This is compared with zero investigations, two prosecutions, and zero convictions in the previous reporting period. Despite NGOs referring several potential child sex trafficking cases to law enforcement, a high-level government official made statements denying the existence of child sex tourism in the country and officials did not investigate any suspects in these cases. During the reporting period, civil society organizations alleged a foreign national law enforcement advisor was involved in a potential child sex trafficking case; however, police did not further investigate the allegation. In coordination with a regional intergovernmental organization, NAATIP provided materials and trained 60 immigration and police officers on the 2007 anti-trafficking law ahead of a major transnational bridge opening in January 2019. NAATIP officials requested and participated in a training on human trafficking,—including child trafficking and forced labor—child labor, and labor migration hosted by an international organization and foreign donors in December 2018; the government did not contribute financial or in-kind resources to the training. Authorities acknowledged law enforcement and judicial personnel continued to lack adequate resources and training to investigate and prosecute trafficking offenses and indicated that more training and awareness raising is needed to increase the capacity of law enforcement and judicial personnel. Official corruption remained a problem. Despite reports of official complicity in human trafficking offenses under the previous administration, the government did not report any investigations, prosecutions, or convictions of former government employees for complicity in human trafficking offenses.

## PROTECTION

The government decreased efforts to identify and protect trafficking victims. The government identified and referred four sex trafficking victims to care—the lowest number of identified victims in five years—compared with identifying and referring 91 potential trafficking victims to care the previous reporting period. NAATIP referred the four identified victims, three women and one girl, to the Department of Social Welfare (DSW) for care. In partnership with an international organization, NAATIP assisted repatriating one victim to her home country where the international organization is providing care. Law enforcement had standard operating procedures (SOPs) to proactively identify potential trafficking victims amongst vulnerable populations, including unaccompanied minors and homeless children; however, the SOPs were limited in scope and officials did not consistently use them. While law enforcement referred women and children exploited in commercial sex to DSW for care, officials did not screen adults in prostitution for sex trafficking. Some border control agents had knowledge of trafficking and screened for trafficking among adults traveling with several minors.

DSW operated a shelter for trafficking victims, abandoned children, and victims of domestic violence. DSW allocated only enough support to the shelter for salaries and provided food every three months; DSW allocated two million dalasi ($40,000) to the shelter and paid the salaries of 38 staff, the same as 2017. The shelter offered basic services such as housing, medical care, and limited counseling to children and women; authorities did not allow victims to leave without a chaperone. The shelter lacked professional social workers trained to assist trafficking victims. Shelter security was weak; an international organization reported unauthorized individuals entered the shelter and intimidated four trafficking victims residing there. The victims were pressured by unknown individuals to drop their testimony against their Nigerian traffickers. The three adult victims ran away from the shelter and their whereabouts were unknown.

The fourth victim, a minor, was repatriated back to her home in Nigeria with the assistance of an international organization. The shelter could assist Gambian victims exploited abroad after their repatriation, as well as both foreign and domestic victims. An international organization assisted the government to repatriate trafficking victims from Lebanon identified in previous reporting periods. During the reporting period, the government also secured funding from an international organization for trafficking victims repatriated from Lebanon in 2016; the victims received a reintegration package equivalent to 50,000 dalasi ($1,000) to be used for vocational training. NAATIP also partnered with an NGO to secure funding from an international organization for Gambian trafficking victims identified in Lebanon, Kuwait, and Egypt in previous reporting periods for reintegration support. DSW also operated a drop-in center for street children. Shelters were concentrated around the capital, leaving some victims in rural areas without access to assistance.

The 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas for the duration of legal proceedings, but there were no other legal alternatives provided in cases in which foreign trafficking victims removed to their countries of origin may have faced hardship or retribution. Victims could obtain restitution and file civil suits against their traffickers, but there were no reports any such cases were filed during the reporting period. An international organization alleged police detained a potential trafficking victim for unlawful acts traffickers compelled them to commit and law enforcement did not screen for trafficking when detaining adults in prostitution, among other vulnerable groups, so trafficking victims could have remained unidentified in the law enforcement system.

### PREVENTION

The government maintained uneven prevention efforts. The Ministry of Justice (MOJ) continued to allocate 150,000 dalasi ($3,000) per month to NAATIP for salaries and administrative costs in 2018. The government did not provide additional funding for implementation of the 2016-2020 anti-trafficking national action plan but the MOJ doubled NAATIP's budget for the 2019 fiscal year to 300,000 dalasi ($6,000) per month. NAATIP met with donors to request funding to implement a 2018-2019 Advocacy Action Plan but did not report receiving any assistance. NAATIP held two public awareness campaigns with a television station and municipal council in January 2019. In March 2019, the Kanifing Municipal Council and a local NGO organized a community awareness-raising event, including religious and traditional leaders, government ministries, and the National Youth Council, to raise awareness of human trafficking. Multiple government entities including NAATIP, police, and immigration officials were involved in the event that was widely reported on in local media. The Gambia Tourism Board raised awareness in schools on child sex tourism. In partnership with an NGO, the Ministry of Education continued to encourage reputable Quranic school teachers to educate students on trafficking and not force them to beg; it incentivized these behaviors by providing monthly cash transfers and food rations to 17 schools that it regularly verified did not exploit students in forced begging. As part of the program, the ministry and NGO also provided science, math, and English teachers to broaden the schools' curricula, which has benefited an estimated 1,500 children since the program began in 2012. NGOs reported that of the 11 original DSW organized neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation, only two remained occasionally active; NGOs reported both groups were untrained and lacked the capacity to investigate or effectively report potential cases. Neither group reported identifying child sex trafficking victims or suspected child sex tourists during the reporting period. The government operated a 24-hour trafficking-specific hotline in four languages, but it did not report receiving any trafficking reports during the reporting period. Despite past reports of women exploited through fraudulent labor recruitment, the government did not have effective policies to regulate foreign labor recruiters or penalize them for fraudulent recruitment. Domestic laborers were not protected under the national labor law, rendering such workers vulnerable to exploitation. The government did not make efforts to reduce the demand for commercial sex acts, forced labor, or child sex tourism. The government trained some but not all diplomatic personnel on trafficking in persons.

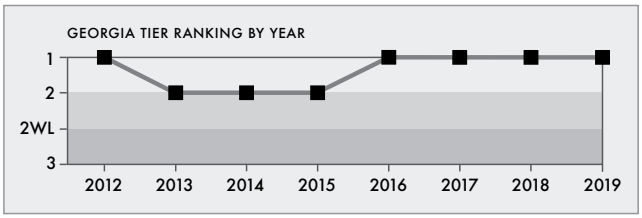
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Gambia, and traffickers exploit victims from The Gambia abroad. Within The Gambia, women, girls, and—to a lesser extent—boys are subjected to sex trafficking, forced labor in street vending, and domestic servitude. Women and children from West African countries are recruited for sex trafficking in The Gambia. Some families encouraged their children to endure such exploitation for financial gain. Reporting from an international organization indicates the number of boys exploited in commercial sex trafficking is growing. Child sex tourists primarily from Canada, Germany, the Netherlands, Scandinavian countries, and the United Kingdom and subject the majority of these victims to sexual exploitation. Observers believe organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. Sex traffickers increasingly host child sex tourists in private residences outside the commercial tourist areas of Banjul, making the crime harder to detect. Gambian boys attend Quranic schools in The Gambia, Guinea Bissau, and Senegal, and some corrupt teachers force their students into begging, street vending, and agricultural work. NGOs identified Gambian children in forced labor in neighboring West African countries and Mauritania. Traffickers have allegedly exploited Sierra Leonean children as "cultural dancers" in The Gambia. Gambian women are subjected to forced labor and sex trafficking in the Middle East, including Lebanon and Kuwait. Authorities have identified Gambian trafficking victims in Egypt, Kuwait, UAE, Finland, Cyprus, and Algeria in previous reporting periods. Between January 2017 and October 2018, an international organization repatriated at least 3,500 Gambians from Libya, many of whom were vulnerable to trafficking.

## **GEORGIA:** TIER 1

The Government of Georgia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Georgia remained on Tier 1. These efforts included building another crisis center for potential victims, adopting the 2019-2020 national action plan, and approving a law that will allow labor inspectors to conduct unannounced inspections. Law enforcement maintained a specialized unit, in addition to mobile groups and task forces, which conducted proactive efforts. The government also doubled its funding for government-run shelters and other victim assistance services. Although the government meets the minimum standards,

the government investigated, prosecuted, and convicted a relatively low number of traffickers and identified fewer victims. Identification efforts for forced labor and street children remained inadequate and the interagency anti-trafficking council continued to lack transparency.




## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 143. • Increase efforts to proactively identify victims, particularly among street children and Georgian and foreign victims in vulnerable labor sectors. • Increase law enforcement capacity to investigate complex cases, including advanced training for money laundering, organized crime, and digital evidence. • Strengthen specialized services including shelter and psycho-social support for all victims. • Encourage victims' participation in investigations and prosecutions through victim-friendly court procedures, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Increase transparency of the inter-ministerial trafficking coordination council and regularly publish information on the government's anti-TIP efforts. • Further incorporate the Labor Inspectorate in anti-trafficking efforts with a clear mandate that establishes roles and responsibilities. • Improve measures to order restitution for victims, including training prosecutors and judges, asset seizure, and legal assistance. • Target awareness-raising campaigns about the existence of trafficking, legal recourse, and available protection services to vulnerable groups.

## PROSECUTION

The government maintained law enforcement efforts. Article 142 and 143 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from seven to 12 years' imprisonment for offenses involving an adult victim, and eight to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 21 cases (23 in 2017); 10 were sex trafficking cases and seven were forced labor cases, including five forced begging cases and two were related to both sexual and labor exploitation. The government prosecuted five defendants, three for sex trafficking and two for forced labor, compared to four suspected sex traffickers in 2017. Courts convicted four sex traffickers (four traffickers in 2017); one trafficker received 15 years of imprisonment, two received 12 years of imprisonment and one received six years and six months of imprisonment.

The government maintained several specialized units, including the Anti Trafficking and Illegal Migration Unit within the Central Criminal Police Department and four mobile groups and task forces under the Ministry of Internal Affairs (MOIA). Observers reported the task force in Adjara was understaffed, faced regular staff turnover, and lacked experienced investigators and female investigators. The government continued to develop capabilities to investigate trafficking cases but required additional advanced training on corroborating victim testimonies and evidence collection in complex cases involving money laundering, organized crime, and digital evidence. Observers reported a lack of transparency following police raids on brothels, including information on what happened to individuals in prostitution. In May 2018, the government adopted a new pimping article in its penal code that increased the authorities under which to investigate and prosecute trafficking crimes; some experts noted the lower penalties under these articles might result in authorities pursuing lesser charges for trafficking crimes because pimping crimes are easier to prove. Experts also noted concerns that trafficking victims involved in these pimping cases may go unidentified more frequently if officials did not pursue the case as trafficking crimes. The government reported the inability to conduct anti-trafficking efforts within the Russian-occupied Georgian territories of Abkhazia and South Ossetia. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. All police cadets received basic training on trafficking issues and the government, at times in cooperation with international organizations, trained border police, customs officials, prosecutors, investigators, and victim coordinators. The government extradited a suspected trafficker to Russia and received a suspect from Kazakhstan, arrested four suspects on behalf of Moldovan, Turkish, and Uzbek authorities, and cooperated with Turkey and Ukraine on five legal assistance requests.

## PROTECTION

The government maintained protection efforts. The government identified five victims (12 victims in 2017); three were victims of sex trafficking and two were victims of forced begging (10 victims of sex trafficking and two victims of forced labor in 2017); all victims were female (all female victims in 2017); and two were children (one child victim in 2017). Mobile groups and task forces screened 395 individuals (682 in 2017) at 98 locations (149 in 2017), such as hotels, bars, nightclubs, and bathhouses, for trafficking indicators. Authorities interviewed another 17 individuals deemed as "high-risk" (55 in 2017) from working at businesses that violated labor standards. Authorities screened 3,009 Georgian nationals deported from other countries for trafficking indicators at the international airport and border crossings (3,085 in 2017). The government continued to use and disseminate guidelines for victim identification, including the proper treatment of victims, screening for indicators at border posts, and victim-centered interview practices. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures for officially identifying and referring victims to services. Law enforcement officially recognized victims who participated in investigations and the Permanent Group assessed and officially recognized victims who declined to participate in investigations. The Permanent Group comprised a five-member board of non-governmental and international organization representatives and was required by statute to convene and assess a potential victim within 48 hours. Law enforcement officially recognized all five victims in 2018 (eight officially recognized by law enforcement and four by the Permanent Group in 2017). Government-run crisis centers in four cities, including a new crisis center built in Ozurgeti, and NGOs provided initial psychological care, medical assistance, legal support, and temporary shelter for potential victims awaiting official victim status. Observers reported the NRM worked effectively but raised concerns about the low number of identified potential victims, including inadequate identification efforts for children in exploitative situations on the street and Georgian and foreign workers in vulnerable labor sectors.

The government allocated 548,960 lari ($205,600) to the government-run anti trafficking shelters in Tbilisi and Batumi and other victim assistance programs, compared to 211,600 lari ($79,250) in 2017. The government provided medical aid, psychological counseling, legal assistance, childcare services, reintegration support, and a one-time financial payment of 1,000 lari ($370) to victims, regardless of their decision to assist law enforcement with investigations and prosecutions. Child victims received the same assistance specialized for minors under the government's care, in addition to custodial care, education, and family reintegration programs. Five victims received legal aid, one received medical care, and one received the 1,000 lari ($370) in cash assistance. The government-run shelters were staffed by a nurse, psychologist, social worker, and lawyer, and offered separate sections for men, women, and children. Victims could initially stay at the shelter for three months, which authorities could extend upon the victim's request; the government-run shelters accommodated three victims (two victims in 2017). Observers reported government-run shelters currently focus on victims of domestic violence due to the low number of identified trafficking victims and were unable to provide specialized services to trafficking victims. Shelter staff chaperoned victims when leaving the shelter, but victims could request to leave the shelter unchaperoned. In addition to equal services for domestic and foreign victims, foreign victims were eligible for renewable one-year residence permits with the ability to seek legal employment; four victims received residence permits. The government could provide repatriation assistance to Georgian victims returning to Georgia and foreign victims wishing to leave Georgia, but reported no victims required repatriation assistance (three in 2017).

Five victims assisted law enforcement (eight in 2017). The law required closed door sessions for court proceedings and allowed victims to leave the country pending trial; however, experts reported law enforcement requested victims to remain in-country through the end of the trial, likely hindering victim cooperation, particularly from foreign victims wanting to repatriate, due to slow court proceedings. The Prosecutor General's Office's Victim-Witness Coordinators provided counsel to victims from the beginning of the investigation through the end of the court proceedings; Victim-Witness Coordinators provided assistance to four victims and 12 witnesses. The law allowed recorded testimony or testimony by other technological means; none of the trials used such measures (none in 2017). The law also allowed the possibility of placing a victim into the state's witness protection program; no victims required the use of witness protection in 2017 and 2018. Observers reported prosecutors and judges applied victim-centered approaches to prevent re-traumatization during trial. No trafficking victims have ever received restitution or compensation from their traffickers. Observers highlighted the failure to freeze and seize criminal assets as an obstacle to pursuing restitution from traffickers.

### PREVENTION

The government increased prevention efforts. The Inter-Agency Council on Combating Trafficking in Persons (TIP Council) adopted the 2019-2020 national action plan, but observers continued to report the TIP Council did not provide public assessments on government efforts and lacked transparency. The Chief Prosecutor's Office managed a working group on forced labor, which met three times in 2018. The government, in cooperation with an international NGO, trained officials on coordinating interagency anti-trafficking efforts. An international organization reported Georgian authorities were reluctant to implement large-scale awareness campaigns due to the negative impact they believed it would have on the tourism industry; however, the government issued a 25,000 lari ($9,360) grant to an NGO to organize awareness-raising activities in 10 cities. The government continued to disseminate leaflets on various trafficking issues at border crossings, tourism information centers, metro stations, and public service halls throughout the country. Government officials funded and participated in a number of television, radio, and print media programs to raise awareness. The government organized anti-trafficking information meetings in villages and towns, presenting to different target groups, including primary school and university students, minorities, internally displaced persons, and journalists. The government continued to fund an anti-trafficking hotline operated by MOIA and another hotline operated by the State Fund that received calls from trafficking victims; the hotlines received 69 trafficking-related calls (118 in 2017). Authorities issued 24 temporary identification documents to homeless children and eight to minor victims of violence (13 in 2017), one permanent identity card, and five passports to known or suspected trafficking victims in 2017 and 2018. The Labor Inspectorate continued to have an unclear mandate due to a lack of substantive labor laws, but the government approved a law that will allow for unannounced inspections for the purpose of occupational and safety regulations. The Labor Inspectorate inspected 135 businesses (64 in 2017) and fined five foreign laborer recruiters for failing to provide information on Georgian citizens assisted to find work outside the country (610 in 2017). The government made efforts to reduce the demand for commercial sex and forced labor.

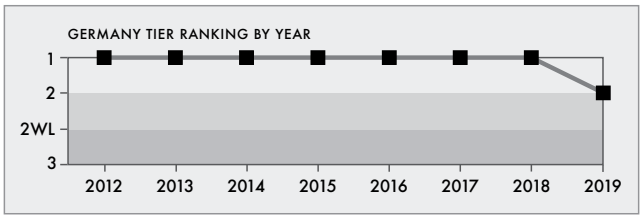
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Georgia, and traffickers exploit victims from Georgia abroad. Traffickers recruit victims with false promises of well-paying jobs in tea processing plants, hospitals, salons, restaurants, and hotels. Traffickers subject women and girls from Georgia to sex trafficking within the country, in Turkey, and, to a lesser extent, in China and the United Arab Emirates. Georgia is also a transit country for women from Kyrgyzstan, Tajikistan, and Uzbekistan exploited in Turkey. Traffickers subject women from Azerbaijan and Central Asia to sex trafficking in the tourist areas of the Adjara region and larger cities like Tbilisi and Batumi in saunas, brothels, bars, strip clubs, casinos, and hotels. Georgian men and women are subjected to forced labor within Georgia and in Cyprus, Egypt, Iraq, Turkey, and United Arab Emirates. Georgian, Kurdish, and Romani children are subjected to forced begging and coerced into criminality in Georgia. Chinese women in prostitution and Southeast Asian women working in massage parlors are vulnerable to sex trafficking. No information was available about the presence of human trafficking in the Russian-occupied Georgian regions of Abkhazia and South Ossetia; however, the government and NGOs consider internally displaced persons from these occupied territories particularly vulnerable to trafficking.

## **GERMANY:** TIER 2

The Government of Germany does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made significant efforts to meet the minimum standards during the reporting period by identifying more labor trafficking victims, launching major investigations into sex trafficking rings, and increasing

funding for victim protection and support. The high number of suspended sentences for trafficking convictions, with only 36 percent of convicted sex traffickers in 2017 serving prison time and all three convicted labor traffickers receiving only fines, undercut efforts to hold traffickers accountable, and did not meet the minimum standard generally requiring incarceration for convicted traffickers. Law enforcement data also has shown an overall multi-year decline in convictions for trafficking since 2009. Therefore Germany was downgraded to Tier 2.




## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected labor and sex traffickers, and sentence convicted traffickers to punishments proportionate to the severity of the crime. • Obtain and make public disaggregated data on sentencing where courts convict defendants of both trafficking and one or more other serious crimes. • Extend more specialized care, services, and accommodations for youth and male victims. • Increase availability of training for judges on adjudicating trafficking cases, both through focused courses on trafficking and similar modules in broader training courses. • Create a national referral mechanism for victims across all states. • Increase the capacity of investigators, prosecutors, and courts with specific expertise on trafficking cases to minimize delay in bringing cases to trial. • Appoint a national rapporteur to provide independent review of government efforts on both labor and sex trafficking.

## PROSECUTION

The government decreased law enforcement efforts. The criminal code criminalized sex trafficking and labor trafficking under Sections 232 and 233 and prescribed punishments of six months' to 10 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The law did not require proof of force or coercion to prosecute suspected sex traffickers when victims were younger than age 21. The complex wording and scope of Section 233 reportedly resulted in state prosecutors sometimes charging suspected traffickers with offenses considered easier to prove than coercion in labor and sex trafficking. As a federal system, jurisdiction for criminal prosecutions in Germany rested with state courts.

State governments conducted 338 pre-trial trafficking investigations in 2017, the most recent year for which the government had comprehensive statistics (compared to 375 in 2016). Of these, 327 were for sex trafficking (compared to 363 in 2016) and 11 for labor trafficking (compared to 12 in 2016). Of the investigations, 157 (48 percent) involved additional serious crimes, including rape, assault, and kidnapping. Minors were victims in 40 percent of investigations. Police identified 550 suspected traffickers out of those investigations, (523 for sex trafficking and 27 for labor trafficking), compared to 551 suspected traffickers in 2016. German citizens comprised 25 percent of the suspects, followed by Bulgarians (22 percent) and Romanians (18 percent). The number of Nigerian suspects (eight percent) increased threefold from 2016. In a notable case, in April 2018, 1,500 officers coordinated raids across 12 states at 62 locations, including brothels and private apartments, the largest ever for the federal police. The raids resulted in seven arrested suspects who allegedly subjected female and transgender Thai victims to trafficking.

Reported prosecutions and convictions for trafficking in Germany continued to decline significantly in recent years. The states collectively prosecuted 76 defendants for trafficking in 2017, including 71 defendants for sex trafficking and five for labor trafficking. Prosecutions declined from 90 in 2016 and 89 in 2015 and marked the fewest prosecutions in 10 years. Courts convicted 50 defendants, down from 72 in 2016 and 77 in 2015. Of these, courts convicted 47 defendants for sex trafficking and three for labor trafficking. This continued a steady and significant decrease in annual convictions since 2007. During this period, convictions ranged from 88 in 2014 to 123 in 2007 and averaged 116 trafficking convictions per year. Convicted traffickers frequently avoided imprisonment and received suspended sentences or fines. Under German sentencing practices, judges typically suspended sentences under two years, particularly for first-time offenders, for most crimes, including for human trafficking convictions. This weakened deterrence, undercut efforts of police and prosecutors, and created potential security and safety concerns, particularly for victims who cooperated with investigations and prosecutions. Of the 50 convictions in 2017, 26 resulted in suspended sentences and defendants served no prison time, seven convicted traffickers received only fines, and 18 (or 36 percent) received and served prison terms, a slight percentage increase from 2016 (35 percent). Of the 18 defendants receiving prison time, sentences ranged from six months to 10 years, with 12 of those defendants sentenced to prison terms between two and five years, one serving five to 10 years, and five serving less than two years. In comparison, a higher percentage of defendants convicted of rape in 2017 served prison time (55 percent) and on average received longer prison terms. For all cases in which a court convicted a defendant of multiple crimes, government statistics filed it under the charge for which the court imposed the longest sentence. Therefore, official statistics did not include cases in which the court convicted a defendant of trafficking but where that defendant received a longer sentence for a crime the court may have considered a more serious offense. This likely lowered both the reported number of trafficking convictions and the average length of sentences.

Police investigated 12 cases of labor trafficking in 2017, compared to 19 in 2016. In these cases, police identified 27 suspects, the same as in 2016. Authorities prosecuted five alleged labor traffickers, a steep decline from 19 in 2016 and 12 in 2015. Courts convicted three labor traffickers, down from 12 in 2016 and five in 2015. All three were younger than age 21 and received a fine. State authorities reported several cases in which convicted traffickers received significant penalties in 2018. A Berlin court sentenced three defendants to an average of nearly eight years' imprisonment each in November 2018 in a case of both kidnapping and sex trafficking of several girls from Berlin. In December 2018, a state court sentenced a German defendant to nine years in prison for sex trafficking a minor, along with other criminal charges, one of the longest prison terms to date. In November 2018, three Nigerian women received sentences in the Hesse state court ranging from two years and two months to three years and three months for recruiting Nigerian women as sex trafficking victims and prosecutors filed a motion for the court to reconsider a longer prison sentence.

Although prosecutors with experience assisting victims through trial processes frequently led sex trafficking cases,

labor trafficking cases in contrast were more often assigned to financial, economic, or organized crime sections. To improve this disparity of expertise, a federal government-funded NGO conducted a nationwide workshop on labor trafficking for public prosecutors in November 2018. The government's service center for agencies and professionals working on trafficking cases, Servicestelle, also provided training for prosecutors on forced labor. NGOs noted the duration of the average investigation and prosecution for trafficking crimes, like any crime, continued to be too long, sometimes years, and police in many jurisdictions lacked sufficient staff to timely process the workload. To address this need, in January 2019, the government approved €220 million ($252.29 million) to expand judicial staff, prosecutors, and police for all criminal cases. The Berlin state-level police also added a third specialized trafficking investigation unit in 2018.

Judges could not be compelled to attend training courses, although many voluntarily participated in some form of training. While most lacked trafficking-specific training, many judges and prosecutors participated in the German Judicial Academy's annual training on cross-border sex trafficking. Officials in various German states, including Lower Saxony, Bavaria, and North-Rhine Westphalia, also organized judicial trainings on trafficking, including emphasis on victim-centered approaches. The Federal Criminal Police organized specialized seminars to educate investigating officers on trafficking. Police academies in various German states continued to incorporate trafficking courses into their training. The federal police (Bundeskriminalamt, or BKA) maintained an information portal for federal and state police forces, with information on current trends, guidelines, and investigative tools for combating trafficking. Federal and state-level police collaborated with EUROPOL and foreign governments, notably Romania, Bulgaria, and Nigeria, conducting trainings and investigating trafficking cases. Germany processed 41 incoming extraditions requests and seven outgoing requests in 2017 for trafficking-related charges.

## PROTECTION

The government increased victim protection efforts. In 2017, the most recent year for which comprehensive statistics were available, state government authorities, who are responsible for protection efforts, identified 669 trafficking victims, an increase from 536 in 2016. Of these, 489 were victims of sex trafficking (488 in 2016) and 180 of labor trafficking (48 in 2016). Nearly half (46 percent) of all sex trafficking victims were younger than age 21, and a majority of German citizen victims were younger than age 21. The large increase in victim identification came mainly from the construction sector (116 victims in 2017, compared to 12 in 2016), with most victims from North Macedonia (52 victims) and Latvia (39 victims). The Federal Agency for Migration and Refugees (BAMF) identified more potential victims in the asylum protection system than in recent years and made referrals to counseling centers. Each of the 50 BAMF offices across Germany included at least one representative to assist in identifying and supporting potential victims of trafficking.

The government funded services through the Network against Trafficking in Human Beings (KOK), the quasi-governmental NGO also charged with coordinating and overseeing victim support efforts across Germany. NGO counseling centers funded by the government served both labor and sex trafficking victims, although many centers worked only with female sex trafficking victims. NGO service providers operated in 45 cities, providing shelter, medical and psychological care, legal assistance, vocational support, and other services. Trade union-affiliated and migrant counseling centers also supported labor trafficking victims. There was limited comprehensive or long-term support across the centers for children and male trafficking victims, and KOK noted overall availability of services and shelters was inconsistent across states. An October 2018 study by KOK also noted challenges for all groups in providing adequate accommodation. The Family Ministry published its Federal Cooperation Concept for the Protection of Children in October 2018, designed to align policies and clarify responsibilities between agencies and across states for cases involving minors.

National government funding for the KOK's management operations was €1.5 million ($1.72 million) total for the three-year period of 2019-2021, an increase from €370,000 ($424,310) in 2018, and €343,000 ($393,350) for 2017. State governments also supported trafficking victims; for instance, the Bavarian labor ministry provided €600,000 ($688,070) in 2017 and North-Rhine-Westphalia funded €1 million ($1.15 million) in 2018 to support eight counseling centers and committed an additional €667,920 ($765,960) per year starting in 2019. Government-funded counseling centers or youth welfare organizations together assisted approximately 33 percent of victims identified (compared to 34 percent in 2016), while BKA reported 47 percent declined offers of specialized care and did not have information on the remaining 20 percent of victims. BKA cited various reasons for the low response to support, including limited or lack of counseling, lack of interest, or return to the victim's home country.

Germany's Prostitute Protection Act of 2016 mandated individuals in prostitution register for a license and required counseling sessions, including on health and legal rights. The law required officials across all states to screen for trafficking indicators during registration, during which officials identified numerous individuals subjected to force, fraud, or coercion. However, some NGOs expressed concern that the most vulnerable victims of trafficking would either not register, or register without disclosing trafficking crimes. Germany did not have a single national referral mechanism, as investigations and prosecutions were handled at the state-level; thus, each state had a separate system to refer victims to either state-run support or NGOs. Prosecutors, together with other authorities, offered undocumented victims a reflection period of three months to decide if they would testify in court. Some jurisdictions, such as Berlin, routinely extended the period to six months. Victims who agreed to testify could remain and work in Germany through the duration of the trial. Victims who faced injury or threats to life or freedom in their countries of origin, or in cases of humanitarian hardship, could apply for residence permits. Family members were eligible for residency in certain circumstances. The law entitled victims to an interpreter and a third-party representative from a counseling center to accompany them to all interviews. The law also exempted trafficking victims from criminal prosecution for minor crimes committed during the course of their trafficking. Subject to certain requirements, victims could join criminal trials as joint plaintiffs and were entitled to free legal counsel and pursuit of civil remedies as part of the criminal proceeding.

## PREVENTION

The government maintained efforts to prevent trafficking. Germany had no single national action plan on trafficking, but had a broader plan to counter violence against women, a strategy to combat labor trafficking, and a National Action Plan on Business and Human Rights, which included supply

chain issues as one component. The Ministry of Development and International Cooperation (BMZ) established guidelines in 2018 and support structures with a target of 50 percent of companies required to report on human rights measures incorporated into their operations by 2020, including trafficking in supply chains. Even though NGOs contributed to the BMZ document, many still described the measures as limited in effect, overly broad, vague, and non-binding on companies. In February 2019, the United States and Germany signed a Joint Declaration of Intent to increase cooperation on labor trafficking issues, including within global supply chains. The government had not appointed a national rapporteur, a key recommendation of GRETA's 2015 report, as well as NGOs and some state-level officials.

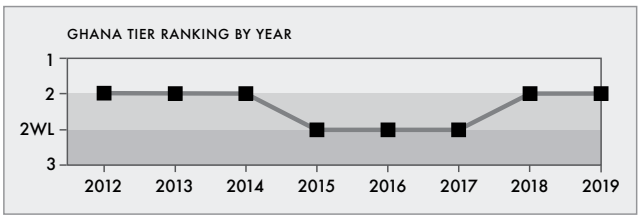
The federal government, through NGOs, co-funded and implemented various awareness campaigns, in addition to efforts at the state level. In cooperation with an NGO, the government held informational events for domestic workers on their rights. For domestic workers employed by embassies in Berlin, authorities conducted in-person interviews without employers present. The federal government continued to fund a 24/7 hotline in 17 languages for women affected by violence; in 2017, the hotline received calls from 120 potential trafficking victims. German law required background checks on brothel management employees. Prostitution is legal and regulated in Germany. The government did not make efforts to reduce the demand for commercial sex. The government increased funding for bilateral and EU-based anti-trafficking programs in source countries in 2018, notably Nigeria. German police trained Nigerian anti-trafficking police units through sessions held twice yearly in Nigeria. Most recently, BMZ initiated programs on border management and trafficking victim identification in several West African countries and in the Balkans.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Germany. Most identified sex trafficking victims in Germany are EU citizens, primarily Bulgarians, Romanians (of which a significant percentage are ethnic Roma), as well as German citizens. Victims also come from most other regions of the world, particularly China, Nigeria, and other parts of Africa. Labor trafficking victims are predominantly male and European, including from North Macedonia, Latvia, Ukraine, Bulgaria, Poland, and Romania, but also Afghanistan, Pakistan, and Vietnam. Traffickers exploit victims of forced labor primarily at construction sites, but also in hotels, meat-processing plants, seasonal industries, and restaurants, and as caregivers in private homes, with reported increases in the number of child victims. Traffickers subject Roma and foreign unaccompanied minors to sex trafficking, forced begging, and other coerced criminal behavior. Migrants and refugees remain vulnerable to sex or labor traffickers upon arrival. Several foreign governments also reported German citizens engaged in sex tourism abroad.

# **GHANA:** TIER 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ghana remained on Tier 2. These efforts included increasing resources dedicated to implementation of its anti-trafficking action plan; sentencing more convicted traffickers to significant prison terms; improving interagency and civil society cooperation to identify and remove children from trafficking situations; increasing anti-trafficking public awareness activities; and adopting systematic trafficking data collection procedures. However, the government did not meet the minimum standards in several key areas. The inadequacy of operational resources, limited technical capacity for effective investigation, the absence of government-supported shelter space for adult and child trafficking victims, and the shortage of state attorneys hindered prosecutions. The government did not adequately address corruption and political interference in trafficking investigations and prosecutions, and it did not amend the anti-trafficking act regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim.




## PRIORITIZED RECOMMENDATIONS:

Provide increased resources for surveillance and investigative operations to enable investigators, in cooperation with social welfare workers, to respond effectively to reports of suspected sex or labor trafficking, collect and preserve evidence, and protect potential victims. • Increase financial support for government and NGO programs that provide comprehensive trauma-informed care and reintegration services for adult and child trafficking victims. • Increase efforts to identify and address corruption and political interference that impede the investigation and prosecution of trafficking crimes. • Increase the number of attorney general prosecutors designated to prosecute trafficking crimes and ensure their collaboration with police during case development and through the prosecution of human trafficking cases. • Provide advanced training to law enforcement on surveillance and evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act. • Amend the 2015 implementing regulations for the 2005 Ghana Anti-Trafficking Act to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. • Implement standard operating procedures (SOPs) for screening, identification, referral, and protection of trafficking victims throughout Ghana. • Increase efforts to identify and assist Ghanaian migrant workers who are in trafficking situations in other countries and investigate and prosecute recruitment agents and others suspected of participating in their trafficking. • Continue to increase funding for implementation of the national plan of action against trafficking. • Implement nationwide the newly adopted trafficking data collection procedures that track investigations, prosecutions, victims identified by enforcement and protection agencies, and assistance provided.

## PROSECUTION

The government maintained vigorous anti-trafficking law enforcement efforts. The 2005 Human Trafficking Act, amended in 2009, criminalized sex trafficking and labor trafficking. The Human Trafficking Act prescribed penalties of a minimum

of five years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, the 2015 regulations for this Act, which are non-discretionary and have the force of law, provided specific guidance on sentencing depending on the circumstances; in general the term is not less than five years and not more than 25 years, but if a parent, guardian or other person with parental responsibilities facilitates or engages in trafficking, they are liable to a fine, five to 10 years' imprisonment, or both. By allowing for a fine in lieu of imprisonment, the prescribed punishments for sex trafficking were not commensurate with those for other serious crimes, such as rape.

The government reported initiating 82 investigations into suspected human trafficking during calendar year 2018, compared to 113 investigations in 2017. Of the 82, the Ghana Police Service (GPS) Anti-Human Trafficking Unit (AHTU) reported 67 investigations of potential trafficking crimes, compared with 91 investigations in 2017. Of these, 48 were labor trafficking investigations, most of which were suspected labor trafficking of Ghanaian children within Ghana; and 19 were sex trafficking investigations, nearly all of which involved transnational trafficking of Nigerian women and girls. The Ghana Immigration Service (GIS) reported investigating 14 suspected trafficking cases compared with 22 cases in 2017; of these, 10 were suspected labor trafficking cases and four were cases of suspected sex trafficking of Nigerian women and girls in Ghana. The Economic and Organized Crime Office (EOCO) in the Attorney General's Department investigated a suspected labor trafficking case involving a Filipina national allegedly exploited in domestic work in Accra; the case was not prosecuted. The government reported initiating 13 prosecutions, including nine labor trafficking cases and four sex trafficking cases, against 42 alleged traffickers, compared to 29 prosecution cases involving 56 defendants in 2017. Of these, the government prosecuted 30 defendants for alleged labor trafficking (46 in 2017) and 12 defendants for alleged sex trafficking (10 in 2017). The GPS and GIS prosecuted 30 alleged traffickers; and state attorneys, who initiated one trafficking prosecution in the previous year, prosecuted 12 alleged traffickers. The government also continued 15 labor trafficking prosecutions initiated in 2017 but did not provide updates on these cases. In 2018, the government convicted seven traffickers, four for labor trafficking and three for sex trafficking, all prosecuted under the Human Trafficking Act by police prosecutors in the GPS or the GIS. This compares to six convictions under the anti-trafficking act in 2017. All convicted traffickers received terms of imprisonment, ranging from five to seven years, compared to the preceding year when sentences imposed under the trafficking act ranged from six months' imprisonment with a fine and victim restitution to five years' imprisonment. The government prosecuted additional trafficking suspects using laws with lesser penalties, due to insufficient evidence for a trafficking violation. The GPS convicted 14 suspected traffickers of child labor exploitation under the Children's Act of 1998; the court fined these individuals 1,440 cedis ($298) and asked them to sign bonds of good behavior. The GIS reported convicting three suspected sex traffickers of immigration violations. Immigration officials transferred two of these individuals to the custody of Nigerian trafficking authorities and removed one from the country for immigration violations. The government did not report investigating any recruitment agencies for suspected human trafficking during the reporting period, compared with five in 2017. As in past years, the government did not prosecute or convict any recruitment agents for fraudulent offers of employment or excessive fees for migration or job placement in 2018. NGOs and other organizations continued to report general corruption within the police and judicial system. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Political interference with police investigations and prosecutions of suspected human trafficking was an ongoing concern.

Government officials continued to report that insufficient law enforcement funds and shelter facilities for identified victims delayed investigations, operations to remove potential victims from exploitative situations, and prosecutions. Officials also continued to report that inadequate evidence collection by law enforcement hampered prosecution of suspected traffickers under the anti-trafficking act; thus, the government prosecuted more cases under laws with lesser penalties. As in previous years, police prosecutors, whose lack of formal legal training impeded their ability to prosecute complex crimes such as trafficking, initiated most of the trafficking prosecutions. However, despite a continuing shortage of Attorney General's prosecutors, state attorneys reviewed an increased number of suspected child trafficking dockets and, in some regions, state attorneys increased collaboration with police during case build up prior to and/or after operations to remove children from trafficking situations. The government increased law enforcement training by supporting introductory anti-trafficking training for 417 GPS and 720 GIS recruits compared to training 474 GIS cadets and recruits in the prior year. The government also conducted separate human trafficking training sessions for 118 GPS officers and 45 immigration and law enforcement officers, and, in collaboration with an NGO, trained 19 prosecutors. The government also provided in-kind support for numerous training programs for hundreds of investigators, prosecutors, judges, social service personnel, labor officers, and journalists during the reporting period.

