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.

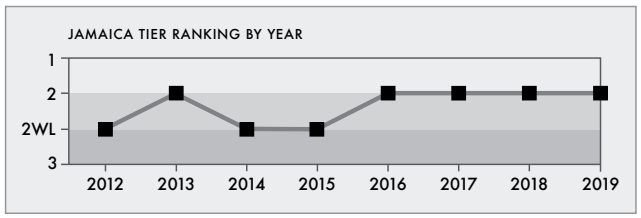
TRAFFICKING PROFILE

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 module on combating trafficking in its basic training for new police recruits and provided this training to 339 police officers during the year, compared to more than 600 in the previous reporting period. Police from the anti-trafficking unit delivered a presentation on trafficking to 50 prosecutors and one to 140 judges. The government reported international police cooperation in three investigations but did not specify which governments.

PROTECTION

The government maintained weak efforts to protect victims. While it increased funding for victim services, it identified a small number of victims, and identified victims received minimal services before authorities returned them to their homes. Authorities identified six sex trafficking victims, including five Jamaican children and one Chinese woman, a decrease from 13 victims identified during the previous reporting period. The government had written guidelines to assist healthcare workers, labor officials, diplomats, and officers in the Jamaica Constabulary Force's (JCF) anti-trafficking unit in proactively identifying potential trafficking victims. However, key stakeholder groups such as front-line police officers, CISOCA investigators, and social workers lacked standard procedures to screen for indicators of trafficking among the vulnerable populations they assisted. The children's registry operated a national hotline for cases of child abuse, including human trafficking, and received four reports of suspected child trafficking between April and December 2018; the government did not identify any victims as a result of these calls. Media reports and observations from

NGOs indicated officials often failed to recognize indicators of trafficking—such as children receiving financial or material compensation for sex acts—among the cases they handled, and therefore did not identify these victims and refer them to care. Some police outside the anti-trafficking unit reported they lacked sufficient training on trafficking.

The government provided counseling, short-term accommodation in the NATFATIP trafficking shelter, and food and clothing for the foreign victim before repatriating her to China. The government reported providing medical care and counseling to the five Jamaican child victims, whom authorities returned to their families. The government did not refer any Jamaican victims to government or NGO shelters during the reporting period. Although several agencies had written procedures to guide trafficking victim referral, these procedures were sometimes vague and the government typically required all reports of suspected trafficking to go through the JCF's anti-trafficking unit. Officers from this unit interviewed potential victims and, in consultation with the NATFATIP secretariat, arranged confirmed victims' access to shelter and other services on a case-by-case basis.

During the reporting period, NATFATIP spent 17 million Jamaican dollars ($134,920) to renovate its trafficking shelter—which could accommodate 12 female victims—and 14 million Jamaican dollars ($111,110) on protection and assistance to victims. Most victims did not benefit from the shelter renovations; apart from the Chinese victim, the NATFATIP shelter assisted only one other victim, who has been a resident since 2013. The government continued to provide her with services and access to education but did not provide her with reintegration support to facilitate her long-term safety, wellbeing, and independence outside the shelter. The government provided school tuition, supplies, and financial assistance to support another victim identified in a previous reporting period. In addition to the NATFATIP shelter, authorities could place child victims in CPFSA facilities and female victims in NGO-operated shelters that were not exclusive to trafficking victims. There were no shelters for adult male victims. One NGO shelter could offer government-funded training and educational services to victims older than 16, but it did not assist any trafficking victims during the year. CPFSA had a protocol for providing services to child trafficking victims under the agency's care, and the government had victim management guidelines for facilities that provide care to victims of trafficking in Jamaica. In practice, however, officials referred few victims to shelter facilities unless they assessed an immediate threat to the victim's safety.

The government encouraged victims to participate in investigations and prosecutions and it provided one victim with a "court orientation" to overview the criminal justice process. However, it did not allocate adequate human or financial resources to provide victims with sustained support during legal processes. Local observers reported criminal justice officials often failed to employ a victim-centered approach, and victims lacked incentives to serve as witnesses in trials. Years-long court cases, re-traumatization through the criminal justice process, and fear of reprisal served as further disincentives for victims to report cases or participate in trials.

Although Jamaica's anti-trafficking law directed the court to order restitution to victims in a criminal case, courts did not award restitution to any trafficking victims during the reporting period. The government continued providing temporary relief from deportation for one foreign national victim identified in a previous reporting period. A foreign government reported it repatriated five Jamaican sex trafficking victims during the reporting period, although these victims did not receive assistance from the Jamaican government. Jamaican law protected trafficking victims from prosecution for immigration or prostitution-related offences traffickers compelled them to commit, but it did not provide immunity for other unlawful acts traffickers compelled victims to commit. Ineffective screening of vulnerable populations for indicators of trafficking may have resulted in authorities penalizing some victims.

PREVENTION

The government maintained efforts to prevent trafficking. NATFATIP, which included select nongovernmental representatives, continued to meet monthly and coordinated implementation of the government's anti-trafficking national plan of action, which expired at the end of 2018. The government drafted a new plan, valid through 2021, which congress approved in March 2019. The government allocated 33.4 million Jamaican dollars ($265,080) to the NATFATIP secretariat in the Ministry of Justice, compared with 34.8 million Jamaican dollars ($276,190) during the previous fiscal year, but it reported spending a total of 73 million Jamaican dollars ($579,370) on anti-trafficking activities during the year. With funding from an international organization, NATFTIP completed a national anti-trafficking policy to supplement the national plan of action. Centralized decision-making hindered interagency cooperation at the working level and individual ministries, departments, and agencies did not allocate sufficient resources to effectively combat trafficking.

The government provided a modest increase in staff resources to ONRTIP and this office published its first report on trafficking in persons in Jamaica in July 2018. However, ONRTIP continued to lack sufficient capacity 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. The government continued to conduct public awareness activities through television, radio, internet, and print media and conducted extensive outreach to teachers, students, government officials, and community members. The Jamaican government entered into a partnership with another government to combat child sex and labor trafficking in May 2018. The labor ministry continued to educate groups of workers on risks of trafficking prior to their departure for employment overseas. The government held a session on human trafficking and child labor for 40 private employment agents. The government, in cooperation with foreign authorities, monitored foreign registered sex offenders attempting to travel to Jamaica and prevented their entry into the country. The government did not report any investigations, prosecutions, or convictions of foreign tourists for the purchase of commercial sex acts from child trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

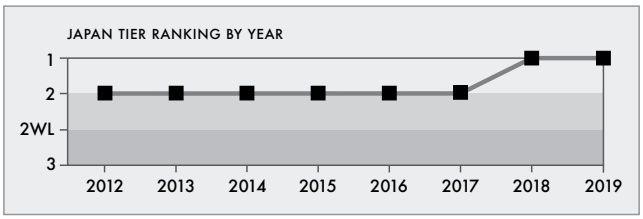
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jamaica, and traffickers exploit victims from Jamaica abroad. Sex trafficking of Jamaican women and children, including boys, reportedly occurs on streets and in nightclubs, bars, massage parlors, hotels, and private homes, including in resort towns. Traffickers increasingly use social media platforms to recruit victims. Communities vulnerable to sex trafficking and forced labor include young women and children from poor households, child victims of sexual abuse, residents of Jamaica's poverty-stricken areas effectively controlled by criminal "dons," migrant workers, and workers in the informal

sector, particularly on family farms and in markets and shops. Girls, sometimes coerced by family members, are subjected to sex trafficking by men who provide monetary or material payment to the girls or their families in exchange for sex acts; local observers report this form of child sex trafficking may be widespread in some communities. Gang members may subject some boys to forced criminal activity. Traffickers subject women and children to domestic servitude and some children and adults to forced begging. Many children are reported missing in Jamaica; traffickers subject some of these children to forced labor or sex trafficking. Traffickers have subjected Jamaican citizens to sex trafficking and forced labor abroad, including in other Caribbean countries, Canada, the United States, and the United Kingdom. Traffickers subject foreign nationals to forced labor in Jamaica and aboard foreign-flagged fishing vessels operating in Jamaican waters. NGOs and other local observers report child sex tourism is a problem in Jamaica's resort areas.

JAPAN: TIER 1

The Government of Japan fully meets the minimum standards for the elimination of trafficking. Authorities continued to demonstrate serious and sustained efforts during the reporting period; therefore Japan remained on Tier 1. These efforts included increasing labor inspections of the Technical Intern Training Program (TITP) and convicting and incarcerating more traffickers than in the previous reporting period. Although Japan met the minimum standards, authorities again failed to identify a single trafficking case in TITP, despite multiple reports of forced labor among migrant workers in Japan under its auspices. The government did not fully enforce TITP reform law provisions aimed at blocking foreign-based recruitment agencies from charging excessive fees—a key driver of debt bondage among TITP participants. Authorities continued to prosecute traffickers under laws carrying lesser sentences, which courts often suspended in lieu of incarceration, and they continued to suspend the majority of convicted traffickers' prison sentences. Some traffickers received only fines. Interagency stakeholders relied upon disparate screening and referral procedures, leading to issues with proper identification and protection of victims. Law enforcement bodies continued to identify hundreds of children exploited in commercial sex without formally designating them as trafficking victims, and authorities continued to address many suspected cases of child sex trafficking and forced labor with administrative penalties or loss of business licenses rather than through criminal investigations and proceedings.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute sex and labor trafficking cases, and hold convicted traffickers accountable by imposing strong sentences. • Amend anti-trafficking laws to remove sentencing provisions that allow fines in lieu of imprisonment and to increase the penalties prescribed for trafficking crimes to include a maximum of no less than four years' imprisonment. • Increase resources to provide specialized care and assistance to trafficking victims, including designated shelters for trafficking victims, and ensure these services are also available to both foreign and male victims. • Increase implementation of the TITP reform law's oversight and enforcement measures, including by training Organization for Technical Intern Training (OTIT) personnel and immigration officials on victim identification, improving OTIT coordination with NGOs, increasing employer inspections, and terminating contracts with foreign recruitment agencies charging excessive commissions or fees. • Enhance victim screening to ensure victims, including children exploited in commercial sex without third party facilitation, migrant workers under the TITP program, and migrant workers entering Japan under the new visa regimes, are properly identified and referred to services, and not detained or forcibly deported for unlawful acts traffickers compelled them to commit. • Reduce migrant workers' vulnerability to debt-based coercion by amending relevant policies to eliminate the imposition of all worker paid recruitment- and service fees. • Increase enforcement of bans on "punishment" agreements, passport withholding, and other practices by organizations and employers that contribute to forced labor. • Aggressively investigate, prosecute, convict, and punish Japanese citizens who engage in child sex tourism overseas.

PROSECUTION

The government increased some law enforcement efforts. Japan did not have a comprehensive anti-trafficking statute that included definitions in line with international standards. However, it criminalized sex trafficking and labor trafficking offenses through disparate laws pertaining to prostitution of adults and children, child welfare, immigration, and employment standards. Article 7 of the Prostitution Prevention Law criminalized inducing others into prostitution and prescribed penalties of up to three years' imprisonment or a fine of up to 100,000 yen ($910) if fraudulent or coercive means were used, and up to three years' imprisonment and a fine of up to 100,000 yen ($910) if force or threats were used. Article 8 of the same law increased penalties to up to five years' imprisonment and a fine of up to 200,000 yen ($1,820) if the defendant received, entered into a contract to receive, or demanded compensation for crimes committed under Article 7. The "Act on Regulation and Punishment of Activities Relating to Child Prostitution and Pornography and the Protection of Children" criminalized engaging in, acting as an intermediary for, and soliciting the commercial sexual exploitation of a child and prescribed penalties of up to five years' imprisonment, a fine, or both. The act also criminalized the purchase or sale of children for the purpose of exploiting them through prostitution or the production of child pornography, and prescribed a maximum penalty of 10 years' imprisonment. The government reportedly also prosecuted trafficking-related offenses using the Child Welfare Act, which broadly criminalized transporting or harboring children for the purpose of causing them to commit an obscene or harmful act and prescribed penalties of up to 10 years' imprisonment, or a fine of up to 3 million yen ($27,310), or both. The Employment Security Act and the Labor Standards Act both criminalized forced labor and prescribed penalties of up to 10 years' imprisonment or a fine not exceeding 3 million yen ($27,310). The Supreme Public Prosecutors Office issued sentencing guidelines in March 2018 that reportedly directed prosecutors to recommend imprisonment for convictions of trafficking offenses that violated the Child Welfare Act. The majority of convicted traffickers continued to receive sentences allowing them to avoid jail time during the reporting period.

Civil society organizations reported that reliance on this series of overlapping statutes continued to hinder the government's ability to identify and prosecute trafficking crimes, especially for cases involving forced labor with elements of psychological coercion.

The government reported initiating 39 investigations into crimes related to trafficking in 2018 (unreported in 2017; 44 in 2016), and courts newly indicted 34 individuals (26 in 2017), leading to 27 convictions (23 in 2017). Authorities did not disaggregate prosecutorial data by type of trafficking. Two of the 27 convicted traffickers were sentenced with fines alone. Sixteen received suspended sentences, allowing them to avoid serving prison terms (12 suspensions in 2017); and six of them also received fines ranging from 50,000 to 1 million yen ($455 to $9,100). Authorities sentenced the remaining nine traffickers to one to seven years' imprisonment (17 sentenced to two to four years in 2017) and incarcerated all nine (only five in 2017). The government reported investigating more than 700 adult individuals for cases involving "children in prostitution" without formally identifying them as trafficking crimes (956 in 2017); authorities indicted and convicted nearly 600 of these individuals, but did not report sentencing or incarceration data. In previous years, authorities reported convicting a small number of individuals under "child prostitution" provisions of the "Act on Punishment of Activities Relating to Child Prostitution and Child Pornography and the Protection of Children," but this figure often only included "child prostitution" cases the government formally recognized as trafficking; the true number of convictions under these provisions was therefore likely much higher. In an effort to streamline prosecutorial efforts, the central government instructed prosecutors' offices nationwide to designate trafficking-specific personnel to serve as law enforcement liaisons. The NPA also created and disseminated new leaflets with QR codes leading to a website offering emergency contact information in nine languages and encouraging victims to report abuses; authorities also featured this content in interagency awareness raising materials. In 2017, Japan passed a law containing a provision that criminalized bribery of witnesses, which would allow authorities additional grounds to pursue obstruction of justice charges against some traffickers. However, the government did not report to what extent it implemented this for trafficking cases during the reporting period.

Despite the prevalence of forced labor indicators identified through increased OTIT inspections, the government did not report prosecuting or convicting any individuals for involvement in the forced labor of TITP participants. The Labor Standards Inspection Office and regional immigration authorities conducted on-site inspections of more than 7,300 TITP implementing organizations allegedly abusing program participants; they found 5,160 of these organizations to be in violation of unspecified labor laws and issued corrective notices. They reported referring 19 of these cases to the Public Prosecutor's Office for further criminal investigation of "severe abuses" (40 cases in 2017 and 40 for lesser violations in 2016). NGOs claimed courts set prohibitively high evidentiary standards for forced labor cases involving foreign victims, thereby stymying appropriate law enforcement action. Some local law enforcement authorities reportedly assisted abusive TITP employers in blocking NGOs from rescuing and assisting victims of forced labor.

Authorities continued to take law enforcement action against child sex trafficking in "JK" businesses and in coerced pornography operations, but they did not provide data or case specifics, unlike in previous reporting periods. Seven major prefectures passed ordinances banning "JK" businesses, prohibiting girls younger than 18 from working in "compensated dating services," or requiring "JK" business owners to register their employee rosters with local public safety commissions. During the reporting period, authorities identified 137 of these operations nationwide (114 in 2017); they did not report closing any of these establishments for violating the terms of the ordinance (14 in 2017), but they arrested 69 individuals alleged to have been engaged in unspecified criminal activities surrounding the JK business. Some authorities were reportedly unaware of the crime or unsure how to prosecute it, often citing prohibitively high evidentiary standards. The government continued to provide training on investigative methods and victim identification for police officers, prosecutors, judges, and immigration bureau officials; despite these efforts, contacts noted an acute need for additional training to address lack of awareness among key judicial stakeholders.

PROTECTION

The government maintained insufficient efforts to protect victims, including by again failing to formally identify victims of trafficking within the TITP and among hundreds of children in commercial sexual exploitation. Authorities relied upon formal manuals instituted by an Inter-Ministerial Liaison Committee in 2010 encouraging government bodies to develop broad protection measures for trafficking victims. National Police Agency (NPA) officials also reported consulting an IOM-developed handbook to identify and refer victims to available protective services. In practice, interagency stakeholders followed disparate, often insufficient victim identification procedures—especially among child sex trafficking victims and migrant workers.

Authorities identified only 25 trafficking victims, compared with 46 in 2017 and 50 in 2016. Of these 25, the government identified one underage male victim of forced labor (one male in 2017); three women forced to work as "hostesses," some of whom may have also been subjected to sex trafficking; and at least 20 female sex trafficking victims (31 in 2017; 37 in 2016), including four children. Only one victim identified in 2018 was male, and the government has never identified a forced labor victim within the TITP despite substantial evidence of trafficking indicators. Authorities continued to arrest and deport TITP participants—particularly those from Vietnam—who escaped forced labor and other abusive conditions in their contracted agencies. The government did not report national statistics on forcible TITP deportations. However, immigration authorities in one city reported interviewing at least 8,000 TITP participants leaving Japan prior to the end of their contracts to screen for unjust employer-initiated deportations; they detected nine attempted forcible deportations among this group, successfully intervened in five of the cases, and reinstated TITP employment for two of the workers.

Authorities identified and provided unspecified protection services to an additional 544 "children in prostitution"—a form of sex trafficking—among 827 offenses during the reporting period, but police did not identify any of them as sex trafficking victims (six of 654 in 2017; 10 of 518 offenses in 2016); authorities continued to separate these statistics based on persistent definitional discrepancies that may have affected service provision and proper law enforcement action. Contrary to definitional standards under the 2000 UN TIP Protocol, authorities did not consider children to be victims of sex trafficking unless the sex acts were mediated by a third

party, preventing hundreds of children from formal designation. Police continued to treat some potential child sex trafficking victims as delinquents—particularly LGBTI children—and counseled them on their behavior instead of screening them for victim status, investigating their cases, or referring them to specialized services. Authorities arrested some child victims in connection with their trafficking situations.

As in prior years, the government did not fund trafficking-specific shelters, but it continued to fund shelters run by Women's Consulting Offices (WCOs) and those for victims of domestic violence. Authorities reported assisting 16 of 27 victims in these shelters among those identified in 2018 (16 of 46 in 2017). An unknown number of additional victims received assistance in NGO shelters, where they could access government-subsidized medical care. WCO shelters provided food and other basic needs, psychological care, and coverage of medical expenses to victims, who were free to leave the facilities if accompanied by WCO personnel. The government reported allocating more than 3.4 million yen ($30,950) for sheltering trafficking victims (3.5 million yen ($31,860) for male victims alone in 2017). The availability and quality of victim services varied according to prefecture-level officials' relative experience with trafficking cases.

The Ministry of Health, Labor, and Welfare (MHLW) continued to partially fund an NGO-run general counseling hotline for foreign workers, but it was not trafficking-specific; it reported fielding 2,197 calls from TITP participants, but it was unclear how many featured trafficking allegations. The immigration bureau operated a similar hotline but did not identify any victims through its use (two in 2017). Police also ran a general hotline through a private entity that received more than 14,500 calls, 295 of which the NPA identified as possible trafficking cases (433 of 19,078 in 2017). This hotline was only available in the Japanese language, and authorities did not report whether the calls culminated in positive victim identification or further investigation. The government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to trafficking victims. Through this program, five foreign victims received repatriation assistance (seven in 2017; 23 in 2016). Despite the existence of these services, international organizations and NGOs reported most foreign trafficking victims had limited or no access to other government-provided social services from which legal resident victims could benefit. NGOs highlighted a lack of language interpretation services as a particular challenge to the protection of foreign victims.

Although the law ostensibly protected victims from denial of entry into or deportation from Japan, inadequate screening of vulnerable groups reportedly led to the arrest and deportation of some victims due to immigration violations or other crimes committed as a result of being subjected to sex trafficking or forced labor. NGOs noted increased cooperation between the Ministry of Foreign Affairs and the Ministry of Justice (MOJ) to tighten victim screening of Japanese-Filipino children entering the country on residency arrangements, but authorities did not report whether this led to any positive identifications. Temporary, long-term, and permanent residence benefits were available to foreign victims who feared the repercussions of returning to their countries of origin. The government reported granting one long-term and eight short-term visas under these circumstances (compared with two and 16, respectively, in 2017); some victims identified in 2018 already had residence permits at the time of identification. Victims had the right to file civil suits to seek compensation from their traffickers; some foreign workers, including potentially unidentified victims, and sex trafficking victims filed civil suits for non-payment of wages in 2018. However, companies ordered to provide restitution—including TITP employers—often filed for bankruptcy, making receipt of restitution awards nearly impossible. Civil society organizations reported some victims of coerced pornography chose not to participate in court proceedings against their traffickers due to fear that doing so would create stigma-based challenges to their reintegration and rehabilitation.

PREVENTION

The government maintained efforts to prevent trafficking but demonstrated a lack of political will to adequately do so among highly vulnerable migrant worker populations. It produced its fourth annual report on government actions to combat trafficking and tracked measures against the stated goals of its anti-trafficking action plan. Authorities raised awareness on trafficking by disseminating information online and through radio programs, posters, and brochures, as well as through leaflets distributed to NGOs, immigration and labor offices, and diplomatic missions in Japan and abroad. The government continued to distribute posters and brochures in transportation hubs and to travelers warning that Japanese citizens could face prosecution if suspected of having engaged in child sex tourism overseas. Authorities continued to advertise the multilingual emergency contact hotline number at local police and immigration offices, through NGOs, and in consultations with source countries' governments.

The government continued to implement the 2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (TITP reform law), including by allocating more human and financial resources to OTIT—its oversight mechanism; increasing the number of inspections of TITP supervising organizations and worksites; and continuing the issuance of corrective orders for labor violations detected during inspections. The TITP reform law mandated the MHLW approve work plans outlining living conditions, working hours, and other factors developed jointly by incoming TITP participants and their employers; as of December 2018, authorities reported having approved 383,240 of these plans since enactment of the law. With the implementation of the new law, enforcement shifted from the Immigration Services Agency to the Labor Standards Inspection Office within MHLW during the reporting period. The Labor Standards Inspection Office and regional immigration bureaus conducted 7,339 on-site investigations into TITP work sites (5,966 in 2017), leading to "corrective notifications" for 5,160 organizations (4,226 in 2017) and 19 cases of "severe abuses" referred for prosecution. The Immigration Services Agency also notified more than 100 TITP organizations of misconduct, leading to approximately 170 corrective notifications in 2018 (210 in 2017), including two firms who used trainees for unpaid nuclear decontamination work in areas affected by the Fukushima nuclear disaster. The MOJ reported authorities banned more than 100 organizations from receiving interns in 2018.

Civil society groups lauded the OTIT's work to increase monitoring of working conditions at TITP factories, but they continued to express concern the OTIT was too understaffed to adequately investigate allegations of abuse, including forced labor, within such a large program—particularly as the number of participants continued to grow. Authorities revoked only eight MHLW-approved work plans for unspecified violations in 2018; some observers expressed these work plans lacked enforceability due to the high number of TITP employers and

participants relative to the small number of inspectors. Although the TITP reform law ostensibly expanded participants' rights to change employers at will once in Japan, observers noted most TITP participants were still barred from doing so; some participants reportedly fled from abusive conditions in their contracted workplaces, thereby violating the terms of their visas and becoming more vulnerable to trafficking in unemployment. Immigration officials issued orientation pamphlets with hotlines and contact information to all incoming TITP participants, but the content in some cases appeared to be intended to discourage them from seeking to change employers due to unfavorable working conditions. TITP employers continued to threaten participants with punitive fees if they attempted to leave. Some participants reported the OTIT was unresponsive to their request for mediation when their employers suddenly changed or terminated their contracts.

In an attempt to prevent TITP participants from incurring high debts in their sending countries, the government maintained memoranda of cooperation with Bangladesh, Bhutan, Burma, Cambodia, India, Laos, Mongolia, Pakistan, the Philippines, Sri Lanka, Thailand, Uzbekistan, and Vietnam, affirming it would accept TITP trainees only from state-approved organizations that would not charge participants excessive fees. However, some sending organizations in these countries were able to circumvent the fee restrictions and still secure their respective governments' approval by charging high "commissions" in lieu of fees; trainees from these countries therefore remained vulnerable to debt bondage once in Japan. This was especially true for Vietnamese participants, who constituted the highest proportion of TITP trainees. OTIT authorities could request that sending countries investigate allegations of recruitment fee violations, but the decision to penalize or ban sending organizations for the practice was at the discretion of sending country authorities; OTIT offices in at least one major TITP region did not report requesting any such investigations. Japanese authorities published the names of "discredited" TITP sending organizations on its website, but did not report steps to ensure incoming TITP participants avoided those organizations.

In December 2018, the government passed a new visa regime law that would allow an additional 345,000 migrant workers to enter Japan and fill positions in construction, shipbuilding, nursing care, and 10 other sectors with known labor shortages over the next five years. The new regime would permit qualifying individuals already participating in the TITP to switch their visas to the newly created categories, allowing them to extend their stay in Japan and change jobs within the same sector. However, observers expressed concern that the new visa categories could engender the same vulnerabilities to labor abuses, including forced labor, as those inherent to the TITP. The MOJ issued regulations requiring employers to compensate these workers at a rate equal to or greater than Japan's minimum wage. However, the law also enabled for-profit employment agencies and individuals to become "registered support organizations"—with no licensing requirements—to liaise between labor recruitment brokerages and employers for a fee. Observers were concerned these service fees would create additional vulnerabilities to debt-based coercion among migrant workers entering under the auspices of the new regime, and that the authorities had not instituted sufficient preventative measures in favor of accelerating the process to assuage urgent labor shortages.

The government had extraterritorial jurisdiction to prosecute Japanese nationals who engaged in child sexual exploitation abroad, but authorities did not report exercising this jurisdiction during the reporting period. The government conducted joint MHLW and NPA legislative information sessions targeting hundreds of companies involved in the adult film industry in an effort to prevent forced participation in pornography. The government also continued to convene a high-level interagency task force, led by the Minister for Gender Equality, to address violence against children perpetrated through forced participation in pornographic films and the "JK" business. The government did not make significant efforts to reduce the demand for commercial sex acts, and many of its awareness-raising content on the JK business appeared to be targeted toward victims, rather than the demand source. Authorities did not make significant efforts to reduce the demand for forced labor.

TRAFFICKING PROFILE

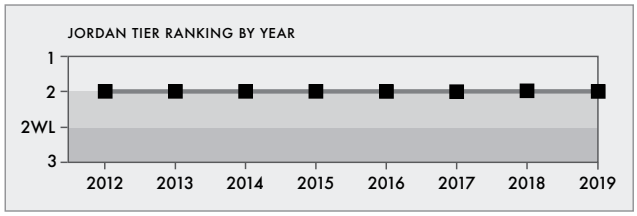
As reported over the last five years, human traffickers subject Japanese and foreign men and women to forced labor and sex trafficking, and they subject Japanese children to sex trafficking. Traffickers subject male and female migrant workers, mainly from Asia, to conditions of forced labor, including in Japanese government-run programs. Men, women, and children from Northeast Asia, Southeast Asia, South Asia, Latin America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Japan's fast-growing foreign student population is also vulnerable to trafficking in the unskilled labor sector. Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for sex trafficking in bars, clubs, brothels, and massage parlors. Traffickers keep victims in forced labor or forced prostitution using debt-based coercion, threats of violence or deportation, blackmail, passport retention, and other psychologically coercive methods. Employers require many migrant workers to pay fees for living expenses, medical care, and other necessities, leaving them vulnerable to debt-based coercion. Brothel operators sometimes arbitrarily impose "fines" on victims for alleged misbehavior as a tactic to extend their indebtedness. Traffickers reportedly transport victims from elsewhere in the region through Japan before exploiting them in onward destinations, including East Asia and North America.

Traffickers also subject Japanese citizens—particularly runaway teenage girls—to sex trafficking. Enjo kosai or "compensated dating" services and variants of the "JK" business continue to facilitate the sex trafficking of Japanese children. Highly organized prostitution networks target vulnerable Japanese women and girls—often living in poverty or with cognitive disabilities—in public spaces such as subways, popular youth hangouts, schools, and online, and subject them to sex trafficking in commercial sex establishments, retail spaces, and reflexology centers. Some groups posing as model and actor placement agencies use fraudulent recruitment techniques to coerce Japanese men, women, and girls into signing vague contracts and then threaten them with legal action or the release of compromising photographs to force them to participate in pornographic films. Private Japanese immigration brokers help Japanese-Filipino children and their Filipina mothers move to Japan and acquire citizenship for a significant fee, which the mothers often incur large debts to pay; upon arrival, some of these women and their children are subjected to sex trafficking to pay off the debts. Organized crime syndicates posing as immigration brokers also lure these families to Japan with deceptive job offers, and then subject the women to forced labor in the nightlife industry. Japanese men remain a source of demand for child sex tourism in Thailand and other countries in Asia.

Cases of forced labor occur within the TITP, a government-run program originally designed to foster basic technical skills among foreign workers that has effectively become a guest-worker program. TITP participants from Burma, China, Cambodia, the Philippines, and Vietnam pay sending organizations in their home countries up to $10,000 in excessive fees, deposits, or vague "commissions"—despite international agreements aimed at curbing the practice—to secure jobs in fishing, construction, and manufacturing. TITP employers place many participants in jobs that do not teach or develop technical skills, contrary to the program's intent; others place participants in jobs that do not match the duties they agreed upon beforehand. Some of these workers experience restricted freedom of movement, passport confiscation, threats of deportation, and other conditions indicative of forced labor. Some sending organizations require participants to sign "punishment agreements" charging thousands of dollars in penalties if they fail to comply with their labor contracts. Some participants who abscond from their contracted TITP jobs are reportedly subjected to sex trafficking.

JORDAN: TIER 2

The Government of Jordan 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 Jordan remained on Tier 2. These efforts included prosecuting a slightly increased number of potential traffickers than in the previous reporting period and providing a wide range of services to more victims in the government-operated trafficking shelter in Amman. However, the government did not meet the minimum standards in several key areas. Under Jordan's anti trafficking law, penalties for sex trafficking offenses were not commensurate with penalties prescribed for other serious crimes; Jordanian authorities did not enact draft amendments to the anti-trafficking law. Although the government continued to demonstrate political will to address trafficking, efforts were hampered by insufficient funding and personnel resources. The government identified fewer victims than in the previous reporting period, and victims continued to be vulnerable to arrest, imprisonment, and deportation for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration violations and fleeing abusive employers.



PRIORITIZED RECOMMENDATIONS:

Amend the anti-trafficking law to ensure penalties for sex trafficking crimes are commensurate with those prescribed for other serious crimes. • Proactively screen for and identify trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, street children, and women in prostitution. • Significantly increase training for law enforcement, prison officials, and labor inspectors throughout the country to screen for, identify, and refer to protection services trafficking victims. • Ensure victims are not inappropriately punished for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations or escaping from an abusive employer. • Finalize and widely distribute to all relevant officials the revised standard operating procedures (SOPs) for the victim referral mechanism. • Increase the number of specialized anti-trafficking "focal point" police officers throughout the country, including in Aqaba, and adequately train them on victim identification and referral procedures. • Continue to prosecute, convict, and punish sex trafficking and forced labor offenses with significant prison terms, and investigate and punish individuals for withholding workers' passports under Jordan's passport law. • Continue to regularly cooperate with NGOs to identify and refer victims to protection services. • Continue to allocate adequate funding for operation of the government's trafficking shelter, and train shelter staff to identify and provide specialized care to victims. • Issue (or apply) labor regulations governing work in the agricultural sector, and increase labor inspections in this sector. • Reform the sponsorship system by extending labor law protections to all workers in Jordan, including domestic workers, and allow workers to freely change employers. • Regulate and investigate fraudulent labor and recruitment practices.

PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. The 2009 Law on the Prevention of Trafficking in Human Beings criminalized sex trafficking and labor trafficking. The law prescribed penalties of a minimum of six months' imprisonment, a fine of 1,000 to 5,000 *dinars* ($1,410-$7,060) or both for trafficking offenses involving an adult victim. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the penalties prescribed for sex trafficking were not commensurate with the penalties prescribed for other serious crimes, such as kidnapping. The law prescribed penalties of up to 10 years' imprisonment and a fine of 5,000 to 20,000 *dinars* ($7,060-$28,250) for trafficking offenses involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as kidnapping. Jordan's passport law criminalized the withholding of passports by an employer, carrying penalties of six months to three years' imprisonment and fines. During the reporting period, the government did not pass draft amendments to the anti-trafficking law that would enhance sentences for trafficking offenses and establish a victims' compensation fund.

The Public Security Directorate (PSD) and Ministry of Labor (MOL) joint anti-trafficking unit—the national focal point leading anti-trafficking investigations—continued to investigate potential trafficking crimes. In 2018, the government investigated 402 potential trafficking crimes. Of these, the anti-trafficking unit investigated 307 cases, which included 287 cases involving domestic workers. Additionally, labor inspectors conducted 95 field visits to investigate potential labor trafficking cases in the textile and agricultural sectors; it was unclear if any of these inspections resulted in referrals for criminal prosecution. An NGO reported, however, that labor inspectors did not adequately investigate potential trafficking crimes in the agricultural sector. The Ministry of Justice reported it initiated the prosecution of 54 trafficking cases in 2018 and continued the prosecution of 26 trafficking cases initiated in previous years; this represented a slight increase from 52 prosecutions initiated in 2017. The government reported it secured convictions in 12 cases in 2018;

in comparison, it convicted 10 traffickers in 2017. Traffickers convicted in 2017 received sentences ranging from a fine of 1,000 Jordanian *dinar* ($1,410) to five years' imprisonment with temporary hard labor and a fine of 5,000 Jordanian *dinar* ($7,060). Legal experts continued to report that judges were hesitant to convict perpetrators for human trafficking, preferring to pursue other charges such as labor violations that carried lesser penalties than the anti-trafficking law. For example, during the reporting period prosecutors referred two cases of domestic servitude, in which the victims were each forced to work without pay for 10 years, to the MOL for minor offenses rather than for criminal prosecution. NGOs and foreign embassy representatives continued to report the government preferred to settle potential cases of domestic servitude through mediation, rather than referring them for criminal prosecution. NGOs also raised concerns that the long litigation process for trafficking cases gave employers time to pressure victims to drop their cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during the reporting period.

Jordan's overcrowded and underfunded judicial system lacked a sufficient number of trained judges and prosecutors who could specialize in trafficking cases. However, in 2018, the Ministry of Justice established and funded a specialized court to handle human trafficking cases. Nevertheless, qualified investigators in the anti-trafficking unit were rotated into other assignments every two years or less, which hindered the work of the unit. During the reporting period, the anti-trafficking unit reported conducting at least 23 training workshops for officials, in coordination with international organizations and NGOs. The PSD's Transparency and Human Rights Office also included anti-trafficking material in their mandatory human rights curriculum for its personnel. The Human Rights Department of the Ministry of Justice commenced a nationwide series of comprehensive trainings and awareness sessions for local government officials, NGOs, and students. Personnel from the government-run trafficking shelter also conducted 12 training sessions in coordination with the anti-trafficking unit—with funding from an NGO—for police and Ministry of Social Development (MOSD) staff.

PROTECTION

The government maintained mixed protection efforts. While it identified a decreased number of trafficking victims, it continued to provide essential protection services to an increased number of victims. The government continued to utilize formal written procedures to proactively identify trafficking victims, and it continued to receive referrals of potential victims from NGOs, international organizations, and police stations across the country. In 2018, the anti-trafficking unit identified 40 trafficking victims, including 24 male and 16 female victims, which was a significant decrease from the 75 victims the government identified in 2017. In 2018, the anti-trafficking unit visited a women's correctional center to proactively screen for and identify potential trafficking victims among female inmates; however, the unit did not report if it positively identified any victims during the visit. The government continued to utilize a national victim referral mechanism to refer identified victims to care, including an NGO-run shelter, and cases to the anti-trafficking unit for investigation. The government continued to work with an international organization to develop more detailed referral procedures to better guide officials; the government approved these procedures in March 2019. Nevertheless, the government and civil society organizations reported that labor inspectors, regular police officers outside of the anti-trafficking unit, and detention center officials lacked the specialized training to proactively identify and refer victims to protection services.

MOSD continued to operate and fund a shelter solely dedicated to protecting trafficking victims, which provided psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. The shelter's staff included lawyers and specialists in psychology, social work, nursing, and education. In 2018, the shelter began offering computer classes, a book club, and religious services for both Muslim and Christian shelter residents; shelter staff also collaborated with a local NGO to host joint activities for children and victims to positively interact. The shelter had the capacity to serve a total of 40 victims, both Jordanian citizens and foreign nationals, with space for 27 women, three children, and 10 men. The shelter had a separate wing and entrance for male victims, and it was the only shelter in the country available for men. However, during the reporting period, an NGO reported male victims experienced difficulties receiving permission to stay at the shelter. In 2018, the shelter served a total of 153 trafficking victims; this represented an increase from 99 victims assisted at the shelter in 2017. The anti-trafficking unit referred most of the victims to the shelter, but NGOs also referred some victims during the reporting period. Shelter staff also reported cooperating with the embassies of Bangladesh, the Philippines, and Sri Lanka to provide assistance to their nationals. The majority of the victims that received assistance were adult female victims of forced labor, including domestic servitude, and a small percentage of victims of sex trafficking; the victims were nationals from Bangladesh, Cote d'Ivoire, Egypt, Ethiopia, Ghana, India, Indonesia, Jordan, Kenya, the Philippines, Sri Lanka, and Uganda. The government, through the trafficking shelter, was responsible for coordinating with NGOs and foreign embassies to assist in the repatriation of foreign trafficking victims; it helped facilitate the repatriation of 132 victims in 2018. The provision of shelter services was not conditional upon a victim's cooperation with law enforcement or judicial authorities. Victims could freely and willingly leave the shelter and were allowed to stay at the shelter for as long as two months; the average stay at the shelter was approximately 40 days. However, an NGO reported shelter residents, whose cases were ongoing in the court system, were unable to obtain approval to extend their stay at the shelter beyond the two-month limit. During the reporting period, shelter staff continued to coordinate with MOL to waive fees for victims' lapsed labor permits and assisted victims to find new employment if they chose to continue working. The government provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship. The government encouraged victims to assist in the investigation and prosecution of their traffickers; foreign victims also had the option to provide a deposition prior to being repatriated. However, victims were not able to file civil suits against their traffickers for compensation.

Despite the government's victim identification and protection efforts, authorities punished some foreign trafficking victims for unlawful acts traffickers compelled them to commit, such as fines, arrest, detention, and deportation if found without valid residence documents. However, the Ministry of Interior and MOSD reached an agreement during the reporting period to waive fees for residency violations of trafficking victims. Some trafficking victims still faced inadequate victim compensation from the government. Jordan's sponsorship system continued to prevent foreign workers from switching employers (without a letter of release from their sponsor) or receiving adequate access

to legal recourse in response to abuse. Migrant workers, including potential trafficking victims, who left their place of employment prior to fulfilling their work contract, were considered illegal residents and subjected to fines and potential detention for their irregular presence in the country. Furthermore, bureaucratic and financial barriers and detention prevented some victims from repatriation, even if a worker left an employer because it was an exploitative situation. Some foreign workers remained in Jordanian detention, due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported that foreign labor trafficking victims were less likely to report abuses to the authorities due to fear of deportation or detention. Trafficking victims who opted to remain in Jordan for work were required to pay their overstay and lapsed labor permit fines before applying for a new work permit, which was a significant financial burden for victims.

PREVENTION

The government maintained strong prevention efforts. The government's inter ministerial anti-trafficking committee met on an ad hoc basis throughout the reporting period. In October 2018, the committee established a technical committee to meet monthly to oversee inter-ministerial coordination. The government enacted a new national anti-trafficking strategy in January 2019. The government continued to raise awareness about trafficking crimes throughout the country, including by distributing anti-trafficking information to all foreign migrant workers entering Jordan and at inspected work sites. The anti-trafficking unit conducted more than 200 lectures throughout the country, including at Za'atari refugee camp, to increase awareness of trafficking indicators. An NGO reported government-conducted awareness campaigns contributed to an increase in victim referrals. MOL continued to operate a hotline to receive labor complaints, which offered interpretation services in some source-country languages. However, due to overall budget shortfalls, the government was unable to consistently maintain interpreters of some Asian languages at the hotline, which led to difficulties identifying potential trafficking victims and referring them to protection services. Despite these efforts, Jordan upheld several bilateral labor agreements with other countries, which created greater vulnerabilities to trafficking. For example, a labor agreement between Jordanian and Egyptian governments specified that an Egyptian national cannot leave Jordan without permission from his or her employer, even if the employer was convicted of trafficking crimes. Similarly, though the Uganda government signed a labor agreement with Jordan, there was no Ugandan embassy or diplomatic representation in Jordan for Ugandan nationals, including potential trafficking victims, to seek assistance.

The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism but continued to make efforts to reduce the demand for forced labor. In 2018, the government continued to take measures to reduce the vulnerability of Syrian refugees to trafficking, including efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation. The government continued to formalize access to the labor market for 200,000 Syrians from host communities and refugee camps, and it issued 45,649 work permits to Syrian refugees in 2018, which helped to reduce this population's vulnerability to forced labor. For example in August 2017, the government began issuing a new type of flexible work permit to Syrians in the construction and agriculture sectors; the permit legalized the status of the workers in these sectors and allowed Syrians to work for multiple employers in these sectors in a 12-month period. The Ministry of Education (MOE) continued to increase Syrian refugees' access to public education by doubling the number of schools that could accommodate Syrian refugee children, reaching an additional 134,121 in 2018. The MOE also continued an accelerated educational program for Syrian refugee students who had not been in the formal school system for the last three or more years. The anti-trafficking unit conducted 13 inspections of recruitment agencies of foreign workers in 2018, but did not report the outcome of these inspections. The MOL continued to implement regulations that required labor recruitment companies to maintain insurance policies for workers, which provided repatriation costs, health care, and death benefits. In January 2019, the government also cooperated with an international organization to eliminate recruitment fees for workers in Jordan's garment sector, where some workers are vulnerable to trafficking.

The government did not provide specific anti-trafficking training for its diplomatic personnel. The Ministry of Foreign Affairs continued to report its finance department directly paid locally hired domestic staff of Jordanian diplomats posted abroad, in accordance with labor laws and wage rates in the host country. In 2018, the Jordanian Armed Forces began providing specific anti-trafficking training to peacekeepers before their deployment abroad.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jordan, and traffickers exploit victims from Jordan abroad. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. In 2018, an NGO reported a large increase in Ugandan trafficking victims following the implementation of a 2016 bilateral labor agreement between the Ugandan and Jordanian governments. Jordan relies on foreign migrant workers—many of whom are undocumented—in several sectors, including construction, agriculture, textiles, and domestic work; according to an NGO in 2018, workers in these sectors are the most vulnerable to trafficking because of informal work agreements and frequently changing employers. Some recruitment agencies fraudulently recruit victims from labor-source countries to Jordan, using false promises of money or other benefits. Forced labor victims in Jordan experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, unsafe living conditions, long hours without rest, isolation, and verbal and physical abuse. For example, men and women from South and East Asia migrate to work in factories in Jordan's garment industry, some of whom experience withholding of passports, restricted movement, and unsafe living conditions. Some migrant workers from Egypt—the largest source of foreign labor in Jordan—experience forced labor specifically in the construction, service, and agricultural sectors. In 2017, the government estimated there were 82,643 foreign female domestic workers in Jordan, primarily from South and Southeast Asia and East Africa, who are highly vulnerable to trafficking. Some out-of-status domestic workers from Bangladesh, Indonesia, the Philippines, and Sri Lanka have been reportedly coerced and forced into prostitution while looking for an employer or after fleeing their previous employers.

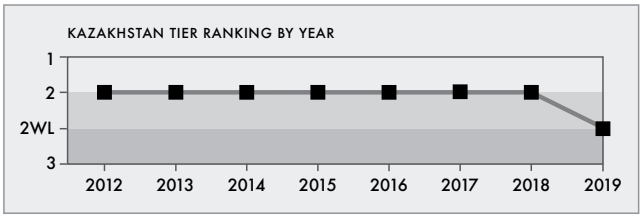
Refugees from Iraq, the Palestinian Territories, Syria and are highly vulnerable to trafficking in Jordan. Syrian refugee children, in particular, remain acutely vulnerable to forced labor and child marriage, which could result in domestic servitude and sex trafficking. NGOs have observed an increase in child labor

and potential forced child labor among Syrian refugee children working alongside their families in the agricultural and service industries, as well as peddling goods and begging. Because the agricultural sector in Jordan is inadequately regulated, children working in this sector may be susceptible to exploitation. There have been reported cases of Syrian refugee women and girls sold into forced marriages in Jordan. Syrian boys and young men—in particular—often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking.

Some Jordanian and Syrian girls are forced to drop out of compulsory school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking. Jordanian boys employed within the country in the service industry, agricultural sector, and as mechanics, street vendors and beggars may be victims of forced labor. NGOs and an international organization reported in 2018, there are an estimated 3,000 children begging in the streets in Jordan, some of whom are highly vulnerable to trafficking. Traffickers force Lebanese, North African, and Eastern European women into prostitution after migrating to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be forced into prostitution. As reported by an NGO in 2016, some Egyptian women are forced to beg or forced into prostitution by their Jordanian husbands.

KAZAKHSTAN: TIER 2 WATCH LIST

The Government of Kazakhstan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included adopting a new anti-trafficking national action plan and establishing a victim compensation fund that will be capitalized through monetary penalties applied to convicted traffickers. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Efforts to identify and protect foreign victims remained inadequate compared to the estimated size of the population, and foreign victims who did not participate in criminal investigations were ineligible for services and had no legal alternatives to removal. Law enforcement made limited efforts to investigate, prosecute, and convict labor trafficking crimes. NGOs continued to report allegations of police officers' complicity in human trafficking; there remained few investigations or prosecutions of police or other government officials suspected of complicity. While not applied in 2018, legislative norms allowed for alleged traffickers to pay a settlement to victims to withdraw their criminal cases. Therefore Kazakhstan was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance. • Significantly increase assistance available to foreign trafficking victims and ensure victim identification and assistance are not contingent on participation in investigation and prosecution efforts. • Ensure trafficking crimes are subject to criminal investigation and prosecution. • Vigorously investigate, prosecute, and convict suspected trafficking cases, respecting due process, including allegedly complicit government officials and police officers and labor traffickers. • Punish convicted traffickers with adequate penalties, which should involve significant prison terms. • Increase funding and resources for anti-trafficking police units. • Provide legal alternatives to deportation, especially where trafficking victims face hardship, abuse, or re-trafficking in the foreign country. • Provide specialized training to labor inspectors to identify victims of forced labor and report potential trafficking cases to the police. • Amend the trafficking law to align the definition of trafficking with international standards. • Provide anti-trafficking training or guidance for diplomatic personnel and peacekeepers to prevent their engagement in or facilitation of trafficking crimes. • Create mechanisms to ensure that the shelter service provider contract bidding process does not lead to any gaps in services available to victims.

PROSECUTION

The government decreased anti-trafficking law enforcement efforts. Articles 128, 134, 135, 308, 125(3b), and 126(3b) of the penal code criminalized sex trafficking and labor trafficking. However, inconsistent with the definition of trafficking under international law, the law did not include force, fraud, or coercion as an essential element of the crime, but rather considered them an aggravating circumstance. The law prescribed penalties of three to five years' imprisonment for adult trafficking and five to seven years' imprisonment for child trafficking; the penalties could be increased to up to 15 years' imprisonment under aggravated circumstances. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 68 of the criminal code allowed defendants to pursue settlements by paying monetary compensation to the victim in exchange for having the criminal case withdrawn; while this option was not available in cases involving sex crimes against minors, it was an option in cases involving other forms of trafficking under article 128, part 1; in 2018, this article was not applied in any trafficking cases.

Police investigated 106 trafficking cases in 2018, compared to 101 in 2017. The government did not report the number of prosecutions. The government convicted 17 sex traffickers, compared to 29 traffickers in 2017; of the 17 convicted, eight received prison sentences ranging from three to nine years' imprisonment, five received conditional sentences ranging from 3.6 years to four years served outside of prison—one of whom was fined 2 million Kazakhstani tenge (KZT) ($5,330), and four received suspended sentences ranging from 4.6 years to seven years. In addition, the government opened 182 investigations of trafficking-related crimes, including pimping and brothel maintenance. Many of the trafficking and trafficking-related cases were the result of four multi-day special anti-trafficking police operations, called "Stop Trafficking," in which the police located and closed brothels, arrested pimps, and registered adults in prostitution.

NGOs continued to report traffickers bribed low-ranking police officials to avoid these charges and alleged that some police officers facilitated forced labor or sex trafficking crimes. The government reported law enforcement efforts in two cases of alleged official complicity in 2018, including an ongoing investigation of the Director of the Center for Employment

and Social Protection in Turkestan for labor trafficking, and an ongoing court case against a police officer in Kostanay province for covering up potential trafficking crimes.

The government continued to train police, prosecutors, and judges in the identification, investigation, and prosecution of trafficking crimes and funded police participation in international anti-trafficking conferences. In 2018, the Judicial Academy trained 65 judges on the protection of trafficking victims during the criminal process. The Ministry of Internal Affairs' (MVD) Trafficking in Persons Training Center trained 115 police officers on investigative techniques. The Prosecutors General Office trained 93 prosecutors on protection and trial of criminal cases related to human trafficking. In all training programs, the government provided the venue while international organizations, NGOs, and international donors covered other costs, including the travel of trainers and provision of training materials. Labor inspectors did not receive specialized training on identifying victims, nor did their official duties direct them to investigate trafficking indicators; they did not refer potential labor trafficking crimes to appropriate law enforcement. During the reporting period, the government jointly investigated 17 cases related to trafficking in cooperation with foreign governments, including Kyrgyzstan, Russia, Tajikistan, and Uzbekistan and conducted joint anti-trafficking operations with neighboring countries, resulting in the identification of 96 trafficking crimes. In 2018, the government extradited two foreign citizens wanted in their home countries for trafficking-related crimes.

PROTECTION

The government maintained protection efforts for Kazakhstani victims, but efforts to identify and assist foreign victims remained negligible, with no shelters available to foreign victims. The government identified 83 trafficking victims, an increase from 76 in 2017. Of those, all but six were exploited in Kazakhstan; 79 were victims of sex trafficking, three of forced labor, and one of forced begging. All but two of the identified victims were from Kazakhstan; the government identified two victims from Uzbekistan, one in forced labor and one in sexual exploitation. Six of the Kazakhstani victims were victims of sex trafficking in South Korea. The government identified the majority of sex victims during one of four anti-trafficking special police operations intended to uncover trafficking cases by locating and closing brothels, arresting pimps, and registering women in prostitution; the small number of labor victims indicated a lack of consistent proactive screening efforts during routine law enforcement efforts throughout the year. In 2018, NGOs reported assisting 122 trafficking victims, compared to 177 in 2017; among these, 36 were Kazakhstani and 86 were foreigners; 29 were victims of sex trafficking, 92 of forced labor; 42 were female, and 80 male. Of the 86 foreign victims, 82 were from Uzbekistan. Law enforcement referred 19 victims to NGOs, foreign embassies referred ten, NGOs referred 69, 23 were referred by international organizations, and 24 victims self-referred (including through hotlines). The government-funded and NGO-operated trafficking hotline received 1,834 phone calls in 2018, the vast majority of which were requests for information while 23 were referred to anti-trafficking police units, but they did not result in confirmed trafficking cases. Observers noted many foreign victims were reluctant to self-identify to the police due to lack of trust, perceived corruption, and fear of punishment or deportation due to their unlawful status, among other reasons. In cases where law enforcement identified foreign victims, victims often refused to cooperate. According to experts, foreign victims report to local police upon return to their home country, where they felt safer.

The government continued to fund 10 NGO-operated shelters; one shelter in Temirtau closed due to gaps in the funding cycle. The 10 NGO-operated trafficking shelters offered legal, psychological, and medical assistance and were accessible to all Kazakhstani trafficking victims, regardless of gender or age. These services were not conditional upon victim's cooperation with law enforcement; however, foreign citizens were not eligible to receive services at these shelters, and all assistance to foreign victims was contingent upon cooperation with law enforcement. Victims were required to decide on cooperation at the time of their identification. In 2018, the government allocated at least 92 million KZT ($245,240) to direct victim assistance, including 90 million KZT ($239,900) for shelters and 2 million KZT ($5,330) for victim assistance during investigations, a decrease from 162.7 million KZT ($433,690) in 2017; the government shelter allocation in 2017 was significantly higher than in 2018 due to costs related to opening seven new shelters during the year. The shelters were staffed in accordance with the 2016 established standards for trafficking victim shelters. Bidding for shelter operation contracts is conducted annually, as the funding cycle is limited to one year; NGOs reported severe administrative and financial constraints at the end of the calendar year due to the end of the funding cycle and delays to the awarding of new contracts, which limited their ability to provide services. The government adopted a law on victim compensation in 2017, which allowed victims, including foreign victims, to request monetary compensation as a part of the criminal proceedings, instead of filing a civil suit in conjunction with the criminal case; the law was scheduled to be implemented in 2020. In July 2018, the government introduced means to the Criminal Code providing for the fixed withholding of payments from convicted criminals; these payments will be used to fund victims' monetary compensation. Victims could file a civil suit, but many could not afford attorney fees and were unaware of their ability to do so; no victims pursued a civil suit in 2018. The government provided pro bono attorneys to trafficking victims, although NGOs reported these attorneys were often inexperienced.

NGOs reported effective victim referral and police cooperation with anti-trafficking units assigned to each region. Law enforcement units mandated to address migration or trafficking issues had a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or persons in prostitution; nonetheless, officials' efforts to identify foreign victims and victims of labor trafficking remained limited. The government encouraged victims—including foreigners—to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. Such assistance ceased for foreign victims if the government did not initiate a criminal case. If a criminal case was not initiated, authorities did not recognize or give protective status to foreign victims. In 2018, the government provided one foreign victim legal protection (compared to two foreign victims in 2017 and 15 in 2016), including suspension of deportation proceedings, and special temporary residency throughout the criminal investigation. NGOs reported foreign victims sometimes experienced problems in accessing local medical care due to a lack of health insurance or residence permits. The government did not offer legal alternatives to foreign victims' removal to countries where they would face retribution or hardship and, according to local law, victims were deported after expiration of their temporary residency rights. In 2018, there were no reports of authorities criminally

punishing victims for crimes as a direct result of trafficking; however, authorities routinely detained and deported possible foreign victims with no proactive efforts made to screen for trafficking victimization, offer referral to care providers, or ensure they were not penalized for crimes traffickers compelled them to commit.

The government repatriated Kazakhstani women and minors, including potential trafficking victims, whose parents or spouses were alleged fighters with ISIS. ISIS was known to use child soldiers and perpetrate other forms of trafficking. The children were generally housed with family members, and the state fully funded and supported their rehabilitation and reintegration.

PREVENTION

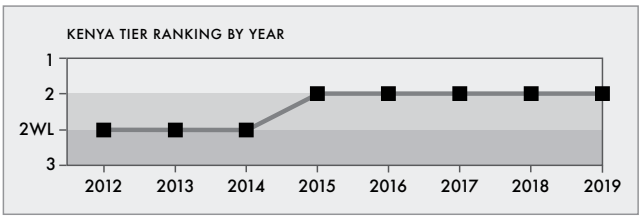
The government maintained prevention efforts, under the direction of the Interagency Trafficking in Persons Working Group, led by the Ministry of Internal Affairs. The government adopted an anti-trafficking national action plan for 2018-2020. The new action plan included elements designed to improve victim identification and assistance, investigation and prosecution of human trafficking cases, prevention of human trafficking, and cooperation with international and non-governmental organizations. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The Ministry of Information and Communication funded radio and television programs, as well as the publication of newspaper articles and web-publications, designed to raise public awareness and prevent the crime. The government continued to advertise an NGO-operated anti-trafficking hotline; the hotline received 1,834 calls in 2018, which led to the identification of trafficking victims, but no confirmed human trafficking cases. In 2018, labor inspectors under the Ministry of Health and Social Protection conducted 6,681 inspections to identify labor violations, which resulted in 3,057 recruiters and employers receiving administrative fines for violations of foreign labor recruitment rules and employment of undocumented foreign laborers and the opening of 158 criminal cases by the MVD, although it was unclear if any cases included potential trafficking crimes. Migrant laborers reported using unofficial third party intermediaries to find employment and meet Kazakhstani migration registration requirements; these intermediaries often circumvented the law and facilitated the trafficking of foreign victims, but due to their unofficial status they were rarely held accountable. The government did not take any action to reduce the demand for commercial sex acts or forced labor. Although included in the 2018-2020 National Action Plan, the government did not provide anti-trafficking training to its diplomatic personnel and did not report providing anti-trafficking training to its troops prior to their deployment as peacekeepers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kazakhstan, and traffickers exploit victims from Kazakhstan abroad. Domestic trafficking remains a consistent problem, as traffickers lure victims from rural areas to larger cities with mala fide offers of employment. Kazakhstani men and women are subjected to forced labor mostly in Russia, but also in Bahrain, Brazil, the Republic of Korea, Turkey, and the United Arab Emirates. Kazakhstani women and girls are subjected to sex trafficking in the Middle East, Europe, East Asia, and the United States. Women and girls from neighboring Central Asian and Eastern European countries, as well as from rural areas in Kazakhstan, are subjected to sex trafficking in Kazakhstan; in most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Some children are forced to beg. Adults and children may be coerced into criminal behavior. The relative economic prosperity in the government capital Nur-Sultan (Astana), the financial capital Almaty, and the western oil cities Aktau and Atyrau, attract large numbers of Kazakhstanis from rural villages, some of whom become victims of labor trafficking and sex trafficking. Chinese, Filipino, Ukrainian, Kazakhstani, and other Central Asian citizens, in particular Uzbekistani men and women, are subjected to forced labor in domestic service, construction, and agriculture in Kazakhstan. Since Russia banned re-entry for an estimated one million Uzbek migrants, many of them have sought temporary work and residence in Kazakhstan, where they remained vulnerable to trafficking; since 2014, the year the ban entered into effect, NGOs identified significantly more foreign victims, likely only a portion of the overall victims in this migrant population. Many victims of trafficking in Kazakhstan are lured through fraud and deceit, sometimes by friends or acquaintances. Organized crime groups and small trafficking rings with recruiters in Kazakhstan operated in conjunction with brothel operators in Kazakhstan and abroad. NGOs reported increased instances of traffickers using debt-based coercion in the exploitation of migrants. Traffickers capitalize on tough law enforcement policies to coerce migrants to remain in exploitative situations and leverage these policies to threaten victims with punishment and deportation if they notify authorities, fostering distrust in law enforcement.

KENYA: TIER 2

The Government of Kenya does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Kenya remained on Tier 2. These efforts included achieving more prosecutions and convictions of traffickers, investigating allegations of official complicity in trafficking crimes, and allocating new funding for its victim assistance fund. The government also expanded its dedicated Child Protection Unit to include cyber protection against child exploitation. In addition, officials vetted 69 recruitment agencies in compliance with registration requirements and a code of conduct, and concluded one bilateral labor agreement and continued to negotiate several others to protect citizens employed abroad. However, the government did not meet the minimum standards in several key areas. Kenyan authorities continued to treat some victims as criminals, and the availability of protective services for adult victims remained negligible. The government also routinely tried trafficking cases as immigration or labor law violations rather than crimes under the anti-trafficking law, which resulted in traffickers receiving less stringent sentences.