## PROTECTION

The government maintained its overall protection efforts but identified fewer victims, and there remained gaps in the provision of shelter services. The government reported identifying 348 potential victims of trafficking (252 children) compared to 579 potential victims identified during the previous year. Of the 348, the GPS identified 285 potential victims compared to 339 potential victims in 2017; 242 were potential victims of labor trafficking, all of whom were Ghanaian and nearly all of whom (231) were children, mostly (190) boys. The GIS identified 55 potential trafficking victims compared with 215 in 2017; 39 were potential victims of labor trafficking; almost half were adult Ghanaian women; 14 were males, and 14 were from Niger and Benin. In their sex trafficking cases, GPS and GIS identified 49 female potential victims, 22 of whom were children and nearly all (46) were from Nigeria, two were Thai, and one was Ghanaian. The EOCO identified one potential victim of labor trafficking.

In some regions, the government implemented SOPs for screening, identification, referral, and protection of trafficking victims developed in collaboration with an international organization. The government reported referring all 348 potential victims of trafficking for care and described the assistance provided, including psycho-social support. The government increased its support for protection services by recruiting and orienting staff and expending 378,000 cedis ($78,340) of the 500,000 cedis ($103,630) deposited in the Human Trafficking Fund during the previous reporting period, for items necessary to open two specialized shelters, one for child trafficking victims and one for adult trafficking victims, neither of which opened

during the reporting year. Although pending throughout the year, the government did not complete its review of or approve a memorandum of understanding between the Ministry of Gender, Children, and Social Protection (MOGCSP) and a donor organization outlining the government's and donor's support for services at the children's shelter. Relying primarily on private facilities operated by NGOs and faith-based organizations, the government referred child trafficking victims (252) to either one government-operated shelter for children or to one of 10 privately operated shelters that provided or coordinated the provision of services, including needs assessment, medical care, nutrition, psycho-social support, counseling, education or vocational training, recreation, and reintegration services. In contrast to the preceding year, the government did not report providing funding to NGOs to support shelter and care for child victims of trafficking. Some private shelters expanded services to provide care for young adult and child sex trafficking victims; however, the overall shelter capacity for child trafficking victims remained insufficient for the number of victims referred for care. Due to the absence of a shelter for adult victims of trafficking, the government provided counseling, care, and protection for adult trafficking victims primarily in guesthouses or hotels. Ghanaian law enforcement collaborated with the Nigerian foreign ministry and anti-trafficking authorities to obtain identity and travel documents and facilitated repatriation of Nigerian citizens. The Ministry of Foreign Affairs and Regional Integration (MFARI), MOGCSP, GIS, and GPS cooperated in facilitating the repatriation of six Ghanaian trafficking victims identified in two Gulf states. The government relied on donor support for repatriation expenses of these six Ghanaians and the return of one Filipina and two Thai trafficking victims from Ghana to their countries of origin. The MOGCSP hotline, administered in English and three local languages, received 3,599 calls; personnel referred calls related to 11 potential trafficking victims to the GPS for investigation.

NGOs reported continued cooperation with national, regional, and local government officials in response to NGO reports of potential child trafficking victims and during law enforcement-led operations that were coordinated with the navy, marine police, and local social welfare workers, who were responsible for screening victims, securing care orders through the district courts, and arranging placement for child victims. Although most adult victims declined to assist in prosecutions, in part due to limited victim support, the government reported 20 victims who voluntarily participated in prosecutions were given support, transport funds, and safe lodging during court proceedings. Ghanaian law permits victims of trafficking to pursue monetary damages by filing a civil suit, but the government did not report any such suits during the reporting period or whether the traffickers ordered to pay restitution to two victims in 2017 complied with the order. Foreign victims may seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest. No victims sought temporary or permanent residency during the year. There were no reports that officials fined, detained, or penalized trafficking victims for unlawful acts that traffickers compelled them to commit.

## PREVENTION

The government increased anti-trafficking prevention efforts. The government reconstituted, oriented new members, and convened four meetings of the Human Trafficking Management Board (HTMB). This inter-ministerial committee was mandated to meet quarterly, administer the Human Trafficking Fund, advise the MOGCSP on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims. It had not met since 2016. The government also added five staff to the Human Trafficking Secretariat, which was responsible for monitoring and evaluation, data collection, and research related to trafficking, and allocated increased funding totaling 2.16 million cedis ($447,670) for its operating budget as well as 130,000 cedis ($26,940) for implementation of its National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021 (NPA). Of these funds, the government reported expending 225,340 cedis ($46,700) on printing and disseminating the NPA and public awareness materials, training officials, and supporting numerous human trafficking stakeholders meetings and public awareness activities at the national, regional, district, and community levels. In collaboration with an international organization and in fulfillment of a bilateral partnership, representatives of the enforcement and protection agencies responsible for addressing child trafficking met five times during the year to improve coordination of anti-trafficking efforts and, late in the reporting year, the four participating government ministries endorsed their use of a standardized trafficking data collection system. The local government authorities in 34 communities in three regions partnered with an NGO to conduct community-level training on child trafficking prevention, identification, care for child trafficking victims, and increasing access to social and economic services for families of survivors.

The government continued its 2017 ban on recruitment for jobs in the Middle East following reports of sex and labor trafficking, and serious physical abuse, of Ghanaian women recruited for domestic work and hospitality jobs. Reports indicated some recruitment agents continued to recruit Ghanaian workers without required exit documents, which increased the workers' vulnerability to trafficking situations. The government did not report on its efforts to implement its labor recruitment agreements negotiated in previous years with the governments of Jordan and Qatar. The government reported no efforts to decrease the demand for forced labor or for commercial sex acts. The government relied on foreign donors to provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions. The government reported initiating new specialized training on human trafficking and irregular migration for its diplomatic personnel.

## TRAFFICKING PROFILE

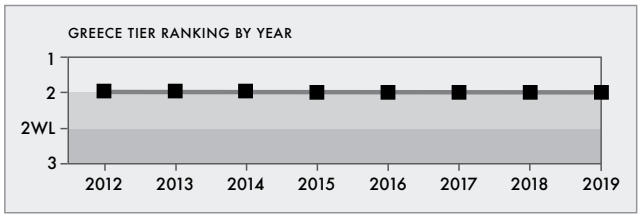
As reported over the past five years, human traffickers exploit domestic and foreign victims in Ghana, and traffickers exploit victims from Ghana abroad. Traffickers subject Ghanaian boys and girls to forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture, including cocoa. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities and many of these children are victims of forced labor; not allowed to attend school; given inadequate housing and clothing; and controlled by fishermen through intimidation, violence, and limited access to food. Traffickers force boys as young as five years old to work in hazardous conditions, including deep diving, and many suffer waterborne infections. Girls perform work on shore such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse and forced marriage for the purpose of exploitation. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that traffickers had subjected children from nearly one-third

of the 1,621 households surveyed to forced labor, primarily in fishing and domestic servitude. Organized traffickers who target vulnerable parents and communities facilitate child trafficking in the fishing industry. Relatives often send girls via middlemen to work in harsh conditions in domestic servitude. Boys aged 13-16 years who finished primary school in northern areas of Ghana are vulnerable to forced labor in agriculture, including in cocoa-growing areas; middlemen or relatives often facilitate their transit. Children living in northern regions whose parents sent them to work in the south during the dry season are vulnerable to forced labor in agriculture and other sectors. Traffickers subject Ghanaian girls, and to a lesser extent boys, to sex trafficking in urban areas across Ghana. Though reports are declining, some Ghanaian girls are victims of forced servitude as part of a ritual to atone for sins of a family member. Ghanaian girls and young women from the rural northern regions move to urban centers throughout Ghana to seek work as porters; they are at risk for sex trafficking and forced labor.

Ghanaian women and children are recruited and sent to the Middle East, other parts of West Africa, and Europe for forced labor and sex trafficking. NGOs report the increasing use of internet platforms to recruit Ghanaians seeking work overseas. Unscrupulous agencies arrange transport of Ghanaians seeking employment in Europe through neighboring African countries, where sex traffickers exploit, hold involuntarily, and extort funds from the victims. Recruiters entice Ghanaian women and girls with offers of good paying jobs in domestic service or the hospitality industry in countries in the Middle East and attempt to circumvent the ban on recruitment for such jobs by arranging travel across land borders to access airports for flights to the region. After their return, many of them report being deceived, overworked, starved, abused, molested, and/or forced into commercial sex. Fraudulent recruiters lure Ghanaian men under false pretenses to go to the Middle East, where traffickers subject them to forced labor and sex trafficking. Traffickers have coerced Ghanaian men and women in forced labor in the United States. Traffickers lure Nigerian women and girls to Ghana by the promise of a good job and coerce them into prostitution to pay exorbitant debts for transportation and lodging. Traffickers also coerce some Ghanaian and Nigerian labor migrants into prostitution as the traffickers demand more money for transit and document costs. Traffickers subject children from West African countries to forced labor in Ghana in agriculture or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany.

# **GREECE:** TIER 2

The Government of Greece does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Greece remained on Tier 2. These efforts included the anti-trafficking unit making robust investigative efforts, such as joint inspections with labor inspectors and social workers, and the government officially launching a multi-disciplinary national referral mechanism with appropriate standard operating procedures and written guidance. The Office of the National Rapporteur on Human Trafficking led whole-of-government anti-trafficking efforts, including a project to eliminate forced labor in local government supply chains. However, the government did not meet the minimum standards in several key areas. Slow screening procedures and overcrowded facilities, including migrant and refugee camps, and shelters for unaccompanied minors, exacerbated vulnerabilities and, at times, led to re-victimization of survivors. In addition, the government lacked proactive identification efforts for forced labor and unaccompanied children, and some authorities informally forcibly removed some migrants and asylum-seekers to Turkey, strongly discouraging victims from self-identifying or cooperating. Specialized support for victims remained inadequate or inaccessible, and court proceedings often lasted two to six years, which hindered cooperation from victims and key witnesses, and resulted in acquittals of suspected traffickers.




## PRIORITIZED RECOMMENDATIONS:

Increase proactive identification efforts for victims of forced labor and victims among vulnerable populations, such as unaccompanied children, migrants, refugees, and asylum-seekers. • Strengthen specialized services including shelter and psycho-social support for all victims, including children, adult males, and victims in rural areas. • Vigorously investigate, prosecute, and convict traffickers. • Decrease the length of court proceedings for trafficking cases. • Encourage victims' participation in investigations and prosecutions by providing alternative methods to testify, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Develop policies for victim-centered prosecutions and implement witness protection provisions already incorporated into law. • Take concrete steps to expedite the official victim identification process and consistently include psychologists and social workers. • Provide training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions, particularly in rural areas and for non-specialized staff. • Train first responders on victim identification and the national referral mechanism. • Standardize data collection and produce accurate data on anti-trafficking efforts. • Consistently inform victims of their right to compensation. • Adopt and implement a national action plan for combating trafficking.

## PROSECUTION

The government increased law enforcement efforts. Articles 323A and 351 of the criminal code criminalized sex and labor trafficking and prescribed penalties of up to 10 years' imprisonment and a fine between €10,000 ($11,470) to €50,000 ($57,340) for offenses involving an adult victim, and a minimum of 10 years' imprisonment and a fine between €50,000 ($57,340) to €100,000 ($114,680) for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Police investigated 28 cases with 136 suspects (21 cases with 147 suspects in 2017); 27 were sex trafficking cases and one was a forced labor case (20 cases of sex trafficking and one case of forced labor in 2017). The government prosecuted 25 defendants (26 defendants in 2017), 22 for sex trafficking and three for forced labor (21 for sex trafficking and five for forced labor in 2017). First instance courts convicted 14 traffickers (37 traffickers in 26 cases in 2017), 11 for sex trafficking and three for forced labor (35

for sex trafficking and two for forced labor in 2017). Second instance courts convicted 25 traffickers (four in 2017), eight for sex trafficking and seventeen for forced labor (four for sex trafficking in 2017). Judges issued sentences ranging from two to 24 years' imprisonment with fines from €10,000 ($11,470) to €75,000 ($86,010).

The Hellenic Police Unit maintained an Anti-Trafficking Unit (ATU) within the Organized Crime Division composing two units with 37 officers in Athens and 10 officers in Thessaloniki that investigated trafficking and vice crimes and 12 smaller units across municipalities that investigated trafficking and organized crime. ATU officers conducted 1,426 joint inspections (206 in 2017) with labor inspectors and social workers from the National Social Solidarity Center (EKKA) on 5,984 individuals leading to 46 cases of various offenses. ATU regularly inspected brothels, bars, and massage parlors, but observers reported the 12 smaller units often consisted of three or four officers to handle trafficking cases among many other duties and lacked the resources and staff to conduct proactive investigations. NGOs continued to report good cooperation with law enforcement and excellent cooperation with ATU. The government maintained two specialized public prosecutors in Athens; one attached to the first instance court and the other to the appeals court. The government trained front-line officers on trafficking issues, but observers reported non-specialized police, prosecutors, and judges, particularly in rural areas and islands, lacked an understanding of trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking, but corruption and official complicity in trafficking crimes remained concerns. The government shared information with 13 European countries on trafficking cases.

## PROTECTION

The government maintained victim protection efforts. The government identified 31 victims (38 in 2017); 30 were victims of sex trafficking and one of forced labor (35 sex trafficking and three forced begging in 2017); 22 were adults and nine children (24 adults and 14 children in 2017); 27 female and four male (34 were female and four male); five were Greek victims and 26 foreign victims (four Greeks and 34 foreign victims in 2017). Statistics included some but not all potential victims identified by non-law enforcement entities. ATU and civil society conducted proactive identification efforts, but other government efforts were largely reactive and reliant on self-identification. Hellenic Center for Disease Control and Prevention screened migrants and asylum-seekers for trafficking indicators at island Reception and Identification Centers (RIC); regional asylum offices identified two potential victims (three in 2017). However, some asylum-seekers waited over a month for their screening due to a lack of staff and resources, resulting in a trafficking survivor re-victimized in a migrant camp while waiting for legal documents and RIC screening procedures. Each RIC designated a trafficking focal point who collected information on potential trafficking cases, but many staff working at RICs were on short-term contracts, which limited their experience and training to identify victims. The government screened migrants, including unaccompanied children, upon arrival, but observers reported authorities did not screen migrants again when facing deportation. In addition, civil society reports indicated authorities assaulting and harassing migrants and conducting several informal forcible removals to Turkey, strongly discouraging victims from self-identifying or cooperating with authorities. GRETA reported a lack of identification efforts for victims of forced labor, particularly in the agriculture sector, cleaning and domestic service, and the tourism industry. Proactive identification among vulnerable unaccompanied children also remained inadequate, including for forced begging and forced criminality.

The government officially launched a multi-disciplinary national referral mechanism (NRM), including appropriate standard operating procedures and referral forms. The government, separately and in cooperation with international organizations and NGOs, trained law enforcement, immigration officers, social service workers, labor inspectors, and health workers on victim identification and new referral procedures. The NRM required first responders to inform and coordinate with EKKA when potential victims were identified for victim care and placement. The law authorized public prosecutors to officially recognize victims based on information collected by law enforcement, or a psychologist and a social worker if a victim did not want to cooperate with law enforcement. Official victim status entitled foreign victims to a renewable one-year residence and work permit, but potential victims without this status had access to equal support and assistance. Observers reported inconsistent use of psychologists and social workers for identification procedures and procedures lasting up to two years for victims to receive official status. The government did not recognize potential victims who were exploited abroad but identified in Greece, creating obstacles in accessing support entitled by law. The government, in cooperation with NGOs, provided shelter, psycho-social support, medical care, legal aid, and reintegration support. The government was unable to determine how much funding was spent on victim protection and did not allocate funding to civil society, with the exception of projects co-financed by the EU and state budget funds. Furthermore, EKKA secured €631,840 ($724,590) from EU security funds to support the NRM and signed a memorandum of understanding with an NGO to host a legal consultant and two anti-trafficking advisors for two months. Two agencies provided shelter and general support services to trafficking victims: the General Secretariat for Gender Equality (GSGE) operated 19 shelters and 40 counseling centers for female victims of violence and EKKA operated two long-term shelters, an emergency shelter, and two Social Support Centers for vulnerable populations in need of assistance; EKKA assisted nine victims (seven in 2017). Central and local governments also maintained cooperation agreements with some NGOs to house, protect, and assist vulnerable children, including trafficking victims, and allocated buildings to use as shelters. However, observers reported a lack of specialized shelters for trafficking victims; only one NGO-run shelter provided shelter specifically for female trafficking victims and some police officers remained reluctant to refer victims to NGO-run support services. Victims in rural areas had little access to support services and were often accommodated in police stations, hospital wards, or received no assistance. An NGO-run shelter for sexually exploited men or short-term government shelters for asylum-seekers or homeless persons could accommodate male victims. Adults could voluntarily leave the shelters unchaperoned. Government-run shelters, NGO-run shelters, and facilities for unaccompanied minors accommodated child victims but did not provide specialized support. Observers reported overcrowded facilities for child victims and GRETA reported authorities held unaccompanied children in police cells up to several months due to a lack of shelters. In addition, delays in payment to shelters for unaccompanied children further limited available spaces, exacerbating the vulnerabilities of 2,000 unaccompanied minors without adequate protection. Victims who did not apply for official recognition could receive a residence and work permit by applying for asylum or for a

residence permit on humanitarian grounds; the government issued 10 residence permits and renewed an additional 13 for certified victims but the government did not provide statistics about residence permits or granting of asylum to victims who lacked official recognition. The process to receive residence permits was difficult without an attorney and took time, but the government granted victims a temporary document that prevented deportation or detainment.

The government may have deported, detained, or restricted freedom movement of some trafficking victims due to inadequate identification efforts. Experts reported a lack of victim-centered approaches, including cases of law enforcement conducting interviews described by victims as interrogations. There were also reports of authorities not adequately informing victims about court proceedings and lacking interpretation services for foreign victims. Court proceedings often lasted two to six years, which hindered cooperation from victims and key witnesses. For example, an appeals court unanimously acquitted 20 traffickers convicted of sex trafficking in November 2018 after the four victims that testified against them in lower courts did not attend court proceedings. The government did not provide funding for travel and other expenses for victims to attend court hearings and some suspected traffickers intentionally postponed court appearances to increase the chances of victims being unwilling to testify in court and/or may have paid bribes to repatriated victims to preclude them from testifying. In previous years, observers reported traffickers likely bribed state certified interpreters to alter the content of victim statements or influence their testimony. The law entitled victims to mental health professionals during court proceedings and the use of audiovisual technology for remote testimony, but many courts lacked the capabilities to deploy these resources and judges did not allow it, even in cases where the lack of these benefits could cause re-traumatization. Observers reported judges lacked sensitivity and an understanding of the impact of psychological trauma on victims' ability to consistently and clearly relate the circumstances of their exploitation and inappropriately dismissed as unreliable victim testimony. The law provided for witness protection and non-disclosure of the witness' personal information; however, no trafficking victims received full witness protection privileges to date, only police escorts during trials, and courts sometimes revealed victims' identities during proceedings. The law entitled victims to file civil suits against traffickers for compensation but no victims to date had received compensation or received restitution from their traffickers. The government reported trafficking victims had never applied for compensation.

### PREVENTION

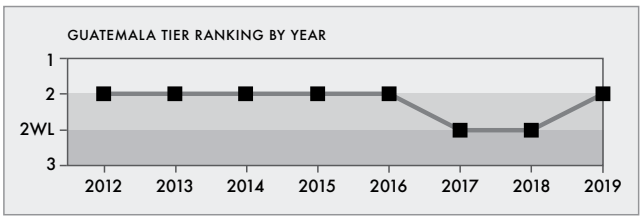
The government increased efforts to prevent trafficking. The Office of the National Rapporteur on Human Trafficking (ONRHT) continued to coordinate government wide anti-trafficking efforts despite lacking sufficient resources. The government drafted a national action plan for 2019-2023, monitored anti-trafficking efforts, and made assessments publicly available. ONRHT continued the development of a national database for trafficking statistics and organized awareness campaigns targeting the general public, students, and teachers. ONRHT, in partnership with an international organization and the Athens Municipal government, started a pilot project to prevent forced labor in local governments' supply chains. The government provided free airtime for public service announcements for NGOs and agencies on trafficking issues. Labor inspectors inspected 37,270 businesses with 112,073 workers; the labor inspectorate fined 3,869 businesses with 5,689 undeclared workers a total of €58.86 million ($67.5 million). Labor recruitment agencies could be subjected to inspection but the lack of competent staff to conduct such inspections resulted in limited oversight. The government made efforts to reduce the demand for commercial sex acts and forced labor. The government operated two hotlines: one for female victims of violence and another for individuals in vulnerable situations.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Greece, and traffickers exploit victims from Greece abroad. Traffickers operating in Greece are primarily Greeks and other Western and Eastern Europeans but some are also from Central Asia. Traffickers subject some women and children from Eastern and Southern Europe, South and Central Asia, China, Georgia, Nigeria, and Russia to sex trafficking in unlicensed brothels, on the street, in strip clubs, in massage salons, and in hotels. Victims of forced labor in Greece are primarily children and men from Eastern Europe, South Asia, and Africa. Migrant workers from Bangladesh, Pakistan, and Afghanistan are susceptible to debt bondage, reportedly in agriculture. Marginalized Romani children from Albania, Bulgaria, and Romania are forced to sell goods on the street, beg, or commit petty theft. The increase in unaccompanied child migrants in Greece has increased the number of children susceptible to exploitation. Unaccompanied children, primarily from Afghanistan, engage in survival sex and are vulnerable to trafficking. Refugee and migrant women, especially those living in the island RICs, were highly vulnerable to trafficking. Most migrants and asylum-seekers are believed to rely on smugglers at some point during their journey and in some instances are forced into exploitation upon arrival in Greece.

## GUATEMALA: TIER 2

The Government of Guatemala does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Guatemala was upgraded to Tier 2. These efforts included investigating more traffickers, dedicating additional resources to increase judicial and prosecutorial capacity outside the capital, identifying and providing services to more victims, increasing funding for victim services, developing several new victim identification and assistance protocols, and launching several new awareness-raising campaigns, including for vulnerable populations. The Public Ministry provided social workers and psychologists to serve as liaisons between prosecutors and victims, accompany victims through the proceedings against their traffickers, and assist victims in accessing medical services. The government also investigated, prosecuted, and convicted government employees complicit in trafficking offenses. However, the government did not meet the minimum standards in several key areas. The government prosecuted and convicted fewer traffickers; did not address underlying problems in the nation's shelters providing for child trafficking victims; referred only 64 percent of victims to care, and specialized victim services remained inadequate given the scope of the problem and lack of services for adult victims. Corruption and complicity remained significant concerns.




## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses, with increased focus on suspected cases of forced labor. • Convict traffickers under the 2009 anti-trafficking law, rather than lesser offenses, and sentence them to adequate penalties, which should include significant prison terms. • Review shelter standards and operations in shelters providing for child trafficking victims nationwide and address overcrowding, abuse, and neglect. • Investigate and hold government officials criminally accountable for complicity in trafficking. • Expand authority to refer victims to care to additional appropriate authorities and ensure all victims are referred quickly to appropriate care facilities. • Increase efforts to identify trafficking victims, particularly among vulnerable populations, such as working children, returning migrants, individuals in prostitution, and children apprehended for illicit gang-related activities. • Improve access to and quality of specialized services for adult victims. • Amend the 2009 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase efforts to investigate, prosecute, and convict child sex tourists and others engaged in sex trafficking of children. • As part of developing a cadre of specialized prosecutors and judges outside of the capital, expand training to include training on the use of forensic and other evidence to ensure trafficking cases are investigated and prosecuted as such rather than as lesser offenses. • Provide reintegration and witness protection support to victims once they leave shelters to prevent re-trafficking. • Increase efforts to proactively look for indicators of forced labor, including in the agricultural sector where workers were particularly vulnerable to forced labor.

## PROSECUTION

The government slightly increased law enforcement efforts. The anti-trafficking law of 2009 criminalized sex trafficking and labor trafficking and prescribed penalties from eight to 18 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not consider the use of force, fraud, or coercion as an essential element of an adult trafficking offense. The law defined trafficking broadly to include labor exploitation and illegal adoption without the purpose of exploitation.

The government initiated investigations of 272 complaints of trafficking-related offenses in 2018, compared to 254 complaints in 2017 and 243 complaints in 2016. In 2018, the government reported 140 of these complaints were specifically trafficking rather than related offenses compared to 127 in 2017. The Human Rights Ombudsman reported receiving 23 complaints of potential trafficking, which it referred to the Public Ministry. Authorities prosecuted 32 defendants for trafficking in 2018, compared with 52 defendants in 2017 and 43 defendants in 2016. Authorities secured 14 convictions against 22 traffickers, compared with 19 convictions in 2017 and 13 convictions in 2016, with sentences ranging from eight to 15 years' imprisonment. In October 2018, Public Ministry officials arrested 11 individuals, including eight prison guards, for allegedly facilitating child trafficking by recruiting and employing a 17-year-old girl as a domestic worker and offering her for commercial sexual services to an alleged drug trafficker who was in the custody of the prison guards in a private hospital. The government convicted the eight prison guards for failure to report sexual exploitation and sentenced them to three years in prison in February 2019. The government charged two other individuals with human trafficking and their cases were pending trial at the close of the reporting period.

The Judicial System dedicated resources to increase investigative and prosecutorial capacity outside the capital. In December 2018, the Judicial System approved the opening of a specialized First Instance Criminal Court and Criminal Trial Court in Quetzaltenango to compliment the Public Ministry's anti-trafficking unit. The Quetzaltenango regional anti-trafficking unit received 19 complaints, an increase over previous years due to greater capacity in the Western Highlands. Some judges, especially in the interior, lacked adequate training to apply forensic evidence in prosecutions, which led to cases tried as sexual assault rather than trafficking. Observers reported recent training for judges improved their awareness of and ability to identify trafficking crimes, but more training was needed given the decrease in prosecutions and convictions. The government provided or participated in training on trafficking indicators and processing trafficking cases offered by international organizations and a foreign government for police academy recruits, crime scene experts, prosecutors, and judges on trafficking indicators and processing trafficking cases.

## PROTECTION

The government increased protection efforts. The government identified 371 trafficking victims (308 female victims and 63 male victims) in 2018, compared with 316 in 2017, 484 in 2016, and 673 in 2015. Reported data did not specify the types of trafficking involved in those cases. The government made efforts to address child forced labor by conducting an operation in coordination with three municipalities against 82 tortilla vendors and convenience stores, which resulted in the identification of 47 possible child labor victims and arrest of 17 alleged traffickers. The interagency anti-trafficking commission initiated the development of a new victim identification guide and planned to finalize and disseminate it in 2019. Meanwhile, officials use the inter-institutional protocol for the protection and attention to victims, first published in 2016. The commission worked to strengthen the Immediate Response Team (ERI) convened by the Public Ministry and led by the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET), including by developing an ERI action guide on the formal process for identifying, referring, and protecting victims. While some government officials received training to implement another protocol to identify potential forced labor victims during labor inspections, NGOs expressed concern the labor ministry did not proactively look for indicators of forced labor, including in the agricultural sector where workers were particularly vulnerable to forced labor.

The attorney general implemented a victim assistance protocol and victims' bill of rights by establishing procedures for victim attention, investigations, protection, and reparations. Guatemalan law required judges make all referrals to public or private shelters. In 2018 judges referred 239 victims to care facilities compared to 210 in 2017 and 256 victims in 2016. In practice, judges did not make timely referrals, delaying access to

needed assistance. Judges at times referred child victims to their families, leaving some vulnerable to re-trafficking, as family members often were involved in their exploitation. Authorities repatriated four Guatemalan victims from abroad in 2018. Authorities repatriated two Honduran trafficking victims in coordination with foreign consular officials and in accordance with an established protocol. Civil society expressed concern some adult foreign victims chose to leave shelters and return to their home countries due to lengthy investigation processes. The government screened returning unaccompanied children for trafficking indicators using Secretariat of Social Welfare (SBS) protocols for the attention and reception of such children in two government shelters. An NGO maintained a specialized shelter for unaccompanied minors that assisted repatriation, deterred irregular migration, and screened for trafficking. The government provided 19.4 million quetzals ($2.51 million) in funding in 2018 for government shelters, as well as NGOs that provide specialized services, mostly for child trafficking victims compared to 17.6 million quetzals ($2.28 million) in 2017. The government allocated 21 million quetzals ($2.72 million) in funding for 2019. While funding has increased, NGOs advocated for additional funding to increase service provision.

The government and NGOs provided shelter and services to 238 trafficking victims, compared to 127 trafficking victims in 2017, including victims of sex trafficking and forced labor, adults and children, female and male victims. SVET shelters provided such services in cooperation with other government agencies and implemented improvements to provide vocational training leading to certifications in computer programming and cooking. SBS shelters provided basic services, including food and housing, and more advanced services, such as healthcare, vocational education, and therapy. SBS adopted a new shelter model to limit the number of children per shelter to 15 and a process to evaluate each child within the first 72 hours before determining treatment. As of January 1, 2019, SBS assumed leadership over two of the three SVET-managed shelters for child trafficking victims. Authorities determined the third shelter would better serve the gap in shelter for adults and began the process of dedicating it strictly for adult trafficking victims and migrants. SVET developed a protocol for specialized attention to children in shelters, which it distributed to public and private shelters, and a model of integral attention for adult victims to be used in the new adult shelter. The government-run shelters housed 77 trafficking victims (74 females and three males) in 2018 compared to 89 trafficking victims (82 females and seven males) in 2017 and 77 in 2016. SVET reported the average time victims stayed in its shelters was four months, and SBS reported the average time children stayed in its specialized program in Coatepeque was 10 months. Four NGOs provided shelter and services to 161 children and adults ranging from housing, healthcare, education, psychological services, and legal services. Observers reported NGOs provided the highest quality and most comprehensive care for child victims. One NGO shelter provided services to adult female victims, but it restricted victims' freedom of movement. Observers expressed concern the government had not established a mechanism to provide victims with follow-up and reintegration support once they leave shelters, which could jeopardize victims' safety and increase vulnerability to re-trafficking.

Observers reported monitoring and oversight of all government shelters for children remained weak, noting the government did not implement structural changes to overhaul the system in the aftermath of the March 2017 fire in an overcrowded government-managed shelter, which resulted in the deaths of 41 girls and injuries to others. The shelter had previously faced allegations of corruption, sexual exploitation, and a UN investigation into the shelter's management. In addition, Guatemala's president had called for a restructuring of the country's shelter system and authorities published a new 2017-2032 action plan on the protection of children and adolescents, including trafficking victims and children in state-run institutions. In the previous reporting period, the government prosecuted seven government officials for offenses including, but not limited to, abuse of power, neglect of their duties, and maltreatment of minors, some of whom may have been trafficking victims, for the March 2017 fire and as of March 2019, the courts planned to proceed to trial in May 2019 against three government officials.

Authorities encouraged victims to assist in the investigation and prosecution of traffickers and made options available for victim testimony to be given either in a Gesell Chamber or from behind a partition in the courtroom to protect the victim's identity and privacy. The Public Ministry employed social workers and psychologists to serve as liaisons between the office and victims, accompany victims through the proceedings against their traffickers, and assist victims in accessing medical services; the Public Ministry assisted 270 individuals in 2018. Judges must order restitution when sentencing traffickers, and victims also had the right to file civil claims for compensatory damages and harm suffered as a result of traffickers exploiting them in sex trafficking or forced labor; the government did not report any victims received restitution or a civil damages award in 2018 or 2017, compared to seven victims who received restitution in 2016. The Judiciary reported judges consistently order restitution, but observers reported a gap in enforcement of orders for payments. Guatemalan law provided legal alternatives to the removal of foreign victims who may face hardship or retribution upon return to their home countries, but all known foreign victims opted for repatriation. Foreign victims had the same access to care as domestic trafficking victims.

## PREVENTION

The government increased prevention efforts. SVET served as the secretariat for the interagency anti-trafficking commission, which coordinated government efforts against trafficking, expanded to include eight new members, held 15 meetings attended by both government officials and NGOs, and implemented the national anti-trafficking action plan for 2018-2024. SVET coordinated several departmental networks, which identified trafficking cases and in 2018 conducted an information campaign in 18 departments in the country. The anti-trafficking commission convened agencies and civil society in November 2018 to develop a 2019 operational plan assigning targets, due dates, and entities responsible. The government funded and conducted a wide range of initiatives to educate potential victims, the public, government officials, and tourists about the dangers, causes, and consequences of trafficking, including by continuing its support of the "Blue Heart" campaign for a third year and by providing materials in indigenous languages and in braille. The government launched a new national anti-trafficking campaign focused on informing youth about the dangers of forced labor and recruitment by criminal groups for illicit activities. The government created new messaging to raise the awareness among the general public, particularly in border regions, and among staff at migrant shelters to improve their ability to identify trafficking. The government took steps to respond to the June 2018 volcanic eruption, which forced thousands of Guatemalans from their homes, and to the migration of thousands of Central Americans beginning in October 2018 by providing training for shelter workers on trafficking indicators

and educational materials and radio spots on the risks of trafficking in emergency situations for the public. SVET and the General Transportation Directorate promoted an awareness-raising campaign in the public transportation system in 19 departments of the country. The government did not operate a trafficking-specific hotline but encouraged the public to call the hotline operated by the national police, which operated 24 hours a day and year-round and accepted reports anonymously. The Human Rights Ombudsman encouraged the public to call its 24-hour hotline to report potential trafficking cases. Neither agency reported how many calls it received in 2018.

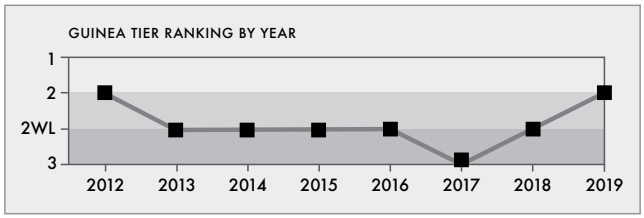
SVET reactivated the National Working Group for the Prevention and Protection of Children and Adolescents against Sexual Exploitation in Activities Related to Travel and Tourism, developed an operational plan to implement its 2018-2022 strategic plan, trained members of the national taxi association, and ran prevention campaigns on sex tourism targeting students, visitors to hospitals, activists, airport security officials, tourist police, businesses, tourism operators, and travelers. The government investigated a suspected sex tourist for allegedly exploiting children in commercial sexual exploitation during the reporting period. The government developed draft regulations related to labor recruiting of Guatemalan workers in the previous reporting period but did not finalize or implement them in 2018. The government worked with the private sector to promote policies to exclude products made with forced labor in efforts to reduce the demand for forced labor. The government did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guatemala, and traffickers exploit victims from Guatemala abroad. Traffickers exploit Guatemalan women, transgender persons, girls, and boys in sex trafficking within the country and in Mexico, the United States, Belize, and other foreign countries. Foreign child sex tourists, predominantly from Canada, the United States, and Western Europe, as well as Guatemalan men, patronize child sex trafficking victims for commercial sex acts. Traffickers exploit women and children from other Latin American countries and the United States in sex trafficking in Guatemala. Traffickers exploit Guatemalan men, women, and children in forced labor within the country, often in agriculture or domestic service, and in the garment industry and domestic service in Mexico, the United States, and other countries. Experts identified the coffee, broccoli, sugar, stone quarry, and firework manufacturing sectors as vulnerable to potential child forced labor cases. Domestic servitude in Guatemala sometimes occurs through forced marriages. Indigenous Guatemalans, including children, are particularly vulnerable to and exploited in forced labor, including in tortilla-making shops. Traffickers exploit Guatemalan children in forced begging and street vending, particularly within Guatemala City and along the border with Mexico. Criminal organizations, including gangs, exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion. Traffickers exploit some Latin American migrants transiting Guatemala en route to Mexico and the United States in sex trafficking or forced labor in Mexico, the United States, or Guatemala. Police, military, and elected officials have been placed under investigation for paying children for sex acts, facilitating child sex trafficking, or protecting venues where trafficking occurs.

# GUINEA: TIER 2

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Guinea was upgraded to Tier 2. The government demonstrated overall increasing efforts by investigating, prosecuting, and convicting more traffickers than in the previous reporting period; providing more anti-trafficking training to government officials and NGOs; and conducting additional public awareness campaigns. However, the government did not meet the minimum standards in several key areas. The government did not have adequate victim identification or referral mechanisms, and services were not available to most victims. It did not allocate sufficient resources to the anti-trafficking committee (CNLTPPA) for the third consecutive year, did not provide sufficient funding to the Office for the Protection of Gender, Children, and Morals (OPROGEM), the police unit responsible for trafficking investigations, nor to victim services. Despite the prevalence of child forced begging in Quranic schools, Guinean authorities have never prosecuted a corrupt Quranic teacher for forced begging.




## PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to investigate, prosecute, and convict suspected traffickers, including complicit officials and corrupt Quranic teachers, and sentence convicted traffickers to prison terms in line with the law. • Create and implement a national action plan for beyond 2019. • Increase funding for OPROGEM and the CNLTPPA to allow them to fulfill their mandates. • Expand victim care by increasing financial or in-kind support to NGOs that provide victim services. • Complete and implement standard operating procedures on victim assistance. • Develop and train officials on systematic procedures to identify trafficking victims and refer them to services. • Provide OPROGEM and labor inspectors the resources and training necessary to monitor and regulate recruitment agencies, and investigate cases of forced labor. • Amend the penal code to remove sentencing provisions that allow fines in lieu of imprisonment and increase penalties prescribed for forced begging. • Increase efforts to raise public awareness of trafficking, including of internal child forced labor, forced begging in Quranic schools, and adult trafficking. • Enhance collaboration and information sharing among all government agencies involved in combating trafficking. • Develop and implement extradition agreements for traffickers with countries in Africa and the Middle East. • Increase efforts to provide restitution and compensation to trafficking victims. • Provide information to trafficking victims regarding procedures for seeking restitution and compensation against their traffickers. • Improve data collection and analysis on human trafficking in Guinea.•

## PROSECUTION

The government increased its law enforcement efforts. Article

323 of the penal code criminalized sex trafficking and labor trafficking. Article 324 prescribed penalties of three to seven years' imprisonment, a fine, or both for adult trafficking, and five to 10 years' imprisonment, a fine, or both for child trafficking. These penalties were sufficiently stringent. By allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes, such as rape. Article 343 of the penal code separately criminalized forced begging and prescribed penalties of one to three years' imprisonment and a fine; these penalties were not sufficiently stringent. The government drafted a revision to the 2010 Child Protection Code, which was under review before enactment; the revised code reportedly attempts to define trafficking and establishes sentencing guidelines to match the criminal code. Two international organizations provided technical assistance for the drafting of the revised code.

OPROGEM was the lead government entity responsible for investigating trafficking cases, and the General Secretary for Special Services, Counter-Narcotics, and Combating Organized Crime could investigate transnational trafficking cases. In 2018, the government investigated 62 individuals, prosecuted 54 suspects, and convicted 55 traffickers; this was a significant increase from 44 investigations, 18 prosecutions, and 18 convictions in 2017, and five investigations, four prosecutions, and three convictions in 2016. Of the 55 convicted traffickers, 17 were convicted for fraudulent recruitment and 38 were convicted for sex trafficking. In 2018, the sentences ranged from two to four years in prison to confiscation of property. In addition, the government sentenced a recruiter—found guilty in the previous reporting period—who sent women to Egypt for domestic servitude to two years in prison, with a suspended sentence. The sentence was for trafficking.