PRIORITIZED RECOMMENDATIONS:

Ensure protective services are available to adult trafficking

victims. • Fully implement a screening mechanism to prevent the penalization of potential trafficking victims. • Increase investigations and prosecutions of trafficking offenses and convictions of traffickers. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Fully implement the formal process for law enforcement officials to refer trafficking victims for assistance, including adult trafficking victims and Kenyans repatriated from abroad. • Expand training to all levels of the government, specifically to law enforcement personnel and local authorities in the coastal region, on identifying, investigating, and managing trafficking cases. • Regulate enforcement of oversight of overseas recruitment agencies. • Conduct awareness campaigns throughout the country, focusing substantially on rural coastal areas.

PROSECUTION

The government increased law enforcement efforts. Incomplete data from the government made assessment difficult, but the government continued efforts to improve centralized data collection. The Counter-Trafficking in Persons Act of 2010 criminalized sex trafficking and labor trafficking and prescribed penalties of 15 years to life imprisonment, a fine of not less than 5 million Kenyan shillings ($49,120), or both. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment for sex trafficking these penalties were not commensurate with those for other serious crimes, such as rape. Sections 14 and 15 of the Sexual Offenses Act of 2006 criminalized the facilitation of child sex tourism and "child prostitution," and prescribed punishment of no less than 10 years' imprisonment; these penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The government continued to improve its centralized data collection capabilities, through increased inter-ministerial cooperation and data sharing, to ensure its anti-trafficking statistics were representative of all 47 counties; however, as in previous years, it reported partial data from only some regions. It reported at least 142 investigations of potential trafficking, compared to at least 148 investigations in 2017. From official data derived from an unknown number of counties, through mid-November 2018, the government reported 142 trafficking-related prosecutions—including 19 for adult trafficking and eight for child trafficking—and 98 convictions. This is compared to 148 trafficking-related prosecutions and 61 convictions it achieved in 2017. The government was unable to provide disaggregated data or details regarding the sentences administered to convicted trafficking offenders. Media reported judicial officials administered 30 year prison sentences each to two convicted child traffickers during the reporting period. Prosecutors continued to charge some defendants with immigration violations or labor exploitation vice human trafficking, as law enforcement deemed these crimes easier to prove and less costly and time-intensive to investigate. Given the general lack of awareness of trafficking crimes across the police force, and the tendency to conflate trafficking and smuggling, prosecutors often had insufficient evidence to file trafficking charges. Consequently, officials indicted most suspected trafficking offenders under other laws, such as the Sexual Offenses, Refugee, or Immigration Acts, and acquitted an unknown number of those suspected traffickers.

Corruption remained endemic across the government. Traffickers sometimes fraudulently obtained identity documents from complicit officials, and police often took bribes to warn traffickers of impending operations and investigations, particularly along the coast. The government reported an unspecified number of investigations into law enforcement officials who allegedly facilitated trafficking, although it did not report any successful prosecutions or convictions. In one example, media and NGOs reported an investigation of a Cabinet-level official who reportedly signed special sports and cultural work permits for women to dance in a *mujra* club notorious for exploitative practices; authorities removed the official from office shortly after the allegations surfaced, but investigations into the official's conduct remained ongoing at the close of the reporting period. In 2018, various NGOs and international organizations provided regular trainings reaching several hundred prosecutorial and judicial officials, border guards, police officers, and immigration agents on how to detect and respond to trafficking crimes in their respective capacities; the government provided varying degrees of logistical support for these training endeavors.

PROTECTION

The government demonstrated uneven protection efforts as services for adult victims in-country remained negligible, whereas it continued to make improvements for domestic child victims and victims abroad. In conjunction with NGOs, authorities reported identifying and referring to care at least 400 trafficking victims (adults and children) during the reporting period, of which the majority were subjected to forced labor. During the reporting period, the government provided 60 million Kenyan shillings ($589,390) from the federal budget for anti-trafficking efforts, including implementation of the National Referral Mechanism (NRM) and the victim assistance fund, which was a steady allocation from the previous year. Though the government trained relevant stakeholders on the NRM's identification and referral provisions, the mechanism was not fully functional or widely implemented; local authorities continued to bypass the NRM and directly contact NGOs to provide assistance to victims, although NGOs reported strong working partnerships with key ministries. In 2018, the government funded the National Assistance Trust Fund for Victims of Trafficking and gazetted the board members; however, the authorities did not distribute the available funds to any trafficking victims during the reporting year. According to multiple government and civil society stakeholders, identification of child trafficking victims remained stronger than for adults, and the issue of forced prostitution was largely ignored. There were direct referrals to NGOs from victims or concerned witnesses; police during investigations; or via calls to the government-operated gender-based violence or NGO-run hotlines. The two national hotlines were operational 24 hours per day, year round. The government did not report how many trafficking-related calls either line received during the reporting period.

Victim care varied in quality across the country. Services consisted of medical care, psycho-social counseling, rehabilitation and reintegration support, food and clothing, legal aid, and transportation. The government and NGOs across Kenya jointly provided these protective provisions, although sometimes NGOs acted alone when the government was slow or failed to respond. Victim care was particularly challenging in the coastal region, due to lack of training and resources, where NGOs and government officials worked in tandem to provide trauma counseling, medical services, shelter, and reintegration support for trafficking victims returning from Somalia—some of whom left or fled al-Shabaab—and the Arabian Gulf. In 2018, the local police began providing complimentary overnight security to shelters in this region.

To continue addressing the exploitation of Kenyan nationals in Arabian Gulf States, Ministry of Labor (MOL)-assigned labor attachés continued to work in Kenyan missions in Qatar, Saudi Arabia, and the UAE and assisted an unreported number of citizens employed there. Reportedly, the attachés advocated for Kenyan workers' rights with host governments, helped identify trafficking victims, resolved workplace disputes, and partnered with licensed employment agencies to find legitimate work opportunities for Kenyans. The government concluded a bilateral labor agreement with the UAE during the reporting period, adding to previously concluded agreements with Saudi Arabia and Qatar to coordinate efforts to reduce cases of exploitative labor and other abuses against Kenyans abroad, to include trafficking. Also in 2018, officials commenced negotiations on bilateral labor agreements with Jordan, Lebanon, and Oman, and engaged in ongoing negotiations with Kuwait. It provided ad hoc monetary and logistical support for repatriation of its citizens subjected to trafficking outside Kenya. In some cases, NGOs and destination-country governments coordinated and funded the repatriation of Kenyan nationals with partial government support. Officials assisted 71 Kenyans with their return in 2018, the vast majority of whom were Kenyan laborers with unresolved workplace grievances in the Arabian Gulf States.

Authorities reportedly penalized victims for crimes traffickers compelled them to commit, due to inadequate screening for trafficking indicators among vulnerable groups. NGOs across Kenya alleged the government charged an unspecified number of trafficking victims for contravening immigration laws as some officials continued to conflate smuggling with trafficking. Reports also alleged that some authorities treated potential victims as criminals, particularly women in prostitution. The government had formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes, but did not report how many victims utilized the government's victim-witness protection program in 2018; it reported seven victims used the program in 2017. Under the anti-trafficking act, officials may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not report using this provision during the reporting period. In some cases, authorities obtained protective custodial orders for victims from courts to formalize provision of protection services pending repatriation. However, the government continued to initially misidentify foreign trafficking victims as violators of immigration law and consequently held them for deportation.

PREVENTION

The government marginally improved efforts to prevent trafficking. Authorities continued to operate under the auspices of the 2013-2017 national action plan and worked with international organizations and other stakeholders to finalize an updated 2018-2022 national action plan. In conjunction with a foreign government entity, the government expanded its police Child Protection Unit to include an online/cyber-crimes unit in August 2018 to exclusively monitor and arrest suspected perpetrators of child abuse and exploitation. The cyber-crimes unit conducted its first trafficking-related arrest during the reporting period. The government and civil society organizations continued to promote anti-trafficking awareness, particularly the prevention of child sex trafficking and labor trafficking. In 2018, the quasi-governmental commission on human rights held three public meetings on the dangers of child sex trafficking in the coastal region in conjunction with NGOs, and local commissioners in Mombasa and Kilifi mobilized several hundred participants for these events. Officials also hosted 21 train-the-trainer sessions for coastal community leaders to promote trafficking awareness among their respective populaces. One Kenyan NGO supported 11 trainings, funded by a foreign government and supported in-kind by several official Kenyan entities, in three counties, for an unknown number of media personnel, law enforcement officials, village elders, and child services officials on how to effectively and accurately employ the NRM. A dearth of government resources remained an impediment to regular, nation-wide anti-trafficking campaigns.

The MOL unevenly enforced registration regulations on agencies that placed Kenyans in work abroad. These requirements included informing Kenyan employees seeking work abroad about their prospective wages, visa fees, airfare, and medical examinations, and specifying that any administrative costs imposed on the employee should not exceed one month's salary. The MOL required contracts deemed credible be signed in the presence of a labor ministry officer, and required applicants to register with the Kenyan embassy upon arrival in the host country. During the reporting period, the MOL approved registration for 69 private employment agencies—up from 45 and 25 in 2017 and 2016 respectively—and prohibited hundreds of others from recruiting in Kenya. Labor officials made the list of approved agencies for overseas employment publicly available on the Kenya Labor Market Information System website; however, numerous illegal, unregistered agencies remained in operation. The government reported working only with travel and tourism companies that were part of a Code of Conduct consortium, which was an industry-driven responsible tourism initiative intended to provide awareness, tools, and support to the tourism sector to prevent the sexual exploitation of children. The code was an agreement signed by companies that committed their staff to training on the identification of child exploitation among foreigners and created a general awareness within their facilities. Officials arranged anti-trafficking trainings during the reporting period for signatories to the Code. While government efforts to curb child sex tourism continued to improve during the year, local reports claimed these efforts largely involved prohibiting the entry of perpetrators at immigration check-points rather than arrests and prosecutions. The government made efforts to reduce the demand for commercial sex acts and forced labor. The Ministry of Foreign Affairs (MFA) provided anti-trafficking training for all newly posted diplomatic personnel and vetted employment contracts between Kenyan diplomats posted abroad and their domestic workers to ensure the legality of the domestic workers. The MFA provided all diplomats with an employment contract template for use with their domestic workers abroad. The government's training for troops deployed overseas on international peacekeeping missions included a module that addressed human trafficking.

TRAFFICKING PROFILE

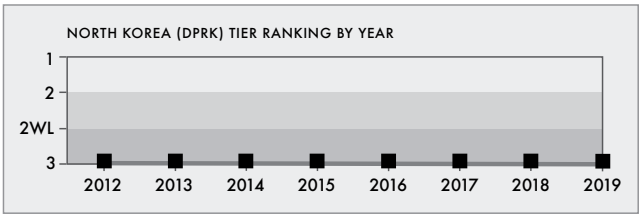
As reported over the past five years, human traffickers exploit domestic and foreign victims in Kenya, and traffickers exploit victims from Kenya abroad. Within the country, children are subjected to forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Girls and boys are also exploited in commercial sex throughout Kenya, including in sex tourism on the coast, in Nairobi and Kisumu, particularly in informal settlements; at times, their exploitation is facilitated by family members. Children are also exploited in sex trafficking by people working in *khat* (a mild narcotic) cultivation areas, near gold mines in western Kenya, by truck drivers along major highways, and by fishermen on Lake

Victoria. Kenyans are recruited by legal or illegal employment agencies or voluntarily migrate to Europe, the United States, Southeast Asia, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, the UAE, and Oman—in search of employment, where at times they are exploited in domestic servitude, massage parlors and brothels, or forced manual labor. NGOs reported that IDPs, particularly those who live close to a major highway or local trading center, are more vulnerable to trafficking than persons in settled communities. Nairobi-based labor recruiters maintain networks in Ethiopia and Uganda that recruit Ethiopian, Rwandan, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenya continues to serve as a transit point for Ethiopians and other East Africans seeking work in South Africa. Kenyan women are subjected to forced prostitution in Thailand by Ugandan and Nigerian traffickers. Young Kenyan men and women are lured to Somalia to join criminal and terrorist networks, sometimes with fraudulent promises of lucrative employment elsewhere.

Kenya hosts approximately 470,000 refugees and asylum seekers, primarily located in two camps: Kakuma Refugee Camp and Dadaab Refugee Complex. Refugees are generally required to live within the camps and have limited access to education and livelihood opportunities, therefore increasing their vulnerability to abuse and exploitation, including sex trafficking. Children from East Africa and South Sudan are subjected to forced labor and sex trafficking in Kenya. Stakeholders assert domestic workers from Uganda, pastoralists from Ethiopia, and others from Burundi, Somalia, and South Sudan are subjected to forced labor in Kenya to work in jobs vacated by Kenyan youth who are being educated; however, this trend has reportedly waned. Nepalese, Indian, and Pakistani women recruited to work in *mujra* dance clubs in Nairobi and Mombasa face debt bondage, which they are forced to pay off by dancing and through exploitation in forced prostitution.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: TIER 3

The Government of the Democratic People's Republic of Korea (DPRK or North Korea) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore the DPRK remained on Tier 3. The government did not demonstrate any efforts to address human trafficking. The government continued state-sponsored human trafficking through forced labor in mass mobilizations of adults and children, in prison camps as part of an established system of political repression, in labor training centers, and through its exportation of forced labor to foreign companies. It used proceeds from state-sponsored forced labor to fund government functions as well as other illicit activity. It did not protect potential trafficking victims when they were forcibly repatriated from China or other countries.



PRIORITIZED RECOMMENDATIONS:

End the use of forced labor, including among North Korean workers abroad and in prison camps used as a source of revenue and tool of political repression. • End the practice of summary executions and other harsh punishments for victims who are forcibly returned from destination countries. • Provide assistance to victims exploited in the DPRK and to North Korean victims returned from abroad. • Criminalize sex trafficking and labor trafficking. • Investigate and prosecute trafficking cases and convict traffickers in accordance with the rule of law. • Eliminate coercion tactics used to monitor and limit the movements and communications of workers overseas. • Cease the garnishing of their wages for the purposes of furthering forced labor. • Increase transparency by allowing international human rights monitors to evaluate living and working conditions of workers, both domestically and abroad. • Forge partnerships with international organizations and NGOs to combat human trafficking. • Allow North Koreans to choose their form of work and leave their employment at will. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not report any law enforcement efforts. It is unclear whether North Korean laws criminalized sex trafficking or labor trafficking. Fair trials did not occur in the DPRK, and the government did not explain what provisions of law, if any, were used to prosecute trafficking offenses. The government did not provide law enforcement data; there were no known investigations, prosecutions, or convictions of traffickers or government employees complicit in trafficking offenses.

PROTECTION

The government did not report any protection efforts. Government authorities did not report identifying any victims or providing protective services, nor did it permit NGOs to provide these services. Authorities penalized victims for unlawful acts traffickers compelled them to commit. North Koreans, including potential trafficking victims, forcibly returned by Chinese authorities were sent to interrogation centers, where the government subjected them to forced labor, torture, forced abortions, and sexual abuse by prison guards and were potentially sent on to prison camps. The government treated returning victims as criminals for crossing the border, and North Korean defectors reported instances of the government executing trafficking victims forcibly returned from China.

PREVENTION

The government did not report any efforts to prevent trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that made them vulnerable to trafficking in destination countries. As many as 30,000 children born in China to North Korean women and Chinese men have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation. The DPRK is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers—including government officials—exploit North Koreans in the DPRK and abroad. Within North Korea, forced labor is part of an established system of political repression and a pillar of the economic system. The government subjects its nationals to forced labor in North Korean prison and labor camps, through

mass mobilizations, and in overseas work. The DPRK holds an estimated 80,000 to 120,000 prisoners in political prison camps and an unknown number of persons in other forms of detention facilities, including re-education through labor camps. In many cases, these prisoners have not been charged with a crime or prosecuted, convicted, or sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, or farming for long hours under harsh conditions. Prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. The North Korean government operates regional, local, and sub-district level labor camps and forces detainees to work for short periods doing hard labor while receiving little food and being subjected to abuse, including regular beatings. Authorities reportedly send people to these camps if they are suspected of engaging in simple trading schemes or are unemployed; North Koreans who were not officially registered as being employed for longer than 15 days were at risk of being sent to labor camps for a minimum of six months.

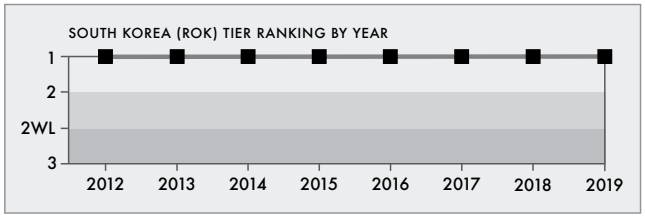
Officials forcibly mobilized adults and school children to work in various sectors, including in factories, agriculture, logging, infrastructure work, information technology, and construction. An NGO reported the government withheld food rations or imposed taxes against adults who did not participate in these forms of forced labor. Schools receive compensation from the government for labor conducted by children. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites. The effects of such forced labor on students included physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies.

North Korean laborers sent by the government to work abroad, including through bilateral agreements with foreign businesses or governments, also face conditions of forced labor. Credible reports show many North Koreans working overseas are subjected to working excessively long hours in hazardous temperatures with restricted pay for up to three years at a time. North Korean government "minders" restrict and monitor their movement and communications. These workers face threats of government reprisals against them or their relatives in the DPRK if they attempt to escape or complain to outside parties. Workers' salaries are appropriated and often deposited into accounts controlled by the North Korean government, which justifies its retention of most of the money by claiming various "voluntary" contributions to government endeavors. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets. According to NGO reports, the North Korean government withholds 70-90 percent of wages from overseas workers, which generates an annual revenue to the North Korean government of hundreds of millions of dollars (more than a trillion won). Wages of some North Korean workers employed abroad reportedly are withheld until the laborers return home, increasing their vulnerability to coercion and exploitation by authorities. Other reports note these laborers work on average between 12 and 16 hours a day, and sometimes up to 20 hours per day, and are allowed only one or two rest days per month. In 2017, UN Security Council resolutions banned other countries from issuing new work authorizations to DPRK laborers and required the expulsion of North Korean nationals earning income, consistent with international human rights and refugee law, no later than the end of 2019. Reports suggested many countries took steps to reduce the number of North Korean workers in their countries during the year, although some reports suggested several countries resumed issuing work authorizations for North Korean workers in the second half of 2018. There were still roughly 90,000 workers earning revenue for the DPRK regime during the reporting period. The majority work in China and Russia, but workers were also reportedly present in Algeria, Angola, Bangladesh, Belarus, Brazil, Cambodia, Cameroon, Democratic Republic of the Congo, Equatorial Guinea, Ethiopia, Fiji, Georgia, Guinea, Italy, Kuwait, Kyrgyz Republic, Laos, Mali, Malaysia, Mauritius, Mongolia, Mozambique, Nepal, Nigeria, Oman, Peru, Poland, Qatar, Republic of Congo, Senegal, South Africa, Sudan, Tanzania, Thailand, Uganda, the United Arab Emirates, Vietnam, Zambia, and Zimbabwe in 2018.

The North Korean government's egregious human rights violations can fuel trafficking in neighboring China. Many of the North Korean refugees and asylum seekers living illegally in China are particularly vulnerable to trafficking, and traffickers lure, drug, detain, or kidnap some North Korean women upon their arrival. Traffickers also operate networks spanning from China into North Korea to recruit North Korean women and girls to smuggle into China. These women are subjected to physical abuse and sexual exploitation by their traffickers, forced into prostitution in brothels or through internet sex sites, or compelled to work as hostesses in nightclubs or karaoke bars. Traffickers sell North Korean women to Chinese men for forced marriages, whereby they are subsequently forced into prostitution, domestic service, agricultural, or other types of work. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. If found by Chinese authorities, victims are often forcibly returned to the DPRK where they are subject to harsh punishment, including forced labor in labor camps, torture, forced abortions, or death.

KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore South Korea remained on Tier 1. These efforts included funding and operating facilities to assist trafficking victims, training government officials to address sex trafficking, cooperating with foreign law enforcement in the investigation of trafficking cases, and coordinating government efforts to address sex trafficking. Although the government meets the minimum standards, it did not create formal guidelines for the identification of labor trafficking victims or provide training to law enforcement focused on labor trafficking. The quality of services offered by the government was not sufficient for male, disabled, foreign, and juvenile victims and authorities penalized, detained, and deported some victims for unlawful acts their traffickers compelled them to commit.



PRIORITIZED RECOMMENDATIONS:

Proactively identify victims among vulnerable populations—including individuals arrested for prostitution and migrant workers. • Increase efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking, and punish convicted traffickers to significant prison terms. • Establish and implement formal guidelines for police, immigration, labor, and social welfare officials to identify and refer both sex and labor trafficking victims to support services. • Cease the penalization of victims for unlawful acts their traffickers compelled them to commit. • Revise the definition of human trafficking under South Korean law to more closely align with the definition in the 2000 UN TIP Protocol. • Increase efforts to train law enforcement officers, prosecutors, judicial officials, and social service providers to better understand trafficking as defined by international law. • Increase trafficking awareness training to officials working at migrant support centers and government hotlines. • Increase investigations and prosecutions of those who use forced labor on South Korean-flagged fishing vessels. • Designate a government entity responsible for coordinating efforts to combat both sex and labor trafficking. • Increase inspection of industries at high risk for exploitation to proactively identify victims, rather than relying on self-reporting of abuse by victims. • Increase investigations and prosecutions of South Koreans soliciting child sex trafficking victims in South Korea and abroad.

PROSECUTION

The government maintained law enforcement efforts. Various articles under Chapter 31 of the Criminal Act, when read together, criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment for trafficking crimes, which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, Article 289 (trafficking in persons) limited the definition of trafficking to require the buying or selling of another for exploitation and did not include a demonstration of force, fraud, or coercion as an essential element of the crime. However, Articles 288 (kidnapping, abduction, etc. for the purpose of indecent acts, etc.) and 292 (receiving, harboring, etc. of person kidnapped, abducted, trafficked or transported) could apply to trafficking offenses not covered under Article 289. Similarly, Article 12 of the Act on the Protection of Children and Juveniles Against Sexual Abuse incorrectly defined child sex trafficking to require transnational movement of the victim. However, various other articles under the law could be applied to child sex trafficking offenses that did not involve such movement. The absence of a law that defined trafficking consistent with international law resulted in inconsistent understanding of the crime among law enforcement and prosecutors, and inconsistent enforcement of trafficking-related laws.

Because there was no article in the Criminal Act that defined trafficking consistent with international law and because the government frequently conflated trafficking with related crimes such as prostitution, kidnapping, and other forms of sexual abuse, it was unclear how many of the investigations, prosecutions, and convictions reported by the government involved sex and labor trafficking. In 2018, the government reported investigating 372 cases (444 in 2017), indicting 109 suspects (101 in 2017), and convicting 75 offenders (90 in 2017) for crimes related to trafficking. The government reported sentencing the majority of those convicted for these crimes to unspecified terms of imprisonment; however, NGOs reported many traffickers did not receive significant prison terms. The government did not report any criminal investigations or prosecutions of child sex tourists, despite continued reports that South Korean men engaged in child sex tourism abroad. The government provided numerous trainings for police and prosecutors on sex trafficking; however, as in previous years, trainings for law enforcement did not specifically address labor trafficking, and some officials reportedly demonstrated a lack of understanding of the crime. Officials reported the Ministry of Employment and Labor (MOEL) treated some potential labor trafficking cases as administrative labor violations and did not refer these cases to law enforcement for criminal prosecution. Law enforcement entities did not have dedicated anti trafficking teams. The government cooperated with foreign law enforcement in the investigation and prosecution of sex trafficking cases. The government did not report any cases of investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, NGOs reported some police officers were involved in sexually exploiting children, some of whom may have been sex trafficking victims.

PROTECTION

The government maintained efforts to protect trafficking victims. However, it did not maintain comprehensive statistics on the number of trafficking victims it identified, and the government did not report if those assisted by the government were trafficking victims as defined by international law. Government officials used the Guidelines for the Identification of Sex Trafficking Victims to identify victims and refer them to support services. However, observers reported some officials did not adequately implement identification procedures and the government did not have formal guidelines for the identification of labor trafficking victims. The Korean National Police Agency operated teams that were responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems. The Ministry of Gender Equality and Family (MOGEF) supported numerous facilities that provided services to victims of crime. These facilities were available to assist trafficking victims through counseling services, shelter, education, and rehabilitation support. While these facilities primarily served female victims, the government made some services, such as counseling and medical and legal assistance, available to male victims. Nonetheless, NGOs reported the government services were limited for male, disabled, foreign, and juvenile victims. The government issued G-1 visas to foreign victims of crimes, which allowed victims to stay and work in South Korea for up to one year while cooperating in investigations and prosecutions; the government did not report the number of trafficking victims issued G-1 visas during the reporting period. Victims could file civil suits to receive compensation; the government did not report whether any victims received such compensation.

NGOs reported some government officials' lack of understanding of all forms of trafficking resulted in misidentification and the penalization of some victims for unlawful acts their traffickers compelled them to commit. Insufficient coordination among agencies resulted in the deportation of some trafficking victims after the completion of investigations of their traffickers. In addition, the government detained some foreign sex trafficking victims during investigations against their traffickers and deported them after investigations were completed. Officials punished some foreign victims who willingly came to Korea—often through fraudulent recruitment—but were later exploited by traffickers, as visa violators. NGOs reported the government's policy requiring child sex trafficking victims to stay

in government shelters deterred victims from seeking assistance. In addition, when exploited workers contacted government hotlines or migrant support centers, some officials reportedly did not take steps to screen cases for potential indicators of trafficking or refer victims to services, and instead often encouraged workers to remedy their situation through their employer. The government did not report screening the more than 355,000 undocumented migrants detained in government facilities for indicators of trafficking.

PREVENTION

The government maintained efforts to prevent trafficking. The government continued efforts to raise awareness of sex trafficking through public broadcasting programs and ad campaigns. It did not report awareness efforts for labor trafficking. The Inspection Team for the Promotion of Policies for Preventing Sex Trade, which was responsible for coordinating governmental efforts to prevent prostitution and sex trafficking, met three times during the reporting period. The government did not take steps to coordinate efforts to address labor trafficking, and observers reported the absence of a dedicated government entity responsible for coordinating all anti-trafficking efforts resulted in insufficient efforts to protect victims. In August 2018, the government issued its third National Action Plan for the Promotion and Protection of Human Rights, which included some anti-trafficking efforts. MOGEF shut down websites used to advertise commercial sex acts and continued to distribute trafficking awareness leaflets to 20 diplomatic missions abroad. The government did not operate a hotline specifically for reporting potential trafficking crimes, but MOGEF continued to operate hotlines in 13 languages that were accessible to trafficking victims, and the Ministry of Oceans and Fisheries (MOF) continued to operate a hotline for foreign crew members on South Korean fishing vessels; nonetheless, observers reported interpreters were sometimes not available when migrants called government hotlines, and the government did not report how many trafficking-related calls these hotlines received.

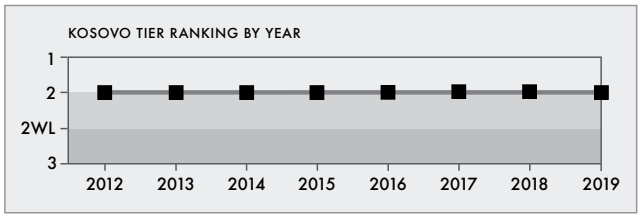
MOEL inspected 3,120 workplaces that employed migrant workers in 2018 but did not identify any cases of forced labor. MOF and MOEL conducted inspections of fishing vessels; MOF reported its inspections were mainly conducted with the companies that owned vessels, and inspectors rarely boarded vessels to speak with workers. MOEL provided pre- and post-arrival education to migrants working under the government's Employment Permit System (EPS); however, NGOs continued to report traffickers exploited migrant workers through EPS. MOEL provided interpretation, medical treatment, and counseling services to migrant workers through 43 support centers that were partially funded by the government. Local governments reportedly encouraged and provided financial assistance to South Korean farmers to pursue marriages to foreign women through brokers; these women may have been vulnerable to sex trafficking and domestic servitude. To reduce the demand for commercial sex acts, officials provided schools, government agencies, and other public organizations with anti-prostitution and trafficking education programs, and it publicized the illegality of child sex tourism in airports, train stations, and travel agencies. The government denied passport issuance to three South Koreans (11 in 2017) for engagement in sex tourism abroad. The government did not make efforts to reduce the demand for forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in South Korea, and traffickers exploit victims from South Korea abroad. Traffickers exploit South Korean women and children in sex trafficking in South Korea and abroad. Some South Korean women enter destination countries on tourist, work, or student visas and are exploited in sex trafficking in massage parlors, salons, bars, and restaurants, or through internet-advertised escort services. Traffickers force victims who owe debts to entertainment establishment owners or loan sharks into prostitution. Traffickers have forced some physically or intellectually disabled South Korean men to work on salt and cattle farms. Traffickers subject men and women from China, Indonesia, the Philippines, Russia, Thailand, Vietnam, and other countries in Asia, the Middle East, and South America to forced labor and sex trafficking in South Korea. Some foreign women on E6-2 entertainment visas—mostly from China, Kyrgyz Republic, and the Philippines —are subjected to sex trafficking in entertainment establishments near ports and U.S. military bases. Migrant workers, especially those from China, Indonesia, Pakistan, and Vietnam can incur thousands of dollars in debt, contributing to their vulnerability to forced labor. Approximately 400,000 migrant workers, many employed under the government's Employment Permit System, work in fishing, agriculture, livestock, restaurants, and manufacturing; some of these workers face conditions indicative of forced labor. Traffickers exploit foreign workers on fishing vessels registered and operated by South Koreans. South Korea is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. Foreign fishermen aboard small fishing vessels operating beyond the purview of the government or owners' cooperatives are vulnerable to exploitation, including forced labor. Traffickers subject some women from Cambodia, China, the Philippines, Thailand, and Vietnam, who are recruited for marriage to South Korean men through international marriage brokers to sex trafficking or forced labor after their arrival. Some South Korean men engage in child sex tourism in Cambodia, China, Mongolia, the Philippines, and Vietnam.