In September 2018, local and administrative authorities of Koundara identified two convoys totaling 400 children being trafficked to Senegal, The Gambia, and Guinea Bissau allegedly for forced begging. Nonetheless, officials did not report investigating this case and authorities have never prosecuted a corrupt Quranic teacher for child forced begging. The children were accommodated in transit at a youth center where they received psychological and nutrition assistance from social workers. Local and national authorities report the children have been returned to their communities. The government did not report any investigations, prosecutions, or convictions of complicit officials; however, corruption among law enforcement and the judiciary—suspected to be especially prominent among labor inspectors, customs directors, and heads of police stations—remained a concern and impeded overall anti-trafficking efforts. The investigation of three airport officials who were reportedly complicit in the sex trafficking of Guinean women in transit to Kuwait, initiated in the previous reporting period, was still under investigation; however, the government fired the officials from their positions.

The government did not sufficiently resource OPROGEM, which continued to inhibit its ability to consistently investigate potential trafficking crimes. In 2016, the government dedicated a 256 million Guinean francs ($28,210) budget to OPROGEM, the last time it did so. The government reported a lack of general knowledge about trafficking, and the trafficking provisions of the 2016 penal code, persisted among government officials, especially judges and prosecutors in lower courts. The government provided in-kind resources for limited law enforcement and judiciary training during the reporting period; one OPROGEM investigator participated in an internationally-funded training course on child exploitation in Gaborone; two other OPROGEM investigators participated in a workshop on child exploitation and child forced labor organized by an international organization. In addition, the CNLTPPA, in collaboration with an international organization, organized a training course on forced labor in which 30 participants from the police and gendarmerie participated. The CNLTPPA, in collaboration with an international organization and a foreign donor, organized a training workshop in Conakry for 30 judges and prosecutors. These training efforts were an improvement from 2017 when no training was provided. The lack of extradition agreements with countries in Africa and the Middle East impeded prosecutions of traffickers from those countries. In a high profile legal case, the government provided financial assistance for the defense of a well-known and politically connected Guinean couple against charges of human trafficking in the United States. In January 2019, U.S. courts convicted the couple; they awaited sentencing at the end of the reporting period.

## PROTECTION

The government maintained its efforts to identify and protect trafficking victims, but a lack of resources and weak identification procedures impeded efforts. The government did not have standard operating procedures to identify trafficking victims or refer them to care, and a lack of training for and coordination between ministries' government officials inhibited victim identification and assistance efforts. OPROGEM remained the lead government ministry responsible for victim protection efforts. The government did not report comprehensive victim identification data, but reported identifying five potential child trafficking victims en route to exploitation; this compared with 10 trafficking victims and 16 children intercepted en route to exploitation in 2017 and 107 children identified en route to exploitation in 2016. An NGO reported that the CNLTPPA identified 998 foreign minors at border control areas that were involved in trafficking or smuggling schemes; a lack of trained personnel, operational capacity, and resources hindered the CNLTPPA from effectively identifying and adequately assisting potential trafficking victims among this population. Another NGO reported identifying 115 foreign and 380 domestic trafficking victims. The government did not provide data on child sex trafficking.

The government continued to rely on NGOs and foreign donors to provide and finance the majority of victim care. NGOs, however, did not have adequate resources for victim services; observers reported there was a lack of shelters overall. Government health facilities and social workers could at times provide medical and psycho-social services. Compared to 2017 when the government disbursed 50 million Guinean francs ($5,510) to an NGO for victim assistance, no such funding was provided in 2018. Law enforcement referred child trafficking victims to NGOs on an ad hoc basis. The Ministry of Justice began revising a draft decree including standard operating procedures on victim assistance. In August 2018, the Ministry of Justice appointed a director and deputy director to the National Directorate of Supervised Education and Youth Protection that it established in 2017, to improve the monitoring of children referred to social services. The CNLTPPA provided psychological assistance and travel documents to 17 girls, who were victims of trafficking in Libya and Algeria, and returned them to their communities; financial support for these services was provided by an international organization. An international organization in Guinea reported that it assisted in the voluntary repatriation of approximately 1,040 trafficking victims it identified from Libya, Niger, Algeria, Mali, and Morocco.

The government did not encourage trafficking victims to participate in the investigations or prosecutions of their traffickers. Reports indicated victims and their parents were reluctant to file claims against traffickers due to a lack of confidence in the judicial system. The 2016 penal code allowed NGOs to become plaintiffs on behalf of victims, but this has not yet been utilized. Articles 392-396 of the child protection code provided child trafficking victims the right to legal representation and a ministry-appointed guardian, but due to the lack of financial and human resources, the government did not provide these services during the reporting period. The government collaborated with a law firm to provide legal assistance to women and child trafficking victims; NGOs operated general legal clinics to advise victims of crime, including trafficking. While victims could legally obtain restitution from the government and file civil suits against their traffickers, none received or pursued these. The government did not have formal policies to provide temporary or permanent residency to victims from countries where, if repatriated, they would face hardship or retribution, but it could provide work and residence permits to such victims on an ad hoc basis; the government did not report any victims requested these services during the reporting period. There were no reports the government penalized victims for unlawful acts committed as a result of being subjected to trafficking; due to a lack of formal victim identification procedures, however, authorities may have detained, prosecuted, or deported some trafficking victims during the year.

### PREVENTION

The government maintained modest efforts to prevent trafficking, but did not provide adequate and sustained resources to support anti-trafficking efforts. The CNLTPPA continued to coordinate the government's anti-trafficking efforts through their national action plan, 2018-2019. The CNLTPPA organized meetings and trainings and began work on a new framework for its anti-trafficking efforts. For the third year, the government did not provide resources for anti-trafficking activities for the CNLTPPA or its associated ministries in fiscal year 2019. The lack of funding, personnel, coordination, and training hindered the government's national-level efforts to combat trafficking. Despite these shortcomings, the government held a workshop involving 48 government and NGO participants focused on the management of trafficking victims and trained participants on the national action plan. The CNLTPPA organized an awareness campaign and training session for local officials in Koundara, a city that the government has recognized as a major transit point for trafficking victims. The government had a toll-free hotline to report violence against women and children, which could include trafficking cases; but it did not report if it received any trafficking-related calls. The government had policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment, and the ministry of labor held workshops to sensitize recruitment agencies to human trafficking; however, neither OPROGEM nor the Ministry of Labor had the resources or the trained personnel to monitor and enforce these policies consistently and did not report referring any potential cases for law enforcement investigations. The government lacked the capacity to investigate potential forced child labor cases. The government created a national registry office to centralize and regulate the provision of identity and citizenship documents. The government did not make efforts to reduce the demand for commercial sex.

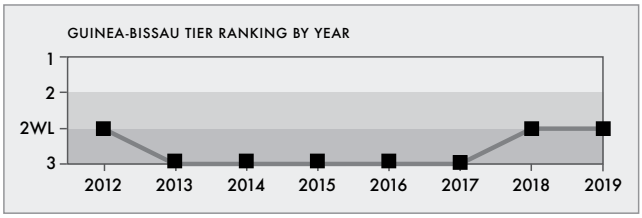
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea, and traffickers exploit victims from Guinea abroad. Women and children are the most vulnerable to trafficking. Parents send girls to intermediaries who subject them to domestic servitude and sex trafficking. Traffickers exploit boys in begging, street vending and shoe shining, forced labor in gold and diamond mines, and in herding, fishing, and agriculture, including farming and on coffee, cashew, and cocoa plantations. Some government entities and NGOs allege that within Guinea, forced labor is most prevalent in the mining sector. Traffickers exploit men, women, and children in forced labor in agriculture. Reports indicate children are sent to the coastal region of Boke for forced labor on farms. Children from villages in Middle and Upper Guinea may be more vulnerable to trafficking due to the region's lack of schools and economic opportunities. Government officials recognize the town of Koundara in northwestern Guinea as a transit point for traffickers. Some traffickers take children with parents' consent or under the false pretenses of providing an education and exploit them in forced begging in Quranic schools in Senegal—via Koundara—Mauritania, and Guinea-Bissau, or forced labor in West African gold mines. Some corrupt Quranic teachers force boys to beg in Guinean Quranic schools. Traffickers submit Guinean children to forced labor in Cote d'Ivoire. Guinea is a transit country for West African children subjected to forced labor in gold mining throughout the region. A small number of girls from West African countries migrate to Guinea, where traffickers exploit them in domestic service, street vending, and—to a lesser extent—sex trafficking. Child sex trafficking is visible in Conakry and in mining cities such as Kamsar, Lero, and Siguiri. Guinean women and girls are victims of domestic servitude and sex trafficking in West Africa, Europe, and the Middle East, as well as the United States. Guinean-Egyptian trafficking networks fraudulently recruit women for domestic work in Egypt and exploit them in prostitution. Illegal migration towards Europe leads to the development of trafficking networks facilitating the travel and financing of trafficking by land from Guinea to North Africa. During the reporting period, an international organization estimated approximately 1,040 Guineas were victims of trafficking in North Africa. Reports indicate that trafficking networks fraudulently recruit Guinean, Liberian, and Sierra Leonean women for work abroad, using the Conakry airport to transport victims to exploitative situations in Kuwait and Qatar. There have been reports some Guinean men marry Guinean girls, take them to Angola, and sell the girls to local brothels while the men work in diamond mines. In previous years, authorities have identified Guinean forced labor victims in Finland, as well as Thai and Chinese women exploited in sex trafficking in Guinea.

## **GUINEA-BISSAU:** TIER 2 WATCH LIST

The Government of Guinea-Bissau does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by initiating its first trafficking prosecution; identifying more victims and referring them to care; increasing public awareness campaigns; finalizing and implementing a new code of conduct for the tourism industry in Bijagos, Sao Domingos, Cacheu, and Bissau; and increasing communication between government and NGOs on the problem of forced begging among *talibés*. However, the government did not demonstrate overall increasing efforts

compared to the previous reporting period. The government has never convicted a trafficker, including corrupt Quranic teachers that subject their pupils to trafficking, and the lack of resources provided to the Judicial Police prevented it from investigating cases outside of Bissau, including rampant reports of child sex tourism in the Bijagos. Victim services remained limited and the government did not prosecute a potential case of complicity. The inter-ministerial committee did not have a dedicated budget to implement the national action plan. Therefore Guinea-Bissau remained on Tier 2 Watch List for the second consecutive year.




## PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers, including corrupt Quranic teachers who subject boys to forced begging and hotel staff that facilitate child sex tourism in the Bijagos, and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Vigorously investigate and prosecute trafficking offenses, and convict and punish traffickers, including corrupt Quranic teachers who subject boys to forced begging and hotel staff that facilitate child sex tourism in the Bijagos. • Hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged trafficking offenses and efforts to interfere with ongoing investigations. • Provide resources to the Judicial Police at a level that better enables criminal investigations and expands its area of operation, such as in the Bijagos and Catió. • Develop and train law enforcement on formal written procedures to identify and refer trafficking victims to services. • Increase training for officials on the 2011 anti-trafficking law and procedures to refer trafficking cases to the Judicial Police. • Increase support for NGOs to ensure all identified victims—especially child victims of forced begging—receive services and foreign victims are safely repatriated, minimizing the potential for re-trafficking. • Draft, approve, and finalize a national action plan to guide the government's anti-trafficking efforts. • Increase efforts to coordinate repatriations of trafficking victims with the Government of Senegal. • Develop an effective national anti-trafficking program through regular meetings of the anti-trafficking committee and allocation of funding for its activities. • Significantly increase efforts to raise awareness of human trafficking, especially forced begging and child sex trafficking. • In collaboration with NGOs, allocate adequate space and facilities for a victim shelter in Bissau. • Develop a national referral mechanism for victims.

## PROSECUTION

The government modestly increased law enforcement efforts. Public Law 12/2011 criminalized sex trafficking and labor trafficking and prescribed penalties of three to 15 years' imprisonment and the confiscation of any proceeds from the crime. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. In February 2019, the government drafted amendments to the Code of Child Protection in an effort to harmonize it with international laws on human trafficking, but the legislature had not yet adopted the amendments by the end of the reporting period.

The government investigated 23 potential trafficking cases. Of these, it investigated three cases of forced child begging, with two of these cases referred to the Public Ministry for prosecution; prosecutions were not yet formally initiated at the end of the reporting period. Of the 23 potential cases, it investigated 20 potential child trafficking cases from 2017 as domestic violence with child labor as an aggravated circumstance. The Public Ministry reported one prosecution (forced child begging) for human trafficking during the reporting period, its first under the anti-trafficking law. The government has never convicted a trafficker under the anti-trafficking law. This compared to investigating 22 cases of child trafficking in 2017, although none of these led to prosecution or convictions, and zero investigations, prosecutions, or convictions in 2016. During the reporting period, the government confirmed that there was one case of complicity involving members of parliament and a minor held captive by a local government authority. After the case was reported to the police and the Institute for Woman and Children (IMC), the Public Ministry archived the case and released the perpetrators from police custody with no charges. Guinea-Bissau's judicial system lacked sufficient human and physical capital to function effectively, and corruption remained pervasive.

The Judicial Police had a specialized unit that investigated trafficking cases; however, it did not have nationwide coverage or a dedicated budget for investigations. The police, National Guard, judiciary, and prosecutors all suffered from a chronic lack of funding which hindered their efforts to combat human trafficking. However, the government acquired three new vehicles for the Judicial Police, which could be used for trafficking investigations during the reporting period. The Judicial Police were largely absent outside the capital. Although initially reported in 2017, there was no progress made in opening a second Judicial Police office in the Bijagos; but the Police did plan to open an additional office in Catió, in southern Guinea-Bissau. The National Guard and local police in rural areas had neither the training nor the capacity to investigate trafficking crimes and did not always refer such cases to the Judicial Police, which impeded investigations into forced child begging in eastern regions and child sex trafficking in the Bijagos. In addition, police and judges often resolved intra-familial labor and abuse cases—which could include forced child labor and child sex trafficking by family members—through non-judicial means or tried them as domestic violence cases. When parents broke such agreements and police transferred the cases to court, officials noted community leaders often pressured courts to drop the cases. Nine judicial police officers received training on trafficking; the government provided technical assistance and trainers for these sessions. However, some law enforcement and judicial officials remained unaware of the 2011 anti-trafficking law. In March 2019, an international organization provided an expert on human trafficking to Guinea-Bissau, who conducted training on anti-trafficking laws and procedures for police and government officials; the government provided the facilities for the training. Another international organization provided training to police, judges, and other civil society actors; the government provided trainers for the sessions from the IMC and magistrates from the Public Ministry.

## PROTECTION

The government increased efforts to identify and protect victims. The government identified 172 total victims in 2018, including 171 forced child begging victims, and one victim of sexual

exploitation, and referred all victims to care. It also identified seven forced marriage victims, some of whom may have been trafficking victims, as well. This compares to 22 trafficking victims and 53 potential victims in 2017, and zero trafficking victims in 2016. The government, with the help of NGOs, identified and assisted 171 victims in 2018. The government did not have formal procedures to identify trafficking victims or refer them to care. However, in partnership with an international organization, the government began to draft written victim identification procedures. Because of the country's high rate of illiteracy, including among its security services, written victim identification procedures will need to be augmented with extensive hands-on training. In addition, the government began to develop a national referral mechanism with funding from a foreign donor and the assistance of local facilitators. During the reporting period, IMC and their NGO partners validated a national policy document for children intended to protect children across all ages, but the government had not yet adopted it. The IMC was an office within the Ministry of Women, Children and Social Cohesion responsible for victim services and coordination of services among various entities; however, it had no operating budget nor vehicles for victim services. The government did not have a specific fund for victim services and relied on international organizations and local NGOs to provide nearly all victim services; these NGOs relied on international donors for funding. However, the government contributed 5 million West African CFA francs (FCFA) ($8,790) annually to an NGO that cared for forced child begging victims during the reporting period. The NGO's three care facilities were severely overcrowded and underfunded; one was unable to receive victims due to lack of funding and some shelter volunteers used their own homes to house victims temporarily. Shelter was only available for child victims, and there were no trafficking-specific services. The quality of victim care at these facilities was generally poor due to lack of funding. The government did not have formal procedures to encourage victims to participate in investigations or prosecutions against their traffickers. Victims could not obtain restitution from the government or file civil suits against their traffickers. There were no legal alternatives to removal to countries in which victims would face hardship or retribution. There were no reports the government detained, fined, or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; due to the absence of written procedures or training to identify trafficking victims, it was possible some remained unidentified in the law enforcement system. Observers noted that more coordination was needed between the governments of Guinea-Bissau and Senegal regarding repatriating child forced begging victims.

## PREVENTION

The government maintained efforts to prevent trafficking. The inter-ministerial committee—led by the IMC and including government agencies, NGOs, and religious groups—met three times during the reporting period but lacked funding for anti-trafficking activities, which weakened its response to trafficking and development of an effective national anti-trafficking program. The government did not demonstrate political will to address trafficking at the highest levels of government. Coordination and communication between the government and civil society actors on anti-trafficking efforts was lacking such that there was duplication of efforts by NGOs and the National Guard in some areas. Observers noted an increase in communication between the government and NGOs on responding to the problem of forced begging among *talibés*. The government had a 2015-2018 national action plan to address trafficking but did not have resources to implement it during the reporting period. Individual ministries worked with NGOs and civil society groups to raise awareness of trafficking among local administrators, courts, police, and the public. The IMC conducted awareness-raising activities for children, two regional conferences in Bafata and Gabu and a national conference in Bissau. Law enforcement collaborated with local media in some regions to promote the prevention and reporting of child trafficking. However, the government did not conduct a national public awareness campaign due to lack of funding and engagement from high-level political officials. In May 2018, President Jose Mario Vaz asked the international community to help Guinea-Bissau fight human trafficking. In November 2018, the government participated alongside political parties, civil society, and international partners in a national dialogue on transnational organized crime, which included human trafficking.

Through the technical assistance and funding of an international organization, the government provided trainers and participated in three training sessions on child referral and monitoring mechanisms that involved 50 participants from government and civil society. An international organization also conducted two trainings on anti-trafficking prevention, victim assistance, and case referral for 40 practitioners in child protection services. IMC and the Ministry of Tourism concluded and implemented the code of conduct against sexual exploitation in the tourism sector, and disseminated it in the Bijagos islands, Sao Domingos, Cacheu, and Bissau. This work involved increasing public awareness of child sex trafficking in Bissau and the Bijagos, encouraging hotels to combat these crimes, training various hotel owners and managers on child sex trafficking, and building the capacity of tourism inspectors. Some hotel operators in the Bijagos islands, Sao Domingos, and Bissau agreed to implement the code of conduct. The labor inspectorate, housed within the Ministry of Labor, Civil Service and Public Administration, did not receive regular funding from the government and lacked personnel and material resources, and training to investigate forced labor nationwide. In addition, the government did not have the means to inspect local *daaras* (Quranic schools) to ensure they did not force children to beg. The Judicial Police reported that their hotline was no longer operational due to limited human and technical capacity. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

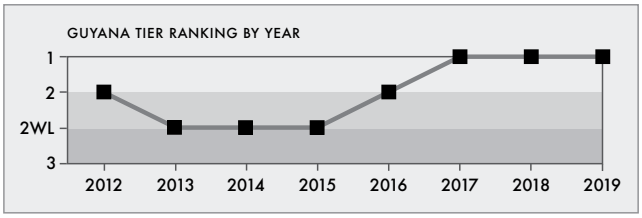
As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea-Bissau, and traffickers exploit victims from Guinea-Bissau abroad. Many Bissau-Guinean boys attend Quranic schools led by corrupt Quranic teachers. Some exploitative Quranic teachers force or coerce their students, called *talibés*, to beg and do not provide an education, including at some schools in Bissau's Afia neighborhood. The traffickers are principally men from the Bafata and Gabu regions—often former *talibés* or men who claim to be working for a Quranic teacher—and are generally well-known within the communities in which they operate. Corrupt Quranic teachers increasingly force Guinean, Gambian, and Sierra Leonean boys to beg in Bissau and exploit Guinea-Bissau's weak institutions and porous borders to transport large numbers of Bissau-Guinean boys to Senegal—and to a lesser extent Mali, Guinea, and The Gambia—for forced begging in exploitative *daaras*.

Traffickers force Bissau-Guinean boys into street vending and

forced labor in the agricultural and mining sectors in Senegal, especially in the southern cities of Kolda and Ziguinchor. Traffickers force West African boys to harvest cashews during Guinea-Bissau's annual harvest, and some are recruited for work in the harvest but then are forced to beg. Traffickers exploit some Guinean boys for forced labor in shoe shining in Guinea-Bissau. Traffickers exploit Bissau-Guinean girls in sex trafficking and forced labor in street vending and domestic work in Guinea, The Gambia, and Senegal, as well as in Spain. Senegalese trafficking networks recruit Bissau-Guinean girls for modeling jobs or traveling football clubs but subject them to sex trafficking. Bissau-Guinean girls are exploited in domestic servitude and in sex trafficking in bars, nightclubs, and hotels in Bissau. Bissau-Guinean girls from the Bijagos—and to a lesser extent mainland girls and boys—are exploited in child sex tourism in the Bijagos, an archipelago off the coast of Guinea-Bissau that is far from the mainland and largely devoid of government and law enforcement presence. Although the extent of the problem is unknown, it is widely acknowledged among civil society, NGOs, and mid-level government officials. In most cases, French nationals own hotels on the islands and use Bissau-Guinean intermediaries to exploit island girls aged 13 to 17-years-old for French and Belgian child sex tourists. International sources report these same hotel owners provide jobs and significant support to the island community, wielding influence that can deter victims from notifying law enforcement. Poor families may encourage their children to endure such exploitation for financial gain. Bissau-Guinean men from the mainland fuel local demand for commercial sex on the islands. During previous reporting periods, there were reports of official complicity in human trafficking among island officials and in the judiciary.

# GUYANA: TIER 1

The Government of Guyana fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Guyana remained on Tier 1. These efforts included increasing funding for victim assistance, identifying and assisting more victims for the fourth consecutive year, approving a new national action plan, training Guyanese diplomats on victim identification and protection for the first time, and training foreign embassy staff to assist with victim interviews. The government also provided direct financial assistance to victims who chose not to stay in a shelter and established an anti-trafficking unit within its Geology and Mines Commission. Although the government meets the minimum standards, it did not provide adequate victim protection outside the capital or for child, male, or foreign victims. Authorities convicted fewer traffickers, and authorities did not have standard operating procedures to screen foreign victims, especially relevant with the increase in vulnerable Venezuelans in the country.




## PRIORITIZED RECOMMENDATIONS:

Finalize, implement, and train law enforcement officials and front-line responders in written victim identification and referral procedures. • Fund specialized victim services, in particular for child, adult male, and Venezuelan victims. • Vigorously investigate and prosecute sex and labor trafficking cases, including those involving child victims. • Hold convicted traffickers, including complicit public officials, accountable by imposing strong sentences. • Hold police and law enforcement officials accountable for intimidation of victims in shelters including restricted movement, lack of access to family visits, or telephone services. • Provide additional protection for victims to testify against traffickers in a way that minimizes re-traumatization. • Investigate and report on the cases reported to the trafficking hotline and by labor inspectors.

## PROSECUTION

The government maintained law enforcement efforts. The Combating Trafficking of Persons Act of 2005 criminalized sex trafficking and labor trafficking and prescribed penalties of three years to life imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Ministry of Social Protection (MoSP) was the lead agency responsible for coordinating trafficking efforts, overseeing the Anti-Trafficking Unit (ATU), and participating on the government's Ministerial Task Force on Trafficking in Persons (the Task Force). In 2018, the government reported 30 new investigations, prosecuted 11 suspected traffickers (two initiated in prior periods), and convicted one trafficker for sex trafficking, compared with four investigations, 17 prosecutions (12 initiated in prior periods), and two convictions in 2017. The government reported investigating 11 cases of child trafficking (10 sex trafficking and one labor trafficking). The court sentenced the convicted trafficker to three years' imprisonment and required the trafficker to pay restitution to one victim. The appeal of a 2017 case in which the government required the trafficker to pay restitution without imprisonment, which was a penalty inconsistent with the law, was still pending at the end of this reporting period. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The appeal of a police officer convicted of sex trafficking and released on bail in 2016 was still pending at the end of the reporting period.

## PROTECTION

The government increased efforts to identify and protect victims. However, victim assistance remained a concern, especially in areas outside the capital and for Venezuelan, child, and male victims. The government identified 156 victims in 2018 (106 for sex trafficking and 50 for labor trafficking), compared with 131 identified victims in 2017. The government referred 93 victims to shelter and psychological services, compared with 115 in 2017. The government screened 11 potential child trafficking victims (10 sex trafficking and one labor trafficking) in 2018. Despite the noticeable increase of victims from Venezuela, the government lacked standard operating procedures for protecting foreign trafficking victims.

The government trained 43 village leaders, 20 mine inspectors, 32 immigration and police officers, and members of the business community and civil society in victim identification and referral. The government also trained 21 interpreters from foreign diplomatic missions in the trafficking law in order to prepare them to assist with non-English speaking trafficking victim

interviews. The government provided 60 million Guyanese dollar (GYD) ($279,070) to NGO-managed shelters providing housing for adult female victims of gender-based violence and trafficking, an increase from 41.2 million GYD ($191,630) in 2017. The government also provided 3.5 million GYD ($16,280) for the first time in direct financial assistance to victims who chose not to stay in a shelter. Victims could receive shelter, food, training, and psychological therapy. There were no adequate public or private shelters for male or child victims, although the government has identified a facility for male victims. MoSP provided intake counselling to child victims who it placed in shelters co-managed with NGOs. MoSP placed some children into foster care or reintegrated them with their families, while authorities placed adult male victims at non-specialized night shelters on an ad hoc basis. Guyanese law protects victims' identities from release to the media. The government reported victims could leave shelters; however, observers reported police and other authorities intimidated victims into staying at shelters against their will, did not allow family visits until trials were completed, and cut short some foreign victims' phone calls if they spoke in their native language. NGOs and MoSP provided protection and counseling for all identified victims, while the government provided transportation for victims who declined shelter but were willing to attend court proceedings. The government reported multiple cases of delivering foreign victims to their respective embassies at the request of the foreign missions before the conclusion of prosecutions. The government did not report whether it facilitated or funded the repatriation of Guyanese nationals victimized abroad.

### PREVENTION

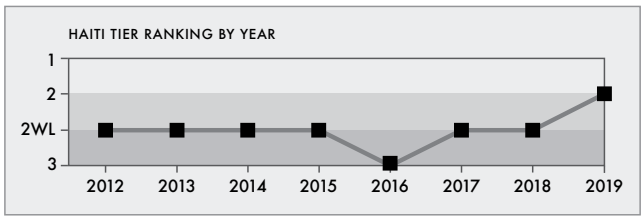
The government increased efforts to prevent trafficking. The government established an anti-trafficking unit with three trained staff within the Geology and Mines Commission to register and categorize workers in the interior and conduct spontaneous checks. The government approved a new national action plan for 2019 but did not report on activities under the plan by the end of the reporting period. The government last conducted research into trafficking in 2016. Authorities facilitated several awareness sessions focused on the mining and logging sectors outside the capital. The MoSP ATU held several sensitization campaigns for teachers, students, NGOs, prison staff and inmates, and malls and markets across Guyana. The government trained trafficking hotline operators in Spanish and Portuguese but did not report the number of calls or referrals received during the reporting period. The government did not make efforts to reduce the demand for commercial sex. Authorities conducted unannounced labor inspections in the capital and the interior, but it was unclear if measures to prevent forced labor and regulate foreign and domestic recruiters were sufficient or effective. The government drafted its first national child labor policy and plans to release it in 2019. Labor and natural resource inspectors received informal training in identification of victims but did not report identifying any cases. The government provided anti-trafficking training for 13 diplomatic personnel for the first time.

### TRAFFICKING PROFILE

As reported over the last five years, human traffickers exploit domestic and foreign victims in Guyana, and traffickers exploit victims from Guyana abroad. Women and children from Guyana, Brazil, the Dominican Republic, Haiti, Suriname, and Venezuela become sex trafficking victims in mining communities in the interior and urban areas. The government notes a large increase in the number of trafficking victims from Venezuela. Traffickers exploit victims in forced labor in the mining, agriculture, and forestry sectors, as well as in domestic service and shops. While both sex trafficking and forced labor occur in interior mining communities, limited government presence in the country's interior renders the full extent of trafficking unknown. Children are particularly vulnerable to sex and labor trafficking. Traffickers exploit Guyanese nationals in sex and labor trafficking in Jamaica, Suriname, and other Caribbean countries.

## **HAITI:** TIER 2

The Government of Haiti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Haiti was upgraded to Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers, passing a national action plan, closing several abusive orphanages, and increasing law enforcement training. However, the government did not meet the minimum standards in several key areas. The government did not criminally prosecute recent cases of alleged official complicity. The government did not allocate sufficient funding for its anti-trafficking efforts or victim services and did not implement its standard operating procedures for victim identification. The government's weak judicial system and lack of awareness about trafficking among police, prosecutors, and judges hindered prosecution and conviction of traffickers. The government did little to combat child domestic servitude (*restavek*).




### PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials and those responsible for domestic servitude and child sex trafficking. • Prioritize the implementation of a national anti-trafficking action plan with allocated resources, and increase long-term funding for trafficking victim assistance. • Train police, prosecutors, judges, and victim service providers in all areas of Haiti on trafficking. • Approve and implement formal procedures to guide officials in proactive victim identification and referral to appropriate shelters and services. • Continue to develop Haiti's nascent foster care system and other residential care services for children. • Train more labor inspectors, inspect worksites for indicators of forced labor, and investigate forced labor cases. • Develop laws or policies to regulate foreign labor recruiters and raise awareness among potential migrant laborers. • Implement measures to address the vulnerabilities leading to *restavek*, including protecting child victims of neglect, abuse, and violence. • Educate the Haitian public about children's rights to education and freedom from slavery to counteract tolerance of *restavek*. • Develop a method to systematically track trafficking data and the government's anti-trafficking efforts.

## PROSECUTION

The government increased law enforcement efforts. The 2014 anti-trafficking law (No.CL/20140010) criminalized sex trafficking and labor trafficking and prescribed penalties of seven to 15 years' imprisonment and a fine ranging from 200,000 to 1.5 million gourdes ($2,590 to $19,450), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law provided for increased penalties of up to life imprisonment when the victim was a child. During the reporting period, the government investigated nine potential trafficking cases involving 17 suspects, compared to two potential cases involving six suspects in 2017. The government dropped the 2017 trafficking case against a national police officer. The Haitian border police (POLIFRONT) arrested 55 suspected traffickers and used a screening protocol co-developed with an international agency to refer 173 unaccompanied minors to the government social welfare agency (IBESR). The Ministry of Justice did not charge the 55 suspects with trafficking after reviewing the cases. The government initiated seven prosecutions, compared with two new prosecutions in 2017. The government convicted six traffickers in two separate cases, compared to one trafficker convicted in 2017. Five traffickers were sentenced to 15 years in prison and one individual was sentenced to one year in prison for child abuse. The government cooperated with U.S. law enforcement on an investigation that led to the 2018 conviction of a U.S. citizen for child sex abuse.

Haiti's weak judicial system and lack of awareness about trafficking among police, prosecutors, and judges hindered prosecution and conviction of traffickers. The government did not initiate a criminal investigation into the five prosecutors fired in the previous reporting period for their role in releasing nine individuals arrested on suspicion of trafficking. Despite an investigative judge's recommendation for two individuals charged in 2017 with trafficking 25 children to stand trial, authorities released both after appeal. Observers noted traffickers largely operated with impunity. Civil society and authorities remained concerned that some government officials in remote areas lacked training on the anti-trafficking law, leading to lesser charges or release. The magistrates school, together with the assistance of another government, organized five training events on trafficking involving a total of 81 judges, 30 prosecutors, and 30 civil society actors. The government, together with an NGO on a foreign-funded project, trained 500 judicial, law enforcement, and social work officials throughout Haiti on the anti-trafficking law and its proper implementation over a three-year period.

## PROTECTION

The government increased its efforts to identify and protect child victims; however, authorities remained largely dependent on NGOs to fund and provide services. Although the government did not systematically track victim identification data, the justice ministry reported identifying 22 potential trafficking victims, compared with 31 in 2017. In addition, an international NGO identified another 71 potential victims and IBESR, after completing an assessment of more than 750 orphanages with another government and international NGOs, identified 3,019 potential victims of trafficking in those institutions. Government officials referred child trafficking victims to IBESR, which did not have adequate funding for their care. The agency then referred child victims to government-registered residential care centers for services, which varied from short-term medical and counseling services, family tracing, pre-return assessments, and limited support before returning children to the families. Experts noted the lack of government-run shelter facilities impeded prosecution because the government's policy of returning child victims to their families made it difficult to locate witnesses to testify against the accused. The government worked with bilateral and international partners to set up a network of 35 child protection units and provide reintegration services to 1,700 children in *restavek*. While IBESR instituted a policy that restricted unaccompanied minors from leaving the country without written parental authorization, officials indicated traffickers easily moved children across the porous border to the Dominican Republic for sex trafficking and domestic servitude.

The 2014 anti-trafficking law tasked the national committee for the fight against human trafficking (CNLTP) to develop standard operating procedures to guide officials in the identification and rehabilitation of trafficking victims; the newly installed staff of CNLTP started work on updating the 2016 draft of these procedures. The law required the government to provide protection, medical, and psycho-social services to victims and to create a government-regulated fund to assist victims. However, as in the past two years, the government did not approve a dedicated budget for victim assistance and other anti-trafficking activities, and it continued to rely on international organizations and NGOs to provide care. The anti-trafficking law also stipulated money and other assets seized during trafficking investigations should fund services for trafficking victims and the CNLTP; however, there was no evidence this occurred. The government did not have a formal program to assist victims who returned to Haiti, but authorities did refer victims to international and non-governmental organizations. Authorities worked with the U.S. Coast Guard to receive migrants; Haitian authorities screened unaccompanied children for trafficking indicators and facilitated their reintegration with family members. CNLTP reported working with The Bahamas to repatriate a Haitian national who was allegedly a victim of forced labor, in addition to coordinating with the national police and the Dominican Republic on the investigation of a potential Dominican victim, establishing patterns of collaboration between countries.

Border resource centers (BRCs) at each of the four major border crossings screened 858 vulnerable migrants for trafficking with a protocol developed with an international organization. The BRCs housed representatives from the social welfare agency, child protective services, and NGOs who assisted irregular migrants. The anti-trafficking law included provisions for temporary residency during legal proceedings for foreign victims, as well as access to legal counsel, interpretation services, and permanent residency; however, the government did not provide these services and would be unlikely to have the financial resources to implement them. There were no facilities for video deposition or child-friendly facilities during legal proceedings. The government passed a legal assistance law to provide free legal assistance to all Haitians, including trafficking victims. The anti-trafficking law protected victims from liability for unlawful acts their traffickers compelled them to commit; IBESR intervened on behalf of a minor who had been in custody on suspicion of recruitment of other minors for a trafficking gang. Judges could mandate civil restitution for related crimes under Haiti's civil code, but there were no awards for restitution made during the reporting period.

## PREVENTION

The government maintained efforts to prevent trafficking. The government requested 41 million gourdes ($531,650) in 2018 for funding the CNLTP, but parliament did not pass

the budget, compared with no funds committed in 2017 and 10 million gourdes ($129,670) in 2016. The government approved a 2017-2022 national action plan. A lack of resources continued to hamper efforts to fight trafficking, but government coordination among donors and among ministries continued to improve during the reporting period. The appointment of a new minister of social affairs in September 2018 and the approval of new CNLTP leadership led to better institutionalization and visibility of CNLTP within the ministry. The government did not systematically monitor its anti-trafficking efforts, although the CNLTP worked with outside experts to develop a study on trafficking issues, which was adopted by the government in August. IBESR closed eight orphanages found not in compliance during the reporting period. The government accredited 45 more foster families for a total of 121 families, as part of its expanded foster care program to make children less vulnerable to trafficking or being re-victimized.

During the reporting period, the office of the human rights ombudsman organized an awareness promotion event on prolonged pre-trial detention and human trafficking for four police officers and six judicial officials, and the Ministry of Justice organized a trafficking workshop for 56 participants, including representatives from the Ministry of Justice, the national police, and other government ministries. The government participated in an event with another government to mark the UN World Day Against Trafficking in Persons, involving 47 police, judicial officials, prosecutors, civil society members, and the media, and screened an anti-trafficking film, held a panel discussion on trafficking in Haiti, and promoted the new national action plan, garnering widespread press coverage. An NGO co-organized with the government a trafficking awareness activity for more than 80 law students. The national police's child protection bureau (CPB) developed and distributed 500 Creole-language trafficking awareness brochures to schools, churches, border offices, and other organizations. The government's 24-hour national anti-trafficking hotline received 50 calls per week and the CPB followed up on several cases per week. The BRCs had educational posters and brochures about trafficking at key border control points; however, the lack of controls at 96 unofficial points further enabled trafficking. Authorities stated they did not have the human capacity to control illegal crossings in these areas; an international agency discontinued its funding to IBESR in March 2019, which was likely to further reduce human capacity at its border and provincial offices.

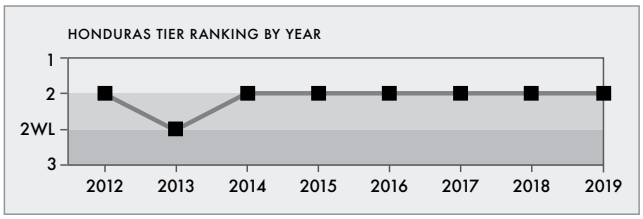
The continued dysfunction of the Haitian civil registry system and weak consular capacity to provide identification documentation left many Haitians at risk of remaining undocumented in the Dominican Republic and subject to deportation—recognized risk factors for vulnerability to trafficking. IBESR instituted more stringent requirements for parents seeking authorization for unaccompanied travel by children to South American countries. Although a law to streamline identity documentation by combining the civil registry with the national identification office was not reintroduced in the current legislative session, the government signed a $27 million contract with a biometric identification company and acquired equipment to replace millions of expired identity cards by October 2019. Although the labor code required recruiters and businesses to obtain a license, Haiti did not have effective laws or policies to regulate foreign labor recruiters, prevent fraudulent recruiting, or raise awareness of the risks for potential migrant laborers. The government lacked staff and resources to inspect worksites for indicators of forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce demand for commercial sex or forced labor.

### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Haiti, and traffickers exploit victims from Haiti abroad. Most of Haiti's trafficking cases involve children in *restavek*, who often are physically abused, receive no payment for services rendered, and have significantly lower school enrollment rates. A December 2015 joint government and international organization report found one in four Haitian children do not live with their biological parents and an estimated 286,000 children younger than age 15 are in domestic servitude. A significant number of children flee situations of domestic servitude and become homeless. Female foreign nationals, particularly citizens of the Dominican Republic and Venezuela, are particularly vulnerable to sex trafficking and forced labor in Haiti. A study released in 2018 found significant numbers of children in orphanages are likely victims of trafficking. Other vulnerable populations include: children in similar private and NGO-sponsored residential care centers; Haitian children working in construction, agriculture, fisheries, domestic work, and street vending in Haiti and the Dominican Republic; internally displaced persons, including those displaced by Hurricane Matthew and the 2010 earthquake; Haitians living near the border with the Dominican Republic; Haitian migrants, including those traveling to or returning from the Dominican Republic, Brazil, Mexico, the United States, or The Bahamas; and LGBTI youth often left homeless and stigmatized by their families and society. Haitian adults and children are vulnerable to fraudulent labor recruitment and forced labor, primarily in the Dominican Republic, other Caribbean countries, South America, and the United States.

## **HONDURAS:** TIER 2

The Government of Honduras does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Honduras remained on Tier 2. The government demonstrated overall increasing efforts by investigating and convicting more sex traffickers; providing more funding for victim services, including for a NGO-run shelter; and approving an increased budget for the Inter-institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT). However, the government did not meet the minimum standards in several key areas. Authorities identified significantly fewer victims, prosecuted fewer cases, including those involving forced labor, and did not obtain convictions of complicit officials or child sex tourists. The government provided services to a disproportionately low number of labor trafficking victims compared to the known scale of the problem. Despite continued reports of criminal organizations, including gangs, exploiting children in forced criminal activity, the government initiated only two such prosecutions.




## PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute trafficking offenses and to convict and sentence traffickers, particularly for crimes involving forced labor and forced criminal activity. • Strengthen efforts to prosecute and convict public officials for complicity in trafficking offenses. • Develop and implement new victim identification and referral mechanisms for forced labor cases, including forced criminal activity. • Amend the anti-trafficking law to include a definition of trafficking consistent with international law. • Increase government funding for victim services, including to NGOs. • Increase the identification and assistance of all victims, including among particularly vulnerable populations. • Implement the national action plan for 2016-2022. • Enforce laws punishing brokers for illegal practices that facilitate trafficking, such as fraudulent offers of employment or illegal fees for migration or job placement. • Increase training and dedicated resources for anti-trafficking police and prosecutorial units, as well as the "immediate response team." • Increase law enforcement investigations and labor inspections to identify forced labor among domestic and agricultural workers.

## PROSECUTION

The government maintained law enforcement efforts. The 2012 Honduran anti-trafficking law criminalized sex and labor trafficking and prescribed penalties ranging from 10 to 15 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The CICESCT, with funding and assistance from a foreign government, evaluated the 2012 law and issued a number of recommendations, including amending the law to include the means as essential elements of the crime; improving victim assistance by compensating victims; and providing additional financial, logistical, and technical resources for service provision; these amendments had not yet passed into law.

The government reported investigating 145 cases of suspected trafficking, compared to 121 cases in 2017 and at least 41 cases in 2016. Authorities initiated prosecutions of 35 suspects (29 for human trafficking and six for procuring commercial sex acts), compared to 84 suspects (82 for sex trafficking and two for forced labor) in 50 cases in 2017 and 41 suspects in 11 cases for sex trafficking in 2016. The government convicted 16 traffickers (10 for human trafficking and six for procuring commercial sex acts), compared to eight traffickers in 2017 and nine traffickers in 2016. Courts sentenced convicted traffickers with sentences ranging from five to 15 years' imprisonment and fines of 75 to 221 times the minimum wage, compared to a range of two years house arrest to 15 years' imprisonment in 2017 and six to 15 years' imprisonment in 2016. The government continued prosecutions of a current and a former government official accused of sex trafficking in 2017, and reported each case remained pending trial at the end of the reporting period. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In May 2018, the Attorney General opened a specialized anti-trafficking unit, which coordinated with domestic and international law enforcement agencies and operated teams in Tegucigalpa and San Pedro Sula. Experts noted courts delayed trafficking cases despite a requirement in the anti-trafficking law to process such cases in a timely manner. Civil society organizations reported prosecutors often charged suspected traffickers for lesser crimes with lower penalties, such as pimping. CICESCT called for increased efforts to prosecute cases involving children and forced labor. The government maintained a specialized anti-trafficking unit, but it employed only eight prosecutors for the entire country limiting their effectiveness. The government cooperated with the Government of Belize, which resulted in the identification of eight Honduran victims and the arrest and prosecution of two suspected traffickers—one in Honduras and one in Belize.

## PROTECTION

The government identified significantly fewer victims, but increased funding for services thereby maintaining victim protection efforts. The government identified 73 victims in 2018 (63 sex trafficking and 10 labor trafficking) compared to 150 victims in 2017 (84 sex trafficking and 66 labor trafficking) and 111 victims in 2016. The CICESCT used an "immediate response team" protocol for identifying and referring sex trafficking victims and distributed the protocol to other institutions, but authorities lacked systematic procedures to identify forced labor victims. The immediate response team, which included a full-time lawyer, psychologist, and social worker, worked with government ministries and civil society organizations to coordinate services for victims, including food, shelter, and health screenings, as well as referrals to longer-term support services, such as psychological, legal, and social services as well as family reintegration and, when necessary, resettlement. The team operated a 24-hour trafficking-specific hotline for victim referrals, which received 65 calls in 2018 resulting in 25 investigations, compared to 45 calls in 2017, and more than 60 calls in 2016. Authorities made efforts to screen for indicators of trafficking among unaccompanied migrant children returned from abroad, but inconsistently screened Honduran adults returned from abroad.

The Ministry of Development and Social Inclusion (SEDIS) provided psychological services, economic support, and, in coordination with the Ministry of Health, medical services to the 73 identified victims and ongoing support to 218 victims identified in previous reporting periods. SEDIS also provided microloans and mentoring to 21 victims to support small business development including sales of food, accessories, household items, and the repair of household items. The Child Welfare Agency administered initial assessments and services for child victims and referred foreign victims for repatriation and Honduran children to certified centers for medical, psychological, and psychiatric services and social reintegration following legal hearings. The foreign ministry, in partnership with international organizations, assisted and repatriated 12 Honduran nationals through its diplomatic missions in Guatemala, Mexico, and Belize, compared to six Honduran nationals through its diplomatic missions in Argentina, France, Guatemala, and Mexico in 2017.

The government increased the CICESCT budget to 7.9 million lempiras ($316,000) in 2018 compared to 2.3 million lempiras ($92,000) for 2017, but was not able to use all of the funds due to a five-month spending freeze. Other government agencies also provided funds from their budgets for victim assistance. CICESCT coordinated with several NGOs to provide services and shelter for victims. In 2018, CICESCT provided funding to an NGO to create a shelter for adult female victims. Trafficking victims surveyed by an independent research team in 2018 indicated a need for the following services in priority order: educational and vocational programs, counseling and psychological support, shelter, medical services, drug or alcohol rehabilitation, and legal services and prioritized their recovery over pursuing criminal complaints against their traffickers. The government offered services to sex trafficking victims, but services to a disproportionately low number of forced labor victims despite evidence that forced labor is more prevalent in the country. Despite the government's increased budget for and provision of services to victims, care providers at the local and national levels reported insufficient resources from the government.

The government provided witness protection services to 15 victims who assisted in investigations and prosecutions, which included measures to protect the identity of the victim and witnesses; shelter; and economic, medical and psycho-social assistance. An independent assessment of trafficking in Honduras revealed the majority of victims did not file criminal complaints due to fear of reprisal, a lack of knowledge about the crime, and a low level of trust in the system. Officials acknowledged authorities did not properly identify many children forced to engage in illegal activities by criminal groups and thus may have treated them as criminals instead of victims. The government maintained Gesell chambers in which victims could provide testimony via pre-recorded interviews, but it did not report the number of victims who used these chambers. Honduran law allowed foreign victims to receive temporary or permanent residency status, including authorization to work; the government did not identify foreign victims in 2018 who could have received such benefits. Honduran law provided for restitution and civil damages to be awarded upon a trafficking conviction, but neither restitution nor civil damages were awarded to victims in 2018.

### PREVENTION

The government maintained its prevention efforts. The CICESCT promoted, monitored, and evaluated the government's anti-trafficking efforts, producing an annual report documenting these efforts. The government relocated CICESCT to the Ministry of Human Rights and funded its operation in 2018. The CICESCT consisted of 33 governmental and non-governmental entities, which met periodically in 2018. The CICESCT established one new local interagency anti-trafficking committee for a total of 22 such committees with which it coordinated. The government implemented the 2016-2022 national anti-trafficking action plan by holding workshops and trainings and developing educational materials for some vulnerable populations, including *Miskito* and Garifuna individuals. The government launched a new campaign to prevent forced child labor and two NGOs launched new prevention campaigns. The Public Ministry and the First Lady's Migration Task Force launched campaigns to inform Hondurans about the dangers of irregular migration, including trafficking. The government also cooperated with the Governments of El Salvador and Guatemala to raise awareness of the risks of migration and trafficking. CICESCT provided anti-trafficking training to police, judges, immigration officials, municipal authorities, psychologists, social workers, students, and non-governmental organization representatives throughout Honduras. CICESCET also educated the public and passport applicants in government passport offices through television programs. The government coordinated with other governments in the region to implement repatriation protocols. An independent research team recommended increased outreach and education about the risks of forced labor among domestic and agricultural workers given its prevalence among victims surveyed for the research.

The Ministry of Labor (MOL) increased its number of inspectors, but acknowledged these numbers are still insufficient and inspectors did not identify any forced labor cases in 2018. In 2017, the MOL issued new guidelines to enforce the 2015 decree requiring job placement companies to charge fees to employers and not employees, but did not report any enforcement of these guidelines in 2018. By the end of 2018, the government had registered 238 companies in its national tourism registry, and each company signed a code of conduct for the protection of children against commercial sexual exploitation. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

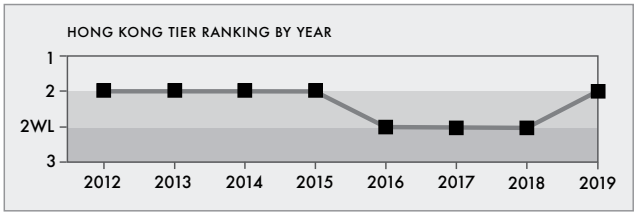
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Honduras, and traffickers exploit victims from Honduras abroad. Traffickers, some of whom were family members or friends, exploit Honduran women and children in sex trafficking within the country and in other countries in the region, particularly Mexico, Guatemala, El Salvador, Belize, and the United States. Women, children, LGBTI Hondurans, migrants, and individuals with low education levels are particularly vulnerable to trafficking. Traffickers exploit Honduran men, women, and children in forced labor in street vending, domestic service, drug trafficking, and the informal sector in their own country, and forced labor in other countries, particularly Guatemala, Mexico, and the United States. Children, including from indigenous and Afro-descendant communities, particularly *Miskito* boys, are vulnerable to forced labor in the fishing, mining, construction, hospitality, and service industries. Children living on the streets are vulnerable to sex and labor trafficking. Criminal organizations, including gangs, exploit girls in sex trafficking, force children into street begging, and coerce and threaten young males to transport drugs, commit extortion, or commit acts of violence, including murder; this occurs primarily in urban areas, but one NGO reported an increase in gang activity in rural areas. Honduras is a destination for child sex tourists from Canada and the United States. Migrants from Africa, Asia, the Caribbean, Central America, the Middle East, and South America who transit Honduras en route to the United States are vulnerable to being exploited in trafficking. Authorities noted family members took children into prisons to be exploited in commercial sex by prisoners, raising concerns over the potential complicity of prison authorities. Overall corruption helped facilitate trafficking crimes.

## HONG KONG: TIER 2

The Government of Hong Kong does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous

reporting period; therefore Hong Kong was upgraded to Tier 2. These efforts included introducing the victim identification mechanism to 12 more police districts in 2018 so that it covered all districts, identifying more victims under the mechanism than in 2017, investigating an increased number of labor trafficking cases, launching a hotline for foreign domestic workers, and continuing to increase training of officials on trafficking. The government allocated funding to support implementation of its 2018 anti-trafficking action plan, designated officials within relevant agencies responsible for coordinating the government's anti-trafficking efforts, and appointed police units responsible for investigating trafficking. However, the government did not meet the minimum standards in several key areas. The government did not adequately investigate trafficking crimes, convict any labor traffickers, make sufficient efforts to ensure the safe repatriation of victims to their home countries, enact legislation to fully criminalize all forms of trafficking, or consistently refer victims to services. Officials continued to penalize trafficking victims for unlawful acts traffickers compelled them to commit and did not vigorously penalize unscrupulous employment agencies and money lenders that facilitated debt bondage.




## PRIORITIZED RECOMMENDATIONS:

Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in accordance with the definitions set forth in the 2000 UN TIP Protocol. • Take steps to increase the efficacy of screenings conducted to identify trafficking victims, including by increasing trainings. • Vigorously investigate and prosecute suspected sex and labor traffickers and sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Increase proactive investigation of unscrupulous employment agencies and money lenders, including by increasing the efficacy of inspections, and sufficiently penalize convicted agency operators to deter activities that promote debt bondage. • Increase the referral and provision of protective services to trafficking victims. • Cease penalization of victims for unlawful acts traffickers compel them to commit and increase interagency coordination to ensure victims are not punished through immigration proceedings prior to investigating their exploitation. • In consultation with NGOs and social welfare experts, take steps to consistently conduct the victim interview process with a victim-centered approach. • Eliminate legally permitted worker-charged recruitment fees, shifting the burden to employers to pay all recruitment fees charged by employment agencies. • Increase efforts to continually consult with civil society on anti-trafficking policies and in the investigation of trafficking and provision of services to victims. • Allow foreign victims to work and study in Hong Kong while participating in judicial proceedings against their traffickers. • Coordinate with source country governments and service providers to protect repatriated foreign victims who are vulnerable to re-victimization and may face hardship or retribution in their home countries. • Take steps to increase understanding among judges in criminal courts and labor tribunals of trafficking and psychological trauma.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Hong Kong law did not criminalize all forms of human trafficking and the government relied on various provisions of laws relating to prostitution, immigration, employment, and physical abuse to prosecute trafficking crimes. Section 129 of the crimes ordinance, which criminalized "trafficking in persons to or from Hong Kong," required transnational movement and did not require the use of force, fraud, or coercion, and it was therefore inconsistent with international law. Section 129 prescribed penalties of up to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as rape. Section 130 criminalized the harboring, controlling, or directing of a person for the purpose of prostitution and prescribed penalties of up to 14 years' imprisonment. Section 131 criminalized procuring a person to engage in commercial sex acts and prescribed penalties of up to 10 years' imprisonment. Section 137 criminalized living on the earnings of commercial sex acts of others and prescribed penalties of up to 10 years. The absence of laws that fully criminalize trafficking made it difficult to accurately assess the government's prosecution efforts compared to the previous year and made it difficult to determine which law enforcement actions involved human trafficking as defined by international law.

The government reported investigating 14 potential cases of labor trafficking (nine in 2017) and 136 cases related to sex trafficking in 2018 (131 in 2017). Authorities initiated prosecutions of two suspected labor traffickers but did not report obtaining any convictions for labor traffickers in 2018 (two prosecutions and convictions in 2017). The government reported arresting 19 suspects (36 in 2017) in connection with investigations for offenses related to sex trafficking, including sections 129, 130, 131, and 137 of the crimes ordinance, although it did not report the number of sex trafficking prosecutions it initiated in 2018. Courts convicted seven under these provisions (12 convictions in 2017) and sentenced five to terms of imprisonment ranging from three to 13 months and two to suspended sentences and community service.

The immigration and customs departments provided trafficking training to new employees, and the government conducted a one-day training to law enforcement on victim identification. In addition, the government collaborated with NGOs and international organizations to provide training to police, immigration, labor, and customs officials on victim identification and the investigation of trafficking cases. Nonetheless, law enforcement often did not adequately investigate trafficking cases referred to them by NGOs, sometimes dropped cases with clear indicators of trafficking, and officials did not employ a victim-centered approach when individuals made claims of victimization. The absence of laws criminalizing all forms of trafficking impeded investigators' ability to investigate or charge suspected traffickers, especially in cases where debt bondage began in a victim's home country. This also resulted in the prosecution of trafficking crimes under laws with weak penalties. NGOs reported judicial officials also lacked an awareness of trafficking. Well-founded fears of penalization resulted in victims choosing not to report their exploitation or declining to cooperate with authorities in investigations. The government designated new trafficking focal points of contact within relevant agencies and updated its written interagency procedures for handling trafficking cases. In July 2018, Hong Kong Police appointed units responsible for investigating trafficking and exploitation of foreign domestic workers within its Organized Crime and Triad Bureau in all six police regions. Nonetheless,

NGOs reported weak interagency coordination and a lack of awareness among front-line police of the units. A designated team of prosecutors was responsible for prosecuting trafficking related crimes. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, media reports indicated a police officer was arrested in June 2018 for allegedly assaulting two children involved in "compensated dating."

## PROTECTION

The government maintained efforts to protect victims; however, ineffective victim identification resulted in the penalization of victims. Authorities identified 29 trafficking victims, compared to 28 in 2017. Police, immigration, and customs officials utilized a two-tiered victim identification mechanism to screen vulnerable populations; the government introduced the mechanism to 12 more police districts in 2018 so that it covered all districts. Through this mechanism, officials identified 18 trafficking victims (nine in 2017). Although the government reported conducting more screenings in 2018, observers reported ineffective implementation of the screening mechanism and a lack of understanding of psychological trauma associated with trafficking resulted in few victims identified. In July 2018, the government declared police screened for trafficking all non-local individuals found in prostitution for trafficking. However, in practice, officials often did not recognize trafficking and did not consistently screen foreign domestic workers or persons in prostitution during investigations and police operations. For example, officials arrested 11 child victims of sex trafficking during law enforcement operations and did not identify these children as trafficking victims through the screening mechanism. Authorities immediately returned all 11 to their home countries, without providing services that the government guaranteed trafficking victims or ensuring they received assistance upon their return.

Of the 18 victims identified under the screening mechanism in 2018, the government reported providing six with either permission to change their employer or visa extensions with fee waivers. In addition, authorities identified four victims who held status as claimants under the government's process used to evaluate non-refoulement claims, which provided claimants with food allowances and living subsidies. Nonetheless, the government did not report providing further services such as counseling or medical care to identified victims. In addition, the government did not permit those under non-refoulement claims to work unless given permission on a case-by-case basis. Victims allowed temporary residency via visa extensions could not work or study in Hong Kong. The government partially subsidized six NGO-operated and three government-operated shelters that served victims of violence, abuse, and exploitation, including trafficking victims. These shelters could provide temporary accommodation, counseling, and access to public hospital medical and psychological services to local and foreign victims, regardless of gender or age. However, contacts reported officials did not consistently refer victims to services, and no trafficking victims received assistance in government-funded shelters during the reporting period. The government offered financial assistance to victims residing overseas to enable their return to Hong Kong as witnesses in prosecutions, but the government did not report extending this to any victims. The government did not report efforts, such as contacting source country governments or NGOs, to ensure the safe repatriation of victims to countries where they may face risk of hardship or retribution, or are vulnerable to re-victimization.

The government continued to penalize trafficking victims, including children exploited through "compensated dating," victims of forced criminality, and exploited foreign domestic workers, for unlawful acts their traffickers compelled them to commit. Ineffective victim identification and interagency collaboration on trafficking resulted in the government initiating immigration proceedings against victims rather than investigating or prosecuting their traffickers. In August 2018, the government developed a joint investigative process to coordinate interviews of victims among law enforcement agencies. However, NGOs reported the implementation of this process resulted in victims having to undergo multiple interviews in one day and being asked the same questions repeatedly by different officials, sometimes for up to nine hours in one day. Hong Kong law allowed victims to seek compensation from traffickers through civil suits and labor tribunals. Hong Kong courts ruled in 2018 that migrant workers could appear in labor tribunals through video if they had returned to their home country. Nonetheless, observers reported poor translation services, lack of trained attorneys, the inability to work while awaiting a decision, and judges' inexperience with forced labor cases sometimes impaired victims' attempts to claim back wages or restitution through labor tribunals, and deterred some from bringing claims forward.

## PREVENTION

The government increased efforts to prevent trafficking. An anti-trafficking steering committee led by the Chief Secretary for Administration, which formed and met once during the previous reporting period, met twice and the inter-departmental working group led by the security bureau continued to meet. In February 2019, the government announced the allocation of 62.63 million Hong Kong Dollars ($7.99 million) to support the implementation of its 2018 anti-trafficking action plan and to create 98 civil service positions within the police, labor, immigration, and justice departments. To improve collaboration with civil society, the government organized a consultation session with NGOs and international organizations in May 2018; however, civil society reported minimal efforts by the government to increase coordination beyond this meeting, including to investigate trafficking and protect victims. The government did not conduct campaigns to raise awareness of sex trafficking. To improve awareness of the rights of foreign domestic workers and the responsibilities of employers, the government continued to distribute information packets to workers and employers; publish advertisements in Filipino and Indonesian language newspapers, on television, and on the radio; operate workers' rights information kiosks in public areas; work with the Philippine and Indonesian consulates in Hong Kong to provide information briefings to newly arriving domestic workers; and publish translated versions of standard employment contracts in 11 foreign languages.

The government reported investigating numerous cases involving physically and sexually abused foreign domestic workers, resulting in the conviction of 11 employers (four in 2017). The government reported convicting 29 employers of foreign domestic workers for illegally using workers to perform duties outside their contracts and convicting two for non-payment or underpayment of wages; sentences included fines and terms of imprisonment ranging from four weeks to three months. The government offered visa extensions with fee waivers to 160 foreign domestic workers determined to be victims of illegal conduct to serve as witnesses. The government's policy requiring foreign domestic workers to return to their home countries within two weeks after their contracts' termination deterred

workers from reporting exploitative employment; however, the government allowed 16 exploited foreign domestic workers to pursue new employment visas without leaving Hong Kong in 2018. The labor department initiated a dialogue with the government of Indonesia to promote coordination on the protection of Indonesian domestic workers in Hong Kong; however, it was unclear if this resulted in tangible efforts to prevent trafficking.

Hong Kong law permitted employment agencies to charge job seekers, including foreign domestic workers, up to 10 percent of their first months' salary in recruitment fees. Since enforcement of this rule was lacking, recruiters often charged much higher fees and perpetuated debt bondage. The Employment Agencies Administration (EAA) conducted approximately 2,000 inspections of employment agencies in 2018. The EAA lacked sufficient resources and inspections of agencies were ineffective and often only consisted of undetailed reviews of documentation. In addition, observers reported the EAA did not proactively investigate unscrupulous agencies and typically required a victim to make a complaint against an agency before initiating an investigation. The EAA was not open on Sundays—the only non-work day for most foreign domestic workers—preventing some workers from filing complaints. To facilitate the ability of foreign domestic helpers to make inquiries and complaints, the labor department launched an online portal as well as a 24-hour hotline available in nine languages. In 2018, the labor department convicted three agencies for overcharging workers and seven for other offenses (11 agencies convicted in 2017). In addition, from January through March 2019, the government sought charges against 51 employment agencies for overcharging fees and 10 for unlicensed operations; five of these charges were filed against the directors or staff of unlicensed employment agencies. NGOs reported fines and penalties given to employment agencies exploiting foreign domestic workers were too light and did not act as a deterrent for unscrupulous employment agencies that perpetuate debt bondage. Despite having the legal discretion to revoke agency licenses administratively, observers reported the EAA over-relied on criminal convictions of agencies to do so. The government required employment agencies to comply with a code of practice covering statutory requirements and standards for Hong Kong-based employment agencies. The labor department cited non-compliance of the code of practice in decisions to revoke or reject the renewal of licenses of 11 employment agencies in 2018. Despite these efforts, some employment agencies reportedly continued to operate—and unlawfully retain workers' passports with impunity—after losing their licenses, sometimes reopening under a different name. In addition, despite being a violation of the code of practice, observers reported money lenders and employment agencies often operated at the same address without consequence. Police arrested the operator of a money lending business who allegedly withheld the passports of more than 850 foreign domestic workers to whom the operator had given loans—with interest rates up to 125 percent—needed for recruitment fees. An NGO reported the government's process for evaluating non-refoulement claims, which did not allow claimants to legally work in Hong Kong, made some refugees vulnerable to trafficking. The government reported some efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training to its officials posted overseas, which it did not do in previous years.

### TRAFFICKING PROFILE

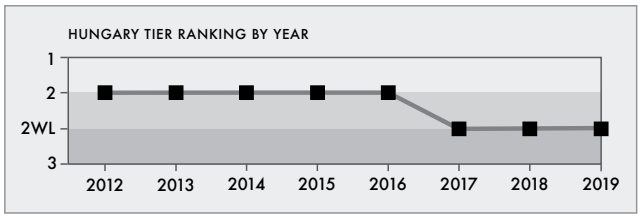
As reported over the past five years, human traffickers exploit domestic and foreign victims in Hong Kong. Victims include citizens from mainland China, Indonesia, the Philippines, Thailand, and other Southeast Asian countries, as well as countries in South Asia, Africa, and South America. Traffickers exploit migrant workers in construction, electronic recycling facilities, nursing homes, and private homes. Approximately 386,000 foreign domestic workers, primarily from Indonesia and the Philippines, work in Hong Kong; some become victims of debt bondage in the private homes in which they are employed. A 2018 NGO task force survey of migrant workers found one-third of Indonesian workers in Hong Kong were asked to sign debt agreements as conditions of their employment. In addition, 56 percent of surveyed workers reported having to pay illegal recruitment fees and 24 percent had their personal documents withheld by employment agencies or employers. A 2016 NGO report estimated as many as one in six foreign domestic workers are victims of labor exploitation in Hong Kong. Employment agencies often charge workers job placement fees in excess of legal limits and sometimes withhold identity documents, which may lead to situations of debt bondage. The accumulated debts sometimes amount to a significant portion of the worker's first-year salary, and unscrupulous agencies sometimes compel workers to take loans from money lenders to pay excessive fees; a 2017 study estimated foreign domestic workers spend up to 35 percent of their monthly salary paying back money lenders. Some employers, money lenders, and employment agencies illegally withhold passports, employment contracts, or other possessions until the debt is paid. Some workers are required to work up to 17 hours per day; experience verbal, sexual, or physical abuse in the home; and/or are not granted a legally required weekly day off. Some foreign domestic workers sign contracts to work in Hong Kong but upon arrival traffickers coerce or lure them to work in mainland China, the Middle East, or Russia.

There were reports that some women in Hong Kong—often with the assistance of their families—deceive Indian and Pakistani men into arranged marriages that involve forced domestic servitude, bonded labor in construction and other physically demanding industries, and other forms of abuse via exploitative contracts. Reports indicated drug trafficking syndicates coerced South American women, who were subsequently arrested by Hong Kong authorities, to carry drugs into Hong Kong. Separately, criminal syndicates or acquaintances lure women to Hong Kong from the Philippines, South America, and mainland China using false promises of lucrative employment and force them into prostitution to repay money owed for passage to Hong Kong. "Compensated dating" continues to facilitate commercial sexual exploitation of Hong Kong children and adults, making them vulnerable to trafficking.

## **HUNGARY:** TIER 2 WATCH LIST

The Government of Hungary does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. These efforts included issuing new prosecutorial guidelines related to trafficking cases, launching services at four halfway houses, and adopting a national action plan. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Government officials did not adequately screen for trafficking indicators among vulnerable populations. Services for victims remained scarce, uncoordinated, and inadequate, especially for children, for whom there were no dedicated shelters, and for foreigners. The law authorized the detention of child sex trafficking victims;

law enforcement arrested and prosecuted children exploited in sex trafficking as misdemeanor offenders, including sentencing seven children to detention based on their exploitation in sex trafficking. Courts suspended most traffickers' sentences; only three of the 11 convicted for trafficking-related offenses served prison time. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Hungary was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Hungary remained on Tier 2 Watch List for the third consecutive year.




## PRIORITIZED RECOMMENDATIONS:

Screen all individuals in prostitution for trafficking indicators and protect adult and child victims of sex trafficking from punishment. • Significantly increase the quality and availability of specialized victim services for adults and children, including by expanding the national referral mechanism to formally include foreign victims without legal residency, and provide sufficient funding to NGOs to offer victim care. • Proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, children in state-run homes and orphanages, and individuals in prostitution, including by developing and funding protocols for identification and referral and by enhancing training for law enforcement and social workers on recognizing indicators of exploitation. • Increase law enforcement and judiciary efforts to investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms. • Implement the general non-punishment provision to ensure trafficking victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts their traffickers compelled them to commit. • Train law enforcement, prosecutors, and judges on the severity of the crime and the irrelevance of a victim's initial consent for proving a trafficking crime. • Take additional steps to prevent trafficking of vulnerable children residing in state-run childcare institutions and individuals who leave these institutions. • Increase victim-centered, trauma-informed training for law enforcement, prosecutors, judges, and social workers. • Bolster protection for victims who face serious harm and retribution from their traffickers, including by developing additional longer-term care options to improve reintegration. • Bring the anti-trafficking law in line with international law by more precisely defining exploitation and requiring fraud, force, or coercion as elements of the core offense of adult trafficking. • Enhance the collection and reporting of reliable law enforcement and victim protection data.

## PROSECUTION

The government moderately increased its insufficient prosecution efforts. Article 192 of the 2013 criminal code criminalized sex and labor trafficking, but inconsistent with the definition of trafficking under international law, it established the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime. The law broadly defined exploitation as the abuse of power for the purpose of taking advantage of a victim. The prescribed penalties for the base offense ranged from one to five years' imprisonment, while the penalties for trafficking crimes involving aggravated elements ranged from two to 20 years or life imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes. Additionally, Article 193 criminalized forced labor, with sentences ranging from one to five years' imprisonment for offenses involving an adult victim and two to eight years' imprisonment for those involving a child victim. Article 203 criminalized profiting from "child prostitution" or "paying for sex with a child" and prescribed penalties of up to three years' imprisonment, which were not sufficiently stringent. Penalties under this provision increased only if a person was "supported partly or wholly by profiting" from such exploitation of a child or for maintaining or operating a brothel for the purposes of such exploitation of a child.

Law enforcement data remained unreliable, making it difficult to assess efforts. The government claimed low rates of investigation, prosecution, and conviction were due to a consolidation of public security over the last eight years; nonetheless, law enforcement efforts remained disproportionately low. The government reported the number of registered crimes in 2018 rather than the number of closed investigations because the data on closed investigations provided in previous years contained possible duplications. This methodological change in reporting made it difficult to compare statistics year to year. In 2018, police registered 47 trafficking crimes (95 in 2017)—four crimes under Article 192 and two under Article 193 (18 closed investigations in 2017 under Articles 192 and 193) and 41 under Article 203 (58 closed investigations in 2017 under 203, as well as 19 additional closed cases of trafficking for unspecified forms of exploitation). Officials reported 29 indictments (14 in 2017)—three under Article 192 (none in 2016 or 2017); two under Article 193 (three in 2017 and two in 2016); and 24 under Article 203 (11 in 2017 and 22 in 2016). Courts convicted 11 for trafficking or trafficking-related crimes, compared to three in 2017—10 under Article 192 and one under Article 175/B of the old criminal code. In addition, there were no convictions under Article 203 in 2018 (17 in 2017) or Article 193 in 2017 or 2018. Only three of the 11 convictions resulted in a convicted trafficker serving time in prison, as courts suspended all others. Courts suspended the sentences of seven convicted under Article 192 (one for two years' imprisonment, two for one year eight months' imprisonment, and four for one year of imprisonment). One convicted under Article 192 received two years of probation. The court did not suspend the sentences of two convicted under Article 192 (one for six years' imprisonment and one for five years' imprisonment) and one individual convicted under former Article 175/B (five years' imprisonment). Although the 2012 criminal code removed a requirement that trafficking include a commercial transaction, judges reportedly continued to seek this evidence. County police, supervised by county prosecutors, conducted domestic investigations and transferred investigations to the National Bureau of Investigations (NBI) trafficking unit if cases involved organized crime or an international connection. The NBI trafficking unit employed 11 people (11 in 2017), which experts noted was insufficient given the magnitude of the problem. Observers raised concerns that law enforcement regularly underreported trafficking offenses and underutilized Article 203. In October 2018, the national prosecutor general's office issued prosecutor guidelines stating a victim in a vulnerable position cannot give valid consent to a crime violating their human dignity or personal freedom, thereby directing authorities

that such consent should not prevent the prosecution of a trafficking case. The guidelines also directed prosecutors to review ongoing pandering cases and, if appropriate, re-classify them as trafficking offenses, which carried higher penalties.

Officials prosecuted some traffickers for non-trafficking crimes to increase the likelihood of a conviction. The government reported no knowledge of officials complicit in trafficking. The government did not provide standard routine training on trafficking for law enforcement professionals, but provided several ad hoc training courses and projects. The government trained approximately 280 judicial staff on victim protection (130 in 2017 and 840 in 2016), 50 deputy prosecutors general on trafficking indicators, and 50 law enforcement officials on prostitution and human trafficking, focusing on child victims and their identification and referral, as well as prevention. During the reporting period, national police cooperated with their counterparts in the Netherlands and the United Kingdom (UK) on three joint investigation teams pursuing trafficking cases. The government did not report extraditing any foreign nationals accused of trafficking in 2017 or 2018 (52 in 2016).

## PROTECTION

The government maintained insufficient protection efforts. The government reported 30 identified victims as registered in the EU-funded digital platform for recordkeeping and case management for trafficking victims (EKAT system), the first year of its operation, compared with 33 identified victims in 2017 and 44 in 2016, not including those identified by embassies. Of the 30 registered victims, NGOs referred 18; MOJ's victim support service registered eight; embassies referred three; and the probation service referred one. The NBI trafficking unit reported identifying 26 victims and regional law enforcement reported identifying 10 victims (law enforcement did not report how many victims it identified in 2017); authorities informed victims of available services but did not refer them. NGOs reported assisting 79 trafficking victims (66 in 2017 and 143 victims in 2016). More than 540 officials were trained on the EKAT system with EU funding. NGOs reported a lack of clarity on the purpose of the EKAT system and how the government planned to use it to provide case management for victims. The government did not screen or adequately identify victims among vulnerable populations, such as adults and children exploited in commercial sex, children living in government-run institutions, foreign workers, and unaccompanied minors, including asylum-seekers. Although the immigration and asylum office implemented extensive training for its officers and social workers in transit zones and within the country and, along with an NGO, developed a new identification form for screening, it did not identify any victims among third-country nationals, including asylum seekers, in 2018. Moreover, experts criticized the government for not having an adequate referral mechanism in the transit zones. Unaccompanied children younger than 14 years old were removed from the transit zones, but did not have access to specialized services; children, including victims, between the ages of 14-18 could not leave the transit zone unless the government approved their asylum application. The government decree on the trafficking victim identification mechanism listed the institutions responsible for identifying victims, the questionnaire to be completed with suspected victims, and procedural protocols. Observers criticized the mechanism for lacking clarity and standards; granting wide discretion to front-line officials, including the police; as well as a lack of widespread dissemination of the protocols among officials. Law enforcement generally treated all persons accused of prostitution, including children, as criminals, charging them with related administrative penalties and misdemeanor offenses. Hungarian anti-trafficking law did not protect trafficking victims, including children, from administrative or criminal penalties for unlawful acts traffickers coerced them to commit. The government passed an amendment to the act on administrative offenses in 2017 that added the possibility of applying the general non-punishment provision for victims of crime in case of partial exemption for criminal responsibility and reported it applied to all administrative offenses, including for prostitution; the government did not report examples of the application of this provision. The government consistently failed to implement a 2011 EU directive requiring authorities to treat individuals subjected to trafficking in prostitution as trafficking victims regardless of initial consent. According to the law on misdemeanors, children could be detained in a correctional facility for up to 30 days or, as cumulative punishment, up to 45 days for engaging in commercial sex. Some experts said police generally did not understand that people in prostitution were vulnerable to trafficking or that the non-punishment provision for crime victims could apply to them; police rarely screened prostitution case defendants, including children, for trafficking indicators. Judges reported administrative proceedings penalizing a child only stopped if the child declared victimhood. Authorities penalized 54 children (67 in 2017 and 88 in 2016), all of whom were girls, for prostitution offenses; 30 children received a warning, 11 received a fine (two without the possibility of appeal), seven received detention in a penitentiary, and six received community service. Experts questioned the accuracy of government data on child detention and estimated authorities held more than 200 children per year in detention for prostitution-related offenses.

Victim assistance services remained scarce, uncoordinated, and inadequate, and they exposed victims to the risk of re-victimization. The government provided 24.25 million forint ($86,550), compared to 21.9 million forint ($78,170) in 2017 and 19 million forint ($67,820) in 2016, in the form of one-year grants to one NGO to run two temporary shelters that could assist 12 victims each with accommodation, transport, psycho-social support, and legal information. Both temporary shelters could accommodate men and women; 10 men and 21 women received accommodation (compared with 20 victims in 2017). The same NGO received an additional 8 million forint ($28,550) to operate four halfway houses that could assist four victims each with reintegration for a maximum of five years; 12 victims who had previously received care at the temporary shelters received assistance at the halfway houses. Authorities provided 10 million forints ($35,690) to another NGO for the renovation of its shelters for trafficking victims, compared to 5.4 million forints ($19,270) in 2017 for the operation of the shelters and two employees' salaries. The MOJ signed a public service contract in 2019 with one NGO to operate three victim support centers and assist the victim support line, which received calls regarding all types of crime, with 115.2 million forints ($411,180) for 2019 operations. There was a severe lack of funding for victim services; NGOs urged the government to make trafficking a priority by making available robust funding for quality victim care.

All Hungarian and EU victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, and shelter, as long as the trafficking occurred in Hungary; Hungarian citizens also could receive these services if they were legally present in the country in which they were victimized. The national referral mechanism did not apply to non-EU citizens without legal residence and did not provide a basis for funding services to these victims.