KOSOVO: TIER 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Kosovo remained on Tier 2. These efforts included revising the criminal code to reclassify all forced prostitution offenses as trafficking; appointing a regional prosecution coordinator for trafficking in western Kosovo; and conducting robust joint investigations and inspections. The judiciary reduced its overall case backlog and the Supreme Court adopted new sentencing guidelines in an effort to ensure that judges apply aggravating or mitigating factors correctly and equitably, including for trafficking cases. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers and identified fewer victims. Judges continued to impose weak sentences on convicted traffickers. The government decreased funding for NGO-run shelters for the fourth consecutive year, forcing NGOs to rely on foreign donors. First responders lacked guidance and proactive identification efforts for victims of forced begging, especially children.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and impose strong sentences. • Provide adequate and consistent funding for NGO-run shelters. • Designate trained prosecutors and judges in every region to handle trafficking cases. • Develop written guidance and enhance efforts to identify and assist children subjected to forced begging. • Continue providing advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Further reduce the judiciary's backlog of cases, including trafficking cases. • Work with local authorities to strengthen victim protection in the northern municipalities. • Increase government support for comprehensive vocational training and reintegration services for victims. • Standardize data collection and create a database that disaggregate statistics for trafficking and trafficking-related prosecutions and convictions.

PROSECUTION

The government increased law enforcement efforts. Article 171 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of five to 12 years' imprisonment and a fine for offenses involving adult victims and five to 15 years' imprisonment and a fine for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In November 2018, the government revised the criminal code to reclassify all forced prostitution offenses as trafficking and increased the minimum punishment for child trafficking from three years to five years. Authorities filed 12 criminal reports for trafficking (21 in 2017). Police arrested 22 suspects (28 in 2017) and seven additional suspects for "utilizing sexual services from a trafficking victim" (10 in 2017). The government prosecuted 34 for trafficking (27 in 2017). Courts convicted nine traffickers (29 in 2017) and convicted five perpetrators who "utilized sexual services from a trafficking victim" (one in 2017). Judges continued to issue sentences below the minimum penalty of five years' imprisonment. Five traffickers received imprisonment between two and four years and a fine between €200 ($230) and €4,000 ($4,590), one trafficker received imprisonment of six months, and three traffickers received suspended sentences. Five perpetrators who "utilized sexual services from a trafficking victim" received imprisonment between four and six months or a fine between €1,800 ($2,060) and €3,600 ($4,130). Courts reduced the overall backlog of cases, including trafficking cases; 78 cases remained open from previous years (88 in 2017).

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases with its eight regional units. THBD maintained a unit in the northern municipalities, a region that was recently integrated into Kosovo's judicial system. The Chief State Prosecutor's Office (CSPO) continued to designate a special coordinator for trafficking and appointed a regional coordinator for trafficking in western Kosovo. THBD conducted joint investigations with prosecutors and social workers resulting in the temporary closure of 91 out of 214 investigated bars, nightclubs, restaurants, and massage parlors. Separately, THBD cooperated with the Labor Inspectorate to conduct 157 joint inspections of bars, nightclubs, restaurants, and massage parlors (153 in 2017). Observers reported the lack of trafficking training and experience among most prosecutors and judges resulted in weak sentences or cases downgraded to a lesser crime, especially cases involving emotional control or psychological coercion of a victim. The Supreme Court adopted new sentencing guidelines to ensure that judges applied aggravating or mitigating factors correctly and equitably, including for trafficking cases. Additionally, KP, especially border police, continued to not screen for and lacked guidance on when to classify forced begging of children by their parents as trafficking instead of as parental neglect or abuse.

CSPO trained judges and prosecutors and the KP training department, in cooperation with international organizations, held 44 training workshops (31 in 2017). The Justice Academy trained prosecutors, judges, and victim advocates on trafficking issues; however, many prosecutors trained under the Yugoslav criminal code required further training on the Kosovo criminal code. The government exchanged information with foreign governments on 21 trafficking cases (22 in 2017), conducted joint investigations with Albania and the Czech Republic, signed an extradition treaty with Turkey, and prepared to bring an extradition treaty with the United States into force. The government extradited one suspect to Albania. THBD, CSPO, and the KP Inspectorate cooperated to investigate government employees potentially complicit in trafficking offenses but did not report prosecutions or convictions. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In 2016, prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. Trials were ongoing at the end of the reporting period. An appellate court affirmed four 2017 convictions against KP officers for sexual abuse of a trafficking victim and misuse of authority.

PROTECTION

The government maintained victim protection efforts. The government identified 15 trafficking victims (32 in 2017). Of these, 11 were subjected to sex trafficking, two to forced labor, one to "slavery and servitude," and one to domestic servitude through forced marriage (in 2017, 18 were subjected to sex trafficking, seven to forced labor, three to forced begging, and four to "slavery and servitude"). Twelve were children (19 in 2017); 14 were female and one male (29 were female and three were male in 2017); and 12 were from Kosovo, two from Albania, and one from the Czech Republic. First responders used standard indicators to screen vulnerable populations; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures (SOPs) for identifying and referring victims to services. The NRM required an investigator from the THBD and a victim's advocate from the Victim's Assistance and Advocacy Office to convene and assess the victim as low-, medium-, or high-risk of danger and coordinate victim care and placement. SOPs required a social worker to attend for child victims. NGOs continued to report the NRM functioned well and highlighted good cooperation among actors.

The government licensed and partially funded two NGO-run shelters to provide services to victims, along with the state-run

Interim Security Facility (ISF). These shelters provided legal assistance, medical, and psychological services, counseling, education, recreational services, and other rehabilitative support. Authorities afforded foreign victims the same rights and services as domestic victims. Victims also had access to nine Ministry of Labor and Social Welfare (MLSW) support facilities, but the government did not have a care facility in the country's four northern municipalities. ISF temporarily accommodated victims assessed as high-risk. Authorities required victims to have a police escort outside of the ISF while court proceedings were ongoing and required an approval from a prosecutor and the KP for victims to permanently leave the ISF while assessed as high-risk. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families. Victims stayed at the ISF for an average of 90 days before transferring to a NGO-run shelter. ISF accommodated 17 victims (35 victims in 2017). The two NGO-run shelters provided support services to victims assessed as low- to medium-risk; one of these NGO-run shelters was solely for children. Observers reported reintegration programs had limited success due to a lack of resources and high overall unemployment.

The government allocated €150,680 ($172,800) for victim protection compared to €152,870 ($175,310) in 2017. The government continued to decrease funds for NGO-run shelters, which received €70,680 ($81,060), compared to €72,870 ($83,570) in 2017, €91,010 ($104,370) in 2016, and €101,930 ($116,890) in 2015. ISF received €80,000 ($91,740) in 2017 and 2018. NGO-run shelters continued to report government funding was inadequate and operations could not continue without foreign donors. In 2018, MLSW required funding applications for eight-month periods, an increase over the six month duration from the previous year. While the government allocated emergency funds to cover the activities during funding gaps, NGOs reported funds were insufficient and sometimes interrupted programming. The law entitled foreign victims to a 30- to 90-day reflection period in which victims can recover before deciding whether to cooperate with law enforcement. The law entitled foreign victims to a temporary residence permit for at least six months; no foreign victims requested a permit (one in 2017). The government repatriated three victims (11 in 2017). All 15 victims participated in investigations and court proceedings (32 in 2017). The government reported suspected traffickers were not present when victims provided statements and foreign victims could return to their countries of origin after testifying without waiting for the conclusion of the trial. The law allowed compensation from the state if victims could not get restitution from their traffickers. No victims received compensation in 2018, compared to 2017 when the first trafficking victim was compensated with approximately €5,000 ($5,730).

PREVENTION

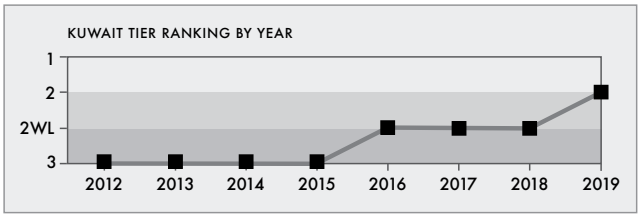
The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held monthly meetings to monitor the implementation of the 2015-2019 anti-trafficking national action plan (NAP). The government did not report the amount of funds allocated towards implementation of the NAP in 2016, 2017, or 2018, compared to €288,000 ($330,280) in 2015. NGOs reported strong cooperation with NAATIP and the national coordinator, including responsiveness to recommendations and concerns. Twenty-eight of 38 municipalities allocated funds to participate in an annual month-long campaign aimed at potential victims. The government, in cooperation with an NGO, produced a film on how traffickers recruit victims. The government-operated hotline for victims of domestic violence and other crimes received 929 calls (907 in 2017), including eight potential trafficking cases (seven in 2017). The government did not report 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 Kosovo, and traffickers exploit victims from Kosovo abroad. Most victims are internally subjected to trafficking for sexual exploitation. Many sex trafficking victims in Kosovo are girls, although Kosovo criminal groups also force women from Albania, Moldova, Romania, Serbia, and other European countries into sex trafficking. Women and girls are subjected to sex trafficking in private homes and apartments, nightclubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Traffickers subject Kosovo citizens to sex trafficking and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes.

KUWAIT: TIER 2

The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Kuwait was upgraded to Tier 2. The government demonstrated overall increasing efforts by deploying its specialized trafficking unit to initiate more criminal investigations of potential trafficking crimes and more prosecutions under the anti-trafficking law. It referred significantly more potential trafficking victims for protective services, operationalized its central recruitment agency in an attempt to hire and better safeguard the rights of hundreds of domestic workers, and increased enforcement of its domestic worker law. However, the government did not meet the minimum standards in several key areas. Rather than prosecuting potential criminals for human trafficking, officials continued to routinely use arbitration and administrative penalties to resolve grievances filed by domestic and other migrant workers instead of investigating such cases as human trafficking crimes, and protracted litigation and subsequent appeals processes led most victims to decline to file court cases. By not holding traffickers criminally accountable with stringent sentences, the government perpetuated a climate of impunity that failed to deter future crimes. The government did not regularly use standard procedures for proactively identifying victims and continued to detain, prosecute, and deport trafficking victims, including those fleeing forced labor.



PRIORITIZED RECOMMENDATIONS:

Increase law enforcement efforts to investigate, prosecute,

and convict traffickers, including Kuwaiti citizens, under the 2013 anti-trafficking law rather than treating potential forced labor cases as administrative violations. • Proactively screen for trafficking indicators among vulnerable populations, and during migrant round-ups and amnesty periods to ensure victims are not wrongfully penalized or deported for unlawful acts traffickers compelled them to commit. • Institute reforms to the sponsorship-based employment system, including by allowing all workers to change employers without necessitated employer approval and ceasing prosecution of workers who flee their employment. • In adherence to Kuwaiti labor law, increase investigations and punishment of employers who illegally confiscate migrant workers' passports. • Institute trainings for all relevant officials on mechanisms to proactively identify and refer to protection services all victims of human trafficking and routinely employ these procedures. • Continue to strengthen enforcement of the domestic labor law to ensure domestic workers' rights are protected. • Eliminate worker-paid recruitment fees. • Commence construction on or allocate existing facility space for a shelter to accommodate male victims. • Continue to convene the official governmental committee and strengthen implementation of the national anti-trafficking strategy. • Expand efforts to raise anti-trafficking awareness, particularly among vulnerable populations, including migrant workers.

PROSECUTION

The government maintained law enforcement efforts. The 2013 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment for offenses involving an adult male victim and up to life imprisonment for those involving an adult female or child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In addition, the Public Prosecutor's Office (PPO) and the Ministry of Interior (MOI) launched a new policy in January 2019 requiring all cases of buying and trading of fraudulent visas, withholding of salaries and passports in excess of three months, or forcing individuals into jobs different from those contractually agreed upon be prosecuted under the anti-trafficking law rather than the labor law; this accounted for 21 of the reported investigations during the period.

The government's specialized trafficking unit investigated 50 potential trafficking cases during the reporting year, compared to 60 investigations in the previous reporting period; 21 of the 50 investigations were the result of the new PPO/MOI policy guidance on the anti-trafficking law. It discovered such cases through tips from foreign embassies, civil society, hotlines, the government-run shelter, and the MOI's Domestic Labor Department (DLD). In 2018, officials prosecuted eight cases—four for forced labor and four for sex trafficking—compared to five cases in 2017. The government convicted an unknown number of defendants in one case under the anti-trafficking law, and seven additional trafficking cases awaited sentencing at the close of the current reporting period; during the previous reporting period, it convicted six sex traffickers in one case and sentenced them to between 15 years and life imprisonment. In 2018, the government did not report sentencing details or disaggregated information on convictions for forced labor versus sex trafficking crimes committed. However, in April 2018, the Criminal Court sentenced a Kuwaiti national and three stateless Arabs to life imprisonment for forcing 32 male workers into prostitution.

Generally, Kuwaiti authorities did not categorize or investigate labor violations of domestic workers as human trafficking and continued to typically treat such cases as administrative infractions. Officials commonly used arbitration, which resulted in monetary compensation and repayment of back-wages to victims, administrative fines, and closure of recruitment firms to resolve such cases. Such resolution neither enforces stringent punishment to deter future crimes, nor provides victims care to heal from the trauma of the trafficking experience. If a settlement could not be agreed upon, DLD officials referred the case to the labor courts, and if the complaint involved a gross violation, such as assault or domestic worker abuse, authorities transferred the case directly to the public prosecutor's office. Many domestic worker abuse cases were not prosecuted due to lack of evidence or witnesses. As a result, only severe cases of domestic worker abuse—usually involving significant bodily injury or death—were prosecuted, and typically as violations of other criminal laws instead of trafficking. In some cases, media reported the government sought prosecution of potential trafficking cases for abuse or simple assault rather than as violations of anti-trafficking laws.

Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remained commonplace among sponsors and employers of foreign workers. During the reporting period, the Public Authority for Manpower (PAM) received 2,489 complaints of confiscated passports; the government did not report how many employers PAM ordered to return employees' identification documents. Some government officials allegedly sold work permits to illegal recruiters or even directly to migrant workers, potentially facilitating trafficking; the government did not report efforts to prosecute and convict officials complicit in trafficking or trafficking-related offenses. The MOI's anti-trafficking unit conducted two training sessions, on trafficking indicators and a victim-centered approach to law enforcement efforts, for 37 trainees drawn from all MOI departments; in the prior year, there were four such training sessions. The government also participated in and provided in-kind support for three international organization-sponsored trainings and capacity-building programs for law enforcement sectors of the MOI, including the specialized anti-trafficking unit and DLD. Throughout the reporting period, more than 110 employees from PAM, MOI, and the Ministry of Justice attended two anti-trafficking seminars on how to identify victims. The DLD continued its production of internal training programs on a weekly basis targeting investigators and labor inspectors.

PROTECTION

The government demonstrated increased efforts to protect trafficking victims. In 2018, an international organization reported that the government had identified and referred approximately 800 vulnerable domestic workers and potential trafficking victims to its shelter, substantially up from the 48 potential victims it referred during the previous year. Of these, the MOI and PAM, in cooperation with an international organization, identified and provided voluntary repatriation and transition assistance for more than 300 identified trafficking victims during the reporting period. It provided shelter to a total of 1,600 domestic workers, of whom an international organization reported roughly 20-30 percent were likely trafficking victims; this is compared to 3,000 in 2017. Many of those admitted to the shelter had fled poor working conditions, including excessive hours and delayed payment of wages, or desired to return to their respective countries of origin. The government also used the facility to host domestic workers awaiting repatriation, or deportation

if facing criminal charges. Additionally, of the total number of domestic worker complaints the DLD received, it referred 40 domestic workers to the government-run shelter during the year. Although the government had in place since 2015 a screening process to proactively identify potential trafficking victims among vulnerable populations, the extent to which the government employed this proactive screening mechanism was unknown. During the year, the government-run shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and other migrant workers. Officials ratified a national referral mechanism in 2018 that aimed to improve intergovernmental coordination, provide training for judicial and prosecutorial personnel, and expedite criminal charges in forced labor cases; however, the government did not implement this revised mechanism during the reporting period. The shelter served as a one-stop facility, providing medical and psychological care, food, rehabilitation support, and access to officials from various ministries to facilitate legal and repatriation assistance. Residents at the shelter had access to cell phones and freedom of movement to leave on supervised regular outings. Despite government allocation and budgetary approval for construction of a male shelter during the previous reporting period, Kuwait did not commence construction of such a shelter during the current reporting period.

The government provided an annual budget of two million Kuwaiti *dinar* ($6.6 million) for domestic worker shelter operations and protection programs for trafficking victims. Some international organizations, in conjunction with foreign affairs officials, provided assistance to an unknown number of domestic workers from nations without diplomatic representation in Kuwait who needed to procure travel documentation. Embassies of the Philippines, India, and Sri Lanka maintained their own domestic worker shelters and worked closely with the Kuwaiti government to seek compensation and legal redress for their nationals subjected to exploitative working conditions in the country. In cooperation with international organizations and foreign embassies, the government assisted victims in retrieving documentation and funding for repatriation; and in the case of administrative deportation officials provided airline tickets and worked to recoup associated costs from the accused employers. Beyond the repatriation and transition assistance, MOI and PAM provided for more than 300 foreign domestic workers who were trafficking victims during the reporting period, the DLD provided repatriation assistance for 120 female domestic workers who fled exploitative employers. The government allowed victims residing in its shelter to either change sponsors or be repatriated to their country of origin once their residency status was resolved or pending the resolution of a legal case, without respective sponsor approval. It did not report deporting those who faced retaliation or retribution in their respective home countries. Rather, the government allowed all trafficking victims to change employers and maintain residence in Kuwait or otherwise be repatriated to a third country at the victims' request. In May 2018, the government allowed foreign nationals present in Kuwait in violation of their residency status, reported to have absconded from their employers during the period from January 2016 to April 2018, to seek amnesty and legalize their status or depart the country without penalty. The government did not report how many trafficking victims it identified from this offer of amnesty or if it proactively screened for trafficking indicators among applicants and subsequent deportees.

Authorities continued to arrest, prosecute, and deport some workers who fled their sponsors without permission or recourse to the judicial system. The risk of penalization, coupled with protracted litigation processes and exorbitantly high legal fees, discouraged workers from appealing to police or other authorities for protection and adequate legal redress for their exploitation. In addition, it was not uncommon for sponsors to file counter-grievances against their employees, including trafficking victims who reported abuse. This sometimes resulted in administrative deportation or detention of the employees and victims. Within worker communities, there existed a persistent fear that confiding in authorities would result in deportation, imprisonment, or return to the employer in question. The government reported public prosecutors willingly tried cases on victims' behalf using their oral and written statements; however, it lacked privacy laws to protect victims against potential retribution and often was unable to provide adequate care for victims throughout the duration of legal proceedings. Media reported that the government directed settlements in response to individual civil suits against employers, but the government did not report how many victims received restitution during the year.

PREVENTION

The government continued robust efforts to prevent human trafficking. In November 2018, the Minister of Justice issued a ministerial decree on the formation of the Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking that was approved and funded by the Council of Ministers during the previous reporting year. The Committee did not officially convene during the reporting period; nonetheless, relevant government entities commenced implementation of several action items in the national anti-trafficking strategy. Key ministries, in collaboration with an international organization, financially supported and conducted numerous public awareness campaigns at shopping malls and the international airport to raise awareness of trafficking and warned against using illegal domestic labor recruitment companies. Various officials also took part in anti-trafficking awareness messaging on local television, radio, and social media platforms. It continued to disseminate pamphlets to educate migrant workers on their rights, which were published in multiple languages and disseminated in airports, embassies, and labor-recruitment agencies.

The domestic labor law (Law 68/15) guaranteed domestic workers one day off per week, a maximum 12-hour workday, minimum wages paid per month, paid annual leave, and access to file formal grievances at the MOI, among other protections. The 2016 by-laws regulated implementation of this law. Amendments to the 2010 labor law, passed in 2016, increased penalties for non-payment of wages, made mandatory documentation of all paid wages, and required prison time and fines for employers and government officials who failed to adhere to provisions of this law. During the reporting period, the government transferred the DLD from the MOI to PAM, based upon recommendations that having the DLD under the MOI deterred workers from seeking assistance. In adherence to the domestic labor law, the DLD received 433 complaints directly from domestic workers during the year, 1,835 from employers, and 60 from recruitment offices and companies. Of these, it referred 448 cases to the labor courts, collected 14,440 Kuwaiti *dinar* ($47,650) in unpaid wages for domestic workers, and referred 40 of these domestic workers to the government-run shelter during the reporting period. In addition, PAM shut down 72 companies and suspended 1,510 companies for being in violation of Kuwaiti labor laws. Authorities continued to apply the amended provisions of the domestic labor law by building a monetary reserve to adjudicate cases of labor law violations to pay unpaid wages and cover the costs of repatriation. For

issuance or renewal of a license for a domestic labor recruitment firm, it enforced the rule that single offices must submit financial deposits of 40,000 Kuwaiti *dinar* ($132,010) with a two-year validity and larger companies to present a letter of guarantee worth 100,000 Kuwaiti *dinar* ($330,030).

The DLD continued to investigate domestic worker recruitment agencies and inspect residences to ensure compliance with the 2015 domestic labor law. In addition, it initiated investigations based on grievances filed by domestic workers, employers, and embassies of labor-sending countries. The government arbitrated such grievances and did not report referring any for criminal investigation or prosecution. During the reporting period, DLD officials received 1,328 work-related complaints, amicably resolved 579 in extrajudicial proceedings, referred 333 to labor courts for further investigation, and the others remained pending. The DLD also conducted 404 inspections of domestic worker recruitment firms and consequently permanently shut down 30 and suspended 11 such agencies for three to six months for violation of the domestic labor law, compared to 82 closures the previous year; officials did not refer any of these for criminal investigation or prosecution. Separately, the PAM received 16,626 official grievances from foreign laborers, the most common of which included pay discrepancies, denied requests to transfer employers, and disputes regarding overtime pay issuances. Authorities reported resolving 90 percent of the employment transfer grievances in favor of the employees, to include transference of employer or receipt of unpaid wages; it referred the remaining 5,805 unresolved cases via arbitration to the labor courts. At the close of the reporting period, the outcomes of these cases were unknown, and the government did not report referring any of these cases for criminal investigation or prosecution under the anti-trafficking law. In 2018, PAM investigated 248 companies engaged in fraudulent visa practices and referred all of them to the PPO or the MOI's trafficking-specific investigative unit.

In February 2019, media reported the government's centralized recruitment company—named Al Durra—recruited nearly 900 male and female domestic workers since its launch in late 2017. In adherence to the domestic labor law, Al Durra worked to reduce recruitment costs, curb illegal recruitment fees, provide greater oversight of recruiting practices, hire male domestic workers, and secure labor agreements for female employees. According to press reports, new workers from Sri Lanka, India, the Philippines, and Burkina Faso arrived to Kuwait via Al Durra, and 150 additional contracts remained in process at the conclusion of the reporting period. In May 2018, Kuwaiti officials signed an agreement with the Philippine government to regulate the recruitment and employment of Filipino domestic workers in Kuwait to better safeguard their legal protections. Based on this treaty, which entered into forced in January 2019, the Philippine government lifted its February 2018-imposed travel ban on sending Filipino workers to Kuwait. Similarly, in October 2018, Kuwait and India signed an MOU on broader protections for domestic workers, and ratified it in January 2019. This resulted in the end of India's 2014 ban on sending Indian female domestic workers to Kuwait. The agreement with India guaranteed registration of the employee-sponsor contact information with the Indian Embassy, an established monthly minimum wage for Indian laborers, and all employers would use the government's centralized recruitment company with Indian government-authorized recruitment agencies. In April 2018, the Commerce Ministry revoked the licenses of 116 domestic labor recruitment agencies for contravening Kuwaiti labor laws and exploiting an unspecified number of domestic workers during the course of their employment. This ministry also capped at 990 Kuwaiti *dinar* ($3,270) the ceiling for mandatory recruitment fees employers pay to agencies to recruit domestic employees; in actuality, a portion of these fees were transferred to the domestic employees. During the reporting period, authorities employed the services of the Mobile Labor Disputes Office to help workers in remote areas of the country file complaints against employers for labor law violations. The mobile unit was run by an emergency team of investigators, inspectors, translators, lawyers, and lay volunteers. Officials also advertised to migrant laborers online services that allowed workers and employers to dock and track workplace issues electronically, receive alerts if an employer filed an absconding charge, notify the respective source country embassy, and challenge legal settlements incurred. Both the DLD and the MOI's anti-trafficking department operated hotlines to assist vulnerable migrant workers, to include potential trafficking victims, but neither entity reported how many trafficking-specific calls they received during the reporting period. The government made efforts to reduce the demand for commercial sex. The government provided annual anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Kuwait. Men and women migrate primarily from South and Southeast Asia, Egypt, and the Middle East, to work predominantly in the domestic service, construction, hospitality, and sanitation sectors, and the vast majority arrive voluntarily. Unskilled laborers and female domestic workers are especially vulnerable to forced labor, as they often have limited access to assistance due to the absence of diplomatic representation in Kuwait. As conditions for many remain perilous, numerous labor-sending countries, including Bangladesh, Bhutan, Chad, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Madagascar, Malawi, Nepal, Niger, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Uganda, and Zimbabwe, continue to restrict their female nationals from domestic employment in Kuwait. In January 2019, the Philippine government lifted the February 2018-imposed travel ban on Filipino workers to Kuwait due to strengthened regulatory oversight of recruitment and employment of Filipino domestic workers. Similarly, in October 2018, Kuwait and India signed an agreement on broader protections for domestic workers, which resulted in the end of India's 2014 ban on Indian female domestic workers. As more countries restrict labor movement to Kuwait, however, the government has continued its recruitment of domestic employees from African labor-sending countries including most recently from Cote d'Ivoire and Liberia.

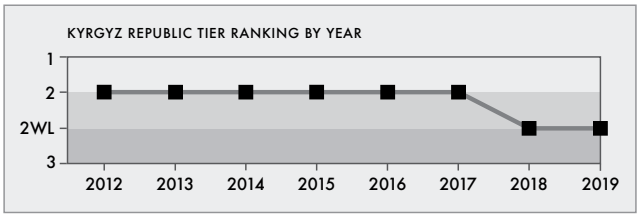
Upon arrival, some sponsors subject migrants to forced labor through the following: non-payment of wages, protracted working hours contrary to contractual agreements, deprivation of food, substandard housing, threats or harassment, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and passport confiscation. Although unlawful, passport withholding by employers is ubiquitous in Kuwait. Furthermore, many migrant workers pay exorbitant fees to recruiting agents in their countries of origin and/or are coerced into paying labor broker fees in Kuwait, which, according to Kuwaiti law should be paid by the employer, thereby rendering workers vulnerable to forced labor, including debt bondage. In some cases, officials do not provide workers copies of their contracts, or the contracts are not written in a language they can read. Additionally, many sponsors pay high fees to agencies for migrant workers. Some illegal labor recruiting companies facilitate trafficking through

the use of deceptive techniques to bring in migrant workers on the basis of unenforceable contracts, fraudulent visas, and nonexistent positions. Some officials allegedly take bribes or overtly sell work permits to illegal labor recruiting companies or directly to migrant workers. For more than a decade, press reports indicated that the Democratic People's Republic of Korea (DPRK or North Korea) sent more than 4,000 North Korean laborers to Kuwait for forced labor on construction projects, sourced by a North Korean company operated by the Workers' Party of Korea and the North Korean military. According to these reports, employees worked 14 to 16 hours a day while the company retained 80 to 90 percent of their wages. The company also monitored and confined workers, who lived in impoverished conditions and were in very poor health due to lack of adequate nutrition and health care. In previous reporting periods, the government ceased issuing new visas to North Korean workers, discontinued all residency permit renewals, and repatriated virtually all of them.

Kuwait's sponsorship law—which ties a migrant worker's legal residence and valid immigration status to their employer—restricts workers' movements and penalizes them for leaving abusive workplaces. Domestic workers are particularly vulnerable to forced labor inside private homes, as endemic cultural attitudes—particularly regarding the sanctity of the private household—sometimes enabled the exploitation of expatriate workers. Many workers report experiencing work conditions substantially different from those described in the contract. In addition, previous sources report runaway domestic workers are sometimes exploited in sex trafficking by agents or criminals, who manipulate their illegal status.

KYRGYZ REPUBLIC: TIER 2 WATCH LIST

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the adoption of revised criminal procedures codes that removed the requirement for a demonstration of force, fraud, or coercion in the prosecution of child sex trafficking cases and provided some measures to better enable victim-witness testimony. The government also increased training of law enforcement and judicial officials; referred more victims for assistance; created several regional-level anti-trafficking coordinating bodies; adopted standards for the management and operation of shelters, and established a government body tasked with supporting and protecting the rights of Kyrgyz citizens abroad. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government finalized, but did not formally adopt a national referral mechanism and standard guidelines on victim identification. The government continued to identify and refer a relatively small number of victims. Official complicity, corruption, and the lack of victim protection has led to reports of officials dropping charges, tipping off suspects, and allowing victims to be pressured or paid to drop charges against alleged traffickers. Therefore the Kyrgyz Republic remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected trafficking crimes, including government officials allegedly complicit in trafficking or who abuse and exploit trafficking victims. • Convict and punish trafficking offenders, ensuring those convicted serve proportionate and dissuasive prison sentences. • Increase efforts to proactively identify trafficking victims, particularly among vulnerable groups such as persons in prostitution, and refer victims to protection services. • Approve and implement guidelines on victim identification and train officials on their use. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker and allow all first responders to officially identify potential trafficking victims and refer them to care. • Consistent with amendments to the national trafficking law, adopt and implement a national referral mechanism to better identify, assist, and protect potential victims. • Implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims. • Increase trafficking-specific training for law enforcement, including through contributing to efforts by international organizations to train police, prosecutors, and judges. • Ensure identified trafficking victims are exempt from punishment for unlawful acts traffickers compelled them to commit. • In accordance with the criminal procedure code, allow for the use of alternate means to collect witness testimony. • Continue to collaborate with, and provide financial or in-kind support to, civil society organizations providing assistance to victims.

PROSECUTION

The government maintained law enforcement efforts in some areas. Throughout 2018, the government utilized Article 124 of its criminal code, which criminalized all forms of labor trafficking and some forms of sex trafficking. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law also defined trafficking broadly to include "child adoption for commercial purposes." Article 124 prescribed penalties of house arrest for up to five years or five to eight years' imprisonment, which were sufficiently stringent. However, with respect to sex trafficking, by allowing for house arrest in lieu of imprisonment, these penalties were not commensurate with those prescribed for other serious crimes. On January 1, 2019, the government adopted amendments to the criminal code which addressed these gaps. Article 171 of the new code criminalized sex trafficking and labor trafficking and prescribed penalties of two and a half to five years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The amended law also removed the requirement of a demonstration of force, fraud, or coercion to constitute a child trafficking offense and removed "child adoption for commercial purposes" as a form of exploitation under the definition of trafficking, thereby bringing the definition of trafficking in line with international

law. Prosecutors could also charge traffickers using Article 260 for engaging a person in prostitution through the use of force or the threat of force or fraud, which was punishable by a fine or imprisonment of three to five years if the victim was an adult, five to 10 years' imprisonment if the victim was 14-17 years old, and 10 to 15 years' imprisonment if the victim was younger than 14 years old.

The government initiated two trafficking investigations under Article 124 in calendar year 2018 but provided no additional information, such as how many involved sex or labor trafficking. The government reported initiating eight additional investigations under Article 124, all of which involved adoption fraud with no evidence of exploitation. In comparison, the government conducted four trafficking investigations in 2017. The government prosecuted eight suspects under Article 124, however all eight were involved in fraudulent adoption, rather than trafficking offenses. The government prosecuted seven alleged traffickers in 2017 and five in 2016. The government reported that Kyrgyz courts convicted five individuals under Article 124 during the first nine months of 2018, compared with convictions of seven traffickers in 2017. Limited data was available on sentencing; one trafficker was sentenced to seven years' imprisonment. In addition, the government opened 65 investigations of trafficking-related crimes, including pimping and brothel maintenance.

Advocates for victims reported there was a general lack of proactive investigation, especially if victims did not make a specific, well-supported complaint. Civil society actors reported the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims, work with them as witnesses, and gather evidence outside of victim testimony. The government, in conjunction with international funding and partners, trained 1,112 officials, including judges, prosecutors, and law enforcement. An international organization noted that many of these trainings focused on a victim-centric approach.

Corruption and official complicity in trafficking cases remained significant concerns, inhibiting law enforcement actions during the year. NGOs and international organizations reported law enforcement officials accepted bribes to drop cases and sometimes warned suspects prior to raids; legal researchers reported that changes to the criminal procedure code, implemented in January 2019, would reduce the likelihood that such bribes would be successful. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases.

PROTECTION

The government increased efforts to protect trafficking victims. The government identified and referred 32 victims to international organizations and NGOs for assistance, compared with two identified victims referred to care by the government in the previous reporting period. The government also identified eight potential victims of sex trafficking and referred them to local NGOs for assistance. International organizations and NGOs reported assisting 183 victims in 2018, 171 of whom were subjected to forced labor, eight to sex trafficking, and four to both labor and sex trafficking; 29 of the victims were Uzbek citizens; one of the victims was a child and 106 victims were male. The government did not adopt standard identification procedures or a national referral mechanism that were initially drafted in 2017; experts have cited these gaps as an impediment to identifying and assisting victims. Although police sometimes referred potential victims to NGOs for assistance, it was not systematic. Local governments in Osh and Bishkek continued to provide rent-free facilities used by two NGO-run shelters that provided services for trafficking victims, including foreign nationals. One of the two Osh-based shelters discontinued on-site lodging for trafficking victims in 2018, after an international organization transferred operations to a local NGO; it continued to provide services on an ad hoc basis without support from the government. In March 2019, the government adopted standards to govern the operations, financing, and monitoring of shelters for victims of trafficking. Consular officials assisted eight trafficking victims abroad by providing no-cost travel documents, but the government did not report providing financial support for their repatriation. The government provided legal consultations to 29 foreign victims identified in 2018 and assisted with their repatriation.

Police did not use child-sensitive procedures when dealing with child victims during case investigation and courts did not provide safeguards to ensure children's privacy and protection; the draft referral mechanism would address the treatment and proper provision of assistance to children. The government finalized but did not adopt the referral mechanism during the reporting period. Experts reported that victims were highly vulnerable to pressure from traffickers to withdraw their complaint or settle informally; Ministry of Internal Affairs (MVD)'s witness protection unit reported assisting trafficking victims, but provided no additional details. Although the law provided for the proper treatment of witnesses, authorities rarely followed it. The government required witnesses to attend multiple public hearings and sit next to their alleged traffickers at trial, which deterred victims from cooperating with police. The new criminal code allowed for judges to receive victim testimony outside of court, or electronically over video calls. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. Analysts noted a lack of legal representation for minor victims. While the law provided the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. The continued lack of formal written procedures for the identification and protection of potential sex trafficking victims increased victims' vulnerability to arrest and penalization during brothel raids. There were no reports officials fined, detained, or penalized trafficking victims for unlawful acts traffickers compelled them to commit; due to the lack of formal victim identification procedures, however, some victims may have remained unidentified in the law enforcement system.

PREVENTION

The government increased efforts to prevent trafficking. In March 2019, the government formally designated the State Migration Service as the national coordinating body to prevent and combat trafficking in persons. The Coordination Council on Migration coordinated government efforts on migration issues, including combating trafficking in persons. The Council met four times at the local level to discuss implementation of the national action plan. The government created seven local level coordination councils, comprised of regional government representatives, NGOs, and local civic groups, and tasked with implementing the national referral mechanism, upon its adoption. In November 2018, the President's Office created the Council on Relations with Compatriots Abroad, tasked with supporting and protecting the rights and interests of Kyrgyz citizens abroad. The Kyrgyz Association of Women Judges conducted an analytical review of 254 criminal cases filed between 2014 and 2017 related to trafficking in persons; the analysis revealed keys gaps in the

protection of victims and prosecution of alleged traffickers. The government cooperated with international organizations and 38 local NGOs to implement its media action plan to raise awareness on trafficking in persons, particularly among youth; the campaign reached an estimated 10,000 people across all seven regions of the country.

The government, with the support of an international organization, continued to operate employment centers in Bishkek and Osh that in 2018 provided an unknown number of people information on employment services, vacancy advertisements, licensed foreign labor recruitment agencies, and offered pre-departure orientation (which included trafficking prevention) for job-seekers to ensure safer migration and employment. The government also maintained two publicly available databases of private employment agencies: one contained "government licensed" agencies, and the other a list of agencies about which the government received complaints. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance regarding working abroad; calls to the hotline in 2018 resulted in the identification of five trafficking victims. The government continued to provide support for a mobile phone application that provided Kyrgyz migrants with information on the rights of migrant workers and contact telephone numbers including anti-trafficking hotlines and local Kyrgyz embassies. The government did not report providing anti-trafficking guidance for its diplomatic personnel or making efforts to reduce the demand for commercial sex acts or forced labor.

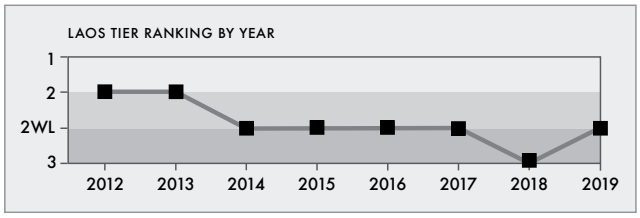
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Kyrgyz Republic, and traffickers exploit victims from the Kyrgyz Republic abroad. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyz men, women, and children are subjected to forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other European countries, as well as within the Kyrgyz Republic, specifically in the agricultural, construction, and textile industries, domestic service, and childcare provision. Kyrgyz children also are subjected to forced labor in the selling and distribution of drugs within the country, and hauling cargo both in the Kyrgyz Republic and neighboring countries. The Russian re-entry ban has changed the nature of labor migration in the Kyrgyz Republic; approximately 77,000 Kyrgyz migrants are included and unable to legally return to Russia for work. Kyrgyz families on the Russian re-entry blacklist are increasingly sending their children to work in Russia, where they are vulnerable to trafficking.

Women and girls are subjected to sex trafficking abroad, reportedly in India, Kazakhstan, Russia, South Korea, Turkey, the United Arab Emirates (UAE), and within the country. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including children, and reports that police accept bribes from alleged traffickers to drop cases. Street children who engage in begging and children engaged in domestic work (often in the homes of extended family members) are vulnerable to traffickers. Women and underage teenaged girls from Uzbekistan and Tajikistan may be subjected to sex trafficking and Uzbek and Tajik men are vulnerable to forced labor in the southern region of the Kyrgyz Republic. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia and Kazakhstan, the UAE, and Turkey, where they may be subjected to sex and labor trafficking. International organizations and NGOs reported some Kyrgyz individuals who join extremist fighters in Syria are forced to remain against their will and recruiters may deceive others, including minors, promising jobs in Turkey, before extremist groups force them to fight, work, or suffer sexual servitude in Syria.

LAOS: TIER 2 WATCH LIST

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Laos was upgraded to Tier 2 Watch List. These achievements included providing restitution to some victims of trafficking through the criminal justice process; directly providing services to trafficking victims, including male victims for the first time; issuing a decree in July mandating the creation of multi-sectoral anti-trafficking steering committees at the provincial and local levels; and conducting increased trainings and awareness-raising at the local level to assist with the implementation of the decree. Despite these achievements, the government continued to struggle to identify Lao and foreign victims of trafficking within Laos, despite growing concerns regarding vulnerability to trafficking in specialized economic zones, agricultural plantations, and large-scale infrastructure projects. Amid poor inter-ministerial coordination, policies constraining the operations of non-government service providers continued to impede effective protection efforts and the implementation of Laos' national action plan to combat trafficking.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to disseminate, implement, and train police and border officials on the National Victim Protection Guidelines, with a focus on vulnerable groups. • Screen for trafficking indicators among vulnerable groups, including but not limited to foreign workers and Lao men and boys working on large infrastructure, mining, and agricultural projects and returning from work overseas, and among Lao and foreign women in domestic prostitution. • Strengthen efforts to secure, formalize, and monitor border crossings in remote and mountainous areas commonly used by Lao labor migrants returning from abroad and screen for trafficking indicators among them. • Train law enforcement officials at the national and local level on updates to the Lao Penal Code to improve their ability to investigate, prosecute, and convict traffickers, including complicit officials and child sex tourists. • Collaborate with civil society to update and extend the National Action Plan beyond 2020, taking into account changing trends and trafficking vulnerabilities. • Increase government efforts and resources dedicated to service provision and assistance programs for victims, and expand these services for male victims. • Cease the requirement that victims formally request restitution in order to receive compensation from their traffickers. • In partnership

with local and international organizations, increase resources and vocational training to support victims, including male victims, to reintegrate into their home communities. • Further improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with nongovernmental stakeholders. • Strengthen efforts at diplomatic missions overseas to identify and assist Lao victims of sex and labor trafficking.

PROSECUTION

The government increased law enforcement efforts. In November 2018, the government promulgated an updated penal code. Article 215 of the 2018 Penal Code criminalized sex trafficking and labor trafficking and prescribed increased penalties of five to 15 years' imprisonment and a fine of 10 million to 100 million Lao kip ($1,170 to $11,720); if the offense involved a child victim, the fine range increased to 100 million to 500 million Lao kip ($11,720 to $58,580). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In 2018, the Anti-Trafficking Department (ATD) within the Ministry of Public Security (MOPS) reported investigating 39 incidents (69 in 2017), culminating in the opening of 26 trafficking cases (44 in 2017). At the end of the year, there were 18 ongoing investigations (29 in 2017, 19 in 2016). Authorities initiated prosecutions in 12 cases against an unknown number of suspected traffickers (13 cases in 2017, 11 in 2016) and secured convictions against 27 traffickers in 11 cases (convictions in eight cases in 2017, six in 2016). Convictions included at least one case of sex trafficking of a minor, and at least one case of labor trafficking of Lao citizens abroad. In nine cases it was unclear if they met the definition of human trafficking; eight of these cases involved potential forced or fraudulent marriage of Lao women to Chinese men. Sentences ranged from one year and one month to 15 years and six months of imprisonment and fines ranging from 2 million to 100 million Lao kip ($234 to $11,720). Courts confiscated 70 million Lao kip ($8,200) in assets from traffickers. Courts ordered restitution in six cases, seizing assets ranging from 6 million to 110.25 million Lao kip ($702 to $12,920) and distributing amounts among the victims in each case. The government provided no information on prosecutions of foreign nationals in Laos who engaged in child sex tourism. However, the 2018 Penal Code added Article 262, criminalizing the travel from one country or place to another to engage in child sex tourism. Local village mediation units often handled citizens' complaints rather than the official judicial system; there were anecdotal reports that these units resolved some complaints of trafficking rather than referring them to law enforcement.

The Lao Anti-Trafficking Secretariat and National Steering Committee continued to provide training to law enforcement officials, and during this reporting period they directly funded trainings while collaborating with international organizations. Officials worked to disseminate the guidelines for management of trafficking cases, developed in partnership with an international organization, and a manual on prosecuting trafficking cases to judges and assistant judges throughout the country. MOPS, the Ministry of Labor and Social Welfare (MLSW), and immigration officials organized or participated in trainings on victim identification, interviewing skills, and referral and service provision for victims of trafficking. The Ministry of Justice organized trainings for district level police, the judiciary, and social welfare officials to disseminate information on laws related to trafficking. Lao law enforcement agencies continued to cooperate with multilateral organizations and counterpart agencies in Cambodia, China, Malaysia, Thailand, and Vietnam on transnational trafficking investigations and training opportunities. In at least one instance, this cooperation led to the conviction of a trafficker in Thailand who exploited a Lao national in the fishing industry.

Anti-trafficking organizations and media continued to report that some low-level officials may have contributed to trafficking vulnerabilities by accepting bribes for the facilitation of immigration and transportation of girls to China, including through falsification of travel and identity documents. Observers also reported immigration officials may have enabled the illicit transportation of undocumented migrant workers from China and Vietnam into Laos for work on large-scale infrastructure, mining, and agricultural projects, where some of them may have been subjected to trafficking. Despite these allegations, the government did not report any investigations, prosecutions, or convictions of officials for complicity in trafficking or trafficking-adjacent crimes during the year.

PROTECTION

The government maintained victim protection efforts. In furtherance of its adoption of the Coordinated Mekong Ministerial Initiative Against Trafficking in 2016, the government reported disseminating and implementing its victim identification manual to authorities beyond ATD officials, including border officials stationed near at-risk communities. For the first time, the government provided official assistance, including shelter, to male victims of trafficking, although the vast majority of services were available only for women. However, the government did not take adequate measures to identify domestic or foreign victims.

Authorities did not report a clear number of officially identified victims (86 in 2017, 184 in 2016). However, the Lao Women's Union (LWU) reported providing services, including shelter, to 52 victims of trafficking during 2018, including 47 victims of sex and labor trafficking abroad and five victims identified in Laos; all victims provided services were Lao citizens. Officials reported implementing National Victim Protection Guidelines, including in border areas with significant vulnerability to trafficking. The 2016 Anti-Trafficking Law entitles victims to temporary accommodation, legal advice, health care, education or vocational training, and financial assistance for reintegration. The LWU, which was responsible for government-provided services, operated a single shelter in Vientiane for victims of abuse that also offered services to trafficking victims. During a large operation against prostitution in Vientiane in October 2018, police detained 128 women including 35 foreigners; police did not screen these individuals to determine if they were victims of trafficking. Police reportedly identified four victims of sex trafficking, who they returned home without referring to services. Some victims received restitution through the criminal justice process; however, courts did not provide restitution or compensation unless the victim specifically requested it. Border authorities did not adequately screen returning migrants for trafficking indicators, especially those returning from Thailand.

Authorities in neighboring countries identified most Lao victims exploited abroad. Despite allegations of potential forced labor among foreign workers involved in large-scale infrastructure, mining, and agricultural operations in Laos—and despite the prevalence of foreigners subjected to sex trafficking, often in relation to these industries—the government did not identify any foreign victims during the reporting period. The Ministry

of Foreign Affairs conducted trainings for consular officers in China on how to handle claims of fraudulent marriage that could contain trafficking and how to repatriate victims; however, the Ministry did not report whether it trained officers in other countries on how to identify and assist victims. The MLSW provided a labor attaché in Thailand who monitored worksites, but it was not clear if they were trained to identify and refer trafficking cases.

PREVENTION

The government increased prevention efforts. In July 2018, the Prime Minister issued a decree mandating the creation of multi-sectoral anti-trafficking steering committees at the provincial and district levels to implement the 2016 Anti-Trafficking Law and National Action Plan. In furtherance of this decree, the government supported awareness campaigns and workshops to support sub-national jurisdictions to form their own anti-trafficking commissions. In an effort to implement the National Action Plan MLSW and the LWU held awareness-raising workshops on safe migration and the protection of victims of trafficking throughout the country, reaching 1,080 people. Trainings targeted district officials, public security, the labor and social welfare departments, the LWU, school administrators, and youth unions. MOFA held trainings to increase the understanding of regional and international conventions on transnational crime, including human trafficking, with a total of 352 participants. The Ministry of Education and Sports hosted awareness-raising seminars on human trafficking targeting education and sports administrators throughout the year, reaching 3,710 participants.

Regulations designed to prevent trafficking may in fact exacerbate vulnerability to trafficking for Lao workers migrating abroad. An MLSW regulation limiting the types of employment for Lao workers abroad potentially drove some workers to migrate through informal channels, increasing their vulnerability to unscrupulous agents and traffickers. MLSW oversaw 24 recruitment agencies authorized to recruit for jobs abroad; a study by an international organization found formal recruitment centers pass on fees to workers, increasing their vulnerability to trafficking.

In practice, inter-ministerial efforts on trafficking prevention remained uncoordinated amid resource constraints and restrictions on operating space for civil society. NGOs reported increased cooperation with the government; however, the 2017 Decree on Non-Profit Associations hampered cooperation, as it imposed burdensome reporting requirements, prior approval for planned activities, and constraints on the receipt of funding from international donors. The government reported maintaining funding for anti-trafficking activities in its annual budget, but did not provide specific information on funding levels or how it allocated this funding. In December 2018, the National Assembly approved a draft law on Lao Government Representative Offices Overseas that stipulated penal measures for the members and staff in Lao diplomatic offices who engage in human trafficking; the law was pending promulgation at the close of the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit victims from Laos abroad, and to a lesser extent, traffickers exploit domestic and foreign victims in Laos. Lao trafficking victims, especially from the southern region of the country, are often migrants seeking opportunities abroad whom traffickers exploit in labor or sex trafficking in destination countries—most often Thailand and China, as well as Vietnam, Malaysia, Taiwan, and Japan. Some victims migrate with the assistance of legal or illegal brokers charging fees, while others move independently through Laos' 101 official border crossings using valid travel documents. Many of these border crossing are managed by provincial or district level immigration authorities with less formal training and have more limited hours of operation, making them easier transit points for traffickers to facilitate the movement of Lao victims into neighboring countries. Individuals offering transportation services near the Thai border facilitate the placement of economic migrants into forced labor or sex trafficking in Thailand. Foreign traffickers increasingly collaborate with local Lao middlemen to facilitate trafficking. Vehicle drivers sometimes intercept migrants when they return to Laos and facilitate their re-trafficking. Traffickers in rural communities often lure acquaintances and relatives with false promises of legitimate work opportunities or promises of marriage in neighboring countries then subject them to sex or labor trafficking.

Traffickers exploit a large number of Lao victims, particularly women and girls, in Thailand in commercial sex and in forced labor in domestic service, factories, or agriculture. Traffickers exploit Lao men and boys in forced labor in Thailand's fishing, construction, and agricultural industries. Some women and girls from Laos are sold as brides in China and subjected to sex trafficking or forced domestic servitude. Some local officials reportedly contributed to trafficking vulnerabilities by accepting payments to facilitate the immigration of girls to China.

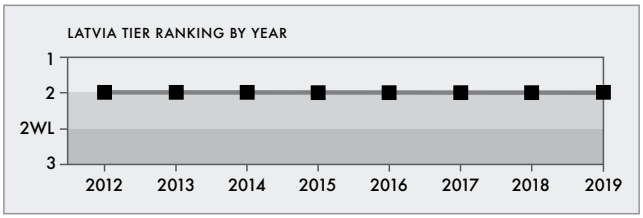
Laos is reportedly a transit country for some Vietnamese and Chinese women and girls who are subjected to sex trafficking and forced labor in neighboring countries, particularly Thailand. Sex traffickers also exploit Chinese women and girls in Laos. Some of the Vietnamese men and women working in or near (often illegal) logging and construction areas along the Laos-Vietnam border may be trafficking victims. There are reports that Burmese nationals working as manual laborers or involved in prostitution near the Lao portion of the "Golden Triangle"—the geographic area marked by the intersection of the Lao, Burmese, and Thai borders—may be victims of trafficking, and are at significant risk of trafficking due to low pay and few legal protections within Laos.

Agricultural plantations and special economic zones continue to draw workers from outside Laos, with Chinese firms bringing in thousands of foreign nationals to work on project sites. An increasing number of Chinese- and Vietnamese-owned companies reportedly facilitate the unregistered entry of labor migrants from their respective countries into Laos—including with possible assistance from corrupt Lao immigration officials. With insufficient oversight by local authorities, these workers are vulnerable to forced labor in mines, hydropower plants, and agricultural plantations. Other Lao communities may be vulnerable to labor exploitation, including forced labor in the ongoing construction of a major railway connecting China and Laos, along with a high number of Chinese migrant workers brought to Laos for the project. Lao workers are increasingly vulnerable to forced labor within Laos as they migrate internally for work opportunities on foreign investment projects; citizens receive government services based on their registration within their home province, and are often essentially undocumented and unable to obtain services for themselves or their family in another province within Laos without formal assistance from their employer to re-register, potentially leaving them at the mercy of unscrupulous employers. Traffickers exploit

Vietnamese, Chinese, and Lao women and children in sex trafficking in larger cities and in close proximity to national borders, casinos, and special economic zones—especially those with heavy Chinese investment—reportedly to meet the demand of Asian tourists and migrant workers. NGOs estimate 13,000 individuals are in prostitution in Lao commercial establishments and potentially vulnerable to sex trafficking, with as many as three times that figure operating independently throughout the country. International organizations note insufficient or informal birth registration procedures leave as much as 30 percent of the Lao population without identity documentation, significantly increasing their vulnerability to exploitation. Communities resettled due to the construction of dams and other large infrastructure projects and the July 2018 collapse of the Xe-Pian Xe-Namnoy saddle dam may be especially vulnerable to trafficking. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States have traveled to Laos for the purpose of exploiting child sex trafficking victims.

LATVIA: TIER 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Latvia remained on Tier 2. These efforts included seizing approximately $2.3 million in assets from suspected traffickers; increasing the maximum amount of state compensation victims are legally able to receive; and collaborating in international anti-trafficking cases and projects. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking crimes and prosecuted fewer suspected traffickers. Many judges and prosecutors lacked a sufficient understanding of all forms of trafficking and applying anti-trafficking laws, resulting in courts issuing sentences with no prison time and fewer overall convictions. Officials enrolled fewer new victims, including no child trafficking victims, into the state assistance program; nevertheless, children in state orphanages remained vulnerable to sex trafficking. Additionally, children in state orphanages remained ineligible for state-funded trafficking victim assistance program benefits.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases under the trafficking statute (Section 154-1 of the criminal law) and punish convicted traffickers with prison sentences. • Identify trafficking victims, particularly minors in state care institutions induced into commercial sex, victims of sexual exploitation in Latvia's legal prostitution industry, and foreign workers in the agriculture and construction industries. • Amend regulations to allow for the enrollment of persons from state care institutions, such as orphanages, into the state-funded victim assistance program. • Establish a dedicated unit of prosecutors specializing in trafficking issues. • Expand efforts to train officials involved in judicial proceedings, particularly prosecutors and judges, to understand all forms of trafficking and apply anti-trafficking laws. • Increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion. • Provide specialized services to child trafficking victims in residential institutions. • Train authorities from agencies tasked primarily with non-trafficking issues, such as the State Labor Inspectorate, State Employment Agency, State Border Guard, the Office of Citizenship, and Migration Affairs (OCMA), to identify trafficking cases for investigation and refer victims for assistance.

PROSECUTION

The government decreased law enforcement efforts. Sections 154-1 and 154-2 of Latvia's criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for offenses involving adult victims and between three and 12 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors had the power to reclassify cases from Section 154-1 to lesser crimes. Trafficking crimes could be charged under Section 164, which criminalized exploiting vulnerability or using deceit to involve individuals in prostitution with prescribed penalties as lenient as community service or a fine. Additionally, law enforcement reportedly were more likely to investigate and charge suspected traffickers for crimes other than trafficking, such as pimping and transfer for sexual exploitation. Authorities used Section 165-1, which prohibited the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking by charging perpetrators who attempted to recruit individuals for sexual exploitation schemes abroad.

The State Police's anti-trafficking unit, comprising 19 officers, specialized in investigating trafficking, brokered marriages, and related crimes. In 2018, investigations and convictions continued a multi-year decline. Police investigated four new cases (three sex trafficking and one labor trafficking) involving eight suspects under Section 154-1, compared with seven cases involving four suspects in 2017. Authorities indicted one trafficker under Section 154-1, compared with three in 2017. Courts convicted one trafficker in 2018, compared with four in 2017. The convicted trafficker received a conditional sentence of five years, resulting in no prison time. Under Section 165-1, authorities investigated two new cases, indicted one defendant, and convicted one suspect, who did not receive a prison sentence. By comparison, in 2017, authorities investigated eight cases, indicted five defendants, and convicted six suspects. In 2018, the anti-trafficking police unit seized approximately $2.3 million in assets from suspected traffickers. The prosecutor general's office completed three judicial assistance requests in trafficking cases from the United Kingdom and Ukraine, and the government extradited four traffickers to the United Kingdom as a result of a 2017 joint investigation on a labor trafficking case. A 2014 case involving two Riga police officers charged with facilitating pimping remained in court at the end of the reporting period.

Perennial issues within the judicial system, such as lengthy trials and lenient sentences, which often resulted in no jail time for convicted traffickers, limited Latvia's prosecution efforts. Furthermore, unlike the police, neither the prosecutor

general's office nor the courts had units of prosecutors or judges specializing in trafficking or staff dedicated to trafficking issues. Consequently, prosecutors and judges possessed a limited understanding of trafficking. Experts reported the need for more training for judges, prosecutors, and law enforcement, particularly on applying anti-trafficking laws, working with victims, evidence collection, and understanding psychological coercion. The government supported such educational efforts during the reporting period by organizing a two-day training on prosecution and victim protection issues for 115 participants, including judges, prosecutors, police, and NGO representatives. Additionally, Latvia's judicial center coordinated various courses on trafficking for prosecutors, judges, and judges' assistants; however, only four percent of the total number of currently appointed judges registered for the training. Latvia's municipalities also organized a nine-part training series for police, attorneys, and prosecutors on victim identification, at-risk groups, rehabilitation, and interagency cooperation, and the State Border Guard trained its border guards in victim identification.

PROTECTION

The government maintained efforts to protect victims. The government contracted two NGOs to assist victims in the state-funded, NGO-run victim assistance program. This program offered victims medical and psychological assistance, legal representation, housing, and reintegration services. The government allocated the same amount of funding for the program as in 2017—€135,110 ($154,940). Authorities enrolled victims in the program based on decisions by either law enforcement or an NGO-led panel of experts. Authorities enrolled 20 new victims (24 victims in 2017). Ten were adult males; 10 were adult females. Eleven were victims of labor exploitation, including forced criminal activities; five of domestic or international sex trafficking; and four of forced sex or labor trafficking as a result of brokered marriages. All victims in the state program were Latvian nationals. While the government reported concerns of suspected labor trafficking of Ukrainian guest workers in the Latvian agriculture and construction industries, no victims were identified. Government regulations on assistance to trafficking victims limited state-funded rehabilitation services to six months, although victims whose cases went to trial received assistance, mostly legal counselling, for the duration of the legal proceedings. Police, immigration, and social services had written procedures for identifying victims. The government's trafficking working group reported most government agencies lacked either the practical experience or willingness to identify victims. Experts noted agencies tasked primarily with non-trafficking issues, such as the State Labor Inspectorate, State Employment Agency, State Border Guard, and the OCMA, rarely referred trafficking cases for investigation or victims for assistance. Identifying child sex trafficking victims domestically remained a challenge, and the government did not identify any such victims in 2018. Observers expressed concern that state orphanages did not report cases of commercial sexual exploitation of institutionalized minors and instead gave victims limited assistance available onsite. Regulations did not allow persons from state care institutions, such as orphanages, to enroll in the state trafficking victim assistance program. Experts also expressed concern about human trafficking in Latvia's legal prostitution industry, noting law enforcement's focus on fining individuals who were not in compliance with prostitution regulations or other criminal statutes rather than on identifying potential victims.

NGOs reported good cooperation with law enforcement on trafficking investigations. Seven victims in the state rehabilitation program cooperated with law enforcement in 2018 (13 in 2017); male victims were often reluctant to work with police. In 2018, the state compensation program provisions changed, increasing the maximum amount of state compensation to up to 90 percent of five months' salary at minimum wage. Four trafficking victims received compensation from the State Agency for Judicial Assistance, which administered the victims' compensation program. Two trafficking victims received state-funded repatriation and other services through the state assistance program.

PREVENTION

The government increased prevention efforts. The anti-trafficking working group monitored efforts, facilitated inter-ministerial information exchange, and implemented the 2014-2020 national action plan. Several ministries published quarterly and annual reports on trafficking, including a survey on the scope and social backgrounds of identified victims. The government participated in a project assisting the Government of Moldova in implementing international anti-trafficking standards. The government also 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. The Office of the Ombudsman in conjunction with an NGO monitored sexual abuse in orphanages and boarding schools to identify the risks of sex trafficking in this sector. The government amended Latvia's law on tourism to require the licensing of tourism operators to reduce the risks of child sex tourism and increase controls over safe tourism. The state monitored the activities of licensed employment agencies and canceled licenses for 12 agencies in violation (34 in 2017). Various ministries contributed to a number of awareness-raising activities, including promoting campaigns focusing on safe travel and labor exploitation. The government maintained emergency helplines that received 56 calls on potential trafficking situations; specialists referred eight cases to law enforcement and NGOs.