The Ministry of Human Capacities (MHC) granted ad hoc approval to a government-funded NGO to provide services to non-EU victims in all cases when the NGO requested it; the government did not report how many cases. Experts criticized the government's lack of harmonized guidelines on protective services for victims, noting the referral system was ineffective, and reported there was no consensus among the responsible ministries regarding protected placement options for foreign non-EU national victims, regardless of residency. Hungarian and EU victims were eligible to receive services through two temporary shelters for up to six months, independent of a victim's cooperation with law enforcement. The MOJ victim support service could provide financial aid, certificates of victim status, and witness care if the government initiated criminal proceedings against the perpetrator; it provided 43,000 forints ($153) in financial aid to one victim registered in the EKAT system, compared with 117,500 forints ($419) for two victims in 2017. The victim support service could pay repatriation travel expenses upon request. One Hungarian national requested repatriation assistance from the UK; the Hungarian embassy transported the victim in its vehicle. Only one of the MOJ's three crime victim support centers, designed to provide services such as customized psychological and emotional support and information on victims' rights to victims of crime, including trafficking victims, provided services to trafficking victims in the reporting period; the center in Budapest provided emotional assistance to six suspected trafficking victims. Experts criticized the centers for deficiencies in applying a multidisciplinary approach and for lacking means to provide comprehensive services, including accommodation, or a process for monitoring and evaluation. The government did not have a dedicated program to provide return and reintegration assistance for Hungarian victims identified abroad. Experts noted services for long-term reintegration were lacking. No victims received state-ordered restitution or compensation.

The government lacked a framework for identifying, referring, or assisting child victims other than the general child protection system and state-run homes, but this system had insufficient staff and resources to provide appropriate care or security, leaving victims vulnerable to re-trafficking. Experts criticized the chronic lack of assistance and specialized shelters for child trafficking victims. The government placed three child sex trafficking victims returned from Austria in state-run children's homes. The government gave one NGO 5 million forint ($17,850) in October to provide victim assistance to child sex trafficking victims and prevention activities for vulnerable children in three state-run children's homes, compared with 6 million forint ($21,420) in 2017. Children in state-run homes or orphanages were vulnerable to trafficking, both while living in the home and upon their required departure at age 18. Some observers reported the government did not provide adequate specialized services for child victims in state-run homes, which they described as "prison-like." Experts reported children who tried to escape children's homes and were recovered were sometimes locked in their rooms for weeks or months at a time. In 2016, the MHC set up an expert working group, comprising NGO and government representatives, on sex trafficking in state-run institutions; the group produced an assessment with recommendations in May 2017; the government held a training based on the recommendations. In July 2018, the government issued a directive that all child protection institutions and state-run homes must report to law enforcement all suspected cases of children exploited in prostitution, despite the known problem of some of the police treating such children as criminals rather than victims.

In a 2018 report, the Council of Europe's expert group on human trafficking (GRETA) expressed profound concern about children in the transit zones and the lack of efforts made to identify victims of trafficking among asylum seekers and irregular migrants in Hungary. GRETA reported conditions in the transit zones were not conducive to creating an atmosphere of trust that would make it possible for victims of trafficking to come forward. GRETA also reported the persistence of collective expulsions conducted without pre-removal risk assessments.

Foreign non-EU national victims could receive a 30-day reflection period to decide whether to assist law enforcement, during which they were eligible for a certificate of temporary stay; the MOJ's victim support service initiated the issuance of a certificate for temporary stay in cooperation with the immigration authority. Foreign non-EU national victims who cooperated with authorities were entitled to a residence permit for the duration of their cooperation. The government did not issue any temporary residence permits, permanent residence permits, or exemptions from deportation for trafficking victims during the reporting period. The new act on criminal proceedings, which entered into force in July 2018, allowed courts to protect the identity of trafficking victims who testify. NGOs remained concerned about inadequate government protection for victims who testified against traffickers; no victims assisted in an investigation or prosecution of a trafficking case or participated in the witness protection program during the reporting period.

## PREVENTION

The government moderately increased prevention and coordination efforts. The government had an anti-trafficking coordinator who chaired the national coordination mechanism, an entity including government actors, one international organization, and two NGOs, one of which operated the government-funded trafficking shelter. The NGO roundtable, also chaired by the national coordinator, complemented its work. Both entities met twice in the reporting period. The government and the majority of NGOs considered these two forums effective for exchanging experiences and good practices. The government approved an action plan to combat trafficking for 2019 and dedicated 159 million forint ($567,510) to its implementation, including to purchase a vehicle to transport child trafficking victims and to open a shelter for victims. The government did not release reports assessing its anti-trafficking efforts. The government provided approximately 66.8 million forint ($238,430), the same amount as in 2016 and 2017, for the operation of the NGO-run national crisis telephone service (OKIT), a 24-hour hotline for assisting victims of domestic violence and human trafficking, with only Hungarian and English languages available. OKIT provided support to 18 potential victims (22 in 2017) in connection with approximately 100 trafficking-related phone calls out of approximately 9,000 total calls. OKIT referred 15 adult victims to shelter.

The government did not make efforts to reduce the demand for sex or labor trafficking. The government did not have the authority to inspect labor recruitment agencies or impose fines or punishment on foreign labor exchange agencies that committed trafficking offenses, but it could assess agencies' compliance with regulations concerning temporary work; it did not identify any victims while conducting this type of inspection.

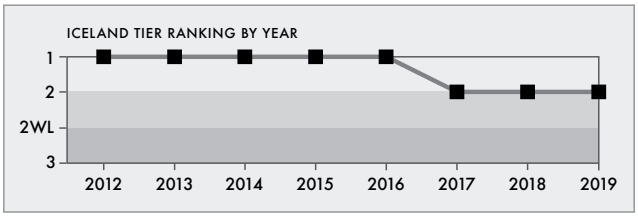
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit

domestic and foreign victims in Hungary, and traffickers exploit victims from Hungary abroad. Vulnerable groups include Hungarians in extreme poverty, undereducated young adults, Roma, single mothers, asylum-seekers and unaccompanied minors, and homeless men. Traffickers subject Hungarian women, boys, and girls to sex trafficking within the country and abroad, mostly within Europe, with particularly high numbers in Germany, the Netherlands, and France. Traffickers subject Hungarian men and women to forced labor domestically and abroad, particularly in Germany, the UK, and the Netherlands. NGOs have reported a phenomenon of selling disabled victims for sex trafficking. Hungarians, particularly Romani women and girls and those from state care institutions, are exploited in sex trafficking in large numbers in Austria by Hungarians of Roma and non-Roma origin. A large number of Hungarian child sex trafficking victims exploited within the country and abroad come from state-provided childcare institutions and correctional facilities, and traffickers recruit them when they leave these institutes. Hungarian women lured into sham marriages to third-country nationals within Europe are reportedly subjected to forced prostitution. Hungarian men are subjected to labor trafficking in agriculture, construction, and factories in Western Europe. Trafficking victims from Eastern European countries transit Hungary en route to Western Europe. Hungary is a transit country for asylum-seekers and illegal migrants, some of whom may be or may become trafficking victims. Within the country, some Romani children are exploited in forced begging, child sex trafficking involving both girls and boys, and forced petty crime.

# **ICELAND:** TIER 2

The Government of Iceland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Iceland remained on Tier 2. These efforts included amending legislation to allow potential trafficking victims who were granted residence permits on the grounds of trafficking to obtain work permits; adopting a national action plan (NAP); allocating additional funds to NGOs for victim assistance; and assisting more potential victims. However, the government did not meet the minimum standards in several key areas. The government did not prosecute or convict any suspected traffickers for the eighth consecutive year, and insufficient evidence collection during investigations inhibited successful prosecutions.




## PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to prosecute and convict suspected traffickers. • Enhance training for investigating cases and collecting evidence against suspected traffickers. • Vigorously investigate and prosecute trafficking cases under the trafficking statute. • Proactively identify trafficking victims and refer them to care facilities for assistance. • Develop and implement formal victim identification and referral procedures, which clarify division of labor among stakeholders. • Develop a comprehensive data system collecting statistics on victim identification and assistance and investigations, prosecutions, and convictions. • Implement the NAP and allocate adequate funding for implementation. • Increase training for police, prosecutors, judges, and other officials on all aspects of trafficking, particularly on proactive identification of victims among migrant workers, asylum-seekers, and unaccompanied children. • Institutionalize regular meetings of the national steering group to improve interagency anti-trafficking coordination. • Conduct awareness raising campaigns targeting particularly vulnerable populations and industries.

## PROSECUTION

The government maintained weak law enforcement efforts. Article 227a of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 12 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Overextended government personnel, limited political attention and resources, and the failure to prioritize trafficking slowed progress and coordination. Law enforcement reported 15 investigations, compared with 20 in 2017 and 16 in 2016. The government did not report prosecuting or convicting any trafficking cases since 2010. Prosecutors reported investigating cases sufficiently and collecting adequate evidence remained a problem; consequently, all cases recommended to the prosecutor's office resulted in suspended investigations or no prosecutions. Furthermore, experts noted authorities prosecuted cases under non-trafficking laws, such as smuggling. Experts also underscored the need for consistently educating prosecutors and judges on all aspects of trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. Icelandic and German authorities cooperated on a trafficking case, which remained ongoing at the end of the reporting period.

Although limited human resources hindered law enforcement effectiveness, police maintained a special investigative unit dedicated to combating trafficking and prostitution and a special email address for tips or inquiries about possible trafficking cases. In 2018, the police formed a cyber-crime unit to support the trafficking unit by monitoring the internet for trafficking activity. Additionally, the police district responsible for border control at the international airport operated a unit specializing in major crime and trafficking investigations. During the reporting period, the Ministry of Justice (MOJ) allocated 370 million krona ($3.2 million) for police investigations and an additional 37 million krona ($318,660) for special projects in 2018. The police college curriculum included instruction on victim identification and investigation of trafficking cases, and police officers working on prostitution-related offenses received specific training on trafficking. The police conducted a course for officers, investigators, and prosecutors, focusing on detecting and apprehending persons who buy sexual services, with a focus on sex trafficking. The police also held a three-day training session with Swedish law enforcement experts on investigating prostitution and trafficking cases. The government sponsored participation of two prosecutors, a judge, and a MOJ specialist at a trafficking conference focused on prosecuting cases and victims' rights during legal proceedings. The MOJ coordinated a lecture on how to identify and collect evidence to better support trafficking prosecutions; 130 police, investigators,

prosecutors, judges, and other government and NGO officials participated. The government broadcasted the lecture to all police districts in Iceland.

## PROTECTION

The government increased victim protection efforts. Government-funded civil society organizations identified nine potential trafficking victims, compared with seven in 2017. Authorities were unable to confirm the form of trafficking of the potential victims but noted all were foreign nationals. As in previous years, since the government lacked country-wide statistical information on trafficking, anecdotal reports of potential victims varied depending on the source, and double counting likely occurred across organizations, obtaining data was problematic. The Ministry of Welfare (MOW) assisted 25 potential male labor trafficking victims from Ukraine and Romania, and the women's shelter did not report assisting any potential victims, compared with two and four victims, respectively, in 2017. The national police commissioner maintained detailed procedures for police to use to identify, contact, and work with possible trafficking victims. The government continued to distribute NGO-developed interview guidelines to government employees most likely to encounter trafficking victims. The Directorate of Immigration provided its staff with procedures to identify trafficking victims during the interview process for asylum-seekers. As part of the newly adopted NAP, the government in conjunction with NGOs planned the development of a national referral mechanism (NRM), including cost assessments and roles and responsibilities of stakeholders. Since there was no NRM during the reporting period, police maintained standardized referral procedures that required them to contact welfare services in the municipality and MOW to coordinate victim care and placement. Experts stated these procedures worked effectively in practice but required further guidance on where to refer victims. Furthermore, experts noted while it was generally difficult to build victims' confidence in and cooperation with authorities, a formal NRM would promote better cooperation between victims and authorities on investigations and, in turn, enhance data collection. In 2018, the Directorate of Labor created procedures on assisting potential victims and maintained a three-member team to respond to suspected trafficking cases and educate government employees on trafficking and identifying possible victims.

The government continued to fund an NGO-run domestic abuse shelter providing emergency shelter to female trafficking victims and their children; the government allocated 77.1 million krona ($664,030) to the shelter, compared with 71 million krona ($611,490) for 2017. The government provided the shelter with an additional 300,000 krona ($2,580) for the provision of services for trafficking victims, compared to 350,000 krona ($3,010) in 2017. The shelter maintained a team of specialists to manage cases involving possible trafficking victims. Victims had access to free legal, medical, psychological, and financial assistance, whether or not they stayed at the shelter or cooperated with authorities. Municipal social service agencies provided services and financial assistance to trafficking victims, and the MOW reimbursed the municipalities for all associated expenses. The government allocated 78 million krona ($671,780) to a separate NGO offering psychological services to individuals in prostitution and trafficking victims, compared to 71 million krona ($611,490) in 2017. The government, in collaboration with several NGOs, maintained a center offering free comprehensive services to abuse victims, including trafficking victims, and allocated 50 million krona ($430,630). There were no accommodations available for male victims, though they could access general social services and receive referrals to NGOs providing food, shelter, legal advice, and health care. Municipal and state child protection services were responsible for assisting unaccompanied children, including child trafficking victims. The government organized courses for health care employees at clinics across the country on working with victims. Victims could file civil suits against traffickers, but no victims did so during the reporting period. Foreign trafficking victims could obtain either a nine-month residence permit or a one-year renewable residence permit, which was available to victims who cooperated with law enforcement or who faced retribution or hardship in their home countries. The government did not issue any temporary residence permits in 2017 or 2018. The government amended the Act on Foreign Nationals to allow potential victims who received residence permits on the basis of trafficking to obtain work permits for the duration of their residence permits.

## PREVENTION

The government maintained prevention efforts. For the second consecutive year, the government lacked a NAP but adopted a new plan on the last day of the reporting period in 2019. MOJ led the national steering group, which met sporadically during the reporting period, to coordinate interagency anti-trafficking efforts. The Ministry of Social Affairs appointed a working group to combat social dumping on the domestic labor market, and the group submitted a report to the government with recommendations on assistance and protection for labor trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts. The government did not host any awareness raising events during the reporting period.

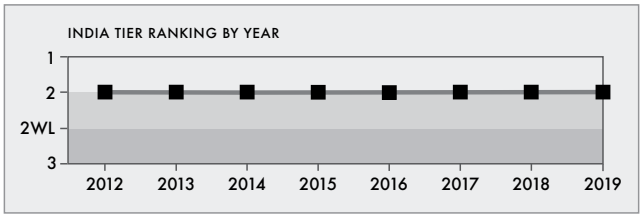
## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iceland, and, to a lesser extent, traffickers exploit victims from Iceland abroad. Traffickers subject women from Africa, Asia, Eastern Europe, the Baltics, and South America to sex trafficking, often in nightclubs and bars. Traffickers subject men and women from the Baltics, Eastern Europe, and Asia to forced labor in the construction, tourism, and restaurant industries. Observers report a growing number of Albanian boys and Roma individuals vulnerable to forced begging. Foreign "posted workers" are at particular risk of forced labor as the traffickers pay them in their home countries and contract them to work for up to 183 days in Iceland to avoid taxes and union fees, limiting tax authorities' and union officials' ability to monitor their work conditions and pay. Traffickers reportedly exploit the visa-free regime in the Schengen Zone and the European Economic Area to bring victims to Iceland for up to three months and move them out of the country before they must register with local authorities.

# **INDIA:** TIER 2

The Government of India does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore India remained on Tier 2. These efforts included convicting traffickers, initiating a high-profile investigation into one case that allegedly involved officials complicit in sex

trafficking at a government-funded shelter, and continuing to raise awareness of trafficking. The Supreme Court oversaw a key shelter abuse case and encouraged all states to review their shelter homes given concerns regarding the overall level of oversight. The lower house of Parliament passed the Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill that was aimed at strengthening investigations and coordination of victim services, but it was not taken up by the upper chamber during the reporting period. However, the government did not meet the minimum standards in several key areas. The government took some action following reports of government complicity in forced labor and sex trafficking, although the systemic failure to address forced labor and sex trafficking in government-run and government-funded shelter homes remained a serious problem. The government did not report information on investigations, prosecutions, and convictions of traffickers, or on trafficking victims identified and referred to care. NGOs reported government law enforcement and victim identification efforts were limited compared to the scale of the problem. Authorities sometimes penalized victims for unlawful acts their traffickers compelled them to commit. The government's efforts to address bonded labor remained insufficient compared to the scale of the problem, and in the majority of reported cases officials did not follow the law requiring provision of release certificates and compensation to bonded laborers removed from exploitation, which prevented victims from accessing government services and in some cases led to their re-victimization.




## PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of all forms of trafficking, including bonded labor. • Vigorously investigate allegations of official complicity in human trafficking and sentence perpetrators to significant prison terms. • Develop and immediately implement regular monitoring mechanisms of government-run and government-funded shelters to ensure appropriate quality of care, and promptly disburse funding to shelters that meet official standards for care. • Improve central and state government implementation of protection programs and compensation schemes for trafficking victims to ensure they receive benefits, release certificates, and compensation in a timely manner. • Establish Anti-Human Trafficking Units (AHTUs) in all districts with clear mandates, dedicated funding, and specially trained staff. • Increase efforts to proactively identify victims by dissemination and implementation of standard operating procedures (SOPs) for victim identification and referral, and train officials on their use. • Cease inappropriate penalization of trafficking victims. • Amend the definition of trafficking in Section 370 of the Penal Code to include forced labor trafficking and ensure that force, fraud, or coercion are not required to prove a child sex trafficking offense. • Cease forcible detention of adult trafficking victims in government-run and government-funded shelters. • Eliminate all recruitment fees charged to workers. • Increase oversight of, and protections for, workers in the informal sector, including home-based workers. • Lift current bans on female migration through agreements with destination countries that protect Indian workers from human trafficking. • Develop a national action plan to combat trafficking. • Provide rehabilitation services for child soldiers associated with non-state armed groups. • Provide anti-trafficking training for diplomatic personnel.

## PROSECUTION

The government did not report law enforcement data during the reporting period, rendering it impossible to compare efforts with the previous year. Indian law criminalized sex trafficking and some forms of labor trafficking. Section 370 of the Indian Penal Code (IPC) criminalized trafficking offenses that involved exploitation that included any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, and servitude. The law did not explicitly address labor trafficking. The recruitment of children younger than age 18 by non-state armed groups was not criminally prohibited. Section 370 prescribed penalties ranging from seven to 10 years' imprisonment and a fine for offenses involving an adult victim, and 10 years to life imprisonment and a fine for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Inconsistent with international law, Section 370 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, Sections 372 and 373 of the IPC criminalized the exploitation of children through prostitution without requiring a demonstration of such means, thereby addressing this gap. These sections prescribed penalties of up to 10 years' imprisonment and a fine, which were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as kidnapping. Section 370 criminalized government officials' involvement in human trafficking and prescribed penalties up to life imprisonment and a fine. Bonded labor was specifically criminalized in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which prescribed sufficiently stringent penalties of up to five years' imprisonment. The Bonded Labor System (Abolition) Act (BLSA) prescribed penalties of up to three years' imprisonment, which were not sufficiently stringent. The Juvenile Justice Act and other sections of the IPC criminalized many forms of forced labor; however, these provisions were unevenly enforced, and some of their prescribed penalties were not sufficiently stringent, allowing for only fines or short prison sentences. The government frequently used the Immoral Traffic Prevention Act (ITPA) and various provisions of the IPC to prosecute sex trafficking, which prescribed penalties that were sufficiently stringent and commensurate with other serious crimes, such as kidnapping. In July 2018, the lower house of Parliament passed the Trafficking in Persons (Prevention, Protection, and Rehabilitation) Bill. Some NGOs noted that the draft Trafficking in Persons Bill demonstrated that the government understood the trafficking problem, was aware of the gaps in the existing response to trafficking, and was willing to address them in a coordinated way. The bill lapsed while pending in the upper house of Parliament and did not pass during the reporting period.

The government did not report anti-trafficking law enforcement data during the reporting period. The National Crimes Record Bureau (NCRB) did not issue the 2017 Crime in India Report due to a change in methodology that was intended to increase the amount of data collected, including on trafficking cases. Media reported the government initiated 11 trafficking investigations involving at least 52 suspected traffickers (nine cases of sex trafficking, one of forced labor, and one case where

the type of alleged trafficking was unknown), concluded six investigations and prosecutions from previous years, and convicted 19 traffickers. Sentences for convicted traffickers ranged from probation to life imprisonment. Five of the six completed cases involved sex trafficking and resulted in the conviction of 16 traffickers and the acquittal of one suspect; the sixth case, for bonded labor, resulted in conviction of three traffickers. The Delhi Commission for Women reported that 15 prosecutions were pending trial at the end of 2018; it was unclear if there was overlap between these cases and trafficking cases reported by media. During the previous reporting period, the government released the 2016 Crime in India Report, which reported investigation of 5,217 trafficking cases, completion of prosecution in 587 cases, conviction of traffickers in 163 cases, and acquittal of individuals in 424 cases. It separately reported 114 investigations, 13 case prosecutions, and three convictions for bonded labor under the BLSA. The acquittal rate for trafficking cases was 72 percent in 2016. Media reported that the police filed First Information Reports (FIRs) in additional trafficking cases during the reporting period, although it was unclear if they were actively investigating these cases. NGOs continued to comment that available law enforcement data did not reflect the large scale of human trafficking in India, as police did not always file FIRs to officially register a complaint and settled many other cases at the complaint stage. Some authorities in West Bengal and Jharkhand allegedly ordered police to register trafficking cases as "missing persons" to reduce the number of trafficking cases in official statistics. NGOs also stated that law enforcement efforts, especially against bonded labor, remained low compared to the scale of the problem, and some police dissuaded labor trafficking victims from pursuing charges against their employers. NGOs noted several states showed some political will to address bonded labor abuses with improved awareness of the issue.

NGOs reported the Ministry of Home Affairs (MHA) established a new Women Safety Division and conducted police trainings and judicial collegiums related to trafficking. AHTUs served as the primary investigative force for human trafficking crimes. The government did not report how many AHTUs operated during the reporting period, compared to 264 AHTUs in the previous reporting period. However, some AHTUs lacked clear mandates, were not solely dedicated to trafficking, and sometimes received requests for assistance after a delay of several months, which limited the effectiveness of investigations. In a few cases, police reportedly released alleged sex traffickers immediately on bail and prioritized investigation of other crimes. An NGO reported some district magistrates mediated cases of bonded labor to secure back wages for bonded laborers in lieu of referring suspects for criminal prosecution. Court backlogs, inadequate preparation, lack of funding, and a lack of prioritization of trafficking delayed cases, increased the length of trials, and sometimes resulted in acquittals. Some police training centers included anti-trafficking training in their regular curriculum. State and local governments partnered with NGOs and international organizations to train police, prosecutors, and judicial officers on human trafficking.

A lack of full accountability for misconduct and corruption continued at various levels of government, contributing to widespread impunity. NGOs reported that in a number of instances police refused to register FIRs for cases in which officials were the alleged perpetrators. Unofficial village caste councils were reported to pressure lower caste female sex trafficking victims not to pursue criminal cases. In the past, some law enforcement officers reportedly received bribes from sex trafficking establishments and sexual services from victims in exchange for alerting the traffickers of forthcoming raids, and there was no indication this practice had ceased. Police initiated one investigation into a sex trafficking ring that allegedly involved an official, and the investigation was ongoing at the close of the reporting period. Some Indian immigration officials in New Delhi and Mumbai reportedly accepted bribes to allow traffickers to transport Nepali women to the Gulf or Malaysia without proper documentation, where some women were victims of forced labor. During the reporting period, several junior police officers in Kerala alleged forced labor by senior officers. The Chief Minister vowed to end the practice, and authorities temporarily transferred one official but did not file formal charges or take action against the other accused.

While serious challenges in oversight of government-run and government funded-shelters continued during the year, some of these cases drew the Supreme Court's attention to the issue, and NGOs reported some subsequent positive actions by some state governments. Lack of investigations into suspected trafficking crimes and broader physical and sexual abuse of trafficking victims at government-run and government-funded shelters due to widespread negligence created an atmosphere of impunity for shelter employees and government officials to engage in trafficking. Victims alleged in a few cases government officials facilitated trafficking and, in three cases were clients of shelter residents exploited in sex trafficking. In one government-funded shelter for victims of child labor and abandonment, at least five girls died after sex trafficking, and traffickers buried them on the shelter's premises; victims alleged both government and NGO officials facilitated the sex trafficking and were among the clients of the victims at that shelter. A report commissioned by the Bihar state government noted abuse "varying in forms and degrees of intensity" was reported to be prevalent in almost all 110 government-funded women and child care institutions surveyed, and the report noted "grave concerns" in 17 institutions that required immediate attention. NGOs commended the Bihar government for undertaking the study and allowing the investigator full authority and independence to report on all institutions in the state. The Bihar state government initially investigated some of the allegations, but the Supreme Court called the government's overall inaction on the cases "very shameful" and noted the state had been "very soft" and "very selective" in investigating alleged perpetrators. However, the Bihar state government did arrest the husband of a local political leader implicated in one of the shelter cases and took over the operations of all shelters in the state. In November, due to the pace of investigations into the other cases, the Supreme Court ordered the Central Bureau of Investigation (CBI) to take over investigation of the additional 16 shelters in Bihar with the "gravest concerns" of abuse, in addition to the shelter it had already begun investigating. As of January 2019, the CBI had initiated investigations into nine of the 17 homes, and the Supreme Court was monitoring the cases. Media and NGOs reported other cases of abuse, including trafficking, in other government-run, government-funded, and private shelters across in four other states.

In at least two cases allegedly involving sex trafficking in government-funded shelters, lawyers and media reported government officials impeded the investigation. In Deoria, despite 20 letters from the district government to cease sending vulnerable women and children to a shelter operating without proper registration, three police superintendents sent at least 405 girls to the shelter over two years, where shelter employees exploited many in sex trafficking. Furthermore, a home department official reportedly tried to investigate the shelter but received an order from a superior not to do so. In response,

the state government requested a report from all shelter homes in the state, initiated investigations, and arrested the owner of the shelter. In a separate case in Agra, October 2018, a judge convicted the government-run shelter warden with a sentence of life imprisonment for selling shelter residents into sex trafficking, some of whom police had initially removed from sex trafficking and sent to the shelter for rehabilitation. The initial police lead on the investigation, however, had alleged the involvement of multiple traffickers, but authorities transferred him before he named additional suspects. A senior government official claimed the warden had avoided investigation for 10 years due to political connections. After the issuance of the Bihar report and Deoria case, the Supreme Court encouraged the National Commission for Women and state-level institutions to audit the status of shelter homes across India, and Uttar Pradesh issued interim guidelines for the management of shelter homes and ordered the inspection of all homes in the state. The Delhi government also initiated a review of all of its shelter homes during the year. The government did not report the outcomes of any of these inspections, or if any other states undertook such inspections.

## PROTECTION

The government decreased victim identification and protection efforts. The government did not report comprehensive data on victim identification efforts during the reporting period. Media indicated the government and NGOs, at times in partnership, identified at least 1,172 trafficking victims during the reporting period, including men, women, and children exploited in forced labor and sex trafficking. The Railway Protection Force intercepted 244 children from dangerous situations, including potential trafficking. Between January and November 2018, the Andhra Pradesh and Telangana police identified 858 trafficking victims; it was unclear how much overlap existed between this data and cases reported by media. Through the 2016 Crime in India Report, the government reported identifying 22,955 victims the previous reporting period. A 2009 MHA non-binding directive advised state officials to use SOPs for proactive victim identification and referral to services. Not all 29 states employed SOPs, although at least one state worked with civil society to establish SOPs for its child welfare committees. In December 2017, the National Human Rights Commission created and published SOPs for combating human trafficking. According to the commission, awareness and implementation of the SOPs were more common in urban centers due to closer supervision by senior police officials. NGOs noted some police relied on NGOs to report victims to the police for action. In some cases, poor inter-state coordination impeded victims' ability to obtain services and participate in civil and criminal cases upon return to their home states. The Odisha Labor Department took steps to improve inter-state coordination on labor trafficking cases by establishing help desks, located in the capital cities of Telangana and Andhra Pradesh, as well as Delhi, to identify trafficking victims from Odisha. The Ministry of Women and Child Development (MWCD) continued to support some broad national child protection mechanisms, including a hotline for children in need of assistance, a system to identify missing children, and rescue operations for missing children. The NCRB drafted a memorandum of understanding with the U.S. National Center for Missing and Exploited Children to share data on missing and exploited children, which received Cabinet approval on February 28.

The government did not report how many trafficking victims it assisted or referred to care during the reporting period. The government could refer adult female and child trafficking victims to government-run shelters, government-funded shelters run by NGOs or private organizations, or privately-run shelters. NGOs continued to report that the number of government-run and government-funded shelters was insufficient, and overcrowding compromised victim rehabilitation. Both government- and NGO-run shelters faced serious shortages of financial resources and trained personnel, particularly counselors and medical staff. No shelters were available for adult male trafficking victims. Government child welfare committees generally returned child trafficking victims to their parents or placed them in privately-run shelters, government-run juvenile justice homes (some of which may have housed child victims with children accused of crimes), or government-run women and children's homes, some of which allowed routine abuse as noted above. Children largely received the same services as adults. MWCD continued to fund NGO- and government-run shelter and rehabilitation services for women and children through the Ujjawala program for female sex trafficking victims (operating 148 shelters as of July 2018) and the Swadhar Greh program for women in difficult circumstances (operating 518 shelters as of July 2018). The central government did not report its budgets for the Ujjawala and Swadhar Greh programs in 2018-2019, but initial estimates signaled a potential decrease for the Ujjawala program and a larger decrease for the Swadhar Greh program. MWCD ran One-Stop Centers for female victims of crime that female sex trafficking victims could access. It did not report if these centers assisted any trafficking victims during the reporting period, and some NGOs reported the centers were ineffective and difficult to access. In some cases, trafficking victims were detained in shelter homes, including in the homes described above that allowed routine physical and sexual abuse. During the reporting period, the Ministry of Railway issued a circular to stationmasters nationwide allowing the use of station funds to cover child protection expenses for vulnerable children such as trafficking victims. NGOs relied primarily on donor contributions, although some received government funds. The disbursal of government funding to NGOs was sometimes delayed for multiple years.

During the reporting period, media, NGOs, and authorities documented a persistent lack of oversight and negligence in government-run, government-funded, and privately-run shelters that sometimes resulted in abuse and trafficking of residents. The National Commission for the Protection of Child Rights estimated 1,300 of India's approximately 9,000 shelters for vulnerable people were not registered with the government and operated with little or no oversight. In several cases, government-funded shelter homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Police documented at least 156 residents—including sex trafficking victims—missing from six shelters as of March 2019; at least one shelter owner had reportedly sold some of the women and girls for prostitution. In another case, 30 girl residents of a shelter were reportedly exploited in sex trafficking. Due to unsafe conditions and forcible detention in government-run and -funded shelters, some sex trafficking victims—including children—ran away, and at least one attempted suicide in the shelter during the reporting period. In one case, the Bihar's Child Rights commission visited a government-funded shelter home in November 2017 and requested officials remove children from the home due to the unacceptable conditions. The district magistrate ordered the home to initiate shut down procedures in December 2017, but it operated until June 2018, when authorities uncovered shelter employees had exploited approximately 30 girl residents in sex trafficking. In September 2018, the Bihar state government announced

that it would assume management of all government-funded and NGO-run shelters by December 2018 and cancelled the licenses of at least 50 NGOs that had been operating shelters in the state. The central government committed to audit all shelter homes for children, which also cared for trafficking victims, and the Supreme Court ordered all states to complete their respective audits by September 2018; as of September 2018, however, authorities had only surveyed approximately one-third of shelters. In September 2018, the Supreme Court ordered the MWCD to formulate a child protection policy to prevent abuse in government-run and -funded shelter homes. MWCD began drafting the policy, in consultation with NGOs and activists. The Supreme Court further implored MWCD to present an update on incidents of child sexual abuse in all shelter homes; MWCD did not produce the report by the close of the reporting period. NGOs noted concern for children transferred from NGO shelters to government shelters, as the scale of abuse and concerns regarding limited oversight were reportedly similar in both institutions.

While the government had a program to compensate and provide services to former bonded laborers, it failed to fully implement the program, and overall efforts were insufficient to the scale of the problem. The central government had a program through which bonded labor victims could obtain assistance and compensation upon conviction of their trafficker to obtain full benefits, although delays in implementation led to many victims returning to bonded labor. In 2016, the government amended the program to include female sex trafficking and child forced labor victims as recipients and to authorize local district authorities to provide immediate monetary assistance up to 20,000 Indian rupee (INR) ($287) to a victim released from bonded labor without a release certificate, regardless of the status of the related court case. The release of the overall compensation amounts (between 100,000 INR [$1,430] and 300,000 INR [$4,300] based on the victim's demographics) remained contingent on issuance of a release certificate and the conviction of the trafficker or administrative processes that could take several years to conclude. Implementation of this program, however, remained inadequate. Since 2016, the government has not reported providing full compensation to any former bonded laborers. Former bonded laborers were also entitled to "release certificates" enabling them to receive government-funded services. The disbursal of such certificates, however, varied greatly between states; some victims received certificates at or soon after their rescue, especially in areas with significant coordination between the government and NGOs. Other victims experienced lengthy delays before obtaining certificates. NGOs reported some officials in Uttar Pradesh treated bonded labor cases as labor exploitation, which meant victims were not identified as bonded labor victims, did not receive "release certificates," and were not eligible for government compensation or services. One NGO reported that among the 537 victims it successfully removed from bonded labor during the reporting period, the government only provided release certificates to 29, therefore preventing the remaining 508 from obtaining full compensation and services. The Telangana state government, in collaboration with Odisha government officials and NGOs, opened eight Odia language schools that educated approximately 870 former victims of child labor and children of migrant workers. District governments provided stipends for volunteer teachers, meals, and some materials.

Judges could order compensation for victims of all forms of trafficking through other government programs and did so on an ad hoc basis. Prosecutors used protective courtroom procedures for some trafficking victims during the reporting period, including the creation of child friendly courts in Telangana and West Bengal. Video conferencing was used by Hyderabad and Mumbai's anti-trafficking court in at least one case to allow testimony from victims who had returned to Bangladesh. Many victims were reluctant to participate in trials against their traffickers due to inadequate witness protection and the lengthy judicial process. Female victims of sex trafficking faced systemic barriers in pursuing justice, including victim blaming by law enforcement, challenges to successfully filing FIRs, and poor access to services. Police and court officers did not always follow the victim protection measures enshrined in law. Moreover, NGOs reported that judges closed many cases because the government did not provide adequate financial assistance to enable victims to participate in trials. Foreign victims had the same access to shelter and services as Indian nationals. Government policy on foreign victims dictated their return to their country of origin at the earliest possible time. Authorities detained foreign sex trafficking victims in government-run or government-funded shelters until deportation. At times, both repatriation of foreign victims seeking to return home and deportation of victims could take years due to a number of constraints. The government provided some funding to NGOs to repatriate child trafficking victims but did not offer any financial assistance for repatriation of adult trafficking victims. During the reporting period, the government secured the release and assisted with repatriation of Indian forced labor victims from Saudi Arabia and Iraq.

Some law enforcement continued to penalize trafficking victims for unlawful acts their traffickers compelled them to commit, including prostitution and immigration violations. The government required Indians who received a visa from a foreign government indicating the person was a trafficking victim in the foreign country or was a family member of a victim to provide documentation of the trafficking experience in order to renew their passports. In 2016 and 2017, the government stamped the passports of some recipients of the foreign government's visas, for both trafficking victims and their eligible family members, identifying them as trafficking victims involved in a particular investigation or civil or criminal case. While the stamp requested authorities permit the visa holder to travel without hindrance, some NGOs familiar with this practice noted it made some victims fearful of reprisal and penalization and served as a deterrent to victims interacting with authorities. Some victims previously cited lengthy delays, requests from the government for private or otherwise sensitive information, and inconsistent application of the policy when attempting to renew their passports.

## PREVENTION

The government maintained modest efforts to prevent human trafficking at the state level. The government's inter-ministerial committee, chaired by MWCD, did not report meeting during the reporting period; it had met in the previous reporting period. The government did not have a national action plan to combat trafficking. The Ministry of Railways had 84 child help desks at stations to provide immediate support to unaccompanied children who might have been vulnerable to trafficking—an increase from 62 desks the previous year. In some states, police and NGOs noted government agencies largely lacked anti-trafficking preventative measures. Some state governments conducted anti-trafficking awareness campaigns. West Bengal expanded its Swayangsiddha Initiative to all 23 districts, reaching 200,000 students in 500 schools to share information on human trafficking and child rights. The government registered foreign recruitment agencies and Indian migrant workers through the

eMigrate system. The government required migrant workers going to 16 specific countries, including many in the Middle East, to receive emigration clearance before departure; it did not allow emigration to Iraq. The Ministry of External Affairs (MEA) drafted an emigration bill that required all Indian nationals seeking education or employment overseas to register with the government, provided for enhanced pre-departure trainings and migrant resource centers, and prescribed more stringent penalties for recruitment agency violations; the bill was pending submission to Parliament at the close of the reporting period. The government maintained its ban on females younger than age 30 from working in 17 countries. The UN and members of civil society argued any ban on migration increased the likelihood of illegal migration and therefore heightened vulnerability to human traffickers. MEA operated five centers nationwide and a 24/7 helpline to provide counseling and other resources to those considering migrant work. MEA's Indian Community Welfare Fund (ICWF), accessible to all Indian missions abroad and funded primarily via overseas consular fees, offered shelter, legal assistance, and repatriation for migrant workers in distress, as well as awareness measures and hotlines. MEA did not report data on utilization of this fund during the reporting period. The government permitted licensed foreign employment recruiters to charge migrant workers up to 20,000 INR ($287) for recruitment fees and costs; however, observers stated employers frequently charged migrant workers more than the maximum, thereby increasing debt and vulnerability to labor trafficking. Unregistered sub-agents operated widely without oversight. MEA received 231 complaints from January to June 2018 against recruitment agencies and agents and referred the cases to state governments for investigation.