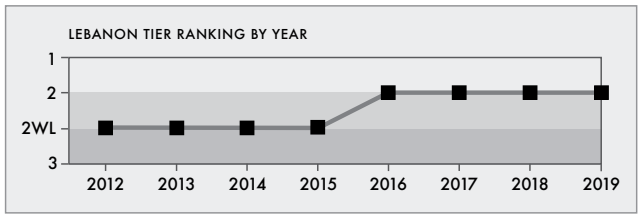
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and, to a lesser extent, foreign victims in Latvia, and traffickers exploit victims from Latvia abroad. Traffickers subject Latvian women and girls to sex trafficking in Latvia and other parts of Europe. Latvian women recruited for brokered marriages in Western Europe are vulnerable to sex trafficking, domestic servitude, and forced labor. Traffickers target single women with limited education, minors from disadvantaged families, students, unemployed adults, and people with mental disabilities by word-of-mouth and through social media. Children in state orphanages are particularly vulnerable to sex trafficking. Latvian men and women are subjected to forced labor, mainly in other parts of Europe. Government officials report concerns of possible domestic labor trafficking of Ukrainian guest workers in the agriculture and construction industries.

LEBANON: TIER 2

The Government of Lebanon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated

overall increasing efforts compared to the previous reporting period; therefore Lebanon remained on Tier 2. These efforts included increasing investigations of suspected trafficking cases and identifying an increased number of trafficking victims. The government also strengthened its partnerships with NGOs, including through improved cooperation to screen for potential victims in a government-run migrant detention center. However, the government did not meet the minimum standards in several key areas. The Ministry of Justice (MOJ) reported that collection of judicial data across the country remained a serious challenge, thus officials reported they were unable to provide complete judicial statistics on trafficking cases. The government did not fully implement victim identification and referral procedures, which resulted in the potential for some victims to face arrest, detention, or deportation for unlawful acts traffickers compelled them to commit. Moreover, Lebanon's sponsorship system, which places a significant amount of power in the hands of employers of foreign workers, continued to create vulnerabilities for the exploitation of migrant workers and remained a significant impediment to authorities identifying and protecting trafficking victims. In addition, the government did not report identifying or referring any victims of labor trafficking, despite several cases being addressed by law enforcement.



PRIORITIZED RECOMMENDATIONS:

Develop and implement procedures to identify trafficking victims among vulnerable populations, such as illegal or detained migrants, women holding *artiste* visas, domestic workers, and Syrian refugees and subsequently refer them to protection services. • Increase efforts to ensure trafficking victims are not arrested, detained, or deported for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations. • Increase prosecutions and convictions of offenders under the anti-trafficking law, and investigate employers and recruitment agents who withhold workers' passports, travel documents, or wages for potential trafficking crimes. • Strengthen and expand efforts to reform the sponsorship system to ensure all foreign workers, including domestic workers and *artiste* visa holders, are not bound to abusive employers, and allow workers full freedom of movement. • Screen all detained domestic workers for potential trafficking victims in detention centers and refer those victims to care. • Take concrete steps to establish greater oversight over *artiste* visas, a program that largely contributes to the vulnerability of women to sex trafficking. • Ensure the judiciary coordinates with the Directorate of General Security (DGS) to consistently apply Lebanon's anti-trafficking law by granting temporary residency permits for trafficking victims and allowing victims to work. • Increase efforts to train judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law. • Continue to work in partnership with NGOs to screen for, identify, and provide protection services to victims, including witness support during criminal proceedings. • Improve the judiciary's capacity to collect, compile, and track data and outcomes of trafficking cases from all courts. • Formally establish the victim assistance fund. • Adopt and implement the draft national action plan. • Enact the labor law amendment extending legal protections to all foreign workers, including domestic workers and *artiste* visa holders. • Launch an awareness-raising campaign.

PROSECUTION

The government increased investigations of suspected trafficking cases, but the government's judicial data was incomplete due to limitations in data collection and management. The 2011 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of five to seven years' imprisonment and fines if the offense involved an adult victim, and 10 to 12 years' imprisonment and fines for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government did not have a law that prohibited or penalized confiscation of workers' passports or travel documents by employers or labor agents. Government officials and NGOs continued to report that some judges lacked understanding of the anti-trafficking law and knowledge of best practices for handling trafficking cases.

In 2018, the Internal Security Forces (ISF) investigated 45 cases of suspected sex trafficking and child trafficking, involving 151 victims. DGS investigated 167 suspected trafficking cases involving migrant domestic workers and women holding *artiste* visas. The 212 investigations in total represented an increase from the 134 total investigations initiated by both the ISF and DGS in the previous reporting period. The DGS reported that 124 of the 167 cases resulted in the following outcomes: referral to judicial or law enforcement authorities for further investigation, payment of back wages to workers, and repatriation of migrant workers. The MOJ reported its judicial data was incomplete due to limitations and challenges in collecting country-wide data. Nevertheless, during the reporting period, the MOJ reported that public prosecutors referred at least 38 cases to investigative judges, who charged and prosecuted 69 alleged traffickers under the anti-trafficking law; these cases involved sex trafficking, labor trafficking, and forced child begging. Sixty-five of these prosecutions remained pending at the end of the reporting period; these cases, like many in Lebanon's overworked judicial system, took significant time to resolve. During the previous reporting period, the MOJ reported more comprehensive judicial data reflecting that public prosecutors referred 109 trafficking cases to investigative judges. During this reporting period, the government convicted and sentenced four traffickers, three involving forced child begging and one involving sex trafficking; these traffickers received sentences that ranged from three to 15 years' imprisonment. In the previous reporting period, in late March 2018, the government convicted and sentenced four traffickers, each of whom received five-year jail sentences. Officials generally sought to resolve trafficking cases involving foreign workers through mediation between the employer and worker, rather than referring them for criminal prosecution. Additionally, government officials continued to report security forces were reluctant to arrest parents for subjecting their children to trafficking, usually in forced begging, due to a lack of social services available should the child be removed from the family. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period; however, NGOs continued to report a common perception that DGS officers allegedly accepted bribes to protect adult nightclubs or issue *artiste* visas—a visa program that sustained a significant commercial sex industry in Lebanon and enabled sex trafficking.

The ISF anti-trafficking unit remained understaffed and underfunded, with only 23 officers covering Lebanon and no field offices outside of Beirut, which continued to limit the ISF's work and ability to recruit and train new officers for the unit. The ISF, DGS, and MOJ occasionally included training and awareness of trafficking issues as a part of their curriculum for personnel. Additionally, during the reporting period, the ISF trained 24 officers at the ISF Academy on victim protection and investigative techniques for cases of trafficking and sexual exploitation. The government also continued to encourage and allow officials to participate in anti-trafficking trainings provided by NGOs.

PROTECTION

The government increased efforts to identify trafficking victims, but authorities continued to arrest, detain, and deport potential trafficking victims. The government did not formally adopt draft procedures for the identification and referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. Through the course of investigations during the reporting period, the ISF identified 149 victims of sex trafficking, as well as three newborns who traffickers allegedly attempted to exploit; this represented a substantial increase from the 55 victims the ISF identified in the previous reporting period. The ISF referred seven of the 149 identified victims to protection services, while the DGS referred an additional 25 victims to care. Although the ISF did not report if the remaining 142 identified victims received appropriate care, ISF and NGOs reported that some sex trafficking victims preferred or requested not to receive shelter or other protective services. In addition, the government reported a DGS-operated hotline received 660 calls that resulted in the repatriation of 97 female *artiste* visa holders—some of whom may have been unidentified trafficking victims—following DGS investigations. The government did not directly provide protection services to trafficking victims but continued to work in cooperation with NGOs to provide essential victim services. NGO-run victim care facilities in Lebanon were dedicated only to female and child victims of trafficking; there were no services available or government resources dedicated to male trafficking victims, even though men among the Syrian refugee population remained vulnerable to trafficking. Pursuant to a longstanding memorandum of understanding between the government and an NGO, the DGS referred female victims to an NGO-run safe house and provided security for the location; victims were not allowed to work while receiving assistance at the safe house. In 2018, the safe house assisted 201 trafficking victims. The Ministry of Social Affairs continued to coordinate and fund the provision of protection services to child trafficking victims through contractual agreements with NGOs. During the reporting period, the government continued to collaborate with an NGO through a committee dedicated to drafting a handbook that outlined best practices and legal requirements for the protection of trafficking victims and witnesses during investigations and trials.

The government continued to arrest, detain, and/or deport unidentified victims for unlawful acts traffickers compelled them to commit, such as domestic workers who fled abusive employers, out-of-status or irregular migrant workers, women holding *artiste* visas, and persons in prostitution. Under Lebanon's sponsorship system, foreign workers—including foreign trafficking victims—who left their place of employment without permission from their employer forfeited their legal status, thereby increasing the risk of arrest, detention, and deportation. Women holding *artiste* visas were subject to immediate deportation upon arrest for prostitution violations, and foreign workers without valid residence and work permits were subject to detention for one to two months—or longer in some instances—followed by deportation. The DGS continued to operate a 750-person detention center where authorities detained foreign domestic workers for violating the terms of their work contracts or visas. However, the DGS continued to implement procedures for identifying and referring trafficking victims in the detention center to care facilities. For the past 18 years, the DGS has allowed an NGO to operate a permanent office inside the detention center that allowed their staff unhindered access to detainees to provide medical and psycho-social services. The DGS also continued to permit the NGO to interview detainees to identify trafficking victims among the detention center population; the NGO identified and assisted 25 victims in the center in 2018. The NGO continued to report an increased level of professionalism and sensitivity among DGS officials and investigators. The government did not adopt the draft labor law amendment extending legal protections to foreign workers or the draft law to increase labor protections for domestic workers.

Victims were able to file civil suits to obtain compensation. Victims were also allowed to reside in Lebanon during an investigation of a trafficking case upon a judge's decision, but the government did not report if any judges issued such a decision during the reporting period. Investigations were impeded when victims chose voluntary repatriation rather than facing an often-lengthy trial process because they were not present in the country to testify against their traffickers. NGOs continued to report that foreign victims preferred quick administrative settlements followed by repatriation rather than long criminal prosecutions because of the lack of protection services or resettlement options during the criminal proceedings. Except for cases involving Syrian refugees, whom the government did not deport, the government did not provide temporary or permanent residency status or other relief from deportation for foreign trafficking victims who faced retribution or hardship in the countries to which they would be deported.

PREVENTION

The government maintained modest efforts to prevent trafficking. The national anti-trafficking steering committee continued its monthly meetings during the reporting period. The government did not adopt its draft national anti-trafficking action plan, but relevant ministries continued to implement portions of the plan. The government did not report efforts to implement anti-trafficking public awareness campaigns during the reporting period. DGS, Ministry of Labor (MOL), and ISF continued to operate hotlines to receive reports of abuse and migrant worker complaints, including for trafficking crimes. During the reporting period, the municipality of Tripoli—in cooperation with an NGO—continued to operate a hotline to report cases of exploitative child street begging. DGS continued a program to inform *artiste* visa holders about restrictions and obligations of their visa status upon arrival to Beirut International Airport. Under the program, if the visa holder objected to the visa's terms, she was free to return to her home country. Under a directive from the DGS, airport officers continued to return passports directly to foreign domestic workers upon their arrival in Lebanon; however, NGOs reported that many employers ultimately confiscated workers' passports in private.

The government did not take steps to reduce the demand for commercial sex acts or address child sex tourism by Lebanese nationals abroad. The government maintained some efforts

to reduce the demand for forced labor. The MOL had the authority to close or penalize employment agencies that exploited migrant workers, and it maintained a blacklist of an unknown number of recruitment agencies for committing fraudulent recruitment practices. In 2018, the MOL revoked the licenses of 13 employment agencies for either violating a regulation prohibiting agencies from withholding employees' salaries or because of labor complaints filed against them. The government, however, did not report prosecuting any recruitment or employment agencies for potential trafficking crimes during the reporting period. The MOL and ISF continued to require Syrian refugees to hold work permits that bound them to their employers in some formal work sectors, such as in restaurants, grocery stores, and some forms of manual labor; this requirement created greater vulnerability to forced labor. The government continued to ease the ability of some UNHCR-registered refugees to work in three sectors without any work permit—agriculture, sanitation, and construction—by waiving the fee for residence permit renewals. Easing these restrictions reduced incentives for this vulnerable population to enter into illicit employment or engage in child street begging. Following an agreement signed in early 2017 between DGS, MOL, and the Farmers' Union in Lebanon that addressed protections of foreign children—primarily Syrians—younger than the age of 16 from agricultural work, MOL continued to provide training to DGS officers and farmers in the Bekaa Valley. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

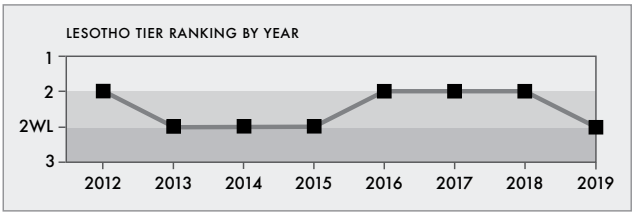
As reported over the past five years, human traffickers exploit domestic and foreign victims in Lebanon, and traffickers exploit victims from Lebanon abroad. Women and girls from South and Southeast Asia and an increasing number from East and West Africa are subjected to domestic servitude in Lebanon. Lebanese government officials and NGOs report most employers withhold their workers' passports, putting workers at risk of trafficking, and NGOs report that abuse of domestic workers is typically underreported. Many migrant workers arrive in Lebanon through legal employment agencies, but are subsequently exploited or abused by their employers; some employment agencies recruit workers through fraudulent or false job offers. Women primarily from Russia, Ukraine, Belarus, Moldova, Morocco, and Tunisia legally enter Lebanon to work as dancers in nightclubs through Lebanon's *artiste* visa program, which is valid for three months and can be renewed once. The terms of the *artiste* visa prohibit foreign women working in these nightclubs to leave the hotel where they reside, except to work in the nightclubs that sponsor them, and nightclub owners withhold the women's passports and wages and control their movement; these women also experience physical and sexual abuse and domestic servitude. The government reported 3,105 women entered Lebanon under this program in 2018, which was a significant decrease from 10,363 *artiste* visa holders that entered Lebanon in 2017.

Men, women, and children among the estimated 1.3 million Syrian refugees in Lebanon are at high risk of sex trafficking and forced labor. Restrictions on Syrians' ability to work legally in Lebanon and the enforcement of visas and residence permit laws increase this population's vulnerability to trafficking. Syrians are commonly involved in the exploitation of other Syrians in Lebanon, particularly targeting refugees fleeing the conflict. For example, Syrian traffickers hold Syrian refugee men, women, and children in bonded labor in order to pay for food, shelter, and the cost of transit to Lebanon, and contract out groups of refugees to work in the agricultural sector in the Bekaa Valley. Similarly, an international organization reports evidence of bonded labor within refugee communities where child labor is used in exchange for living in informal tented settlements. Child labor and forced child labor among the Syrian refugee population continues to increase, particularly in agriculture, construction, and street vending and begging. These children are highly vulnerable to labor trafficking, especially on the streets of main urban areas such as Beirut and Tripoli and in the agricultural sector of Bekaa and Akkar; for example, in 2019, international organizations anecdotally reported the presence of children working in illegal cannabis farms in the North Bekaa region. Furthermore, NGOs report that some Syrian refugee children are forced or coerced to conduct criminal activity. Syrian women and girls are highly vulnerable to sex trafficking. In March 2016, Lebanese authorities reported on an extensive sex trafficking ring exploiting primarily Syrian women and girls in Beirut; the majority of the women and girls were recruited from Syria with false promises of work and subjected to commercial sexual exploitation in which they experienced mental, physical, and sexual abuse and forced abortions. Family members or powerful local families force some Syrian refugee women and girls into commercial sex acts or early marriage in order to ease economic hardships; these women and girls are highly vulnerable to trafficking. Syrian LGBTI refugees continue to be vulnerable to sexual exploitation in Lebanon. An international organization reported in 2017 that some employers coerce Syrian refugee men to perform sex acts through threats of withholding their pay or terminating their employment. An international organization reported in 2016 that some Lebanese children are involved in armed tribal violence in Bekaa and Tripoli, some of whom may be forced to conduct such activity. There is also evidence of children within the Syrian refugee community in Lebanon that are associated with armed groups, who have either fought in the Syrian conflict or intend to fight in Syria as child soldiers.

LESOTHO: TIER 2 WATCH LIST

The Government of Lesotho does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included providing financial support to an NGO partner who provided protection services to all identified victims, conducting awareness-raising activities in partnership with an international organization and a local NGO, and updating the 2014 national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not investigate or prosecute any potential trafficking cases and did not convict any traffickers for the third consecutive year. Despite serious concerns of official complicity in trafficking crimes, the government did not report any investigations, prosecutions, or convictions of government officials for such acts, which appeared to restrict all law enforcement actions during the year. The government identified fewer victims, and did not finalize standard operating procedures on victim identification or the national referral mechanism for the third consecutive year. The government did not allocate funding for the Victims of Trafficking Trust Fund for the eighth consecutive year or fund the Child and Gender Protection Unit (CGPU), responsible for handling trafficking cases within Lesotho law enforcement. The government did not train front-line responders, which often resulted in law enforcement re-traumatizing potential victims. The government

did not address issues in its legal framework for human trafficking, which did not criminalize all forms of forced labor and sex trafficking and included penalties that were not sufficiently stringent to deter the crime. Therefore Lesotho was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers through independent and fair trials, including officials complicit in trafficking crimes. • Finalize and implement guidelines for proactive victim identification and standard operating procedures for referring identified victims to care, in line with the anti-trafficking act regulations. • Provide trafficking-specific training to police investigators, prosecutors, judges, and social service personnel. • Adequately fund the CGPU and establish a CGPU focal point in all 10 districts of Lesotho to ensure effective responsiveness to all potential trafficking cases. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment and remove the requirement of force, fraud, or coercion to constitute a child sex trafficking offense. • Allocate funds for the Victims of Trafficking Trust Fund and implement procedures for administering the funds. • Allocate funding to support operation of the multi-agency anti-trafficking task force. • Amend the anti-trafficking and child welfare laws so that force, fraud, or coercion are not required for cases involving children younger than age 18 to be considered trafficking crimes. • Fix jurisdictional issues that prevent magistrate courts from issuing the maximum penalty for trafficking crimes. • Provide anti-trafficking training to diplomatic personnel. • Increase efforts to systematically collect and analyze anti-trafficking law enforcement and victim protection data. • Increase oversight of labor recruitment agencies licensed in Lesotho.

PROSECUTION

The government decreased law enforcement efforts, and the human trafficking law remained inconsistent with international law. The 2011 Anti-Trafficking in Persons Act criminalized all forms of labor trafficking and some forms of sex trafficking. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law prescribed penalties of up to 25 years' imprisonment or a fine of 1 million maloti ($69,690) for the trafficking of adults and up to life imprisonment or a fine of 2 million maloti ($139,370) for the trafficking of children. These penalties were sufficiently stringent. However, with respect to sex trafficking, by allowing for a fine in lieu of imprisonment, these penalties were not commensurate with penalties prescribed for other serious crimes, such as rape. Section 77 of the Children's Protection and Welfare Act criminalized child sex trafficking offenses without requiring the use of force, fraud, or coercion, but prescribed penalties of a fine not to exceed 30,000 maloti ($2,090) or 30 months' imprisonment, or both; these penalties were not sufficiently stringent nor commensurate with other grave crimes, such as rape.

During the reporting period, the government did not investigate any potential trafficking cases and did not prosecute any suspected traffickers, despite many cases being reported to the police. In comparison, during the previous reporting period, the government investigated one case of sex and labor trafficking and prosecuted 10 cases. For the third consecutive year, the government did not convict any traffickers. The CGPU, a specialized anti-trafficking unit within the Lesotho Mounted Police, was operational but did not receive adequate financial or political backing to effectively investigate potential cases of trafficking. The government did not report any investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns and appeared to inhibit all law enforcement action during the year. For example, while experts reported the significant case backlog dating back at least six years was the result of the government officials never prosecuting such cases due to corruption; rather, authorities commonly postponed cases until the court dropped or removed them from the docket following payment from alleged traffickers. Although the government was aware of an organized crime syndicate operating a brothel in South Africa where sex trafficking of Basotho women occurred, efforts to liaise with South African officials did not yield tangible results, such as arrests, prosecutions, or convictions of the traffickers involved. Observers reported the lack of progress over several years to disrupt the suspected traffickers was due to official complicity of both Basotho and South African officials closely linked to the brothel. Observers alleged Basotho diplomats in South Africa were involved with facilitating fraudulent documents to support illegal migration during the reporting period, which may have involved trafficking victims. Many law enforcement officials had limited understanding of trafficking, how to protect victims from potential intimidation from traffickers, and often did not demonstrate a victim-centered approach.

Many front-line officials believed trafficking to be a movement-based crime and did not screen for trafficking among vulnerable groups, including migrants. Border points between Lesotho and South Africa were extremely porous, immigration officials did not screen for trafficking indicators, and law enforcement officials were allegedly complicit with traffickers regularly operating at the Maseru Bridge border crossing. Moreover, senior immigration officials acknowledged that people regularly cross the borders in plain sight illegally, including with children, without repercussion. Front-line responders regularly conflated gender-based violence and trafficking and some police officers exhibited extreme insensitivity towards child victims of sexual abuse, including potential trafficking victims. Observers noted that reporting potential trafficking cases to the police made child victims more vulnerable. Despite the significant need for training across all agencies, the government did not train front-line officials during the reporting period. There was a lack of coordination between law enforcement officers and prosecutors, which sometimes resulted in acquittals if police did not collect proper evidence, prosecutors were unable to charge a suspect for trafficking, and magistrates could not amend the charge once it reached them. For the fourth consecutive year, the government did not address a jurisdictional issue impeding efforts to hold traffickers accountable: the magistrate courts, which are the court of first instance for trafficking cases, lacked authority to impose the maximum penalties allowed in trafficking crimes.

PROTECTION

The government decreased efforts to identify and protect victims. The CGPU identified seven victims of labor trafficking, while five victims either self-identified or were identified by family members. In comparison, during the previous reporting period, the CGPU identified 12 victims. The CGPU referred the seven victims it identified to an NGO that provided counseling and assistance, while victims who self-identified referred themselves to the same NGO. The CGPU had limited capacity to respond to potential cases in Lesotho's ten districts because it operated centrally from Maseru, the capital, and could only provide guidance at a distance to other police units who were less capable of responding to trafficking cases. Furthermore, the government did not provide a budget line item to fund the CGPU or its anti-trafficking activities for the CGPU; limited resources restricted its effectiveness assisting victims. Observers reported government social workers often did not respond to requests to certify victims or respond to potential cases. The government continued to provide 168,000 maloti ($11,710) for rent and 15,000 maloti ($1,050) for utilities at an NGO-run shelter that cared for all identified victims throughout the reporting period; however, funding was consistently delayed and, as a result, the NGO was many months behind on paying rent for the shelter. There were no shelters equipped to provide protective services for male victims. For foreign victims, provision of care beyond a 60-day reflection period was dependent on their cooperation with law enforcement; authorities repatriated victims who did not cooperate with law enforcement after the reflection period. The government did not allocate funding for the Victims of Trafficking Trust Fund for the eighth consecutive year, which it had established to ensure consistent provision of protective services and to provide restitution for victims. The government did not finalize standard operating procedures for victim identification or the national referral mechanism for the third consecutive year.

The anti-trafficking act and its implementing regulations prohibited the prosecution of victims for unlawful acts traffickers compelled them to commit, afforded foreign victims permanent residency as a legal alternative to their removal, and encouraged victims to assist in the investigation of traffickers; however, the government did not implement these provisions during the reporting period. In the case of a victim whose travel documents were missing, the Ministry of Foreign Affairs had the responsibility to coordinate with the victim's home country for the issuance of travel documents within 60 days of victim identification. In the case of one Nigerian labor trafficking victim, however, various government officials intentionally impeded his efforts to obtain a new Nigerian passport, issuing him only an exit visa for Lesotho to travel to the Nigerian embassy in South Africa. When the victim expressed his concerns that the authorities would not let him re-enter Lesotho, they refused to issue him a visa allowing his return. Government officials responsible for anti-trafficking efforts publicly expressed doubt about his legitimate status as a victim, despite clear trafficking indicators and being a certified victim, and refused to grant him immigration relief or allow him to see his family in Nigeria despite the protracted, five-year wait for his case to be tried.

PREVENTION

The government decreased its efforts to prevent trafficking. The multi-sectoral committee (MSC) met four times, and its member ministries, in partnership with an international organization and a local NGO, conducted public awareness activities in two previously neglected regions, Mafeteng and Qacha's Nek, which both share a border crossing with South Africa. These activities targeted 5,000 students, included five radio spots, and posting and distribution of printed material in public areas. The MSC lacked formal processes, including administrative procedures, to determine action items and track progress against national anti-trafficking goals; it lacked coordination among members and the Director of Public Prosecutions (DPP) office did not regularly attend. Senior government officials did not support and appeared to impede efforts made by the MSC. Moreover, the MSC did not invite NGOs to participate in its meetings, which reduced transparency and efficacy of its national anti-trafficking efforts. In coordination with an international organization, the government began updating the 2014 national action plan, set to be finalized by the end of 2018; however, the draft remained pending completion at the close of the reporting period. The government continued to participate in the Southern African Development Community regional data collection tool by uploading information on trafficking cases, victim and trafficker profiles, and sharing information with countries in the region. The government drafted a national labor migration policy in 2018, but did not provide information on its efforts to regulate and oversee labor recruitment. The government had an agreement with the Government of South Africa that aimed to increase protections for Basotho workers, including domestic workers, employed in South Africa, by authorizing the issuance of long-term work permits, requiring signed employment contracts, and allowing Basotho to register for unemployment insurance in South Africa; it is unclear if this agreement resulted in tangible progress to reduce vulnerability of such Basotho vulnerable to trafficking. The government made no efforts to reduce the demand for commercial sex or forced labor. The regulations for the anti-trafficking act directed the Ministry of Foreign Affairs to provide anti-trafficking training to diplomatic personnel, but it did not conduct such training during the reporting period.

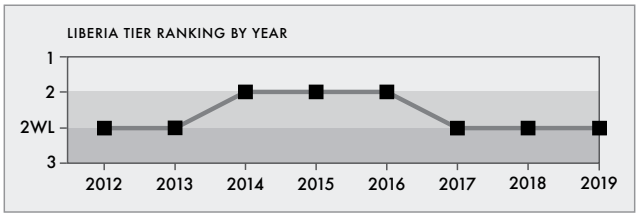
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Lesotho, and traffickers exploit victims from Lesotho abroad. In Lesotho, traffickers exploit Basotho children in domestic servitude and animal herding; traffickers increasingly exploit children, especially orphans who migrate to urban areas, in sex trafficking. Basotho women and girls seeking work voluntarily migrate to South Africa, where traffickers detain some in prison-like conditions and exploit others in sex trafficking. Traffickers exploit some Basotho men who migrate voluntarily, although illegally and often without identity documents, to South Africa for work in agriculture and mining in forced labor; many work for weeks or months before their employers turn them over to South African authorities for deportation on immigration violations to avoid paying them. Traffickers connected to organized crime syndicates operating in South Africa exploit and sometimes kill Basotho men by depriving victims of oxygen in derelict mines. Traffickers also compel Basotho into committing crimes in South Africa, including theft, drug trafficking, and smuggling under threat of violence or through forced drug use. Foreign nationals, including Chinese, subject their compatriots to sex trafficking in Lesotho.

LIBERIA: TIER 2 WATCH LIST

The Government of Liberia does not fully meet the minimum standards for the elimination of trafficking but is making

significant efforts to do so. The government demonstrated significant efforts during the reporting period by supporting victims during trial by providing transportation, security, and shelter; organizing public awareness events with high-level officials; and training more law enforcement officials on identifying and investigating trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Complicity and corruption inhibited anti-trafficking law enforcement action, and law enforcement officials continued to lack adequate resources and understanding of trafficking to effectively investigate and prosecute trafficking crimes. Shelter and services for victims remained limited, and the government did not allocate an operating budget to the anti-trafficking task force or its working-level body, the TIP Secretariat. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Liberia was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Liberia remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to more vigorously investigate and prosecute trafficking cases, including internal trafficking cases and officials accused of complicity. • Amend the 2005 anti-trafficking law to remove the requirement of a demonstration of force, fraud, or coercion in child sex trafficking cases and to prescribe penalties for adult trafficking that are sufficiently stringent and commensurate with the penalties for other grave crimes. • In partnership with international organizations and experts, train and equip law enforcement, immigration officials, labor inspectors, and social workers to more effectively identify trafficking victims as well as to identify, investigate, and prosecute trafficking offenses. • Provide operating and victim protection budgets and in-kind resources, as feasible, to the anti-trafficking task force. • Endorse the national referral mechanism, and facilitate training for law enforcement and social workers on implementation. • Increase efforts to raise awareness of trafficking, including internal trafficking. • Expand victim services—particularly for victims outside the capital, males, and victims requiring long-term care—through increased financial or in-kind support to shelters. • Enforce the 2005 law requiring restitution be paid to trafficking victims.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2005 Act to Ban Trafficking in Persons criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed minimum sentences of one year imprisonment for adult trafficking and six years' imprisonment for child trafficking but did not include maximum sentences. The prescribed penalties for child trafficking were sufficiently stringent but those prescribed for adult trafficking were not. The penalties for child sex trafficking were commensurate with those prescribed for other serious crimes, such as kidnapping, but those prescribed for adult sex trafficking were not. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking.