Some states regulated some aspects of work in the informal sector, including domestic work. The central government could provide reimbursement of 450,000 INR ($6,450) to any district that conducted a census of bonded labor, but no district reported utilizing this incentive during the year. Despite India being a destination for child sex tourism, the government did not report measures to reduce child sex tourism. The government made efforts to reduce the demand for commercial sex. The government did not provide information about any training provided to its troops prior to their deployment as peacekeepers or to its diplomatic personnel. During the reporting period, a domestic worker filed a civil lawsuit in a federal court in New York seeking damages from a former Indian consular officer previously posted at the New York consulate, whom the domestic worker alleged subjected her to forced labor in 2013-2014.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in India, and traffickers exploit victims from India abroad. Forced labor, including bonded labor, constitutes India's largest trafficking problem; men, women, and children in debt bondage—sometimes inherited from previous generations—are forced to work in agriculture, brick kilns, rice mills, embroidery factories, and stone quarries. Most of India's trafficking problem is internal, with traffickers targeting those from the most disadvantaged social strata. Experts estimate there are more than eight million bonded laborers in the country. In addition to bonded labor, traffickers exploit children in forced labor agriculture; construction; domestic service; garment, steel, and textile industries, including tanneries and *zari* factories; begging; biscuit factories; carpet making; floriculture; fish and ginger farms; glass manufacturing; pickling; ship breaking; and wire manufacturing for underground cables. Forced begging ringleaders sometimes maim children to earn more money. Traffickers have coerced poor parents to give up their children and forced the children to work and in one case steal in large cities. Multiple organizations note physical violence against trafficking victims—in both forced labor and sex trafficking—is particularly prevalent in India. Unregulated work placement agencies reportedly use false promises of employment to lure adults and children into sex trafficking or forced labor. Some traffickers force women and girls to conceive and deliver babies for sale. In some cases, the "Provident Funds" or "Sumangali" scheme in which employers pay young women a lump sum for education or a dowry at the end of multi-year labor contracts, often in Tamil Nadu's spinning mill industry, may amount to bonded labor, and some employers subject these women to sex trafficking. Maoist groups, particularly in Chhattisgarh and Jharkhand, allegedly continued to recruit children, and three incidents of child recruitment by separatist groups were reported in the state of Jammu and Kashmir. NGO observers reported children as young as age 12 were members of Maoist youth groups and allied militia. The children reportedly handled weapons and improvised explosive devices (IEDs). Maoists reportedly held children against their will and threatened severe reprisals, including the killing of family members, if the children attempted to escape. Maoist groups sometimes used children as human shields in confrontations with security forces. Several women formerly associated with Maoist groups reported that sexual violence, including rape and other forms of abuse, was a practice in some Maoist camps. Some female child soldiers reported commanders recruited and used them in part for sexual exploitation, including practices indicative of sexual slavery. Some parents in Jharkhand send their children to Bihar and Gujarat to avoid abduction and recruitment by armed groups; the children often work on farms and in brick kilns, sectors that render them vulnerable to forced labor. Unverified reports allege national security forces also use children as informants and spies.

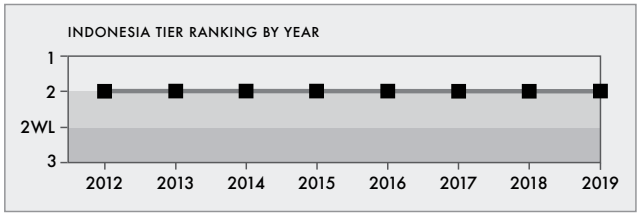
Experts estimate millions of people are sex trafficking victims within India. Traffickers exploit women and children in sex trafficking in religious pilgrimage centers and in tourist destinations. Traffickers subject women and girls—predominately from Nepal and Bangladesh and, to a lesser extent, from Europe, Africa, and Asia—to sex trafficking in India. Traffickers exploit Indian and Nepali women and girls in India as "orchestra dancers," where girls work for dance groups hired to perform at public functions but are subsequently subjected to sex trafficking. Traffickers use online technology to facilitate sex trafficking and fraudulent recruitment. Some traffickers kidnap children from public places, entice girls with drugs, and force girls as young as five years old in sex trafficking to take hormone injections to appear older. Some corrupt law enforcement officers protect suspected traffickers and brothel owners from law enforcement efforts and take bribes from sex trafficking establishments and sexual services from victims. Some traffickers have bribed police to release child sex trafficking victims back into traffickers' custody. In addition to traditional red light districts, dance bars, spas, and massage parlors, traffickers increasingly exploit women and children in sex trafficking in small hotels, vehicles, huts, and private residences. India is a source for child sex tourists and a destination for child sex tourism. Traffickers arrange sham marriages within India and Gulf states to subject females to sex trafficking. Media, NGOs, and government authorities documented physical and sexual abuse of trafficking victims in government-run, government-funded, and privately-run shelters, as well as cases of shelters forcing vulnerable male, female, and child residents into forced labor and sex trafficking.

Victims alleged government officials' involvement in some of the cases, including facilitating trafficking and—in at least three cases—as clients of victims in sex trafficking.

Traffickers exploit some Indian migrants who willingly seek employment abroad in construction, domestic work, and other low-skilled sectors to forced labor in the Middle East and other regions, often following recruitment fraud and exorbitant recruitment fees. News articles reported Indian males in labor trafficking in Malaysia, Armenia, and Portugal during the reporting period. Girls from northeast India are vulnerable to trafficking as they transit Burma to circumvent the Indian government's emigration clearances. During the reporting period, new reports emerged of Zambian traffickers bringing Indian children to Zambia through illegal adoption for domestic servitude. Traffickers subject some Indian, Nepali, Bangladeshi, and Afghan women and girls to labor and sex trafficking in major Indian cities, and exploit Rohingya, Sri Lankan Tamil, and other refugee populations in sex and labor trafficking. Some traffickers bribe Indian immigration officials in New Delhi and Mumbai to allow them to transport Nepali females to the Gulf or Malaysia without proper documentation for forced labor. Traffickers subject some boys from Bihar and Uttar Pradesh to forced labor in embroidery factories in Nepal. Employment agents recruit boys from Assam for construction work in Nepal, where workers are undocumented and vulnerable to forced labor.

## **INDONESIA:** TIER 2

The Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Indonesia remained on Tier 2. These efforts included establishing 13 law enforcement trafficking task forces and three local and district-level interagency task forces, and continuing to create and disseminate awareness materials. The government issued ministerial regulations mandating regional governments include anti-trafficking in their policy priorities and the comprehensive protection of Indonesian nationals overseas, including trafficking victims. The government also issued regulations to allow the government's victim and witness protection institute to add restitution to the perpetrator's penalties before or after conviction for human trafficking and other crimes and began formulating the implementing regulations of the 2017 Protection of Indonesian Migrant Workers law. However, the government did not meet the minimum standards in several key areas. Investigations, prosecutions, and convictions decreased. Official complicity in trafficking crimes remained a significant concern, and although the government reported ongoing investigations, it did not report any prosecutions or convictions of officials allegedly complicit in trafficking. The government partnered with an international organization to develop victim identification procedures but did not finalize them during the reporting period and the lack of such procedures hindered the identification of victims overall and male victims in particular. The government's rehabilitation services were insufficient. During the reporting period, five provincial trauma shelters closed due to lack of funds. The government's budget allocation to the coordinating office of the national task force decreased for the third year. The 2007 anti-trafficking law was inconsistent with international law by requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime.




### PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers under the 2007 law, including complicit officials that willfully ignore, facilitate, or engage in trafficking crimes. • Create legal clarity by amending the 2007 law to remove the required demonstration of force, fraud, or coercion to constitute child sex trafficking. • Develop, finalize, disseminate, and train all relevant officials, including law enforcement, foreign affairs, marine, and labor ministry staff, on comprehensive standard operating procedures (SOPs) for proactive victim identification. • Complete implementing rules to enforce the 2017 law on migrant worker protection, including on the provision prohibiting worker-paid recruitment fees. • Increase resources for and proactively offer victims, including male victims, rehabilitation services. • Allow victims in government shelters freedom of movement. • Continue to increase efforts to effectively monitor labor recruitment agencies and take action against entities guilty of illegal conduct against migrant workers that contribute to forced labor including charging placement fees, deceptive recruitment practices, contract switching, and document forgery. • Institutionalize and regularly provide anti-trafficking training for judges, prosecutors, police, and social workers. • Increase resources for the anti-trafficking task force and improve its coordination across ministries. • Establish a data collection system to track anti-trafficking efforts at all levels of law enforcement. • Lift current bans on migration to encourage migration through documented channels. • Train hospital staff and other health care providers about provisions guaranteeing government-funded care for trafficking victims. • Create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.

### PROSECUTION

The government decreased law enforcement efforts. The 2007 anti-trafficking law criminalized all forms of labor trafficking and sex trafficking of adults and prescribed penalties of three to 15 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2007 law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. While the Ministry of Home Affairs issued a ministerial regulation in April 2018 that mandated regional governments include anti-trafficking in their policy priorities, the central government did not have a mechanism to enforce this mandate and did not influence all provincial governments to consistently allocate anti-trafficking funding or to implement national policies. Consequently, government agency coordination and data collection remained a challenge and some provincial police reported their budget did not allow for cross-province or cross-border investigations. Officials also reported ineffective coordination hindered the government's ability to investigate, prosecute, and convict traffickers, especially

when cases involved multiple jurisdictions. Provincial police established 13 law enforcement trafficking task forces but did not report the results of the task forces. The national police anti-trafficking unit did not have a mechanism to track investigations at all levels of government, making it difficult to determine trends and the total number of investigations and resolved cases. In 2018 at the national level, police reported 95 case investigations, a decrease compared with 123 cases in 2017. The Supreme Court's comprehensive recordkeeping mechanism for national court data reported 316 prosecutions and 279 convictions in 2018, a decrease compared with 407 prosecutions and 331 convictions in 2017. The government did not report comprehensive sentencing data.

Official complicity remained a significant concern. Corrupt officials reportedly continued to facilitate the issuance of false documents, accept bribes to allow brokers to transport undocumented migrants across borders, protect venues where sex trafficking occurred, and practice weak oversight of recruitment agencies. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases, including trafficking cases. Legal aid organizations reported cases often moved very slowly unless a bribe was paid and, in some cases, prosecutors demanded payments from defendants to ensure a less zealous prosecution or to drop charges. In one case in Batam district court, NGOs alleged potential collusion between the court and the main trafficker who received a lesser sentence compared to the other defendants convicted of trafficking in the same case. Civil society members alleged some police refused to arrest traffickers who were connected to influential members of society. In August 2018, after an NGO reported such inaction, media reported a high-ranking police officer in Riau was arrested by another police unit. In January 2019, police in East Nusa Tenggara (NTT) named a former NTT legislator as a suspect in a case involving the recruitment of a woman transported to Jakarta and forced to work for three different employers without pay. A former Indonesian administrative employee of the Indonesian Embassy in the United States was indicted in 2017 by a federal court in Maryland for alien harboring for private financial gain. The employee allegedly physically threatened and abused an Indonesian domestic worker from 2005 to 2012, withheld her identity documents, forced her to work seven days a week, and did not pay full wages. The government did not report taking any action to hold the employee accountable. Although the government reported ongoing investigations, it did not report any prosecutions or convictions of officials allegedly complicit in trafficking.

Although some officials received trafficking training from the government, international organizations, and foreign governments, the Indonesian government did not provide institutionalized trafficking training. Government officials and a legal aid organization noted officials' limited understanding hampered prosecutions under Indonesia's trafficking laws; instead, authorities often prosecuted suspected traffickers under the Law on Migrant Workers Protection, which mandated less severe penalties. The Supreme Court included trafficking in its annual curriculum for judges; however, it only accommodated 20 to 30 judges per year. During 2018, the government's anti-trafficking task force held two trainings in November on how to handle cases, one for 90 police in Central Java and the other for an unknown number of police, prosecutors, judges, and staff from centers for women and children from 10 provinces. The government continued to partner with international organizations and foreign governments to provide additional training. In 2018, the government partnered with an international organization on a multi-year project, funded by a foreign government, to create a national trafficking database.

## PROTECTION

The government maintained inadequate protection efforts. The government did not have SOPs for proactive victim identification and referral to rehabilitation services. While the Ministry of Foreign Affairs (MFA) utilized procedures for victim identification in its capacity to assist Indonesian citizens overseas, observers noted law enforcement did not use SOPs, especially at the municipality and district level. Observers expressed concern that the lack of SOPs and the government's anti-trafficking infrastructure, which was under the purview of local-level police units and protection agencies who focused primarily on women and children, hindered the identification of victims overall and male victims in particular. Additionally, the government's inadequate efforts to screen vulnerable groups for trafficking indicators, including during raids to arrest persons in prostitution or to combat illegal fishing, may have resulted in the punishment or deportation of unidentified trafficking victims. The government partnered with an international organization in 2018 to develop victim identification procedures but did not finalize the procedures during the reporting period. Officials did not collect comprehensive data on the number of victims it identified. Disparate government entities sometimes reported their own statistics, making aggregate data incomparable to data reported in earlier periods and possibly double counting victims as they came into contact with different government agencies.

The government primarily coordinated rehabilitation services for victims of abuse, including trafficking victims, through local integrated service centers for women and children (P2TP2A). There were P2TP2As in all 34 provinces and approximately 436 districts. Provincial or district governments managed and funded the centers. Services included short-term shelter, medical care, counseling, family liaison services, and some vocational skills training; however, in practice, services varied based on local leadership and funding. Women living in rural areas or districts where no such center was established had difficulty receiving support services, and some centers were only open for six hours a day and not the required 24 hours. NGOs continued to play a critical role in supplementing and filling gaps in government services—including for male victims who local governments had to refer to NGOs for shelter. The government's victim and witness protection institute acknowledged the government needed to raise public awareness about the services it provided. In August 2018, the institute launched a hotline and mobile application to provide information to all victims of crime on filing complaints and available government protection services.

Trafficking victims entered and exited government shelters upon the approval of a government agency; victims did not have freedom of movement once the government placed them in a shelter. The central government's Ministry of Social Affairs (MOSA) funded and staffed two trauma centers in Jakarta and the Riau Islands that provided short-term shelter for male and female victims of violence, including trafficking victims. The center in Riau Islands only served Indonesian citizens who were in some form of distress in Malaysia; in 2018, the center repatriated 2,755 Indonesians but did not report how many of those repatriated were trafficking victims. MOSA reported the Jakarta trauma center served 490 trafficking victims in 2018, but it did not report the type of trafficking or the age or gender of the victims. Comparatively, the government reported the two trauma centers served 1,291 trafficking victims in 2017. MOSA also funded and staffed a protection shelter for women who

had experienced sexual violence; in 2018, the women's shelter housed 37 trafficking victims. Provincial social affairs agencies funded and operated local trauma centers that were available to trafficking victims; however, in October 2018, MOSA held a training for provincial trauma center staff and discovered five centers had closed during the year due to lack of funds from the provincial or district governments. At the end of the reporting period, the government reported it had 21 trauma centers nationwide.

The government housed child victims of crimes in children's homes funded by MOSA, provincial or district governments, and some in partnership with local NGOs. The government reported it increased the number of children's homes from 14 to 18 in 2018 and housed 11 child victims of trafficking. The Commission for Protection of Children reported it identified 65 cases of trafficking involving children in 2018 and separately identified 93 cases of "child prostitution." NGOs and past government reports estimated the number of child sex trafficking victims to be in the tens of thousands.

In September 2018, the MFA issued a regulation on the protection of Indonesian nationals overseas, which included trafficking victims. The regulation outlined early detection through risk mapping and required an immediate response to a complaint or report of abuse. During 2018, the MFA reported it identified 164 Indonesian victims of trafficking overseas, a decrease compared with 340 in 2017 and 478 in 2016. The MFA reported it gathered information, provided assistance with procuring identity documents as needed, and referred 95 of the victims to social services agencies; the MFA did not report its actions regarding the additional 69 victims. The government housed foreign trafficking victims identified in Indonesia in MOSA's Jakarta trauma center or in one of 13 immigration detention centers that were holding facilities for illegal migrants and shelters for irregular migrants, refugees, and asylum seekers. The government allowed an international organization to provide counseling and legal services at some shelters. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Police requested victims stay in government shelters until the completion of the investigation but limited government budgets resulted in only an average two-week stay in the trauma centers. Women and children in the protection shelters reportedly stayed longer, although the government did not provide data on the average length of stay or where victims went once the government released them from the shelters. Police acknowledged government services were insufficient and stated the government needed NGOs to provide shelter. Once the government released a victim from its care, the government did not track the victim, including for purposes of gathering testimony for their traffickers' prosecution; the government relied on an international organization to remain in contact with the victims and follow-up and assist them, if necessary.

The government's recently established universal healthcare system covered some of the medical needs of Indonesian victims; however, the system required identity documents that many returning Indonesian migrant workers who had been exploited overseas did not possess. The Ministry of Health (MOH) was responsible for funding victims' health care, which national police hospitals were obligated to provide free of charge. The MOH trained hospital personnel to provide health services to victims of trafficking and violence in six provinces during 2018.

In the previous reporting period, the Supreme Court issued guidelines stipulating judges protect female victims during legal processes by considering psychological trauma and allowing video testimony. The government did not report if it consistently offered such protections during court proceedings for female trafficking victims. The government issued regulations to allow the government's victim and witness protection institute to add restitution to the perpetrator's penalties before or after conviction for human trafficking and other crimes. The protection institute, national police, and attorney general's office partnered with a foreign government to publish and disseminate a guide for law enforcement officials and victims on a victim's right to restitution. In 2018, the institute provided legal assistance to 70 trafficking victims, in 39 cases, compared with 64 victims in 2017, and 105 in 2016. Of the 39 cases, the institute facilitated victim restitution in 18 cases, 19 cases were still under investigation, and in two cases the victims decided not to pursue restitution for unknown reasons. As of December 2018, only the victims in one of the 18 cases had received restitution, as Indonesian law allowed convicted offenders to serve additional imprisonment in lieu of paying restitution.

## PREVENTION

The government increased efforts to prevent trafficking. The national task force, coordinated by the Ministry of Women Empowerment and Child Protection (MOWECP), maintained 32 provincial-level task forces; Papua and West Papua did not have task forces. The government increased the number of local and district-level task forces from 191 in the previous reporting period to 194; the integrated service centers for women and children or the local social affairs office chaired these task forces. The government's budget allocation to MOWECP's trafficking office decreased from 21.9 billion Indonesian rupiah (IDR) ($1.52 million) in 2017 to 20.1 billion IDR ($1.39 million) in 2018 and to 17.3 billion IDR ($1.2 million) in 2019. Observers continued to note insufficient funding and lack of coordination within and between the local task forces and the national task force at times impeded anti-trafficking efforts. MOWECP and the coordinating ministry of human development and cultural affairs conducted six meetings to discuss revisions to the national task force and recommended the government allocate anti-trafficking funds to each ministry, create a monitoring mechanism, and add the Ministry of Marine Affairs and Fisheries (MMAF) to the task force.

In the previous reporting period, the government passed the 2017 Protection of Indonesian Migrant Workers law that outlined procedures to regulate and monitor labor recruitment. The law mandated provincial governments—instead of private companies—oversee the provision of pre-departure vocational training and the placement of workers. Article 30 stated Indonesian migrant workers "cannot be borne with placement costs" and Article 72 prohibited recruiters or employers from passing on any placement costs to the worker that they had originally paid. However, the law did not define placement costs and the government stated the law required implementing rules in order to be fully executed. Relevant ministries met twice in 2018 to discuss and formulate the implementing regulations but did not expect to complete them until November 2019. Some observers stated the law remained weak in preventing exploitation. Prior to the 2017 law and still in practice due to the lack of implementing regulations, recruitment agencies charged migrant workers fees based on their chosen profession and destination. Observers reported the government had not been effective in ensuring migrant workers were not charged above the government-set recruitment fee and continued

to note the majority of migrant workers' first year of wages were often given to the recruiter or the employer to repay the cost of recruitment—debt that traffickers could use to coerce victims' labor.

While the new law stated the Ministry of Manpower (MOM) had the authority to terminate a recruitment agency's license if it violated any of the regulations, the law did not address the use of unlicensed sub-agents who regularly charge migrant workers a fee to connect them to a recruitment agency. In 2018, MOM temporarily suspended the licenses of 18 recruitment agencies for coercive or deceptive recruitment practices and contract signings, document forgery, underage recruitment, illegal fees, and other violations. MOM revoked the license of one agency for illegally sending migrant workers to Saudi Arabia, the same number of licenses it revoked in 2017. Separately, the police in West Java reported they arrested the director of a recruitment agency for allegedly forcing more than 80 migrant workers to agree to give the first six months of their salaries to the recruitment agency.

The government continued its ban on overseas placement to 21 Middle East and North African nations, despite noting the number of migrant workers circumventing the ban through the use of illegal recruiters was increasing. The UN, other international organizations, and NGOs continued to argue any ban on migration increased the likelihood workers would migrate illegally and therefore heightened their vulnerability to human trafficking. In November 2018, the government signed a memorandum of understanding (MOU) with Saudi Arabia on guidelines for the recruitment, placement, and protection of migrant workers in Saudi Arabia. Among other stipulations, the MOU reportedly stated migrant workers should not be charged placement fees. Article 31 of the 2017 protection of migrant workers law stipulated the government only allow a person to migrate to a destination country that had a law on foreign worker protection, a written agreement with the Indonesian government, and a social security system or insurance to protect migrant workers. MOM reported it began reviewing all MOUs it signed with other countries on migrant workers protections to ensure their compliance with the law.

The MMAF reportedly continued to implement its regulations on human rights certification in the fisheries business, including the requirement that Indonesian fishery businesses comply with international human rights standards in order to obtain a permit for fish capture. The MMAF also continued to implement a 2016 regulation on work agreements by taking steps to standardize work contracts for Indonesian fishermen to decrease the power a boat owner or captain has over the crew's working conditions. NGOs commented the government did not effectively implement the regulations. During the reporting year, the MFA negotiated with the governments of Mauritius, South Korea, and Taiwan to expand its pilot program to assist Indonesians working on foreign fishing vessels through dedicated centers to collect data and provide services to fishermen in distress; at the end of the reporting period, the new centers had not yet been implemented.

Several ministries and agencies operated hotlines on a range of issues, not limited to trafficking. The MFA operated a 24-hour hotline for Indonesians overseas and two mobile applications that included information on safe travel and protection services. In December 2018, MOM launched a mobile application for migrant workers that allowed them to get in touch with MOM, other migrant workers, and their families. The application also shared information about MOM's services. The National Agency for the Protection and Placement of International Migrant Workers (BNP2TKI) also operated two 24-hour hotlines, a fax number, and an email address that served as a complaint center for Indonesian migrant workers. In 2018, BNP2TKI's complaint system received 4,678 complaints from workers placed overseas, an increase from 4,475 complaints in 2017. Of the 4,678 complaints, BNP2TKI reported 36 were clearly trafficking cases, a decrease compared with 71 in 2017, and 1,852 cases were indicative of trafficking, a decrease compared with 2,430 cases in 2017. Although BNP2TKI reportedly referred these cases to police for investigations, the government did not report the results.

The government continued to increase training of trainers and general public awareness events on trafficking. The government published five prevention guidebooks for parents but did not report how many it disseminated. The government also created 20 awareness templates in the form of documentaries, leaflets, posters, banners, billboards, and radio and television talk show scripts that could be used in public information campaigns but did not report their use or how many members of the public they reached. NGO and government officials reported general awareness about trafficking had increased on the most populous island, Java, but traffickers were increasingly targeting provinces where awareness remained low. The government provided anti-trafficking training for military personnel prior to their deployment abroad on international peacekeeping missions, and there were no reports of Indonesian peacekeeping troops engaged in trafficking-related offenses. The MFA increased the number of junior diplomatic personnel it trained on trafficking from 33 in 2017 to 59 in 2018. The government closed some red light districts, but did not make efforts to reduce the demand for commercial sex acts.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Indonesia, and traffickers exploit victims from Indonesia abroad. Each of Indonesia's 34 provinces is a source and destination of trafficking. The government estimates two million of the six to eight million Indonesians working abroad—many of whom are women—are undocumented or have overstayed their visas, increasing their vulnerability to trafficking. Labor traffickers exploit a significant number of Indonesians through force and debt-based coercion in Asia and the Middle East, primarily in domestic work, factories, construction, and manufacturing, on Malaysian oil palm plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Singapore, Malaysia, Hong Kong, and the Middle East host a large number of Indonesian domestic workers who are unprotected under local labor laws and often experience indicators of trafficking including excessive working hours, lack of formal contracts, and unpaid wages. NGOs estimate unscrupulous labor recruitment agents and sub-agents are responsible for more than half of Indonesian female trafficking cases overseas. To migrate overseas, workers often assume debt that both Indonesian and overseas recruitment agents exploit to coerce migrants to work. Additionally, some companies withhold identity documents and use threats of violence to keep migrants in forced labor. Sex traffickers exploit Indonesian women and girls primarily in Malaysia, Taiwan, and the Middle East.

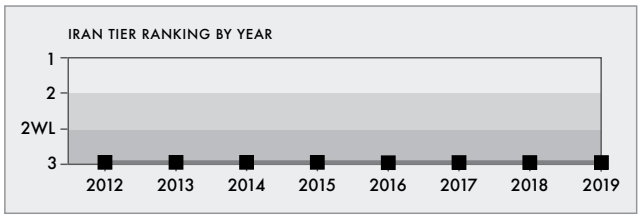
In Indonesia, labor traffickers exploit women, men, and children in fishing, fish processing, and construction; on plantations, including oil palm; and in mining and manufacturing. Traffickers exploit women and girls in domestic servitude. Sex

traffickers often use debt or offers of jobs in restaurants, factories, or domestic service, to coerce and deceive women and girls and instead exploit them in commercial sex across Indonesia but notably in Batam and Jakarta. Traffickers also exploit women and girls in sex trafficking near mining operations in Maluku, Papua, and Jami provinces. Traffickers increasingly use online and social media platforms to recruit victims. In 2017, an NGO estimated there were 70,000 to 80,000 child sex trafficking victims in Indonesia. Child sex tourism is prevalent in the Riau Islands bordering Singapore. Bali is a destination for Indonesians engaging in child sex tourism. Indonesians, including children, whose home or livelihood was destroyed by natural disasters are vulnerable to trafficking. Endemic corruption among government officials facilitates practices that contribute to trafficking vulnerabilities in the travel, hospitality, and labor recruitment industries.

Indonesian fishermen working on Taiwan, Thai, Malaysian, and Philippines-flagged fishing vessels operating in Indonesian, Thai, Sri Lankan, Mauritian, and Indian waters reported boat captains perpetrated pervasive abuse, forced labor, unpaid salaries, and, in some cases, murder. Dozens of recruitment agencies in Burma, Indonesia, and Thailand hire fishermen, assign them fake identity and labor permit documents, and force them to fish long hours in waters for low or unpaid salaries while incurring severe physical abuse. Boat captains and crews prohibit fishermen from leaving their vessels and reporting these abuses by threats of exposing their fake identities to the authorities or by detaining them on land in makeshift prisons. More than 7,000 Indonesian fishermen per year sign in and out of foreign vessels at the port in Cape Town, South Africa, reportedly facing dire working conditions, particularly on vessels owned by citizens of Taiwan, Korea, and Japan.

## **IRAN:** TIER 3

The Government of Iran does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Iran remained on Tier 3. Government officials continued to perpetrate or condone trafficking crimes with impunity both in Iran and overseas and failed to report law enforcement efforts to address the crime. The government continued to force or coerce children and adults to fight for Iranian-led militias operating in Syria, and it provided financial support to militias fighting in armed conflicts in the region that recruited and used child soldiers. In addition, the government failed to identify and protect trafficking victims among vulnerable populations and continued to treat trafficking victims as criminals, including child sex trafficking victims. Victims continued to face severe punishment, including death, for unlawful acts traffickers compelled them to commit, such as commercial sex acts and immigration violations.




### PRIORITIZED RECOMMENDATIONS:

While respecting due process, investigate, prosecute, and convict sex trafficking and forced labor perpetrators—particularly complicit government officials—and sentence convicted traffickers to significant prison terms. • Cease the forcible and otherwise illegal recruitment of adults and children for combat in Syria, and cease support for armed militias that recruit and use child soldiers in Iraq, Syria, and Yemen. • Cease punishment of trafficking victims for unlawful acts traffickers compelled them to commit, such as commercial sex acts and illegal immigration. • Institute nationwide procedures to proactively identify trafficking victims, particularly among vulnerable populations such as persons in prostitution, street children, and undocumented migrants. • Offer specialized protection services to victims of all forms of trafficking, including shelter and medical, psycho-social, and legal assistance. • Develop partnerships with civil society and international organizations to combat trafficking and to help provide essential protection services to victims. • Increase transparency of anti-trafficking policies and activities. • Become a party to the 2000 UN TIP Protocol.

### PROSECUTION

The government did not report anti-trafficking law enforcement efforts, and officials continued to perpetrate trafficking crimes with impunity, including sex trafficking of adults and children and the coerced recruitment and use of adults and children in armed conflict in the region. Iranian law did not criminalize all forms of trafficking. A 2004 law criminalized trafficking in persons by means of threat or use of force, coercion, abuse of power, or abuse of a victim's position of vulnerability for purposes of prostitution, slavery, or forced marriage. The prescribed penalty under this law is up to 10 years' imprisonment if the trafficking offense involved an adult victim and a penalty of 10 years' imprisonment if the offense involved a child victim. Both penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for kidnapping. The 2002 Law to Protect Children and Adolescents criminalized buying, selling, and exploiting children; the punishments for such crimes are six months to one year imprisonment and a fine, which were not sufficiently stringent nor commensurate with other serious crimes such as kidnapping. The labor code criminalized forced labor and debt bondage, but the prescribed penalty of a fine and up to one year imprisonment was not sufficiently stringent. Courts accorded legal testimony by women only half the weight accorded to the testimony by men, thereby restricting female trafficking victims' access to justice. Moreover, female victims of sexual abuse, including sex trafficking victims, faced prosecution for adultery, which is defined as sexual relations outside of marriage and is punishable by death.

The government continued to conflate human trafficking and human smuggling crimes, and efforts to address sex trafficking and forced labor crimes were either nonexistent or not widely publicized. The government did not report providing anti-trafficking training to its officials, and it did not report statistics on investigations, prosecutions, convictions, or sentences of traffickers. There was no evidence the government held complicit officials accountable for trafficking offenses, despite continued reports that officials were widely involved in trafficking crimes. The government condoned or directly facilitated the commercial sex of men, women, and children, including clear cases of sex trafficking, throughout Iran and in neighboring countries. Multiple reports alleged that Iran's Islamic Revolutionary Guard Corps (IRGC) and the Iranian Basij Resistance Force (Basij), a paramilitary force subordinate to the IRGC, continued to actively recruit and use—through force or coercive means—migrant and refugee children and adults, as well as Iranian children,

for combat in IRGC-led and commanded militias in Syria.

## PROTECTION

The government failed to identify and protect trafficking victims. Official involvement in trafficking crimes and the abuse of trafficking victims by the government continued. The government reportedly continued to punish trafficking victims for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations. The government did not screen for trafficking among detained migrants pending deportation, and there were credible reports some of these individuals were victims of trafficking. Some of these individuals experienced severe physical abuse while in government custody, which at times resulted in death, and lack of food and water for extended periods of time. As in previous years, the government's lack of screening for trafficking and pattern of human rights abuses against victims of sexual abuse and persons in prostitution resulted in the government severely punishing trafficking victims—including potential adult and child sex trafficking victims—through lashings, public shaming, forced confessions, and imprisonment. Officials reportedly detained and deported Afghan migrants, including children, who did not comply with coerced recruitment by Iranian officials to fight in Syria.

The government did not provide comprehensive protection services specifically for trafficking victims. The Iranian state welfare organization reportedly offered rehabilitation services to women in prostitution, a population highly vulnerable to trafficking; however, it was unclear what types of appropriate protection services were available at these facilities. The government also operated health clinics that reportedly could offer "safe space" for potential trafficking victims, but it did not report on services it provided to any victims in these clinics in 2018. The government did not report providing support to or partnering with NGOs that offered limited services to populations vulnerable to trafficking. In fact, the government harassed some NGOs working in this space. The government did not encourage trafficking victims to assist in the investigation or prosecution of traffickers and did not provide witness support services. Based on available information, it did not provide foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution.

## PREVENTION

The government failed to prevent trafficking. The government's persistent lack of efforts to prevent official complicity in trafficking crimes further exacerbated trafficking in the country and the region. The government did not have a national anti-trafficking coordinating body, nor did it dedicate resources to address human trafficking. The government did not improve transparency on its anti-trafficking policies or activities, nor did it make discernible efforts to partner with NGOs or international organizations to combat human trafficking. Efforts to amend relevant existing legislation or introduce new measures to improve the government's ability to prevent or address the country's pervasive trafficking problems were routinely stymied by hardline elements within the regime. The government did not make efforts to reduce the demand for commercial sex acts in Iran or child sex tourism by Iranian citizens traveling abroad; in fact, Iranian officials were reportedly actively involved in the promotion of commercial sex, including cases of sex trafficking. The government did not make efforts to reduce the demand for forced labor, nor did it report on efforts to regulate foreign labor recruiters for fraudulent recruitment practices. The government did not implement anti-trafficking awareness campaigns. Children of Afghan refugees—either registered or unregistered—continued to have difficulty obtaining legal documentation, while children born to Iranian mothers and non-Iranian fathers were not Iranian citizens under law and therefore remained undocumented; these policies increased these populations' vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel. In January 2018, the Iranian parliament approved a bill to join the UN Convention against Transnational Organized Crime (UNTOC); however, in July 2018, the media reported that Iran's Guardian Council rejected two bills aimed at paving the way for Iran to join the UNTOC. Iran is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iran, and traffickers exploit victims from Iran abroad. The ongoing worsening of the Iranian economy, as well as serious environmental degradation in Iran, have significantly exacerbated Iran's human trafficking problem, particularly for vulnerable communities such as ethnic minority groups, refugee and migrant populations, and women and children. Iranian and some foreign women and girls, as well as some men, are highly vulnerable to sex trafficking in Iran. Although prostitution is illegal in Iran, a local NGO estimated in 2017 that prostitution is endemic throughout the country, and reports estimate sex traffickers exploit children as young as 10 years old. The government reportedly condones and, in some cases, directly facilitates the commercial sexual exploitation of adults and children throughout the country; Iranian police, Islamic Revolutionary Guard Corps (ICRGC), Basij, religious clerics, and parents of victims are allegedly involved in or turn a blind eye to sex trafficking crimes. The demand for commercial sex reportedly occurs in large urban centers, including major pilgrimage sites of Qom and Mashhad; reportedly Iranian, Iraqi, Saudi, Bahraini, and Lebanese women in these locations are highly vulnerable to trafficking. Poverty and declining economic opportunities lead some Iranian women to willingly enter prostitution whom traffickers subsequently force or coerce to remain in prostitution. Some Iranian women who seek employment to support their families in Iran, as well as young Iranian women and girls who run away from their homes, are vulnerable to sex trafficking. "Temporary" or "short-term" marriages—known as "*sigheh*" and for the purpose of commercial sexual exploitation—lasting from one hour to one week are reportedly widespread in Iran and take place in so-called "chastity houses," massage parlors, and private homes. These arrangements are reportedly tightly controlled and condoned by the state and regarded highly by religious leaders to allow men to sexually exploit female and male Iranian, as well as Chinese, Thai, and other victims, including children. Afghan girls are vulnerable to forced marriage with men living in Iran, which frequently leads to sex trafficking, forced labor, and domestic servitude.

Iranian women, boys, and girls are vulnerable to sex trafficking abroad, including in Afghanistan, Armenia, Georgia, Iraq, the Iraqi Kurdistan Region (IKR), Pakistan, Turkey, and the United Arab Emirates (UAE). In 2018, a prominent Iranian NGO reported a rise in the number of Iranian nationals in prostitution in nightclubs in Tbilisi, Georgia, including some child sex trafficking victims; pimps and madams in Tbilisi reportedly confiscate victims' passports and physically abuse and threaten victims. The media continued to report in 2018 an increase in young Iranian women in prostitution in Dubai; some

of these women are trafficking victims, whose pimps confiscate their passports and threaten them with violence or execution if they return to Iran. Some reports also suggest collusion between pimps in Dubai and Iranian police, the IRGC, and Basij. Consumers of Iranian women in prostitution, including trafficking victims, in Dubai are reportedly nationals from Saudi Arabia, Kuwait, and Qatar. Reports suggest that Iranian women are also vulnerable to sex trafficking in Turkey, particularly in Turkish cities close to the Iranian border. According to IKR press reports, more than 2,000 young Iranian women and girls entered the IKR in 2018, many of whom are victims of sex trafficking in cafes, hotels, and massage centers. Media reports from 2015 and 2016 also noted sex traffickers exploit Iranian girls in brothels in the IKR, especially Sulaimaniya. According to a regional scholar, trafficking rings reportedly use Shiraz, Iran, as a transit point to bring ethnic Azeri girls from Azerbaijan to the UAE for commercial sexual exploitation.

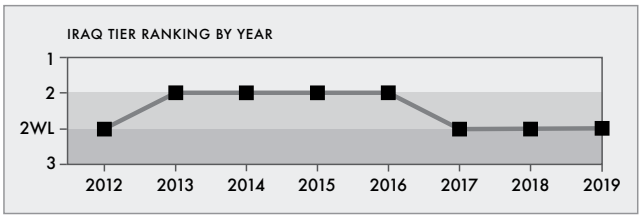
Iranian and Afghan refugee children, street children, and orphans in Iran are highly vulnerable to forced labor. The number of children working in transport, garbage and waste disposal, "dumpster diving," car washing, brick factories, construction, and the carpet industry reportedly continues to increase; these children experience abuse and withheld wages and may be exposed to infectious diseases. Young Afghan refugee children, mainly boys, are forced to perform cheap labor and domestic work, which often involves debt-related coercion, restriction of movement, nonpayment of wages, and physical or sexual abuse. Children are also highly vulnerable to organized criminal groups that operate child begging rings in Iran. Criminal groups kidnap or purchase and force Iranian and migrant children, especially undocumented Afghan children, to work as beggars and street vendors in cities, including Tehran. These children, who may be as young as three years old, are routinely subjected to physical and sexual abuse and drug addiction. Orphaned children are vulnerable to criminal begging rings that maim or seriously injure the children to gain sympathy from those passing on the street. Poor families "rent" their children by the day to criminal groups that force the children, some as young as five years old, to beg in the street; if the children do not collect a specified amount of money by the end of the day, the groups force children to work in illegal workshops. Reports indicate that organized gangs force some children, including Afghan refugee children, to conduct illegal activities, such as drug trafficking and smuggling of fuel and tobacco.

Foreign workers, Pakistani migrants, and Afghan migrants and refugees are highly vulnerable to forced labor and debt-related coercion in Iran. Organized trafficking groups subject Pakistani men and women migrants in low-skilled employment, such as domestic work and construction, to forced labor using debt-related coercion, restriction of movement, non-payment of wages, and physical or sexual abuse. Increasingly, employers seek adjustable work contracts for registered foreign workers' where employers deny workers their benefits and coerce them to work overtime, increasing the workers' vulnerability to forced labor. Traffickers subject Afghan migrants, including children, to forced labor in construction and agriculture in Iran. Trafficking networks smuggle Afghan nationals living in Iran to Europe and force them to work in restaurants to pay off debts incurred by smuggling fees.

Iranian authorities force and coerce Afghan migrants and refugees, including children, as well as some Pakistani migrants and Iranian children, into armed groups in the region. Several credible sources continued to widely report the IRGC and Basij coerced male adult and child Afghans resident in Iran, including boys as young as 13 years old, to fight in the Iranian-led and funded Fatemiyoun Division deployed to Syria. Officials threaten these individuals with arrest and deportation to Afghanistan. Basij also reportedly recruits and trains Iranian children who are deployed to Syria. Sources also indicate the government exploits undocumented and impoverished Pakistani adults living in Iran to fight for the IRGC-led Zaynabiyoun Brigade in Syria. In addition, the Iranian government provides funding to militias operating in Iraq, Asa'ib Ahl al-Haq (AAH) and Harakat Hezbollah al-Nujaba (HHN), which recruit, train, and use child soldiers in combat in Iraq, Syria, and Yemen. According to an Iraq-based source in 2016, the Iranian government also provided funding to the militia Abu Fadhl al-Abbas Brigades, which used children in combat on the front-line in Fallujah, Iraq in 2016.

## **IRAQ:** TIER 2 WATCH LIST

The Government of Iraq does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included establishing a cross-ministerial task force to address anti-trafficking deficiencies and establish recommendations for improvements. It also prosecuted and convicted more traffickers and identified some trafficking victims. The government provided shelter to seven victims in the government-run shelter in Baghdad. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Deficiencies in identification and referral procedures continued to prevent many victims from receiving appropriate protection services. Furthermore, authorities did not proactively identify trafficking victims among vulnerable populations, which resulted in the punishment of trafficking victims for unlawful acts traffickers compelled them to commit, such as children affiliated to ISIS including child soldiers, prostitution, and immigration violations. The government did not investigate or hold anyone criminally accountable for continued allegations of unlawful recruitment and use of child soldiers despite a few alleged cases among some non-compliant militia units affiliated with the Popular Mobilization Forces (PMF) operating under the Popular Mobilization Committee (PMC)—a component of the Iraqi armed forces. The government also did not acknowledge the recruitment and use of children by government-supported armed groups. The government also failed to investigate and hold criminally accountable military and security personnel for credible allegations of the sexual exploitation of women and girls in IDP camps; by failing to do so, it also did not protect and prevent this highly vulnerable population from trafficking. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Iraq was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Iraq remained on Tier 2 Watch List for the third consecutive year.



## PRIORITIZED RECOMMENDATIONS:

Investigate and hold criminally accountable government officials for unlawful recruitment and use of child soldiers and sex and labor trafficking. • Develop and institute guidelines for proactive victim identification and referral to protection services for all relevant officials, and train officials on these procedures. • Prevent the recruitment and use of child soldiers by all armed groups, including units of the PMF and independent militias, and provide appropriate protection services to demobilized child soldiers. • Ensure trafficking victims are not punished for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker. • Allow all relevant government authorities to officially identify potential trafficking victims and refer them to care. • Increase unhindered access to adequate protection services for victims of all forms of trafficking and their children, including trauma and psycho-social counseling, medical care, long-term shelter, reintegration services, employment training, and financial assistance. • Make significant efforts to investigate, prosecute, convict, and stringently sentence traffickers, including complicit government officials, even when victims do not participate in legal proceedings against their trafficker. • Amend the anti-trafficking law to ensure that a demonstration of force, fraud, or coercion are not required to constitute a child sex trafficking offense, in accordance with the 2000 UN TIP Protocol. • Finalize regulations to enable full implementation of the anti-trafficking law. • Establish a legal framework for NGOs to operate shelters for victims and support such organizations.

## PROSECUTION

The government increased law enforcement efforts, but did not hold criminally accountable officials complicit in trafficking, including child soldiering and sex trafficking. Iraq's 2012 anti-trafficking law criminalized some forms of labor and sex trafficking. Inconsistent with the definition of trafficking under international law, the anti-trafficking law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. The anti-trafficking law prescribed penalties of up to 15 years' imprisonment and a fine of up to 10 million Iraqi *dinar* (approximately $8,790) for trafficking offenses involving adult male victims, and up to life imprisonment and a fine of 15 million to 25 million Iraqi *dinar* (approximately $13,180-$21,970) if the offense involved an adult female or child victim. These penalties were sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 399 of the penal code criminalized "the prostitution of a child" and provided a penalty of up to 10 years' imprisonment, which was sufficiently stringent, although not commensurate with the penalties prescribed for rape. The labor law conflicted with the anti-trafficking law, as its penalties included a fine and imprisonment not exceeding six months, which were not sufficiently stringent. The government reportedly finalized a post-legislative review of its anti-trafficking law, in an effort to improve legal and law enforcement shortcomings. The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims. In July 2018, the Iraqi Kurdistan Region's (IKR) regional parliament approved the 2012 Iraqi anti-trafficking law; however, at the end of the reporting period, the Kurdistan Regional Government (KRG) had not developed the regulatory and enforcement framework required to implement the law. Prior to the adoption of this law, the IKR did not have a comprehensive law that specifically prohibited human trafficking.

The Ministry of Interior's (MOI) anti-trafficking unit, within the anti-crime directorate, reported that its many responsibilities limited its ability to conduct trafficking investigations. Moreover, Iraqi and KRG officials continued to lack a general understanding of trafficking and ability to recognize trafficking indicators. Nevertheless, the MOI reportedly initiated the investigation of 356 trafficking cases, of which 110 were ongoing as of January 2019. There were reportedly 148 trafficking victims involved in these cases, including sex trafficking, forced labor, child trafficking, and forced begging. The MOI detained 426 people for alleged involvement in trafficking crimes, but it did not specify whether these were for sex or labor trafficking. Of these individuals, the government referred 105 for prosecution, while it acquitted 117 and released 43 on bail. The government convicted and sentenced 53 perpetrators, but it did not report under which laws the perpetrators were convicted nor did it report the details of the sentences prescribed. These statistics demonstrated an increase from the previous reporting period when the government initiated 266 investigations, 78 prosecutions, and 32 convictions. During the reporting period, the KRG reported it prosecuted 89 persons for trafficking offenses and convicted seven trafficking offenders, but authorities did not share additional information of these cases; in the previous year, the KRG reported 58 investigations, but it did not report any prosecutions or convictions. The Kurdistan Ministry of Interior (KMOI) also reported it opened an investigation into a forced labor case involving 22 Philippine migrant workers, who were ultimately forced to work in Baghdad; however, the case was hindered by KMOI's difficulty in gaining access to the victims.

Significant concerns of alleged official complicity in trafficking crimes remained. In 2018, there were reports that government officials in key security positions protected traffickers from investigation and prosecution. The government did not report efforts to investigate allegations that some non-compliant PMF-affiliated militias, including Asa'ib Ahl al-Haq (AAH), Harakat Hezbollah al-Nuijaba (HHN), and—as reported in 2017—Kata'ib Hizbullah (KH), recruited and used children. Furthermore, some foreign governments with large numbers of migrant workers in Iraq paid immigration fines for their citizens, including trafficking victims; embassies indicated Iraqi officials sometimes forced them to pay bribes, along with immigration fees, to release their citizens from detention and to repatriate them. The government did not report efforts to investigate or prosecute continued allegations that security and military personnel in IDP camps were complicit in the sexual exploitation and trafficking of women and girls, particularly those with ties to alleged ISIS members. While law enforcement at times investigated prostitution violations, officials failed to identify trafficking indicators among persons in prostitution.

During the reporting period, the MOI provided several trainings for MOI, MOJ, and MOLSA personnel on victim identification and protection. The KMOI did not report providing anti-trafficking training for its personnel.

## PROTECTION

The government maintained efforts to identify trafficking victims, but major deficiencies in the government's identification and referral procedures prevented many victims from receiving care and led to the penalization of victims. The MOI reportedly identified 148 trafficking victims during investigations, which

included 74 female victims of sexual exploitation, 64 male and female victims of forced labor, one child trafficking victim, and nine male and female victims of forced begging. This represented an increase from the 41 victims the government identified in the previous reporting period. However, unlike in the previous reporting period, the government did not report how many victims the MOI referred to protection services. The government did not have a national victim referral mechanism and the government's ad hoc referral process remained deficient. Coordination on case referral across the country was limited, and coordination between ministries in both Iraq and the IKR was poor.

The government remained without government-wide victim identification guidelines for all relevant officials or first responders who came in contact with potential trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in prostitution. Civil society organizations reported Iraqi officials, including district-level police officers, did not proactively identify victims of trafficking, as officials lacked a general understanding of human trafficking. Government officials reported the MOI failed to properly identify victims, including during investigations of prostitution crimes that involved potential trafficking indicators. Government officials also reported victim identification efforts remained low because investigative judges were the only officials who could officially identify and refer a trafficking victim to protection services; because judges required victims to testify in front of the perpetrators in court, many victims did not come forward due to their fear of retaliation. Because of this requirement and the resulting absence of victim witnesses, judges determined—in many cases—there was insufficient evidence to officially classify a person as a trafficking victim, thereby denying victims access to protection services. Furthermore, the government did not have specialized judges or courts that were trained or dedicated to handling trafficking cases. Victims who filed police reports against their traffickers faced retaliation from their traffickers, which ultimately resulted in the arrest and detention of the victim.

Because of the government's victim identification and referral deficiencies, including authorities' lack of knowledge and understanding of trafficking, victims remained at high risk of criminalization and punishment. Trafficking victims in Iraq, including in the IKR, continued to be vulnerable to arrest, imprisonment, deportation, and financial penalties for unlawful acts traffickers compelled them to commit, such as prostitution, immigration violations, and child soldiering. Authorities often detained sex trafficking and foreign forced labor victims until authorities determined their status as a victim. Foreign migrant workers, including foreign labor trafficking victims, faced regular discrimination in the criminal justice process, re-victimization, and retaliation from traffickers. Foreign labor trafficking victims—both identified and unidentified—were often required to pay overstay fines to obtain an exit visa to legally exit the country and return to their home country. Although employers were legally responsible to pay any immigration fees or liabilities related to foreign workers under Iraq's sponsorship system—in practice—workers, including trafficking victims, often paid the fines. An NGO reported in 2018 that police occasionally detained children engaged in street begging and kept them in custody before releasing them; police did not screen these children for trafficking nor refer them to appropriate protection services. An international organization reported the government increasingly recognized that people arrested for prostitution could be victims of trafficking and should be treated as such; however, it was unclear how often this occurred in practice due to authorities' lack of knowledge on trafficking and ad hoc approaches to proactive identification.

The Iraqi government and the KRG provided limited protection services to victims of trafficking. Neither the Iraqi government nor the KRG operated shelters for male trafficking victims. The Iraqi government did not allocate funding in its budget specifically for victim protection services. Likewise, the MOLSA-run trafficking shelter in Baghdad did not have dedicated funding for its operation and therefore relied on donations from civil society organizations. During the reporting period, seven trafficking victims utilized the shelter, which was an increase from the previous reporting period during which the shelter was empty. Civil society organizations reported, however, that overall services provided in government-operated shelters remained poor and provided inadequate psycho-social and medical care and vocational training. Additionally, female victims were not allowed to freely enter and exit shelters and officials limited victims' ability to communicate with anyone outside of the shelter. The government also did not provide care for rape victims, including trafficking victims who were also victims of rape; due to social norms, rape victims were often encouraged by government authorities or sometimes forced by their families to marry their rapists. The Iraqi government did not provide funding or in-kind assistance to NGOs that provided victim care. NGOs reported a shortage of specialized shelters for trafficking victims, in part because NGOs were not allowed to legally operate shelters. The KRG continued to operate four shelters in the IKR for women, which could provide services to female victims of trafficking, but they rarely did so in practice. Victims required a court order to leave the shelters, thus significantly restricting their movement. The KRG did not report how many, if any, trafficking victims received services at these shelters during the reporting period. Recognizing the deficiencies in protection services in the IKR, the KMOI and an NGO continued their plans to jointly establish a shelter for female victims of trafficking and gender-based violence in Erbil; the shelter was not open at the end of the reporting period. In 2018, the KRG facilitated the release of several hundred Yezidis held captive by ISIS, most of whom were likely trafficking victims; however, the KRG did not report whether it provided essential psycho-social or other protective services to these victims. Neither the Iraqi government nor the KRG reported efforts to provide protection services to demobilized child soldiers of ISIS or the PMF, thus failing to prevent re-victimization or re-recruitment of these children into armed groups. Furthermore, Iraqi and KRG authorities continued to inappropriately detain and prosecute without legal representation children allegedly affiliated to ISIS—some of whom were victims of forcible recruitment and use—and used abusive interrogation techniques and torture to gain children's confessions; the government did not screen these children as potential trafficking victims. In addition, the government failed to protect and prevent the sexual exploitation and trafficking of women and girls in IDP camps, as security and military personnel and camp personnel allegedly committed acts of sexual violence and exploitation, abusing their position of power.

Neither the Iraqi government nor the KRG provided adequate protections or witness support to victims to encourage their assistance in investigations and prosecutions of trafficking offenders. The MOI reported that any foreign or Iraqi trafficking victim could file a civil lawsuit against a trafficker, but no victims filed such lawsuits in 2018, likely due—in part—to the lack of protections or necessary services provided to victims during trial. Courts did not protect the privacy or identity of victims when testifying against their trafficker. The Iraqi government did

not allow trafficking victims to work, move freely, or leave the country during trials. Labor courts in the IKR did not provide translation and interpretation services for foreign workers, including foreign labor trafficking victims, creating difficulties for victims to sue abusive employers. Although the Iraqi anti-trafficking law allowed for the government to provide special residency status benefits to foreign trafficking victims, it did not report offering this assistance to any victims during the reporting period. The KRG did not offer special residency status to victims during the reporting period either, but it reportedly refrained from deporting victims. The Iraqi government and the KRG reportedly provided foreign victims relief from deportation or offer legal alternatives to their removal to countries in which they may face hardship or retribution. The Iraqi government and KRG reportedly both cooperated with an international organization to repatriate an unknown number of foreign trafficking victims during the reporting period.

## PREVENTION

The government maintained efforts to prevent human trafficking. Iraqi law prohibited voluntary recruitment of any person younger than age 18 into the governmental armed forces, including governmental paramilitary forces, militia groups, or other armed groups. There were no reports of child soldiers used within the Iraqi military, and the government reportedly provided training to military officers on child soldier issues. However, the Iraqi government faced challenges in exercising complete control over certain units of the PMF, which sometimes undertook operations independent of political leaders or military commanders. The Iraqi government's inter-ministerial senior committee to monitor, evaluate, and report on children's rights violations in conflict zones in Iraq continued to coordinate with an international organization. The government also continued to discuss the development of an action plan—in cooperation with an international organization—for the government and the PMC to address the recruitment and use of children in armed conflict; however, as of March 2019, it was not completed.

Budget shortfalls, understaffing, a stagnant economy, internal conflict, and vast reconstruction needs limited the Iraqi government and KRG's ability to dedicate resources to combat trafficking. The Iraqi government's inter-ministerial counter-trafficking committee (CCCT), which was led by the MOI, showed increasing willingness to report on its achievements. The KRG expanded an anti-trafficking committee—established in 2016—to include 19 ministries and government agencies; the KRG's adoption of Iraq's anti-trafficking law also allowed it to become an active member of the CCCT. The Iraqi government drafted and implemented a national anti-trafficking action plan in March 2019. NGOs and journalists reported they were unaware of major government-funded anti-trafficking information or education campaigns. However, the Iraqi government reported it actively advertised its anti-trafficking hotline and posted anti-trafficking information at border crossings, airports, and transportation hubs. The Iraqi government continued to operate a 24-hour anti-trafficking hotline but did not report how many calls it received; NGOs reported the government initiated an unspecified number of trafficking investigations after receiving a call to the hotline. The KRG also operated a hotline where trafficking victims could seek assistance and report labor abuses. The Iraqi government made efforts to reduce the demand for commercial sex acts, but it did not make efforts to reduce the demand for child sex tourism. The Iraqi government and the KRG took some efforts to reduce the demand for forced labor. Both governments cooperated with each other to maintain an online visa system to track migrant workers and their sponsoring companies to prevent employers from committing labor abuses. The KMOI reported the system automatically blocked a company from sponsoring more than 50 foreign workers during the reporting period. The KMOI reported it blacklisted 29 companies, thus preventing them from sponsoring foreign workers; it was unclear, however, if the KRG prosecuted any of these companies for potential labor trafficking crimes. The Iraqi government did not report if it punished abusive recruitment agencies or employers of foreign workers. The Iraqi government reported it provided all government employees anti-trafficking training, including diplomatic personnel, but it did not adopt specific measures to prevent its diplomats from facilitating human trafficking.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Iraq, and traffickers exploit victims from Iraq abroad. The violent conflict with ISIS exacerbated the population's vulnerability to trafficking, in particular women and children, although the government's territorial defeat of the terrorist group, announced December 9, 2017, has improved conditions for Iraqi civilians. However, insecurity still remained in areas liberated from ISIS rule. Since January 2014, more than five million Iraqis have been displaced, with approximately 1.8 million still displaced as of the end of 2018, many of whom are female heads of household vulnerable to sexual exploitation and abuse due to their perceived affiliation with ISIS. In addition, more than 250,000 Syrian refugees remained displaced in Iraq, the vast majority in the IKR. With the defeat of the ISIS physical caliphate, the reported incidence of these violations has diminished. Between 2014 and 2018, ISIS militants kidnapped and held captive thousands of women and children from a wide range of ethnic and religious groups, especially Yezidis, and sold them to ISIS fighters in Iraq and Syria, where ISIS fighters subjected them to forced marriage, sexual slavery, rape, and domestic servitude. ISIS maintained an organized system to buy and sell women and girls for sexual slavery, including sales contracts notarized by ISIS-run courts. The media has reported that ISIS sold some captives to wealthy individuals in Gulf countries, and reports suggested that some Yezidi captives were moved to Syria, Turkey, and Saudi Arabia. IKR-based civil society organizations also reported in 2018 that ISIS members and supporters kidnapped Yezidi children for exploitation in Turkey. ISIS reportedly kidnapped 120 Turkmen children in 2014. They have reportedly been sold multiple times for the purpose of sexual exploitation, and only 20 of the kidnapped children were rescued by the end of 2018. Throughout 2015-2018, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape and sex trafficking; these women and girls, including IDPs among this population, remain highly vulnerable to various forms of exploitation, including re-trafficking. Some Yezidis reportedly reside in Iraqi IDP camps where they continue to live with Sunni families that formerly exploited them under ISIS rule. As of the end of 2018, 2,500 Yezidi women and girls remain missing; some reports indicate these women and girls remain with ISIS in eastern Syria and Turkey or have been exploited in other parts of the region, Europe, or Asia.

Children remain highly vulnerable to forcible recruitment and use by multiple armed groups operating in Iraq, including—but not limited to—ISIS, the PMF, tribal forces, the Kurdistan Worker's Party (PKK), and Iran-backed militias. Despite the defeat of the physical caliphate, ISIS continues to abduct and forcibly recruit and use children in combat and support

roles, including as human shields, informants, bomb makers, executioners, and suicide bombers; some of these children were as young as 8 years old and some were mentally disabled. In 2018, multiple sources reported the PKK and YPG operating in the IKR and Sinjar continued to recruit and use children. Local NGOs reported in 2018 that Yezidi militias in Sinjar, including the pro-KRG Ezidxan Protection Force and Sinjar Command Force, recruited approximately 10 to 20 Yezidi boys. Some sources alleged that the KRG-aligned Yezidikhan Protection Force and ethnic Yezidi units of the KRG security forces operating in Sinjar may have had child recruits in their ranks. NGO and local government contacts confirmed that hundreds of Yezidi children have been recruited by the PKK-aligned Yezidi Civil Protection Units (YPS) and other PKK-affiliated militias. In 2018, civil society organizations reported the PKK recruited and trained children from Sinjar, Makhmour, and other locations, and sent them to bases in Sinjar, Turkey, and the Qandil Mountains between Iraq and Iran.

Since 2015, NGOs continue to report that some non-compliant, Iran-aligned PMF units recruit, use, and provide military training to children, though the incidence of these reports has declined with the defeat of ISIS' territorial presence in Iraq. In 2018, NGOs reported that some PMF-affiliated militias, including Iranian-backed Harakat Hezbollah al-Nujaba (HHN) and AAH, recruited boys younger than the age of 18 to fight in Syria and Yemen. In 2017, reports also indicated both the AAH and Kata'ib Hizbullah (KH) militias recruited and used child soldiers. Some of the forces in the HHN, AAH, and KH militias operate under the umbrella of the PMF, but they generally operate outside of the command and control of the Iraqi government. Civil society organizations and local contacts reported in 2017 that posters commemorating children who died while fighting for Shia militias were commonplace in Shia-majority areas of Baghdad and throughout southern Iraq. Most of the children who were celebrated for fighting allegedly fought for brigades of the AAH and KH militias. As reported in 2017, some AAH and KH members or brigades recruit children, most commonly out of schools. According to the PMF official social media site and posters in the street in mid-2017, the PMF offered military training courses to children and youth ages 15-25. In 2015 and 2016, multiple sources reported factions of the PMF recruited and used children in operations in Fallujah and other areas of the country, while PMF-affiliated media celebrated the service and sacrifice of child soldiers. Credible reporting in 2017 indicated Sunni tribal militias recruited boys out of IDP camps, some of which received military training. In August 2016, an international NGO reported that Sunni tribal militias affiliated with the PMF recruited at least seven children from the Debaga IDP camp in northern Iraq; witness accounts reported that members of the Iraqi Security Forces facilitated the recruitment of children from the camp.

Refugees and IDPs face heightened risk of forced labor and sex trafficking due to their economic and social vulnerability and lack of security and protections. NGOs report trafficking networks in the IKR target refugees and IDPs, operating with assistance from local officials, including judges, officials from the Asayish forces, and border agents. Credible NGOs in 2017 and 2018 report that women and girls in IDP camps, whose family members have alleged ties to ISIS, continue to endure a complex system of sexual exploitation, sex trafficking, and abuse by armed actors residing in the camps, security and military officials, and camp personnel controlling access to humanitarian assistance and services. In 2015 and 2016, NGOs reported some personnel from the Asayish forces facilitated the sex trafficking of women and girls in Syrian refugee camps in the IKR. Reports from 2015 indicated a trafficking network exploited IDPs and some Syrian refugee women in sex trafficking in hotels and brothels in Baghdad, Basrah, and other cities in southern Iraq after agents of the network promised to resettle them from the IKR; the women's children were also forced to beg on the street. Criminal gangs reportedly force boys and girls to beg, especially IDP and refugee children and children with disabilities, primarily in urban areas; criminal gangs also force children to sell and transport drugs and weapons, particularly in southern Iraq.

Iraqi, Iranian, and Syrian women and girls, as well as LGBTI persons in the IKR, are particularly vulnerable to sex trafficking. According to IKR press reports, the collapse of Iran's currency and economic slowdown spurred an influx of more than 2,000 young Iranian women and girls into the IKR in 2018, many of whom were victims of sex trafficking in cafes, hotels, and massage centers. According to KRG law enforcement in 2018, IKR-based taxi drivers allegedly facilitate the transportation of these women and girls from Iran to the IKR under the cover of tourism. Numerous media reports in 2018 claim that girls as young as 11 years old are observed in night clubs and casinos in Baghdad as waitresses, dancers, and in prostitution; some militia groups, including AAH, reportedly provided security at these establishments and relied on them for income. In 2018, an NGO reported a new trend in the IKR in which male sex traffickers use the threat of publicizing compromising photos of women to sexually exploit or force them into prostitution. NGOs in 2016 reported cases in which criminal networks exploited girls who have run away from their families out of fear of honor killings in child sex trafficking. The media reported in 2018 that trafficking gangs increasingly used social media sites, particularly Facebook, to buy and sell women and girls for sex and labor exploitation. Reports from 2014-2017 suggested some Iraqi law enforcement officials have allegedly frequented brothels known for sex trafficking or accepted bribes to allow sex trafficking. Foreign media reports from 2018 suggest a growing trend of the child sex trafficking of Iraqi girls, aged 11-16, in Syria, Jordan, Saudi Arabia, Lebanon, and the UAE. Trafficking networks also reportedly sell Iraqi children in neighboring countries and Europe for commercial sexual exploitation.

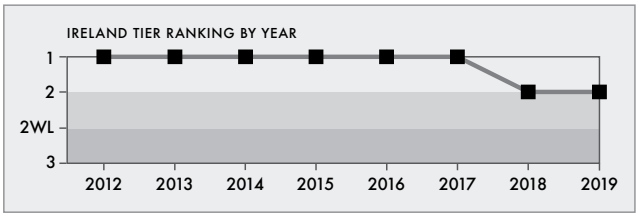
Traditional practices, including child forced and "temporary" marriages and fasliya—the exchange of family members to settle tribal disputes—also place women and girls at increased risk of trafficking within the country. For example, in October 2016, the media reported a girl from the Nada tribe in Maysan Province was forced to marry a man of another tribe as a resolution for the killing of a man by someone in the Nada tribe. Child protection organizations reported in 2016 incidents of child marriage—which could increase a child's vulnerability to exploitation—increased among IDPs and Syrian refugees in the IKR, as heads of households sought ways to generate income and reduce the family's economic burden. As reported in previous years, traffickers forced Syrian girls from refugee camps in the IKR into early or "temporary marriages" with Iraqi or other refugee men; some KRG authorities allegedly ignored, or may have accepted bribes to ignore, such cases, including those in which girls are sold multiple times.

Some men and women from throughout Asia and Africa who migrate—both legally and illegally—to Iraq are subjected to forced labor as construction workers, security guards, cleaners, handymen, and domestic workers. In January 2016, the MOLSA reported approximately 140,000 foreign workers lacked formal work permits; NGOs reported some employers and recruitment agents exploit workers' illegal status by withholding salaries

and subjecting workers to substandard living conditions. Some foreign migrants are recruited for work in other countries in the region but are forced, coerced, or deceived into working in Iraq and the IKR. In 2018, the KMOI reported 22 workers from the Philippines legally entered the IKR under the sponsorship of a labor contracting company, but were subsequently forced to work in Baghdad. An international organization reported in 2018 that if a foreign worker had a complaint of abuse about an employer, recruitment agents move the worker to a different employer and do not report the employer to the police. Recruitment agencies reportedly operate clandestinely without permits and beyond the control of the government.

# **IRELAND:** TIER 2

The Government of Ireland does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ireland remained on Tier 2. These efforts included beginning coordination with stakeholders to develop a new national identification and referral mechanism and identifying a greater number of victims. However, the government did not meet the minimum standards in several key areas. The government has not obtained a trafficking conviction since the law was amended in 2013. Authorities failed to initiate any prosecutions in 2018 and had chronic deficiencies in victim identification, referral, and assistance. The government lacked specialized accommodation and adequate services for victims.




## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict suspected offenders of both sex and labor trafficking using the trafficking law. • Train law enforcement and prosecutors on developing cases with evidence to corroborate victim testimony and train law enforcement, judges, and prosecutors on a victim-centered approach. • Improve victim identification and referral and issue a revised referral mechanism in coordination with NGOs, offering formal identification, a recovery and reflection period, and services to all victims without referral from police. • Increase efforts to identify and protect all victims, especially of labor trafficking and forced criminality, and stop joint inspections between labor inspectors and immigration authorities, which pose a barrier to identification of victims. • Adopt a legal provision to exempt victims from inappropriate penalization for unlawful acts traffickers compelled them to commit. • Offer specialized accommodation to victims. • Amend the atypical working scheme for sea fishers to reduce their risk of labor trafficking. • Increase legal assistance for trafficking victims, including for assisting investigations and court proceedings that can be accessed at the earliest opportunity and prior to engaging with police. • Establish a national hotline to report trafficking crimes and provide victim assistance and referral. • Increase access for victims to compensation, particularly for those involved in sex trafficking. • Establish an independent national rapporteur to help identify and address gaps in anti-trafficking strategy and efforts.

## PROSECUTION

The government maintained insufficient law enforcement efforts. The 2008 Human Trafficking Act, amended in 2013, criminalized sex trafficking and labor trafficking and prescribed penalties up to life imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as rape. The law broadly defined sexual exploitation to include the sexual abuse of children. The Criminal Justice (Sexual Offences) Act 2017 criminalized the purchase of sexual services and prescribed more severe penalties for the purchase of sex from a person subjected to trafficking. In such cases, the burden of proof shifted to the accused, who had to prove they were unaware the victim was subjected to trafficking. The Criminal Justice Bill included measures against child grooming and included additional support and protection for victims during the criminal trial process.

The national police trafficking unit initiated investigations. The government changed its methodology for reporting investigations, rendering the data incomparable to data from previous years (115 in 2017 and 90 in 2016). The government reported 64 investigations in 2018, equal to the number of identified victims; the government initiated each investigation in response to a separate allegation of human trafficking. Many of the cases reported in previous years did not involve trafficking via force, fraud, and coercion for the purpose of exploitation. The government did not initiate any prosecutions (three in 2017, nine in 2016). The government did not convict any traffickers under the anti-trafficking act; there were no convictions under this law since it was amended in 2013. GRETA expressed concern about the inadequate criminal justice response and noted the failure to convict traffickers and the absence of effective sentences that can contribute to impunity and undermine efforts to support victims to testify. The office of the director of public prosecutions had six personnel assigned to the team responsible for prosecuting trafficking and other crimes; they received quarterly briefings on trafficking-related legal updates, but did not receive trafficking training in the reporting period.

During the reporting period, 127 police officers participated in a three-day training course on trafficking (140 in 2017); 650 new probationary police officers received basic trafficking awareness training (240 in 2017); and 47 immigration officers stationed at an airport received trafficking awareness training (140 in 2017). The national police did not train front-line social protection officers (230 in 2017) or immigration officers at ports (19 in 2017). An additional 77 senior investigating officers (40 in 2017) and 81 detective sergeants received trafficking training (40 in 2017). Eight workplace relations commission inspectors received training on the identification of trafficking indicators (10 in 2017). Inspectors did not refer any suspected cases to the national police (four in 2017). The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking. Law enforcement cooperated with various foreign governments on trafficking investigations and executed two European arrest warrants (two in 2017). The high court ordered the extradition of one suspect (one in 2017).

## PROTECTION

The government maintained insufficient victim protection

efforts. Authorities identified 64 suspected trafficking victims, including five children, compared with 57 in 2017 and 41 in 2016; the government changed its methodology for reporting identified victims and removed non-trafficking victims from its data. Of the victims identified in 2018, 27 were exploited in sex trafficking, 35 in labor trafficking, and two in forced criminality; 33 were female and 31 were male. Victims identified in 2018 in Ireland included 14 from Romania, 10 from Egypt, nine from Nigeria, one from Ireland, and the rest from Europe, Africa, South Asia, the Near East, and South America. Thirty percent of victims were EU nationals. NGOs reported the number of victims in the fishing industry grew from 12 victims in 2017 to 23 in 2018, 16 of which the government identified as trafficking victims in 2018.

Experts raised concerns about the government's inability to identify trafficking victims due to shortcomings in its identification mechanism. Formal procedures for victim identification applied only to victims lacking legal residency in Ireland, namely foreign nationals from outside the European Economic Area (EEA) who were not asylum-seekers. The formal identification scheme excluded EEA nationals, including Irish nationals, and asylum-seekers with pending applications. As a result, the government did not formally identify such persons as suspected victims of trafficking, with implications for their access to victim services. Experts reported this practice deprived Irish and EEA nationals access to specialized assistance. According to the government, in practice, domestic and foreign victims had equal access to all state services. Experts, however, asserted EEA-national victims were excluded from accessing social welfare and other state support until they satisfied or were granted an exemption from the Habitual Residence Condition. The government reported receiving no complaints of refusals or evidence of cases where difficulties in satisfying the Condition arose for trafficking victims.

The government maintained it assessed suspected victims on a "reasonable grounds" basis to allow them access to support and services, but NGOs and lawyers asserted the national police lacked consistent standards when assessing victims. NGOs and other front-line responders did not have a formal role in the identification process; the police were the only entity with the authority to formally identify victims, which GRETA reported in 2017 created a potential conflict of priorities between law enforcement efforts and victim assistance. A formal victim statement to police and law enforcement referral were required for potential victims to access the national referral mechanism; victims unwilling to go to the police could access emergency accommodation, counseling, medical care, and legal services from two NGOs that received government funding but not through the referral mechanism. The government pledged in the 2016 national action plan to review the existing mechanism, and initially reported a new mechanism would be instituted in 2017. The justice department's anti-trafficking unit worked with various government entities to agree on a revised identification and referral mechanism, but the government still did not issue a new mechanism as planned for several years. Experts welcomed ongoing government plans to develop a new national identification and referral mechanism, but expressed concern with the slow pace of and lack of clarity surrounding the development of the mechanism and the impact gaps may have on the needs of potential victims. Of the 64 potential victims authorities identified, they referred all to services, although it was unclear how many were eligible to receive services due to Habitual Residency Condition restrictions.

Through the national referral mechanism administered at direct provision centers, the government provided victims with health services, immigration permission, accommodation, welfare and rent allowance, police assistance, residence permits, repatriation, translation and interpretation assistance, and access to education for dependent children. There was no legally mandated psychological assistance for victims and the counseling services provided by NGOs was insufficient. NGOs reported a lack of specialized services to address the physical and mental health needs of victims. The government's legal aid board provided information to potential victims referred by police, but not legal assistance or support for investigations or trials. One government-funded NGO provided legal representation for victims. GRETA urged the government to ensure victims had early access to legal practitioners with specialized knowledge of trafficking who could represent them. The government funded an international organization to repatriate 15 victims (13 in 2017), 13 of which the government formally identified.

The government provided €325,000 ($372,710) to an NGO for assistance for sex trafficking victims, compared with €310,000 ($355,500) in 2017. The government also provided €50,000 ($57,340) to another NGO to assist labor trafficking victims, the same amount as in 2017. There were no dedicated shelters for victims of trafficking. Although the government provided accommodation arrangements for potential victims, NGOs stated the mixed-gender housing in the direct provision system, a system originally established to provide services for asylum-seekers, had inadequate privacy, was unsuitable and potentially unsafe for traumatized victims, could expose them to greater exploitation, and undermined victim recovery. Experts also noted a lack of specialized services in the centers for all victims, but especially for female victims who had been traumatized due to psychological, physical, or sexual violence. There were reports authorities removed victims from direct provision centers without any alternative accommodation in place or available. Suspected victims who were in the asylum process remained in direct provision accommodation while a determination was being made in relation to their claim for international protection, which could continue for years. The government reported ongoing conversations to develop alternative government-funded accommodation, which experts welcomed, but officials offered no concrete proposals.

The government gave suspected foreign trafficking victims temporary relief from deportation, depending on cooperation with an ongoing investigation. The government issued some form of immigration permission to 47 victims during 2018 (40 in 2017). The permissions were granted through a 60-day recovery and reflection period, a six-month temporary residence permission, or a two-year residence permission, which allowed the holder to engage in legal employment. The government precluded victims who sought asylum from obtaining six-month renewable residence permits, which limited their access to certain benefits, such as work permits. NGOs reported the six-month periods acted as a barrier to work. The temporary protection could evolve into permanent residency, and residency benefits were not linked to a conviction. Victims could obtain compensation through a court order, civil action, state bodies dealing specifically with work-related rights, and the criminal injuries compensation tribunal. The Workplace Relations Commission awarded lost wages to six sea fisher victims of trafficking during the reporting period. NGOs criticized the lack of viable avenues for victim compensation, particularly those involved in sex trafficking since they would not have verifiable expenses or employment losses. NGOs reported only foreign embassies provided interpretation services to non-EEA national victims of labor exploitation in the fishing industry. An NGO

provided sea fishers it assessed as victims of labor trafficking with material support and assistance, as well as legal advice and representation, without public funding.

GRETA urged the adoption of a specific legal provision on the non-punishment of victims of trafficking in both its 2013 and 2017 reports, and, in 2015, the Irish high court found a need for protocols or legislation that dictate what happens when a victim was suspected of criminal activity; however, the trafficking law did not protect victims from prosecution for unlawful acts traffickers compelled them to commit. NGOs noted the process for victims to seek immunity from punishment for criminal activity as a result of their trafficking was complex and required early legal representation. If authorities prosecuted an individual before he or she was formally identified as a trafficking victim, the criminal record could not be expunged. A police officer with specialized trafficking training accompanied teams conducting arrests related to cannabis cultivation crimes to identify trafficking indicators and advise victims. Police conducted 70 reviews of cannabis production cases for possible trafficking indicators and did not identify any victims or overturn any prosecutions as a result of these reviews. Law enforcement failed to identify indicators of trafficking and punished undocumented potential victims for immigration-related offenses. The government reported the national police collaborated with the office of the director of public prosecutions to ensure victims were not prosecuted. Joint inspections between labor inspectors and immigration enforcement authorities intimidated undocumented potential victims and posed a barrier to the identification of victims.

### PREVENTION

The government maintained prevention efforts. The justice ministry's anti-trafficking unit coordinated interagency efforts, including the high-level interagency group, which met once, and five working groups that included NGOs; only the awareness raising working group met during the reporting year. The government published in August 2018 a report on its efforts from 2017. The police provided partial funding for a research project on trafficking in Ireland, and ran an advertisement in a migrant-focused newspaper to raise awareness of trafficking. The workplace relations commission provided information on employment rights to approximately 57,300 callers (52,000 in 2017), made 58 presentations (54 in 2017) on employment rights, and published a leaflet on the rights of domestic workers in eight languages on its website. The workplace relations commission could not regulate agencies who recruited domestic workers under the designation of "au pairs," who were allowed to work up to 20 hours per week without the need for a work permit; NGOs reported employers regularly paid au pairs less than minimum wage and forced them to violate the 20 hours of work per week maximum, creating vulnerability to labor trafficking. The government also provided €159,400 ($182,800) for research and awareness raising projects in relation to the criminalization of the purchase of sex, compared to €76,400 ($87,610) in 2017 and €200,000 ($229,360) in 2016. The government did not make efforts to reduce the demand for forced labor. The government did not fund the operation of a dedicated trafficking national hotline, but the national police trafficking unit promoted a general crime hotline for anonymously notifying police about various crime incidents; police officers, six of whom received anti-trafficking training, staffed the hotline, which was available for 12 hours daily. The national police had a dedicated email address for reports of trafficking; the police took action stemming from 30 emails, compared with 31 in 2017.

Four UN Special Rapporteurs—on contemporary forms of slavery, trafficking in persons, racial discrimination, and human rights of migrants—sent a letter to the Irish government warning the government that its atypical working scheme for sea fishers was not in line with international human rights law and standards related to trafficking in persons and the human rights of migrants, making undocumented workers particularly vulnerable to trafficking and serious abuse on Irish fishing vessels. An NGO sought and was denied an immediate injunction requesting the government stop granting or reviewing further permissions under the scheme. The government took no concrete action during the reporting period to address a 2017 parliamentary committee report recommending changes to the scheme, including a moratorium on issuing permits to out-of-country non-EEA foreign nationals until the permit could be decoupled from a single employer and until the position of all in-country non-EEA nationals could be regularized. The committee also recommended a single department be given overall responsibility for the fishing industry. Mediation between the government and the NGO to address the atypical working scheme was ongoing at the end of the reporting period.