The government investigated five cases, initiated prosecutions of two defendants, and convicted one trafficker, compared with four investigations, four prosecutions, and four convictions in the previous reporting period. Many officials continued to view internal trafficking, especially child domestic servitude, as a community practice rather than a crime and therefore did not often investigate or prosecute these cases. In other cases, prosecutors may have pursued other charges, including rape, in lieu of sex trafficking. Beginning in May 2018, judges prosecuted a suspected labor trafficker; the government convicted the suspect, a Sierra Leonean woman, and sentenced her to eight years' imprisonment. In March 2019, the government initiated prosecution of a suspect who allegedly brought two children from Guinea and exploited them in street vending; the prosecution was ongoing at the end of the reporting period. The government did not report efforts to investigate, prosecute, or convict allegedly complicit officials. Contacts reported law enforcement occasionally accepted bribes from suspected traffickers to end investigations. During the previous reporting period, the United Kingdom expelled two Liberian diplomats for allegedly facilitating prostitution and potentially sex trafficking; the government has not reported investigating these allegations and one of the accused diplomats is reportedly serving in a new post. NGOs and officials reported some government employees may have been directly complicit in child trafficking, including for domestic servitude and street vending.

The Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) was responsible for investigating most trafficking cases. The Ministry of Labor (MOL) was responsible for investigating forced labor, and the Liberian Immigration Service (LIS) could investigate transnational trafficking. LIS created a new Anti-Human Trafficking and Migrant Smuggling Unit comprising five officers, with one stationed at each of Liberia's five major ports of entry. The LNP did not have dedicated anti-trafficking funding or in-kind support and therefore lacked basic resources and equipment to fully respond to and investigate allegations of trafficking, especially outside the capital. With support from an international organization, the LNP incorporated anti-trafficking training into its curriculum and trained 12 LNP trainers who then trained approximately 41 law enforcement officers. The head of the LIS anti-trafficking unit trained 30 border security officers on trafficking. The government partnered with an international organization to conduct a four-day workshop on human trafficking and child labor attended by 17 government officials from the MOL, LIS, LNP, Ministry of Gender, Children, and Social Protection (MOGCSP), Ministry of Justice, and Ministry of Internal Affairs. The government provided some support for two officials to participate in two separate international conferences on trafficking. Nonetheless, officials and NGOs reported many labor inspectors, police, prosecutors, and judges remained largely unable to identify trafficking, which posed serious impediments to investigating and prosecuting such cases. In addition, some high-level officials did not have a clear understanding of trafficking.

PROTECTION

The government maintained modest efforts to identify and protect trafficking victims. The government identified at least

two trafficking victims, compared with four trafficking victims identified the previous reporting period. Poor record keeping and inadequate resources hindered reliable data collection, and statistics were often not disaggregated to differentiate trafficking from similar crimes. The MOGCSP estimated that it provided assistance to at least eight victims and 30 potential child trafficking victims during the reporting period. While the government had standard operating procedures to identify trafficking victims, authorities reported the majority of law enforcement, immigration, and social services personnel lacked training on such procedures and, at times, identified some trafficking victims as victims of other crimes. Many officials continued to view internal trafficking, especially child domestic servitude, as a community practice rather than a crime. Due to this lack of awareness of trafficking among authorities and communities, as well as insufficient government resources to identify trafficking victims, most trafficking victims remained unidentified. In November 2018, the government finalized the national referral mechanism to direct victims towards services, but the cabinet must formally endorse the mechanism before it can be implemented. As a result, the government remained without a formal process to refer victims to care and agencies responsible rarely coordinated such efforts.

Police and community members generally referred trafficking victims to the MOGCSP. The anti-trafficking task force working group, of which the MOGCSP was a member, was responsible for coordinating victim care. In cases involving one victim, the members of the task force referred the victim to a government or NGO safe house or coordinated foster care. When authorities identified a group of potential trafficking victims, the individuals were either referred to NGOs for care or funds were provided by either the MOGCSP or the Ministry of Justice to provide care in government shelters. In part because the government did not have consistent funding for victim care and officials did not receive training on referral procedures, not all identified victims of crime, including trafficking, received comprehensive care during the reporting period. Government-provided shelter and services remained basic and short-term. The MOGSCP reported that it operated two shelters for victims of sexual and gender-based violence and trafficking, as well as 12 transit centers throughout the country, and LNP operated one victim safe house. The shelters provided long-term care and social services, while the transit centers provided medical services and short-term accommodation. In theory, each transit center had at least one social worker, one nurse trained in sexual- and gender-based violence cases, and one police officer on staff; however, resources allocated to each center varied, and officials reported only three of Monrovia's five transit centers had sufficient space and staffing to care for victims. Most of the transit centers did not actually provide short-term accommodations. The Ministry of Health could provide limited medical and psycho-social services. The government relied heavily on NGOs and private shelters when government shelters were unavailable. During the previous reporting period, MOGCSP embedded two social workers within the WACPS to assist women and children, including trafficking victims, at the police safe house. LNP provided food and other in-kind support to the police safe house. Shelter and services were available to both domestic and foreign victims. No shelter was available for adult male victims, although some MOGCSP shelters could accommodate young boys. Adult victims were sometimes allowed to leave the shelters at will. Shelters often could not protect victims' identities, and stays were limited, usually up to three months due to capacity. MOGSCP could arrange foster care for victims who required longer-term care. MOGSCP continued collaboration with NGOs through regular meetings of the Child Protection Network, which facilitated government-NGO partnership on child protection cases. The government collaborated with the Government of Sierra Leone to repatriate two Sierra Leonean trafficking victims identified in Liberia.

The government did not systematically encourage victims to participate in investigations and prosecutions of their traffickers but at times provided victim-witnesses support to offset the costs of participating in a trial; the government, in partnership with NGOs, provided transportation, accommodation, and security for two Sierra Leonean victims when they returned to Monrovia for their alleged trafficker's trial. The anti-trafficking law provided for restitution, and victims could file civil suits against their traffickers; no victims received restitution or filed civil suits during the reporting period. The government did not have a formal policy that provided alternatives to removal to countries in which victims would face retribution or hardship but could offer alternatives, including temporary residency, on a case-by-case basis. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to a lack of training on victim identification and the absence of measures to screen for trafficking among vulnerable populations, it was possible that victims remained unidentified in the law enforcement system.

PREVENTION

The government maintained efforts to prevent trafficking in persons. The anti-trafficking task force met regularly but neither the anti-trafficking task force nor the TIP Secretariat had an operating budget. The government implemented some activities in the 2013-2018 anti-trafficking national action plan but activities were limited due to lack of resources. During the reporting period, the government collaborated with NGOs and international organizations to review the 2013-2018 anti-trafficking national action plan and propose inputs for the 2019-2024 national action plan, which was finalized in March 2019. During the review process, the government extended the 2013-2018 national action plan through June 2019. In July and August 2018, the government, including the anti-trafficking task force collaborated with international organizations and NGOs to organize public awareness activities around World Day Against Trafficking with participation of high-level officials such as the president pro-tempore of the senate, minister of gender, and the deputy minister of justice. The president recorded a video-message about human trafficking that the government broadcasted on television and radio for several weeks. In collaboration with NGOs, the MOL continued to staff an anti-trafficking hotline during business hours; the hotline received 30 calls in 2018, five of which were referred to the LNP, MOGCSP, or MOL. Similar to the previous reporting period, LNP visited popular beaches and entertainment centers in Monrovia known to have high instances of child sex trafficking, spoke with community groups, and distributed fliers to sensitize citizens on child protection issues; the LNP arrested two suspects for potential trafficking crimes. MOGCSP continued a government-funded program to provide shelter, psychological counseling, and family reunification to vulnerable street children and provided services to approximately 200 children through this program. The government made limited efforts to reduce the demand for commercial sex and forced labor. The government inspected artisanal gold mining operations—where most child labor in the gold mining sector took place—for child labor or forced child labor but did not report any such violations. The government did not provide anti-trafficking training for its

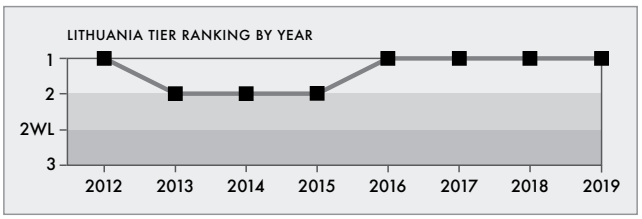
diplomatic personnel; there were allegations that two Liberian diplomats in the United Kingdom engaged in human trafficking during the previous reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Liberia, and traffickers exploit victims from Liberia abroad. Trafficking within the country from rural to urban areas is more prevalent than transnational trafficking, and the majority of victims are children. Most trafficking victims originate from and are exploited within the country's borders, where they are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, gold and alluvial diamond mines, and on small-scale rubber plantations. Traffickers typically operate independently and are commonly family members who promise poorer relatives a better life for their children or promise young women a better life for themselves, take the children or women to urban areas, and exploit them in forced street vending, domestic servitude, or sex trafficking. Traffickers are also often well-respected community benefactors who exploit the "foster care" system common across West Africa. While Liberian law requires parents to register children within 14 days of birth, about 25 percent of births are registered. Although the government has made improvements in birth registration accessibility, continued lack of birth registration and identity documents increase individuals' vulnerability to trafficking. Orphaned children are vulnerable to exploitation, including in street vending and child sex trafficking. In some poor families, parents encourage their daughters to be exploited in prostitution to supplement family income. Liberian nationals and—to a lesser extent—foreigners exploit children in sex trafficking in Monrovia. In previous reporting periods, officials documented allegations of women in sex trafficking in Chinese-run hotels. Authorities identified suspected traffickers from Sierra Leone operating in Liberia during the reporting period. A small number of Liberian men, women, and children are subjected to human trafficking in other West African countries, including Cote d'Ivoire, Guinea, Mauritania, Senegal, Sierra Leone, and Nigeria. In the past, women from Tunisia and Morocco have been subjected to sex trafficking in Liberia, and Liberian women have been subjected to forced labor in Lebanon and Finland.

LITHUANIA: TIER 1

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Lithuania remained on Tier 1. These efforts included convicting significantly more traffickers; increasing funding to NGOs for victim assistance programs, resulting in the provision of support to more victims and at-risk individuals; and implementing reforms to the childcare system, including the removal of children from state-run institutions, such as orphanages. Although the government meets the minimum standards, authorities investigated and prosecuted fewer trafficking cases. A lack of victim protection during the investigation and trial process hampered law enforcement efforts, and a lack of knowledge within relevant agencies in recognizing indicators of child trafficking resulted in fewer child victims identified. Authorities inconsistently implemented victim identification and referral mechanisms throughout the country, especially in rural areas where officials' propensity to blame trafficking victims persisted.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to proactively investigate and effectively prosecute sex trafficking and labor trafficking cases and impose prison sentences on convicted traffickers. • Increase efforts to identify victims, particularly children, through enhanced training for police and child protective services officials. • Implement formal victim identification and referral mechanisms for victim assistance throughout the country, especially in rural areas. • Protect victims from threats and re-victimization during the investigation and trial of trafficking cases. • Provide specialized services to child victims in foster care homes and mixed-use shelters. • Ensure victims have access to appropriate mental health professionals during the interrogation process. • Expand training for investigators and prosecutors on building trafficking cases, including collecting evidence to corroborate victim testimony. • Develop training for officials on working with victims and understanding all forms of trafficking.

PROSECUTION

The government decreased law enforcement efforts, but increased the number of convictions. Articles 147 and 157 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years' imprisonment, which were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities initiated 11 investigations (one for sex trafficking, 10 for labor trafficking, including forced criminality and forced begging), compared with 35 in 2017. The government initiated prosecutions of 31 suspected traffickers (54 in 2017) and convicted 44 traffickers under articles 147 and 157 (20 in 2017). Nearly all traffickers received prison sentences with terms ranging from one to eight years. However, courts suspended eight traffickers' jail sentences and sentenced four traffickers with fines and no jail sentences. Government officials reported collecting adequate evidence remained a problem in prosecuting trafficking cases, specifically cases that occurred outside of Lithuania. The government collaborated with foreign counterparts in 32 international trafficking investigations, compared with 21 in 2017. The general prosecutor's office received one request for extradition (one in 2017) and issued two European arrest orders in trafficking cases (five in 2017). The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The National Police organized training sessions on how to conduct trafficking-related criminal investigations for 30 police officers, 72 judges, and 33 specialized prosecutors who participated in conferences and trainings dedicated to combating trafficking. The border guard arranged anti-trafficking training events for 36 border officials. The interior ministry organized a seminar in five municipalities; approximately 220 local authorities and law enforcement officials attended.

PROTECTION

The government maintained protection efforts. Authorities identified 58 victims in 2018 (60 in 2017); three were minors (eight in 2017). Government-funded NGOs supported 239 trafficking victims and at-risk individuals (219 in 2017). The central government allocated NGOs €165,000 ($189,220) for victim assistance programs, compared with €115,000 ($131,880) in 2017; local governments allotted €48,000 ($55,050) to support trafficking victims. The government assisted 19 Lithuanian trafficking victims exploited overseas in obtaining legal documents, providing consultations, and coordinating with local NGOs for additional aid. While authorities implemented formal victim identification and referral mechanisms for victim assistance, observers reported authorities in some parts of the country underutilized both. Observers also continued to report local officials' tendency to blame trafficking victims, especially in rural areas.

Authorities continued to place child victims in mixed-use shelters, as there were no shelters specifically for child trafficking victims. According to NGOs, child protective services lacked knowledge in recognizing indicators of child trafficking, especially in rural areas. Child sexual abuse victims, including trafficking victims, could seek assistance in the government-operated national support center in Vilnius. Five publicly funded men's crisis centers had the capacity to provide support to trafficking victims, including finding shelter; government-funded NGOs assisted 128 male victims. Law enforcement's shortcomings in adequately protecting victims during the investigation and the trial process contributed to victims' reluctance to assist cases. In particular, traffickers threatened victims as they were entering or exiting the courtroom and victims' lacked access to mental health professionals during or after their interrogations by law enforcement. Legislation allowed foreign trafficking victims a 30-day reflection period to decide whether to cooperate with law enforcement; foreign victims cooperating with law enforcement could receive temporary residency. Authorities identified no foreign victims in 2018 and 20 in 2017. While the government provided legal representation to victims, observers reported attorneys had little experience with trafficking issues; as a result, NGOs often hired private attorneys for victims. In 2018, 19 victims received approximately €70,000 ($80,280) in compensation; in 2017, 13 victims received approximately €34,000 ($38,990) in compensation.

PREVENTION

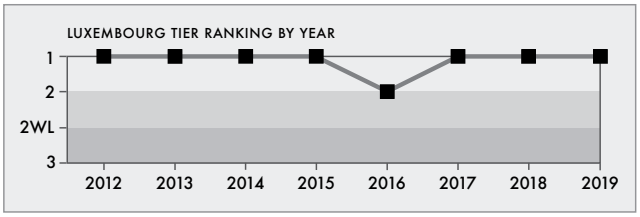
The government increased prevention efforts. The government allocated approximately €183,000 ($209,860) to implement its national action plan and maintained an interagency commission for coordinating anti-trafficking efforts. Municipalities financed and implemented reforms to the institutional child care system with the goal to move all children from institutions to families by 2020; for instance, the municipality of Kaunas moved 79 children from all state-run institutions, such as orphanages, to foster care homes. The interior ministry developed guidelines to help municipalities counter human trafficking at the local level; 19 municipalities adopted these guidelines. The interior ministry cooperated with the United Kingdom (UK) on combating trafficking, including partnering with civil society in the UK to provide assistance to victims. The interior ministry also organized an awareness campaign in schools located in Lithuanian communities in the UK and Spain. The government partially funded and participated in a regional project aimed at developing the Baltic countries as an international model for providing sustainable assistance to trafficking victims, and strengthening cooperation networks with countries of origin. The government and NGOs participated in awareness-raising campaigns organized by the interior ministry in cooperation with regional municipalities; the interior ministry allocated €53,000 ($60,780) towards the campaigns. The police advertised and managed an email account that the public could use to report potential trafficking situations and ask for advice. The government made efforts to reduce the demand for commercial sex acts. The Labor Inspectorate established centers in five major regions to monitor trafficking and illegal labor practices targeting migrants in Lithuanian companies. The centers included representatives from multiple government institutions, including the police and migration department. The inspectorate conducted checks of business recruitment practices, focusing on whether businesses employed third country nationals and abided by anti-trafficking legislation. Additionally, the inspectorate and police inspected construction sites to ensure employers were complying with the law regarding third country nationals. The General Prosecutors' Office organized an anti-trafficking training, and 15 labor inspectors attended. The State Labor Inspection Office also organized five training sessions throughout the country; 42 inspectors participated.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Lithuania, and traffickers exploit victims from Lithuania abroad. Law enforcement reports the majority of trafficking cases involve Lithuanian trafficking networks that prey on Lithuanian victims. Traffickers exploit Lithuanian men and boys in criminal activities, such as shoplifting, and Lithuanian women and children in commercial sex in Western Europe and Scandinavia. Women and girls exploited in sex trafficking within the country remain a problem. Reports indicate the percentage of male victims vulnerable to forced labor and criminal activity increased and composed the largest group of identified trafficking victims. Foreign workers from Belarus, Russia, and Ukraine are at risk of labor trafficking as long-haul truck drivers, builders, ship hull assemblers, and welders. The approximately 2,800 children institutionalized in approximately 90 orphanages are especially vulnerable to trafficking.

LUXEMBOURG: TIER 1

The Government of Luxembourg fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Luxembourg remained on Tier 1. The government demonstrated serious and sustained efforts by increasing investigations and prosecutions, identifying more victims and increasing resources and funding for victim assistance. Although the government meets the minimum standards, courts fully suspended most prison sentences for convicted traffickers, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting nationwide efforts to fight trafficking.



PRIORITIZED RECOMMENDATIONS:

Sentence traffickers with strong prison sentences and ensure convicted traffickers serve those sentences in practice. • Develop safeguards for victims to protect them against traffickers freed on suspended sentences. • Increase law enforcement efforts against labor trafficking. • Promote a victim centered approach in child victim identification procedures and refer all child victims to specialized youth shelters. • Revise the trafficking law to clarify that force, fraud, or coercion are core elements of the crime of trafficking of adults. • Provide all potential trafficking victims with the full suite of care services, regardless of their willingness to meet with police. • Increase the number of labor inspectors in the field. • Require victim identification training for labor inspectors. • Increase funding to NGOs to provide full-time availability for victim assistance. • Include measurable outcomes in the national action plan to assess its progress. • Fund and conduct trafficking research to create an evidence base for future policy decisions. • Establish a victim assistance hotline.

PROSECUTION

The government increased law enforcement efforts. Luxembourg criminalized sex trafficking and labor trafficking through Articles 382-1 and 382-2 of the criminal code and prescribed penalties of three to 10 years' imprisonment and a fine for trafficking offenses involving adult victims and 10 to 15 years' imprisonment and a fine for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime.

In 2018, the government initiated 10 investigations (four of forced labor, five of sex trafficking, and one of forced begging of a minor), compared with seven investigations in 2017 (five of forced labor and two of sex trafficking). The government initiated six new prosecutions (one in 2017) and convicted seven for sex trafficking in 2018 (eight in 2017), and one for forced labor (zero in 2017). Courts issued weak sentences for trafficking convictions, a perennial problem that undercut efforts to hold traffickers accountable and protect victims. In addition, courts fully or partially suspended all sentences; they fully suspended six out of eight, requiring only two of the convicted traffickers to serve any prison time. The courts ordered all convicted traffickers to pay fines ranging from €500 to €20,000 ($570 to $22,940). The average effective prison term decreased for the third consecutive year to 10 months (15 months in 2017). In a 2018 appeal of a 2016 case, a court upheld convictions against two traffickers, but it reduced their sentences; one trafficker's sentence was fully suspended and another trafficker's €10,000 ($11,470) fine eliminated. In 2018, the police organized crime unit responsible for investigating trafficking increased its staff of investigators from 12 to 14. Through police reform efforts, the government made the victim protection unit independent from the organized crime unit to further separate victim assistance and investigations. In 2018, the government held three iterations of anti-trafficking and victim identification training attended by police, prosecutors, and judges. During the reporting period, the police mandated anti-trafficking training for all new recruits. Police and investigators participated in a joint investigation with Belgium for an ongoing trafficking investigation. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased efforts to protect victims. Authorities identified 14 trafficking victims (eight forced labor victims, five sex trafficking victims, and one forced begging victim), compared with 11 in 2017 (eight sex trafficking victims and three forced labor victims). All were foreign citizens, including 10 women, three men, and one boy. All victims received assistance from government-funded shelters. Labor officials reported labor inspectors continued to be chronically understaffed, despite a slight increase of personnel during the year, and not required to complete victim identification training, which negatively affected the proactive identification of forced labor victims. Labor inspectors have not identified a victim to date, as only police officers are legally entitled to do so, but inspectors have helped in their detection; the government's ratio of field inspectors to workers is less than half of the ILO's recommendation for highly industrialized countries. The government utilized a national mechanism for victim referral and provided €286,270 ($328,290) to the two NGOs responsible for coordinating trafficking victim care, an increase from €164,200 ($188,300) in 2017. This funding level enabled the two NGOs to operate a maximum combined total of 60 hours per week (40 hours in 2017). The two NGOs improved coordination over the reporting period but the limited operating hours continued to cause delays in victim assistance and hindered proactive operations. When the government identified victims outside operational hours, police could directly refer adult female and child victims to shelters; adult male victims could be housed temporarily in hotels until longer-term housing could be identified. NGOs reported instances where authorities placed children in youth detention centers when there was no space available in specialized shelters. Adult male victims received the same access to long-term accommodation and other victim services as adult female and child victims. Victims could leave the shelters unchaperoned and at will during opening hours of their respective shelter. The government also provided €6.8 million ($7.8 million) to assistance centers that provided shelter and assistance to adult female and child victims of crime, including trafficking victims, compared with €6.6 million ($7.57 million) in 2017. In 2018, the government signed new agreements with NGOs that increased shelter bed spaces for male and female adult victims. The government had legal alternatives to removal to countries in which victims would face retribution or hardship. Victims were entitled to a 90-day reflection period to decide whether they wanted to testify, during which EU citizens could work. Upon expiration of the reflection period, the government could issue a foreign victim either temporary or permanent residency status, which conferred the right to work, depending upon the victim's willingness to cooperate with law enforcement and whether the victim was an EU national. Victim assistance was not contingent on cooperating with an investigation; however, the police were the sole authority to officially identify a victim and refer to government assistance. Victims who refused to meet with police did not benefit from the full range of assistance. NGOs reported

the police conducted too many interviews with child victims at the beginning of their identification process, which increased the risk of victim traumatization. Victims could participate in a witness protection program to ensure their security before, during, and after a trial. Victims could claim restitution from the government and file civil suits against traffickers. The government granted one victim restitution during the reporting period; the victim appealed on the grounds of insufficiency, but the court rejected the appeal.

PREVENTION

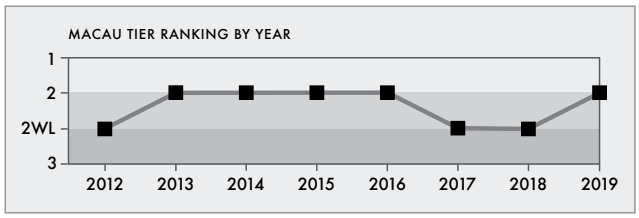
The government maintained prevention efforts. The government's inter-ministerial trafficking committee, chaired by the Ministry of Justice, met four times in 2018 to coordinate anti-trafficking efforts and the national action plan. GRETA reported the national action plan, endorsed in 2016, is vague and lacked a timeframe on meeting objectives. In 2018, the government granted the inter-ministerial committee its own dedicated budget of €15,000 ($17,200) to fund awareness activities compared to €15,000 ($17,200 in 2017). The Advisory Committee on Human Rights served as the independent rapporteur and will produce its second biannual report in 2019. In 2018, the government trained civil servants by offering its basic and advanced level anti-trafficking courses. The government continued its annual multi-faceted awareness campaign across media and news outlets. GRETA reported the need to coordinate data collection across stakeholders as well as conduct research on trafficking, specifically on forced labor and child victims. From 2017 to 2019, the government provided €264,614 ($303,460) to an NGO for local awareness campaigns focused on the prevention of child sex tourism. Diplomats are encouraged, but not required, to attend anti-trafficking training. Labor law allowed for recruitment fees, but criminalized excessive amounts. A new law passed in 2018 made it illegal to steal, modify, damage, or destroy another person's travel documents. The government did not make efforts to reduce the demand for commercial sex acts. The government did not operate a victim assistance hotline.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Luxembourg. Traffickers exploit victims from Europe, Africa, Asia, and South America in sex trafficking operations in cabarets, private apartments, and on the street. Traffickers engage in forced labor crimes, sometimes involving Chinese, Pakistani, or eastern or southern European men, women, and children in various sectors, including restaurants and construction. Traffickers transport Romani children from neighboring countries for forced begging in Luxembourg. Groups vulnerable to traffickers' illicit schemes include migrant workers in domestic work, catering, construction, and begging, as well as unaccompanied foreign children and people in Luxembourg's legal and illegal commercial sex industry.

MACAU: TIER 2

The Government of the Macau Special Administrative Region of the People's Republic of China does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Macau was upgraded to Tier 2. These efforts included convicting sex traffickers for the first time since 2014, providing numerous anti-trafficking trainings for government officials, and investigating suspected cases of forced labor. However, the government did not meet the minimum standards in several key areas. The government identified only one victim, did not utilize its trafficking law to prosecute traffickers, and has never obtained a conviction for labor trafficking.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict sex and labor traffickers, and do so using the trafficking law. • Provide training on the use of the trafficking law to prosecutors and judges. • Improve and consistently implement proactive victim identification methods, especially among vulnerable populations such as migrant workers and persons in commercial sex. • Significantly increase efforts to screen for and identify labor trafficking and male victims. • Institute a minimum wage for foreign domestic workers.

PROSECUTION

Authorities increased anti-trafficking law enforcement efforts. Law 6/2008 in the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 15 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 170 criminalized the "pimping of minors" and prescribed penalties of one to five years, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities initiated one sex trafficking and two forced labor investigations in 2018 (three sex trafficking and zero labor trafficking investigations in 2017). The government initiated two prosecutions (one in 2017) and convicted two sex traffickers in 2018; courts sentenced these offenders to 15 and 18 months' imprisonment. This represented the first convictions of traffickers in Macau since 2014. However, authorities used the "pimping of a minor" statute and did not prosecute any cases under the trafficking statute, which carried higher penalties. Observers reported prosecutors and judges often believed trafficking crimes must involve organized groups or evidence of physical force. The Court of Final Appeals sentenced two previously convicted sex traffickers to nine and 16 years' imprisonment. The government continued to include a trafficking component in mandated training for new police, fire, customs, and immigration recruits and provided additional training when officials were promoted. Authorities also organized numerous trainings focused on trafficking awareness and victim protection for police, customs, immigration, social welfare, and other law enforcement personnel in 2018. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

PROTECTION

Authorities maintained minimal efforts to protect trafficking victims. Police identified one child victim of sex trafficking

in 2018 (three sex trafficking victims identified in 2017). The government has never identified labor trafficking victims in Macau. Authorities had formal victim identification procedures, an operational referral process, and standardized screening questionnaires that could guide law enforcement, immigration, and social services personnel to screen individuals vulnerable to trafficking. Officials distributed questionnaires to suspected illegal workers to promote self-identification. However, it was unclear if officials routinely screened individuals in prostitution for indicators of trafficking when conducting law enforcement operations in suspected brothels, massage parlors, and spas or among migrants working in industries vulnerable to forced labor, such as domestic work and construction. Police and social welfare bureau (SWB) officials referred the child victim identified in 2018 to a government-funded NGO that offered shelter, counseling, and economic and medical assistance. SWB designated shelters for female and male trafficking victims but did not report providing shelter to any adult victims in 2018. The government allocated approximately 1.77 million patacas ($220,630) on victim protection services, including allocations to NGOs for service provision at shelters, compared to 1.9 million patacas ($237,500) allocated in 2017. Insufficient screenings may have resulted in the penalization of victims for unlawful acts their traffickers compelled them to commit. The government took steps to establish a standard operating procedure for ensuring safe repatriation of foreign victims. Macau law did not provide trafficking victims with permanent residency as a legal alternative to removal to countries in which they would face retribution or hardship; however, authorities reported a policy that allowed foreign victims to reside and work in Macau on the basis of "well-founded humanitarian reasons," although no victims benefited from this policy.

PREVENTION

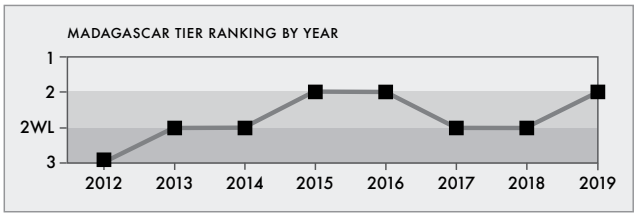
Authorities slightly increased efforts to prevent trafficking. The interagency Human Trafficking Deterrent Measures Concern Committee, led by the security bureau, coordinated Macau's anti-trafficking efforts. In March 2019, the government completed an anti-trafficking national action plan. The government allocated 3.7 million patacas ($462,500) to the committee for anti-trafficking activities in 2018, compared to 3.6 million patacas ($450,000) allocated in 2017. The labor affairs bureau (LAB) and law enforcement agencies disseminated television commercials, online videos, as well as pamphlets and posters in several different languages to raise awareness of trafficking. The government ran trafficking awareness videos at all border checkpoints. Authorities held labor rights seminars that reached more than 20,000 students and migrant workers, including those in the domestic helper and construction industries. SWB collaborated with an NGO to organize seminars for university students and sponsor the launch of an awareness-raising video created by students. There was no minimum wage established for foreign domestic workers, which may have increased their vulnerability to being subjected to exploitation. LAB adjudicated the labor dispute cases of 1,280 migrant workers, and it conducted 43 inspections at construction sites and at 220 employment agencies for labor violations. In March 2019, the government shut down an employment agency that created fraudulent employment contracts for migrant workers. 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 foreign victims in Macau. Sex trafficking victims originate primarily from mainland China and Southeast Asia; many are from northern Chinese provinces. Many trafficking victims respond to false advertisements for jobs, including in casinos in Macau, but upon arrival, traffickers force them into prostitution. Traffickers sometimes exploit victims in massage parlors, illegal brothels, apartments, and houses where they are closely monitored, threatened with violence, forced to work long hours, and have their identity documents confiscated. Migrant construction and domestic workers may be vulnerable to labor exploitation. Some brokers bring foreign workers to Macau to renew work visas for other countries while restricting their movement and withholding their passports.