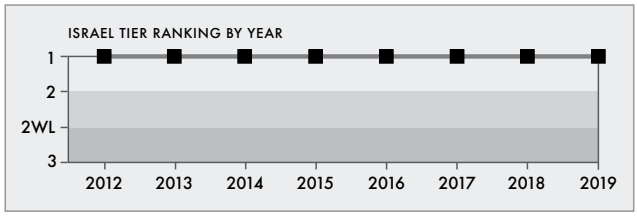
### TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ireland and traffickers exploit victims from Ireland abroad. Traffickers subject Irish children to sex trafficking within the country. Foreign trafficking victims identified in Ireland are from Africa, Asia, Eastern Europe, and South America. Authorities and media have reported an increase in suspected victims from Nigeria, Romania, Indonesia, Brazil, and Pakistan. Victims of forced labor have been identified in domestic work, the restaurant industry, waste management, fishing, seasonal agriculture, and car washing services. Vietnamese and Chinese men who have been convicted for cannabis cultivation reported indicators of forced labor, such as document retention, restriction of movement, and non-payment of wages. Undocumented workers in the fishing industry and domestic workers, particularly au pairs, are particularly vulnerable to trafficking. The government has reported the problem of forced labor in the country is growing. Women from Eastern Europe who are forced into marriage in Ireland are at risk for sex trafficking and forced labor.

## **ISRAEL:** TIER 1

The Government of Israel fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Israel remained on Tier 1. The government demonstrated serious and sustained efforts by prosecuting and convicting more traffickers overall and investigating, prosecuting, and convicting more perpetrators of forced labor crimes. For the first time in several years, it identified five forced labor victims, and it continued to operate shelters and other facilities that provided victims a wide variety of immediate and long-term care and rehabilitative services. Although the government met the minimum standards, it penalized some identified and unidentified trafficking victims among the irregular African migrant population for immigration violations. The government also continued to implement policies that exacerbated this population's vulnerability to trafficking, especially among Eritrean women. Additionally, the government's victim identification procedures delayed or

prevented some victims from receiving appropriate protection services.




## PRIORITIZED RECOMMENDATIONS:

Proactively screen irregular African migrants to ensure trafficking victims among this population are not penalized for unlawful acts traffickers compel them to commit, such as immigration violations. • Amend the 2006 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase investigations, prosecutions, and convictions of labor trafficking offenders. • Impose stricter sentences on convicted traffickers, consistent with the seriousness of the crime. • Increase the number and geographic dispersion of government officials authorized to officially recognize identified trafficking victims, including victims referred by NGOs, to allow for more efficient access to protection services. • Repeal the "Deposit Law" (article 4 of the Prevention of Infiltration Law), which significantly increases vulnerabilities to trafficking for the irregular African migrant population. • Substantially increase anti-trafficking awareness and victim identification trainings for police officers at regional and local levels. • Provide access to the national healthcare system for victims of all forms of trafficking, including shelter and medical and psycho-social treatment, for the duration of their presence in Israel. • Increase labor inspectors, social workers, and interpreters in the agricultural, construction, and caregiving sectors, and provide them with training on victim identification procedures. • Increase enforcement of foreign worker labor rights. • Take steps to eliminate recruitment fees charged to workers by licensed labor recruiters and ensure any recruitment fees are paid by employers. • Designate a Knesset committee or sub-committee to address labor trafficking. • Increase methods of evaluating effectiveness of training for law enforcement, including police and prison officials, in victim identification, and enforcement of labor and sex trafficking laws.

## PROSECUTION

The government increased efforts to prosecute and convict traffickers. The 2006 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 16 years' imprisonment for the trafficking of an adult, and up to 20 years' imprisonment for the trafficking of a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. Under 376A of the Penal Law 5737-1977, holding a person's passport against their will carried a penalty of three to five years' imprisonment.

In 2018, police initiated 139 total investigations, including 114 investigations of potential sex trafficking crimes, eight potential forced labor crimes, and 17 potential child sex trafficking crimes; this compared with 231 sex trafficking investigations and zero forced labor investigations in 2017. In 2018, the government initiated 22 prosecutions (13 for adult sex trafficking, two for forced labor, and seven for child sex trafficking); this compared with 10 sex trafficking and zero forced labor prosecutions in 2017. In 2018, the government convicted five traffickers (one for forced labor and four for child sex trafficking) but zero for adult sex trafficking; this compared with three convictions for adult and child sex trafficking and zero for forced labor in 2017. Additionally, authorities opened 1,271 criminal investigations and filed 175 indictments for suspected violations of labor laws, leading to 35 sentences, with sanctions and compensation totaling approximately 8.46 million Israeli shekels ($2.27 million), as well as administrative fines of approximately 8.01 million Israeli shekels ($2.14 million); authorities also filed three indictments against employers for violating the rights of children. The government also reported it initiated an investigation into two government officials allegedly complicit in trafficking and trafficking-related offenses. It reported a case of a police officer, alleged to have solicited sex from trafficking victims whom he was assigned to protect in a transition apartment while the victims waited to testify against their traffickers; this case was ongoing at the end of the reporting period. The government also reported an ongoing investigation into a Ministry of Agricultural and Rural Development official, who facilitated the entry of Georgian citizens into Israel through the use of his employee pass in exchange for money from the Georgian nationals or their traffickers.

As in previous years, the government provided extensive anti-trafficking training, awareness-raising workshops, and seminars, which reached more than 925 officials. The government increased training to ensure that all judges hearing criminal cases participated in a mandatory training on sex crimes and trafficking in persons.

## PROTECTION

The government maintained overall strong protection efforts; however, victim identification policies and procedures prevented some trafficking victims, especially among the African migrant population, from receiving appropriate protection services. The government continued to circulate trafficking victim identification guidelines widely to relevant ministries. In 2018, the government reported receiving 105 victim referrals from NGOs and government sources, 30 of which remained pending at the end of the reporting period. Of the 105 referrals, the government granted official trafficking victim status to 59 individuals—including 41 women and 18 men—which was a decrease from the 73 victims identified in 2017. Among the identified victims were five male victims of forced labor—the first forced labor victims identified by the government in eight years. The Israeli National Police (INP) Anti-Trafficking Coordinating Unit—which consisted of two police officers—was the only government entity with the authority to grant individuals official trafficking victim status, which allowed a victim full access to protection services. Because only two INP officers were authorized to review victim applications throughout the country, the process significantly delayed victims' access to much-needed protection services. Furthermore, NGOs reported that the government's strict evidentiary standard for granting official victim status, which required eyewitness accounts, dates, and details from the victims, prevented at least 18 victims referred by NGOs from receiving status and, thus, appropriate care in 2018. Furthermore, some NGOs did not submit cases of trafficking among the Eritrean and Sudanese irregular migrant community due to this high standard and the risk that the application process would re-traumatize victims but

not result in recognition. To address some of these concerns, the National Anti-Trafficking Unit (NATU), in coordination with the Ministry of Justice Legal Aid Administration (LAA) and NGOs, continued a fast-track procedure to more efficiently grant trafficking victim status.

The government continued to provide a wide range of protective services for victims of all forms of trafficking and to encourage victims to assist in the investigation and prosecution of their traffickers, but did not require their participation in court cases as a condition for receiving visas and protective assistance; victims could also opt to leave the country pending trial proceedings. The government continued to operate a 35-bed shelter for female trafficking victims, a 35-bed shelter for male trafficking victims, and transitional apartments with 18 beds for female victims and six beds for male victims. Shelter residents were allowed to leave freely and, by law, all victims residing in the shelters were provided B1 visas—unrestricted work visas. These shelters offered one year of rehabilitation services, including job training, psycho-social support, medical treatment, language training, and legal assistance. The INP referred all 59 identified victims to shelters, but some declined to enter a shelter and instead utilized rehabilitative services at a government-run day center. In 2018, the women's shelter assisted 52 victims, in addition to six children of victims; the men's shelter assisted 45 victims; and the transitional apartments assisted 35 men and women, including 17 children. The majority of victims at the men's shelter were Ethiopian and Eritrean. In response to an increase in the number of children of trafficking victims staying at shelters in 2018, the government increased child-specific rehabilitation services at the shelters. The Ministry of Social Affairs continued to operate a day center in Tel Aviv for male and female trafficking victims who were waiting for a space at a shelter, chose not to reside at a shelter, or had completed one year at a shelter. The day center provided psycho-social services and food aid, and social workers at the center were trained to identify individuals at risk of re-victimization in trafficking. In 2018, the center provided services to 236 male and female victims, all of whom were irregular African migrants primarily from Eritrea, as well as to 100 children of victims. Additionally, for identified trafficking victims who opted not to stay in shelters, the government continued to provide an official letter that protected them from potential arrest for immigration violations and emergency contact numbers for shelters and relevant ministries. Identified trafficking victims living outside of shelters were previously not entitled to receive free medical coverage at various government-funded health facilities; however, in 2018 the Ministry of Health approved provision of limited medical treatments at one facility for these victims. The government also expanded gynecological and dental care for recognized trafficking victims in shelters. In 2018, the government provided medical care to 94 male and female trafficking victims.

The LAA continued to provide free legal aid to trafficking victims, and staff regularly visited shelters and detention facilities to provide consultations. In 2018, the branch received 109 legal aid requests to assist potential trafficking victims, including 52 irregular migrants who may have been subjected to trafficking in the Sinai. In 2018, the government issued 15 initial B1 visas and 36 visa extensions to sex and labor trafficking victims. It also issued 28 visas preventing the deportation of trafficking victims and two extensions of such visas in 2018. The government allowed trafficking victims to work during the investigation and prosecution of their traffickers. The government forfeiture fund, which used property and money confiscated from traffickers to assist victims, accepted no new requests to fund assistance in 2018.

The government maintained guidelines discouraging the prosecution of trafficking victims for unlawful acts traffickers compelled them to commit during their exploitation. However, the government did not systematically screen for trafficking among the irregular African migrant population and as a result authorities may have penalized unidentified and some identified victims for immigration violations. For example, the government continued to implement the "Deposit Law" (article 4 of the Prevention of Infiltration Law), which required employers to deposit a certain percentage of irregular migrants' wages—including those of identified trafficking victims—into a fund that migrants could not access until they departed from the country; the government could also add penalties to the fund for each day a migrant remained in the country without a visa. NGOs reported that some employers withheld but never deposited wages into the fund. Furthermore, NGOs reported this law pushed migrants—particularly Eritrean women—into the black market, including prostitution, which exacerbated their vulnerability to trafficking. In March 2018, the government closed the Holot detention center and released all detained irregular migrants, but it did not forcibly deport them as it had previously declared. In addition, in April 2018, the government—per a Supreme Court order—released all Eritrean migrants from Saharonim prison, except those suspected of criminal offenses. The government did not proactively screen released detainees for trafficking indicators, but an NGO reported identifying at least five trafficking victims among those released. The government continued to incentivize irregular African migrants to voluntarily depart Israel to third countries in Africa, by providing migrants with a $3,500 stipend and a paid plane ticket to Uganda or Rwanda; however, NGOs and UNHCR confirmed that migrants who arrived in Uganda or Rwanda did not receive residency or employment rights. An international organization reported that as of June 2018 "voluntary" transfers continued, but coercive measures to induce deportations were reduced, as those who refused to leave "voluntarily" could not be detained by Israeli authorities and had their permits renewed.

## PREVENTION

The government maintained strong efforts to prevent and raise awareness of human trafficking among the public and government officials. NATU continued to coordinate anti-trafficking efforts effectively among relevant ministries and NGOs during the reporting period, and NATU officials continued to appear regularly in the media to raise awareness of trafficking. In January 2019, the government approved a new five-year national action plan, replacing its 2007 plan; the new plan included an emphasis on forced labor, victim identification mechanisms, enforcement of businesses and supply chains that facilitate trafficking, and new tools to combat online trafficking activities. However, the government did not allocate additional funds for full implementation of the new plan. The Knesset Subcommittee on Trafficking in Women and Prostitution met regularly, held 11 hearings and discussions, and conducted two field visits to NGO-run support centers during the reporting period. The Knesset held no hearings on labor trafficking.

In the first nine months of 2018, the Ministry of Labor, Social Affairs, and Social Services, which employed 261 labor inspectors and contracted translators during routine inspections, issued 681 administrative warnings, imposed 60 fines, and processed one criminal complaint involving two individuals that resulted

in fines for labor violations. NGOs continued to report there were not enough labor inspectors, especially in the construction and agricultural sectors, to sufficiently monitor and enforce labor laws. Additionally, NGOs reported the government did not effectively regulate work force companies, nor combat criminal networks that recruited foreigners for the construction and caregiving fields and for prostitution. In 2018, the government signed two bilateral work agreements (BWA) with the Philippines to allow for employment of Filipino workers in the caregiving sector and in hotels. The new agreement did not apply to thousands of Filipino caregivers already working in the country, although it allowed them to access a complaint hotline. The government maintained BWAs with six other countries for agricultural and construction work; in 2018, 11,114 of the 25,358 foreign migrant workers who arrived in Israel did so through these agreements. The government stated that as of December 2018, foreign workers in the construction and agriculture fields could only be recruited via BWA's. NGOs reported that Israel's agreements with private Chinese employer associations required workers in the construction industry to pay licensed employment recruiters up to $30,000 in recruitment fees and costs, which could increase their debt and vulnerability to forced labor. The government did not complete a plan to prevent exploitation of students from developing countries who experienced forced labor in the agricultural industry. In accordance with Population, Immigration and Border Authority (PIBA) procedures for recruitment agencies in the caregiving sector, it continued to require every agency to hire a licensed social worker responsible for supervising the conditions of foreign caregivers, including home visits, and for informing relevant authorities about labor violations.

The government, in collaboration with an NGO, continued to operate a 24-hour hotline to assist foreign workers who were in Israel under bilateral agreements. The hotline employed 11 interpreters in nine languages: Chinese, Thai, Bulgarian, Russian, Nepalese, Sinhalese, Romanian, Ukrainian, and Turkish. In 2017, the hotline received 2,332 calls, the majority from Thai agricultural workers and Chinese construction workers. There was no comparable hotline for the approximately 74,000 documented migrant workers who worked in Israel through private recruitment, nor for the approximately 131,000 Palestinian workers in Israel and Israeli settlements in the West Bank. In November 2018, the Child Protection Bureau launched a toll-free hotline for online offenses against children, but the government did not maintain a separate hotline for potential child victims of all forms of trafficking. The government also maintained an emergency hotline for women and girls in prostitution, but it did not provide data on its operations in 2018. The government continued efforts to reduce the demand for commercial sex acts, including sex tourism.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Israel. Foreign workers, primarily from South and Southeast Asia, Eastern Europe and the former Soviet Union, and the West Bank and Gaza migrate to Israel for temporary work in construction, agriculture, and caregiving; some of these workers are subjected to forced labor. As of October 2018, data from the Israeli government, Palestinian Authority, UN, NGOs, and media indicated there were 215,000 legal foreign workers and 129,000 illegal foreign workers, including Palestinian workers, in Israel and Israeli settlements in the West Bank. Foreign workers, particularly Turkish, Chinese, Palestinian, Russian, and Ukrainian men, in the construction sector suffer from labor rights abuses and violations and labor trafficking. Some employers in the construction sector illegally charge Palestinian workers monthly commissions and fees, and in many cases employers illegally hire out Palestinian workers to other workplaces; these workers are vulnerable to forced labor. Traffickers subject some Thai men and women to forced labor in Israel's agricultural sector where they face conditions of long working hours, no breaks or rest days, withheld passports, and difficulty changing employers due to limitations on work permits. Some traffickers in the agricultural sector recruit students from developing countries to take part in an agricultural study program on student visas, and force them to work in the industry upon arrival, effectively circumventing the BWA process. Caregivers are highly vulnerable to forced labor due to their isolation inside private residences and their lack of protection under the labor law; local NGOs report that traffickers subject caregivers to excessive recruitment fees, fraudulent work contracts, long work hours, confiscation of passports, underpayment of wages, physical violence, sexual harassment and abuse, denial of severance pay, and poor housing including—in some cases—living in the same room as their employer. Foreign caregivers constitute the largest share of all legal foreign workers in the country; the vast majority of these workers are women. The government's policy of refusing fast-track asylum claims has resulted in fewer claims from Ukrainian and Georgian applications; however, they were replaced by increased numbers of Russian and Moldovan workers following the same pattern: networks of workforce agencies recruit workers to Israel through a fraudulent asylum-claim process and charge workers high mediation fees and sell them fake documents; these workers are vulnerable to exploitation. Some Bedouin Israeli children are reportedly vulnerable to forced labor, experiencing long working hours and physical violence.

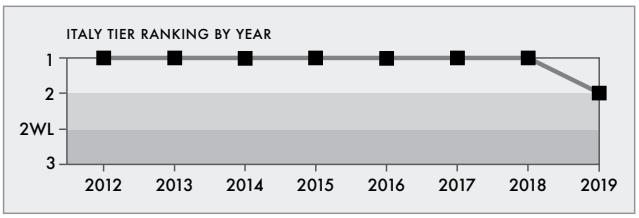
Eritrean and Sudanese male and female migrants and asylum seekers are highly vulnerable to sex and labor trafficking in Israel. As of October 2018, 31,000 African migrants and asylum seekers were present in Israel, nearly all of whom were from Eritrea or Sudan. According to NGOs, these migrants and asylum-seekers became increasingly vulnerable to trafficking following the government's implementation of the Deposit Law that reduced net wages for this population. Economic distress among women in this population, especially Eritrean women, greatly increases their vulnerability to sex trafficking. Since 2007, thousands of African migrants entered Israel via the Sinai Peninsula. The flow of these migrants arriving in Israel, peaking at more than 17,000 in 2011, dramatically decreased to zero in 2017. Many of these migrants were kidnapped in the Sinai and subjected to severe abuse, including forced labor and sex trafficking, at the hands of criminal groups in the Sinai before reaching Israel.

Israeli children, Israeli Bedouin and Palestinian women and girls, and foreign women are vulnerable to sex trafficking in Israel. Traffickers use social media websites, including dating apps, online forums and chat rooms, and Facebook groups, to exploit girls in prostitution; an NGO reported in 2018 that there are approximately 3,000 Israeli child sex trafficking victims in Israel. Israeli Bedouin and West Bank Palestinian women and girls are vulnerable to sex and labor trafficking after family members force them into marriages with older men; these women and girls experience physical and sexual abuse, threats of violence, and restricted movement. NGOs report some Palestinian LGBTI men and boys in Israel are vulnerable to abuse and sexual exploitation, due to their lack of legal status and restrictions on work eligibility for Palestinian nationals in Israel. Some Israeli transgender women and girls are sexually exploited in prostitution in order to be able to afford gender-affirming care. Transgender women in prostitution sexually exploit some transgender children as young as 13 years old,

some of whom run away from home. Traffickers subject women from Eastern Europe and the former Soviet Union, China, and Ghana, as well as Eritrean men and women, to sex trafficking in Israel; some women arrive on tourist visas to work willingly in prostitution—particularly in the southern coastal resort city of Eilat—but sex traffickers subsequently exploit them. Some traffickers reportedly recruit sex trafficking victims with false, fraudulent, or misleading job offers on the internet, sometimes through legitimate employment websites.

# **ITALY:** TIER 2

The Government of Italy does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included increasing funding for victim assistance and international cooperation on prosecutions. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. Despite government commitments and efforts to crack down on trafficking rings in Italy, there was a decline in the number of trafficking arrests and investigations compared to the previous reporting period. While NGOs and international organizations referred many victims for government assistance, the government did not consistently assess risks to potential victims prior to forced returns or expulsions to countries where victims would face retribution or hardship. The government did not have legal protections from penalties against victims for unlawful acts traffickers compelled them to commit. Therefore Italy was downgraded to Tier 2.




## PRIORITIZED RECOMMENDATIONS:

Consistently assess risks and provide legal protections to all potential victims prior to any forced returns or expulsions, including where such persons have entered Italian territorial waters, and during operations assisted by the Italian government in Libyan search and rescue areas. • Ensure victims who would face hardship or retribution in returning to their home country have the legal status and right to remain in Italy. • Improve and fully implement the national referral mechanism for trafficking victims across the country, including for vulnerable children, which should consider the special circumstances and needs of child victims. • Improve security standards in and around reception centers to limit contact between traffickers and victims or potential victims. • Vigorously investigate and prosecute trafficking cases and convict and sentence traffickers with adequate sentences. • Increase international cooperation with source and transit countries, especially Nigeria, Tunisia, and Libya, on information sharing and countering trafficking rings. • Intensify efforts to effectively screen for labor trafficking victims through increased inspections and improved training of labor inspectors to spot trafficking indicators and refer victim for services. • Consolidate data among different ministries and agencies that gather it, and make public a database on investigations, prosecutions, and convictions, including sentencing data.

## PROSECUTION

The government decreased law enforcement efforts. The 2003 Measures Against Trafficking in Persons law criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 20 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. Article 600 of the penal code criminalized placing or holding a person in slavery or servitude and prescribed the same penalties. In 2018, authorities investigated 314 persons for trafficking, compared to 482 in 2017. Police arrested 99 suspected traffickers, compared to 133 in 2017. The government indicted 139 defendants under the trafficking law, compared to 73 in 2017. Trial courts and appellate courts convicted 46 traffickers under the trafficking law, compared to 28 in 2017, and the government also investigated 340 persons under Article 600 for slavery, compared to 412 in 2017, and indicted 119, with 81 convictions, compared to 108 convictions in 2017.

The government did not maintain a consolidated database on investigations, prosecutions, convictions, and sentencing of traffickers, or of their victims, a deficiency noted by GRETA. The data contained in the various government databases was not made public. In a notable case during the reporting year, a court in Palermo sentenced a Nigerian defendant in December to life in prison for sex trafficking, by bringing victims from Libya, and for other crimes committed at an illegal migration camp inside Libya. This was the first extraterritorial conviction in Italy for trafficking and related crimes committed by a foreigner in Libya. Specialized anti-mafia units handled trafficking prosecutions. Whenever investigators found clear evidence of trafficking, they referred the case to the anti-mafia unit, which triggered relaunching the investigation, extending the timeframe for prosecution and trial. To avoid this delay, non-specialized investigators and prosecutors sometimes charged perpetrators with crimes other than trafficking. Anti-mafia units prioritized investigations of criminal networks over individual cases, citing limits on available resources. The reduction in arrival and admission of irregular migrants by 80 percent compared to 2017 may have contributed to the lower number of investigations and arrests in 2018.

High-level officials met with representatives from Niger, Libya, Tunisia, Sudan, Ghana, and Nigeria, but Italian prosecutors and police continued to cite insufficient cooperation in investigations from officials in source and transit countries. Prosecutors cited continued cooperation with the Libyan Government of National Accord (GNA), as evidenced by the GNA-issued arrest warrants in 2018 for 200 suspected traffickers in Libya that stemmed from a joint trafficking investigation. Trafficking networks and gangs continued to grow more sophisticated and more violent, particularly Nigerian gangs linked to the Black Axe, Supreme Viking Confraternity, and the Eiye syndicate. Prosecutors continued their program with 22 African countries bringing African prosecutors to work alongside Italian prosecutors for six months of training, enhancing cooperation between Italy and source countries. Law enforcement agencies received training on victim identification and investigation of trafficking crimes within their standard curriculum. There were no investigations or prosecutions of government employees complicit in trafficking offenses.

## PROTECTION

The government decreased overall protection efforts. The Department of Equal Opportunity (DEO), which coordinates protection efforts, reported government-supported NGOs assisted 1,373 trafficking victims in 2018, of which 597 were new cases, compared to 1,354 trafficking victims assisted in 2017. Of the trafficking victims NGOs assisted, 89 percent were victims of sex trafficking or exploitation, six percent labor trafficking, one percent forced begging, one percent forced criminality, and four percent other forms or unidentified. To reduce the flow of migrants from Libya, Italy continued training operations with the Libyan Coast Guard, and provided additional patrol vessels, as did other EU member states. However, many European and international NGOs criticized this coordinated effort of turning migrant vessels immediately back to Libyan shores, citing severe security and human rights conditions inside Libya and Libyan detention centers, and a heightened risk of trafficking for migrants forced to remain in Libya. To reduce the Mediterranean migrant flow, government policy barred NGO rescue ships carrying migrants from the Libyan search and rescue waters from docking at Italian ports. The government continued accepting a small number of pre-screened potential victims of trafficking, via UNHCR-approved "humanitarian corridors," some via direct flights from Libya and Niger. The government continued discussions with the EU on equitable burden-sharing for processing of arriving migrants. The government also funded four voluntary repatriation programs to source countries and provided support for similar repatriations by international organizations from Libya.

NGOs coordinated with law enforcement and immigration officials at both the arrival points and the longer-term reception centers. The government observed standard UNHCR procedures to screen for trafficking victims among asylum-seekers, although according to NGOs, authorities did not properly identify many of the victims on arrival and instead classified victims only as asylum-seekers or undocumented immigrants subject to deportation. Often victims, controlled by their traffickers, refused self-identification as a victim of trafficking. GRETA reported the government did not ensure that officials conducted individualized assessments of risks in all cases prior to any forced returns or expulsions, and noted such cases of returns to Tunisia and Nigeria. NGOs continued to stress the need for longer time periods for screening of migrants at arrival ports to more accurately ascertain victim status, but they acknowledged conditions were not conducive to a stay there beyond one or two days. NGOs also reported improvements in coordination with immigration officials and law enforcement on processing new arrivals. UNHCR trained 230 officials charged with reviewing asylum claims, as well as 70 interpreters, on methods of identifying victims of trafficking. IOM also trained reception center staff on victim identification.

NGOs, the EU, and the Catholic Church projected that the government's September decree tightening the availability of humanitarian protections for certain asylum-seekers could result in increased trafficking risks for irregular migrants already residing in Italy. Although persons already officially recognized as trafficking victims remained in a protected category, NGOs reported that many of these irregular migrants were either victims or potential victims, with most at risk of labor trafficking.

There was sufficient capacity of reception centers to meet demand due to stricter humanitarian protection qualifications and the overall reduction in irregular migrant arrivals. International organizations, however, continued to assert most centers remained under-equipped to fully address the unique needs of trafficking victims. The government often housed victims and potential victims with irregular migrants, and such housing lacked adequate security against traffickers inside and outside the centers seeking to recruit victims or remove those already under their control. With the 80 percent decline in numbers of irregular migrant arrivals compared to 2017, NGOs and international organizations found initial identification of victims improved, and thus the most acute need shifted to assistance to victims already in Italy. NGOs observed an increase in cooperation and information-sharing by law enforcement with NGOs, particularly in Rome, and particularly regarding new arrivals and minors from other European countries, although the level of police-NGO cooperation varied by region.

The government allotted €24 million ($27.52 million) to trafficking victim assistance programs implemented by NGOs in 2018, increased from €22.5 million ($25.8 million) in 2017 and €15.5 million ($17.78 million) in 2016. The government extended the availability of government-funded programs for assistance for victims to 15 months duration. Local governments provided additional funds to victim assistance programs, although the government did not report the amount. The government cooperated with NGOs and international organizations to provide shelter and services to victims. NGOs welcomed increased government funding for adding facilities, including for men, and for unaccompanied minors. However, funding levels remained insufficient to assist the number of trafficking victims present in Italy from past years. NGOs reported inconsistent quality standards of assistance programs across regions. The government did not implement a formal referral mechanism, for adults or for children, as recommended by GRETA and NGOs. NGOs and the DEO recognized inconsistencies in the efficiency and effectiveness of the current referral process between regions and found that quality standards were lower in the south. Availability of interpretation services for lesser-known African dialects, with victims coming from as many as 15 different language groups, remained a significant challenge.

Foreign victims received assistance for up to 12 months and were eligible for temporary residency and a work permit. Upon identification by authorities during initial screening upon arrival, trafficking victims were eligible for shelter in specialized facilities and could extend their temporary residence permit if employed or enrolled in a job training program. The government granted 270 residence permits to victims in 2018 under Article 18, a decline from 418 in 2017 and 340 in 2016. According to NGOs and pro bono lawyers, many victims applied for asylum upon arrival rather than protection as a victim of trafficking, either through pressure from their trafficker or believing that asylum status afforded greater freedoms, more immediate access to employment and services, and long-term residency.

Children represented nearly 11 percent of all victims receiving assistance, many being boys forced to beg or commit robbery. The Ministry of Interior formed a working group focused on support for unaccompanied minors at risk of trafficking under a 2017 law strengthening their protection. Many unaccompanied Nigerian minor victims misrepresented their age to gain placement in an adult reception center, giving greater freedom to leave the center unnoticed with their trafficker. NGOs, however, welcomed increased scrutiny by authorities of these age-claims, and authorities more often sent victims into child protection if unable to confirm adult age-status. NGOs estimated more than 5,000 minors in Italy were victims of sex trafficking in 2018. Foreign child victims automatically received a residence permit until age 18 and accommodations in a general children's

center or a designated center for trafficking victims who were also asylum-seekers. NGOs cited shelters for unaccompanied minors were insufficient in number given the large need. Children received counseling and enrolled in public schools with the support of mentors. However, by the end of 2017, an estimated 32 percent of unaccompanied children had left the centers voluntarily, which greatly increased their vulnerability to trafficking.

The government did not require victims to cooperate with law enforcement to obtain assistance and a residence permit, although NGOs and international organizations reported authorities did not consistently implement this policy and sometimes gave preference to those who cooperated. The government also offered a single payment of €1,500 ($1,720) to victims, although NGOs noted the application procedure was overly complex and the amount insufficient. GRETA also reported the guarantee of compensation for victims was inadequate and cited insufficient criminal and civil legal options for victims to pursue restitution from traffickers. GRETA further recommended the government increase the use of existing legal remedies to provide restitution to victims and more proactively seize assets and pursue forfeiture against perpetrators.

Italian criminal law lacked a provision prohibiting punishment of victims for unlawful acts traffickers compelled them to commit. Current law required proof of exploitation in a criminal action against the perpetrator, which left victims and potential victims at risk of prosecution and conviction when a court did not first convict the perpetrators. NGOs also cited continued challenges in adapting to changing dynamics and methods of traffickers and the need for improved coordination on anti-trafficking strategies between national government ministries, international organizations, and ground-level NGOs, as well as increased cooperation by local police and prosecutors. NGOs, prosecutors, and local officials praised the contribution of trained cultural mediators hired by the government or provided by government-funded NGOs, for their skill in communicating with migrants and victims.

## PREVENTION

The government maintained prevention efforts. The DEO, as coordinator of the interagency steering committee on trafficking, was responsible for drafting the national action plan. The government had not completed its updated plan for 2019-2021, although it engaged NGOs and other stakeholders for input. The government had not appointed a rapporteur.

In 2018, officials inspected 116,846 sites, of which 7,146 were agricultural, and identified 33,800 unregistered workers, of which 1,332 were illegal migrants.

This compared to inspection of 160,347 sites, including 7,265 agricultural companies, and identification of more than 48,000 unregistered workers in 2017. The government did not report the extent to which it screened or identified potential trafficking cases in the inspections. The government allotted €11.1 million ($12.73 million), in addition to €11.9 million ($13.65 million) from the European Commission, for initiatives aimed at preventing and fighting labor exploitation and combating illicit labor brokers. GRETA recommended the government intensify efforts to more effectively screen for trafficking victims through increased labor inspections, expanded training of inspectors, and in monitoring of recruitment practices including in agriculture, domestic labor, hospitality and food service.

The DEO's hotline for victims of trafficking received more than 3,802 calls for information, of which seven percent were potential trafficking cases, compared to 4,033 calls in 2018. Local authorities and NGOs continued to distribute brochures, posters, bumper stickers, and media advertisements providing information on victim assistance. There was no coordinated national government effort to reduce the demand for commercial sex. The government did not make efforts to reduce the demand for child sex tourism by Italian citizens or for forced labor. Italy and Libya's GNA maintained agreements on judicial cooperation and extraditions. In March 2018, Italian police launched a two-year program based in Egypt training 360 law enforcement officials from 22 African countries on immigration and border control, including combating human trafficking. The government continued an awareness program across the Horn of Africa and West Africa to inform potential migrants of the risks of trafficking.

## TRAFFICKING PROFILE

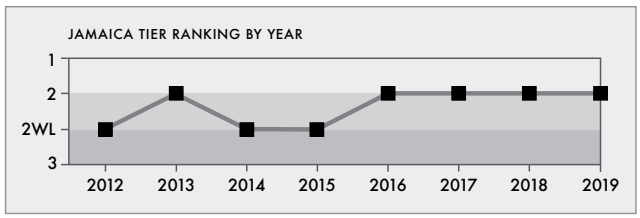
As reported over the past five years, human traffickers exploit foreign victims in Italy. Victims originate primarily from Nigeria and other African countries, China, and Eastern Europe, and include ethnic Roma. Italy has an estimated 1.5 million unregistered workers, who were particularly vulnerable to labor trafficking. Labor traffickers operate in agriculture, predominantly in southern Italy, and in construction, household labor, hospitality, and restaurants mainly in the north. Textile factories exploit Chinese and other victims in Milan, Prato, Rome, and Naples. Chinese criminal elements force victims to work in apartments and in massage parlors. Approximately 80 percent of trafficking victims are from Nigeria. International organizations estimated up to 75 percent of the Nigerian women and unaccompanied children who arrived in 2018 were trafficking victims. Nigerians represented nearly 36 percent of the victims who received residency permits in 2018, primarily women and girls subjected to sex trafficking through debt-based coercion and many coerced through voodoo rituals. Several Nigerian trafficking networks have expanded operations across Italy and reportedly receive protection from Italian crime syndicates. Of an estimated 40,000 to 45,000 individuals in prostitution on the streets, NGOs reported approximately 60 percent are trafficking victims or vulnerable to trafficking; the majority come from Nigeria or Romania, and between five and eight percent are minors. Italy has accommodated more than 700,000 seaborne migrants since 2011, although the rate dropped precipitously in 2018, due in part to government policy tightening the intake of irregular migrants and the government's assistance to the Libyan Coast Guard. Italy received 23,370 irregular arrivals by sea in 2018 and just more than half (12,977) via Libya, where many reported experiencing extortion, torture, and rape by militias or traffickers while awaiting passage.

Traffickers frequently target unaccompanied children, including boys forced to work in shops, bars, restaurants, bakeries, or in forced begging. Of the 61,000 persons requesting asylum in 2018, authorities estimate up to 30 percent are vulnerable to sex or labor trafficking while waiting for adjudication of their petition. According to the government, 3,534 unaccompanied children arrived in 2018, mostly boys and the majority from Africa, a significant decline from 15,731 arriving in 2017 and 25,846 in 2016. Asylum-seekers may legally work beginning two months after filing their application, although many seek illegal employment immediately in informal sectors, increasing their vulnerability to trafficking. Many also attempt passage to other European countries. However, under the European Commission's Dublin Regulation, countries may repatriate

victims to the EU country of their arrival. This regulation likely increased the number of asylum seekers or trafficking victims now forced to remain in Italy, or return to Italy from another EU country.

## JAMAICA: TIER 2

The Government of Jamaica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Jamaica remained on Tier 2. These efforts included investigating and prosecuting more suspected traffickers, achieving a swift conviction that included prison time, and publishing its first annual report on trafficking in persons in Jamaica. The government also increased funding for anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. Increased funding did not result in improved protections for victims or increased accountability for traffickers. The government identified fewer victims compared to the previous year; it provided minimal services to identified victims and did not refer any Jamaican victims to shelters; and it convicted only one trafficker. Public awareness and outreach activities were ineffective in increasing officials' and the public's capacity to identify and appropriately respond to suspected cases of trafficking in their communities.




### PRIORITIZED RECOMMENDATIONS:

Increase effectiveness of victim identification efforts. • Develop, fully implement, and train officials—including local police, Center for the Investigation of Sexual Offences and Child Abuse (CISOCA) investigators, social workers, and justices of the peace—on government-wide SOPs to guide proactive identification of suspected trafficking victims and referral to services, including screening for indicators of trafficking among vulnerable groups. • Revise and standardize referral procedures such that authorities and the public can refer all suspected victims directly to government or NGO service providers, and make victims eligible to receive formal identification and trafficking-related services—including placement in the National Task Force Against Trafficking in Persons (NATFATIP), Child Protection and Family Services Agency (CPFSA), or NGO shelters—without police referral. • Increase efforts to provide more victims, whether identified in Jamaica or repatriated from abroad, with comprehensive services including legal, medical, psycho-social, shelter, case management, educational/vocational, and reintegration assistance. • Increase funding to enhance the capacity of ministries, departments, and agencies that provide victim services and to the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) to fulfill its mandate to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government. • Increase cooperation between law enforcement and service providers (both governmental and NGO) and increase efforts to employ victim-centered, trauma-informed procedures in law enforcement operations, investigations, and criminal justice proceedings. • Strengthen and institutionalize training on human trafficking and victim-centered procedures for police, prosecutors, and judges and assign cases to trained personnel. • Increase efforts to vigorously investigate, prosecute, convict, and punish traffickers. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with penalties for other grave crimes, including by removing sentencing provisions that allow fines in lieu of imprisonment and increasing the available maximum imprisonment term. • Increase efforts to investigate, prosecute, and convict foreign tourists and Jamaicans who purchase commercial sex acts from child trafficking victims. • Improve the effectiveness of efforts to educate government officials and the public about human trafficking in Jamaica through community-based outreach and education activities that are audience-specific and action-oriented, with a particular focus on identifying, responding to, and preventing trafficking crimes within communities.

### PROSECUTION

The government maintained limited law enforcement efforts. The government criminalized sex trafficking and labor trafficking through its Trafficking in Persons (Prevention, Suppression, and Punishment) Act, which prescribed penalties of up to 20 years' imprisonment, a fine, or both for offenses involving an adult victim, and up to 30 years' imprisonment, a fine, or both for those involving a child victim. These penalties were sufficiently stringent; however, with respect to sex trafficking, by allowing for a fine in lieu of imprisonment and prescribing a lower maximum imprisonment term, these penalties were not commensurate with those for other serious crimes, such as rape.

Authorities reported investigating 36 potential trafficking cases during the reporting period, compared with 30 investigations during the previous reporting period and 40 the year before that. Officials initiated prosecutions against six defendants for sex trafficking offenses, an increase from three prosecutions initiated in the previous reporting period; nine prosecutions from previous years remained ongoing. Authorities dismissed two cases, and two suspects charged during a previous reporting period were released on bail and subsequently absconded. The government secured one conviction, a forced begging case initiated in 2017, compared with one conviction in the previous reporting period and two convictions two years ago. The court sentenced the convicted trafficker to two years' imprisonment for each of eleven counts, with the eleven sentences to be served concurrently. Prosecutors obtained a plea-bargain in this case, resulting in its timely resolution. The government sentenced a sex trafficker convicted during the previous reporting period to four years and five months' imprisonment in July 2018. In October 2018, a court dismissed an appeal and upheld a trafficking conviction from 2016, though it reduced the trafficker's sentence from 14 to 10 years' imprisonment. The slow pace at which other cases moved through the courts hampered efforts to hold traffickers criminally accountable and deterred victims from serving as witnesses. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The government maintained a specialized police unit that investigated human trafficking and vice crimes and a team of prosecutors specialized in human rights, intellectual property, and sexual offenses. Some individual judges had specialized trafficking experience, but there was no mechanism to assign trafficking cases to these judges. The government included a