MADAGASCAR: TIER 2

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Madagascar was upgraded to Tier 2. The government demonstrated overall increasing efforts by operationalizing, staffing, and providing a dedicated budget to the National Office to Combat Human Trafficking (BNLTEH) and opening a new shelter dedicated to assisting trafficking victims. The government investigated and prosecuted more suspected traffickers and provided care, assistance, and repatriations to more victims compared to the previous reporting period. The government also operationalized a new anti-corruption court whose mandate included human trafficking cases that were transnational or involved criminal networks; this court initiated prosecutions of several human trafficking cases during the reporting period. The government also adopted a national identification and referral mechanism, although implementation outside of Antananarivo was limited. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers for the second consecutive year, contributing to a culture of impunity for offenders. Despite continued reports of alleged complicity during the year, it did not hold any complicit officials accountable and did not investigate reports of officials facilitating child sex trafficking or the dismissal of trafficking cases. Efforts to address internal trafficking crimes, including domestic servitude, forced begging, and sex trafficking of children remained inadequate. Although the government increased training to officials, many officials continued to lack an understanding of trafficking, impeding the government's ability to hold traffickers accountable. The government did not systematically provide services to victims, adopt strong policies to effectively regulate labor recruiters, or sign any new bilateral labor agreements with destination countries.



PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to effectively prosecute and convict suspected trafficking offenders through independent and fair trials, including complicit officials and perpetrators of

internal trafficking crimes, and sentence convicted traffickers to adequate penalties. • Institutionalize the training of front-line officials on case investigation and the use of the national identification and referral mechanism to ensure systematic identification and referral of victims to appropriate services. • Systematically and proactively identify and refer trafficking victims to appropriate care, especially for victims of internal trafficking, including domestic servitude, forced begging, and sex trafficking of children. • Establish and implement strong regulations and oversight of recruitment companies, and improve enforcement, including by prosecuting those involved in fraudulent labor recruitment. • Collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse, including through bilateral labor agreements. • Increase migrant worker protections by prohibiting recruitment fees charged to migrant workers and requiring minimum salaries, pre-departure training, a mutually enforceable standard contract, a complaints mechanism for returning workers, and a public blacklist of abusive employers. • Continue to implement the expiring national action plan (NAP), including the use of a standard form for identification and referral of victims and work to adopt a new NAP. • Improve coordination between law enforcement and prosecutors/investigating judges, including regular case conferencing and conducting prosecution-led investigations. • Utilize the national centralized anti-trafficking data collection and reporting tool to improve data collection, distinguishing between trafficking and other crimes, including the number of victims identified, cases investigated and prosecuted, and the number of convictions. • Improve the national identification system, including a database and anti-fraud features, to prevent child sex trafficking through issuance of fraudulent documentation. • Increase efforts to raise public awareness of labor trafficking, including of adults subjected to forced labor.

PROSECUTION

The government maintained uneven law enforcement efforts and did not address reports of official complicity in trafficking crimes, which continued during the reporting period. Law No.2014-040 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to five years' imprisonment and a fine of one million to 10 million Malagasy ariary (MGA) ($288 to $2,880) for offenses involving an adult victim, and five to 10 years' imprisonment and a fine of two million to 20 million MGA ($576 to $5,760) for those involving a child victim. These penalties were sufficiently stringent. For offenses involving children, with respect to sex trafficking, these penalties were commensurate with those prescribed for other serious crimes, such as rape; however, offenses involving adult sex trafficking were not commensurate with those prescribed for other serious crimes.

National statistics on prosecutions and convictions remained difficult to obtain and verify, and the government did not maintain a national database for trafficking crimes. The government reported initiating trafficking investigations involving at least 74 possible suspects in at least 34 cases; however, as smuggling and trafficking were frequently conflated, this figure may include investigations of smuggling crimes as well. For comparison, the government initiated investigation of at least 32 suspects in 32 cases in the previous reporting period. The government reported initiating the prosecution of 56 suspected traffickers in 20 cases—charging the majority of these suspects under the anti-trafficking law, compared to the prosecution of 15 alleged traffickers in 2017. The government did not convict any traffickers during the reporting period, nor did it convict any traffickers in the prior reporting period. The Central Unit of Specialized Investigation and Fight Against Documentary Fraud within the National Police reported investigating 39 suspects for fraudulently recruiting Malagasy women for work in China; traffickers forced the women to marry Chinese men and were subsequently subjected to involuntary servitude upon arrival in China. However, efforts to investigate and prosecute internal trafficking crimes, including domestic servitude, forced begging, and sex trafficking of children, remained inadequate compared to the scale of the problem. The government operationalized an anti-corruption court whose mandate included trafficking cases that were transnational, involved criminal networks, or fraudulent documentation; the court had initiated several prosecutions during the reporting period.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. There were allegations that a high-level law enforcement official was complicit in trafficking, which allegedly led to the official's removal from his position; however, the government did not report taking law enforcement actions against this official. Reports indicated some government officials may have helped Malagasy nationals obtain fraudulent travel documentation to circumvent the 2013 travel ban. Sources allege that a network of government officials was involved in the falsification of identity documents used to facilitate child sex trafficking; however, the government did not report initiating an investigation into these continued allegations. During the year, reports emerged that a corrupt high-level official facilitated the dismissal of trafficking cases by placing a working-level employee in a position to purposely assign trafficking cases to judges unfamiliar with the crime, frequently leading to case dismissal; the government did not report investigating these allegations. There remained a lack of coordination between agencies combatting trafficking in persons and a reluctance of victims to file charges due to fear of reprisals. The government facilitated and led eight trainings in seven cities, funded by an international organization, to educate 158 law enforcement officials, judges, civil society members, and the new Anti-Corruption Court on the use of the national victim identification and referral mechanism. The government also facilitated and led trainings, funded by an international organization, to educate 106 officials in the National Gendarmerie Academy of Moramanga and the Police Inspectors Academy of Antsirabe on victim-centered investigations. However, despite these training efforts, the government did not institutionalize anti-trafficking training and some police, immigration officers, prosecutors, and judges continued to lack a clear understanding of trafficking, which hampered law enforcement and victim identification efforts. Coordination and information sharing between the public prosecutor's office and police was inadequate and continued to hinder case progression; neither prosecution-led investigations nor case conferencing between the police and the public prosecutors occurred during the reporting period. Judges sometimes received high-level instructions to release accused sex offenders, some of whom may have been traffickers, who were often, but not always, foreign citizens. With support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool since 2016; however, the government has never utilized this tool.

PROTECTION

The government increased efforts to protect victims; however, efforts to address, identify, and assist child victims of domestic servitude, forced begging, and sex trafficking remained inadequate compared to the scale. Due to a lack of coordinated data collection at the national level, the government did not report comprehensive data. The government reportedly identified 85 victims and 64 potential victims who officials identified prior to their departure to Kuwait, China, and Saudi Arabia where officials determined they would be vulnerable to trafficking; this compared to 86 identified in the previous reporting period. In addition, the government facilitated the repatriations of 177 trafficking victims back to Madagascar, including funding the repatriations of 46 adult women from Kuwait—an increase compared to 12 repatriated victims in the previous year. The government reportedly provided various forms of assistance to at least 221 trafficking victims, an increase compared to 57 assisted last reporting period. These efforts included providing temporary housing for 14 repatriated victims at its new Mitsinjo trafficking shelter for adults; vocational services to 35 children; medical, security, and reintegration assistance to 46 repatriated victims from Kuwait; psychological support from a government social worker, and with assistance from an international organization, medical, legal assistance, and financial support to 140 repatriated victims; as well as airport transportation to an unknown number of repatriated victims. NGOs and international organizations reported identifying and assisting 1,362 victims, providing 79 victims with social reintegration assistance, and providing 46 victims with hotel accommodations. Last reporting period, an international organization reported there may be as many as 200 Malagasy women still in a rural region of China, who were victims of a trafficking scheme in which deceptive or coercive brokers defrauded and sold women into marriages to Chinese men allegedly for the purpose of involuntary servitude; no additional information was available on these women or whether they were provided assistance or repatriated.

The government adopted formal national procedures to proactively identify trafficking victims and refer them for care; however, these procedures neither included a list of assistance organizations nor outlines the organizations to which victims should be referred. However, the government did not distribute these procedures and their use was limited outside of Antananarivo. The Ministry of Population, in collaboration with an international organization, continued to coordinate approximately 700 child protection networks across the country. These networks were mandated to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims of crime, including trafficking. However, due to lack of resources, child protection networks only provided basic assistance through public hospitals and health units and generally referred the victims to international organizations and NGOs for additional assistance. Through referral from the child protection networks, an international organization assisted 990 children (641 girls and 349 boys), including victims of sexual exploitation and the worst forms of child labor, which included various forms of child trafficking. The government opened a new trafficking-specific shelter for repatriated adult victims; the Mitsinjo Center was a temporary shelter, owned by the government, which could hold a maximum of 12 victims and sheltered 14 total during the reporting period, with support from an international organization. Four government hospitals had "one-stop" victim support centers that offered assistance to child victims of various abuses, including sex trafficking; the one-stop support centers were located in Antananarivo, Toamasina, Mahajanga, and Nosy Be and offered victims medical assistance, psychological support, and access to the police and social workers, but the government did not report how many victims received assistance at these facilities. The Ministry of Population in Nosy Be continued to operate a foster care program for exploited children in partnership with an international organization; the program included 10 participating families who received funding from the government and hosted 18 children during the reporting period, five of which had been removed from situations of exploitative domestic labor. The government continued to operate and fund the Manjary Soa Center in Antananarivo, which received 35 children who had been removed from situations of forced labor and sex trafficking. This center provided vocational training or reintegration into the public school system. The city of Antananarivo continued to manage an emergency center for child victims of domestic servitude, generally referred by the Morals and Protection of Minors Police Service (PMPM); the city, in partnership with an international organization, provided food, lodging, psychological and medical aid, and educational services.

The Ministry of Foreign Affairs (MFA) had the responsibility to systematically inform the Ministry of Population when victims were in the process of repatriation; in turn, the Ministry of Population continued to contact victims upon their return and offer assistance, but reports indicated some victims were reluctant to work with the government. The 2014 anti-trafficking law required authorities to consider legal alternatives for foreign trafficking victims who believe they may face hardship or retribution if returned to their country of origin; but the government did not report providing this protection to victims during the reporting period. There were occasional reports that the government arrested or punished trafficking victims for unlawful acts traffickers compelled them to commit; police would sometimes arrest underage girls for prostitution without screening for trafficking and would sometimes temporarily keep potential transnational labor trafficking victims in police stations due to a lack of alternative accommodations. To prevent retaliation from suspected traffickers, trafficking trials could be held in private or by camera for the sake of the victim or witness' confidentiality and privacy; however, the government did not report doing so during the reporting period. Further, while the 2014 anti-trafficking law entitled victims to restitution, for the fifth consecutive year, the government did not implement this provision.

PREVENTION

The government maintained mixed efforts to prevent trafficking and coordinate national-level anti-trafficking measures. The National Office to Combat Human Trafficking, intended to lead national efforts, received a dedicated budget for 2019 of 370 million ariary ($106,620) for administrative costs and 90 million ariary ($25,940) for operations. The government appointed an Executive Secretary to the BNLTEH and also provided six personnel during the reporting period; however, the BNLTEH did not demonstrate leadership in driving national efforts or raising awareness during the reporting period. In partnership with an international organization, the government continued operation of a national toll-free hotline to report child abuse; the government reported identifying nine cases of domestic servitude, and one case of child sex trafficking via the hotline during the reporting period; while children were usually assisted through the child protection networks, the government did not report providing these victims with assistance. The government did not conduct any national public awareness campaigns, despite the scale of trafficking within the country.

A 2013 ban on migrant worker travel to unspecified countries the government considered high-risk remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Mauritius, Kenya, Comoros, Ethiopia, and the Seychelles. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, the government continued its suspension of all existing accreditations for placement agencies and, thus, its prohibition of recruitment of workers for employment abroad. These prohibitions on migrant workers continued to leave them with no legal means to travel abroad for work, and therefore without access to protection mechanisms available through authorized travel, increasing their vulnerability to trafficking and blackmail. The Ministry of Labor, Employment, Civil Service, and Social Laws continued to oversee the process of migrant workers traveling to non-Gulf countries by requiring contract approval by the relevant Malagasy embassy. The government did not make progress on the effort to set up a tripartite agreement between the government, placement agencies, and vocational training centers. Labor inspectors did not take adequate action during the year to prevent or address labor violations or improve working conditions and did not have jurisdiction to enter private homes to inspect conditions for domestic workers. In partnership with an international organization, the Ministries of Foreign Affairs and Labor held several workshops to develop bilateral labor agreements with Saudi Arabia, Lebanon, Kuwait, Jordan, and Mauritius, but it had not signed any new bilateral agreements with destination country governments by the end of the reporting period.

The government made efforts to reduce the demand for commercial sex, including child sex tourism, but not for forced labor. In 2018, the Ministry of Tourism, in partnership with international organizations, focused on monitoring the commitment of the approximately 1,000 tourism operators in 12 regions who had previously acceded to the Tourism Code of Conduct against Commercial Child Sexual Exploitation and Sex Tourism. The Ministry of Tourism conducted 178 compliance inspections in five regions to ensure that operators were adhering to the code, but did not report if any were in violation of the code or steps taken to rectify noncompliance. The Ministry of Tourism conducted hotel inspections, reminding hotels of their obligation to display posters in their reception areas publicizing the prohibition of child sexual exploitation; the government also maintained such billboards at airports as a warning for tourists. The Ministry of Tourism, in partnership with NGOs, handed out pamphlets to tourists reminding them that child sex trafficking was illegal. However, despite the continued prevalence of sex tourism, the government did not report any prosecutions or convictions for sex tourism, and reports of official complicity in such crimes continued. The government did not provide anti-trafficking training to diplomats.

TRAFFICKING PROFILE

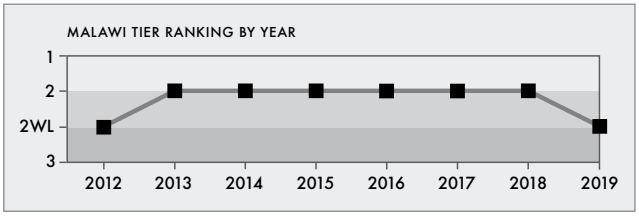
As reported over the past five years, human traffickers exploit domestic and foreign victims in Madagascar, and traffickers exploit victims from Madagascar abroad. Traffickers exploit Malagasy children, mostly from rural and coastal regions, and from impoverished families in urban areas, in child sex trafficking, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. The prevalence of child forced begging has increased in Antananarivo; reports indicated that children, including disabled children, are forced to work for long hours and in dangerous conditions, frequently at the behest of their parents. Most child sex trafficking occurs with the involvement and encouragement of family members; however, tourist operators, hotels, taxi drivers, massage centers, and local adults in prostitution also facilitate this crime. Traffickers fraudulently recruit some children for work in Antananarivo as waitresses and masseuses before exploiting them in child sex trafficking. Traditional practices of arranged marriage, bride purchase, and girl markets continued to leave girls vulnerable to child sex trafficking. Uneducated women from rural areas were the most vulnerable to trafficking abroad, while girls from poor, single-parent, or unstable families were the most vulnerable to trafficking domestically. Malagasy men exploit the majority of child sex trafficking victims. Reports suggest child sexual exploitation is also prevalent in tourist destinations, urban cities, vanilla growing regions, and surrounding formal and informal mining sites. The majority of child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians. NGOs previously reported government officials' complicity in obtaining falsified national identity cards facilitates child sex trafficking in Madagascar and forced labor in domestic servitude of Malagasy women abroad. Previous reports indicated child sex trafficking of boys was becoming more prevalent. Forced labor persisted in the context of "dinas," which were informal arrangements for payment or in response to wrongdoing and a way of resolving conflicts or paying debt; these arrangements persisted because authorities did not effectively enforce the law.

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

MALAWI: TIER 2 WATCH LIST

The Government of Malawi does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting and convicting traffickers and identifying trafficking victims. It coordinated with a foreign government to repatriate victims. The government formally expanded the agencies with authority to enforce the anti-trafficking law, and the National Coordination Committee met once during the reporting period. The government launched the first district-level anti-trafficking coordination structure in Mchinji, a district bordering Zambia where trafficking risks are high. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Credible reports alleged law enforcement officers were complicit in sex trafficking, including coercing individuals in prostitution and child sex trafficking victims to perform sex acts under threat of arrest. The government did not investigate or hold any complicit

officials criminally accountable despite these credible allegations and several past cases of Malawian diplomats, police, health, and immigration officials engaged in trafficking abroad. The government did not report referring or otherwise providing protective services to any trafficking victims. Therefore Malawi was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute sex and labor traffickers and appropriately sentence convicted traffickers under the 2015 law, including government officials complicit in such crimes. • Improve and expand the collection of prosecution and victim protection data for trafficking cases. • Develop formal guidelines to identify trafficking victims, especially among vulnerable populations, ensure victims are protected from further exploitation, and refer them to available services. • Increase the availability of shelters and protection services for victims, including through in-kind or material support to NGOs for expansion of direct service provisions. • Support training and increase funding for judges, prosecutors, labor inspectors, and police to identify, investigate, and prosecute trafficking crimes. • Enter lists of shelters for trafficking victims in the official gazette in order for the law to be fully operational. • Increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints.

PROSECUTION

The government decreased law enforcement efforts. The 2015 Trafficking in Persons Act criminalized sex trafficking and labor trafficking and prescribed punishments of up to 14 years' imprisonment for offenses involving an adult victim, and up to 21 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. In 2018, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from seven of Malawi's 34 district-level police stations. MPS reported it arrested 32 suspects, prosecuted at least 16 alleged traffickers, and convicted 16; this is compared with 42 suspects arrested, 26 traffickers prosecuted, and 26 convicted during the previous reporting period. The government did not report sentencing data or what type of exploitation occurred in these cases and, as the government often conflated trafficking with smuggling and irregular migration, it is unclear whether all of these cases were indeed trafficking. Widespread corruption led to minimal documentation and poor data collection on trafficking cases. Reports alleged that police and labor officials were complicit in cases where Malawians were exploited in Kuwait and Iraq during the previous reporting period. Law enforcement officers regularly failed to screen individuals engaged in commercial sex for trafficking indicators and were allegedly complicit in sex trafficking crimes by arresting and charging girls and women in prostitution if they did not provide free sexual services to the arresting officer. Furthermore, officers made no effort to discern the age of individuals in prostitution or investigate such cases as child sex trafficking crimes, despite indications children were being exploited. The Ministry of Home Affairs (MHA), which includes MPS and immigration officials, maintained primary responsibility for the prosecution of trafficking crimes and enforcement of trafficking laws. The Minister of Homeland Security designated by Gazette Notice in September 2018 all police, immigration, and labor officers as enforcement officers of the 2015 anti-trafficking act.

The Ministry of Homeland Security, in partnership with an international organization and the Malawi Network Against Trafficking in Persons, conducted a two-day training of trainers from law enforcement agencies and professional training institutions on the anti-trafficking act. The MPS retained anti-trafficking training in its curricula for the Limbe, Mtakata, and Mlangeni Police Training Schools and Zomba Police College and human trafficking was a topic of continuing education lectures. The Department for Immigration trained an unknown number of new immigration officers on victim identification and assistance to potential trafficking victims. In partnership with an international organization, the government trained an unknown number of magistrates, prosecutors, immigration officers, police investigators, police victim support officers, roadblock officers, and community policing partners. In November 2016, a United States District Court for the District of Maryland issued a default judgement awarding more than $1 million in damages to a domestic worker who sued her former employer, a former Malawian diplomat, for trafficking; the former diplomat left the United States in 2012. Nonetheless, the diplomat did not pay the outstanding judgment nor did the government report taking any further action during the reporting period to hold the diplomat accountable. The government partnered with neighboring governments and an international law enforcement organization to increase investigative capacity of law enforcement through an intelligence-driven operation. As a result, officials in two countries arrested traffickers and identified 87 victims. It is unclear if there was overlap between these cases and trafficking cases reported by the government.

PROTECTION

The government decreased protection efforts and did not adequately protect victims of trafficking. The government continued to lack systematic procedures for the proactive identification of victims and their referral to care and relied largely on NGOs to provide long-term protective services. The government identified 132 trafficking victims, a slight increase from 121 identified during the previous reporting period. However, the government did not provide any information about victims identified or whether these victims were referred to or received protective services. In 2017, the government launched an anti-trafficking fund and allocated 150 million Malawian kwacha ($204,640) to the fund in April 2018. While the funds were intended, among other things, to finance delivery of protective services, shelter refurbishment and repatriation, the government did not disburse any funds for those activities. The government did not provide in-kind or financial support for most NGO services, including those offered at the only dedicated shelter for trafficking victims in the country, which was operated by an international NGO. The government ran one social rehabilitation center in Lilongwe for vulnerable children, orphans, and child trafficking and gender-based violence victims, providing counseling and rehabilitation services; however, it is unclear if any trafficking victims used these services during the reporting period. The center remained chronically underfunded and, in previous years, poor conditions reportedly led some child sex trafficking victims to leave the shelter and return to

their traffickers. The lack of adequate and sustained assistance left victims vulnerable to re-trafficking.

Some of the approximately 300 police sub-stations at the village level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately and the quality of services varied throughout the country. One NGO reported concerns about the failure of the VSUs to adequately provide for the needs of sex trafficking victims. Some foreign victims avoided these centers due to fear of deportation. Malawian law did not allow for foreign victims to receive temporary residency or other legal alternatives to removal to their countries of origin; foreign victims faced deportation unless they challenged their immigration status in court. The government coordinated with the Government of Iraq to repatriate 12 victims exploited in Erbil; however, NGOs and an international organization paid for repatriation costs as the government did not allocate resources to the anti-trafficking fund. In 2018, there were credible reports the government detained, fined, or jailed trafficking victims for unlawful acts committed as a direct result of their being subjected to trafficking. One NGO reported sex trafficking victims were sometimes treated like criminals.

PREVENTION

The government made uneven efforts to prevent trafficking. The government launched a five-year anti-trafficking national action plan in 2017; however, the objectives in the plan were not costed or prioritized and it is unclear whether the government implemented any of its activities. The National Coordination Committee, established under the anti-trafficking act that came into force in November 2015, met once during the reporting period. Members of the informal Malawi Network Against Child Trafficking, comprising government officials, NGOs, and international stakeholders, registered as an NGO but did not meet during the reporting period. The government launched the first district-level anti-trafficking coordination structure in Mchinji, a district bordering Zambia where significant numbers of Zambian and Mozambican nationals enter the country and there is a high risk of trafficking. The government continued to participate in the South African Development Community (SADC) regional data collection tool by uploading information about trafficking cases, victim and trafficker profiles, and sharing information with neighboring countries.

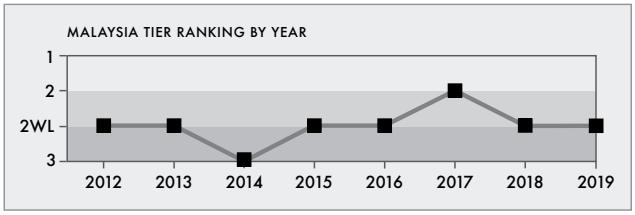
The government did not conduct any labor inspections for the fourth consecutive year or report efforts to identify or refer potential trafficking crimes for criminal investigation under the 2015 anti-trafficking act. Due to lack of funding, more than 60 percent of positions within the Ministry of Labor were vacant, impeding efforts to identify and penalize fraudulent labor recruitment for the second consecutive year. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor. Malawi did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

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

MALAYSIA: TIER 2 WATCH LIST

The Government of Malaysia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting slightly more traffickers, issuing a significant number of passes for victims' freedom of movement from shelters, and establishing an additional shelter for adult female trafficking victims, although it had not yet served victims. The government reported some investigations into allegations of official complicity and authorized a Royal Commission of Inquiry into the camps and mass graves discovered in Wang Kelian in 2015. The government also continued to overhaul its foreign worker management system. However, the government did not demonstrate overall increasing efforts compared to the previous year. The government identified far fewer victims than in previous years and authorities investigated and prosecuted fewer cases. The government's victim protection efforts remained largely inadequate and some rehabilitation services such as medical care, telephone calls, freedom of movement, and the issuance of work permits were inconsistently implemented, if at all. The government stopped funding NGOs to provide shelter. Corruption related to processes for foreign nationals to work in Malaysia remained pervasive and the government did not report initiating new prosecutions or convicting any complicit officials during the reporting period. Therefore Malaysia remained on Tier 2 Watch List for the second year.



PRIORITIZED RECOMMENDATIONS:

Draft, finalize, disseminate, and train relevant officials, including

labor inspectors and immigration officials, on standard operating procedures for victim identification that include information on trafficking indicators. • Increase efforts to prosecute and convict more trafficking cases, including of complicit officials and forced labor crimes. • Make public the results of investigations involving corrupt officials to increase transparency and deterrence and hold officials criminally accountable when they violate the law. • Create a system for access to timely and accurate interpretation in victims' primary languages available to law enforcement, the court system, and shelters. • Increase the number of trafficking victims who obtain approval for freedom of movement from shelters and expand freedom of movement to include unchaperoned movement and at-will communication with people outside shelter facilities, including through telephone calls. • Strengthen and continue to expand cooperation with NGOs, including through financial or in-kind support to NGOs to provide some victim rehabilitation services. • Increase the number of trafficking victims who obtain approval for employment and streamline the process for finding a job. • Take steps to eliminate recruitment or placement fees charged to workers by Malaysian labor recruiters and ensure any recruitment fees are paid by employers. • Increase law enforcement capacity to investigate and prosecute trafficking cases based on intelligence gathering and information-sharing among government agencies. • Expand labor protections for domestic workers and investigate allegations of domestic worker abuse. • Reduce court delays and increase judicial familiarity with the full range of trafficking crimes, particularly forced labor. • Improve case management and communication with trafficking victims, including through increased prosecutor-victim interaction at least two weeks prior to trial in compliance with the attorney general's directive. • Expand efforts to inform workers, including domestic workers, of their rights to maintain access to their passports at any time, without delay or approval, and without consequence to their status and relationship with their employer, and include language explicitly stating passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labor source countries. • Effectively enforce the law prohibiting employers from retaining passports without employees' consent and educate workers and employers on foreign worker rights, including legal recourses and remedies against traffickers.

PROSECUTION

The government demonstrated uneven law enforcement efforts. The 2007 Anti-Trafficking in Persons and Smuggling of Migrants (ATIPSOM) Act—amended in 2010 and 2015—criminalized labor trafficking and sex trafficking and prescribed punishments of three to 20 years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The government conducted 281 case investigations in 2018, a decrease compared to 398 investigations in 2017. Of the 281 investigations, 123 were for forced labor. The government initiated prosecutions against 50 alleged traffickers, a decrease compared with 80 in 2017. The government convicted 50 individuals under ATIPSOM, an increase from 45 in 2017; however, this number may have also included convictions for smuggling. The government reported sentences ranged from three to 13 years' imprisonment; in the past, courts sentenced some traffickers to fines alone as punishment. Civil society and media reported cases of forced labor that were charged as disparate labor law violations instead of criminal cases of human trafficking.

The government continued to operate its special court in Selangor with two judges with expertise in trying trafficking cases, but it had not implemented plans to expand special trafficking courts around the country. During the reporting period, a group of 45 judges drafted best practices for handling trafficking cases but had not yet finalized their recommendations or disseminated the practices. A 2014 directive required prosecutors to meet with victims at least two weeks prior to the start of trial to prepare victims to record their statements and to help them understand the judicial process. Prosecutors reported they engaged with victims; however, limited availability of interpretation services made effective communication difficult and NGOs reported some prosecutors did not meet with victims at least two weeks before trial as required by the directive. Law enforcement agencies also overwhelmingly cited language barriers with potential victims as an ongoing challenge in their work; while the government sometimes worked with foreign embassies or NGOs to interpret conversations, it did not have an institutionalized way to ensure timely and accurate communication with potential trafficking victims who did not speak Bahasa Malaysia or English.

The Royal Malaysia Police continued to serve as the lead enforcement agency under ATIPSOM and increased the number of officers in its specialized anti-trafficking unit from 242 in 2017 to 247 in 2018. The government extended the mandate of the interagency law enforcement task force for three years beyond its usual one-year extension. The labor department also employed a specialized trafficking enforcement team, although the number of its officers decreased from 34 in 2017 to 30 in 2018. The attorney general's chambers appointed an additional trafficking-specialist deputy public prosecutor, raising the total to 55 throughout Malaysia. The government continued to conduct or support anti-trafficking trainings, including 28 in-service trainings and 26 transnational or bilateral trainings in the region for police officials focusing on victim protection and law enforcement. The government also hosted 14 trafficking-focused training sessions for its labor inspectors and eight trafficking training programs for 55 prosecutors at the attorney general's chambers.

Official complicity remained a serious concern. The 2015 discovery of migrant camps and mass graves in Wang Kelian, containing bodies of suspected Rohingya and Bangladeshi victims of extortion, torture, and other crimes, fueled reports that corrupt officials facilitated migrant smuggling and in some cases trafficking crimes. Since 2015, NGOs and media have continued to allege official complicity in the Wang Kelian camps through inaction on reports of the camps prior to 2015 and misconduct in the investigation of the camps and the crimes perpetrated there. In 2016, the government convicted four foreign nationals for people smuggling related to the camps; however, authorities had not brought charges against any Malaysian official or private citizen, despite such allegations. In March 2019, the Human Rights Commission of Malaysia and a NGO published a report investigating the events leading up to the mass graves and the government's response. The report alleged the smugglers and traffickers benefited from corrupt Malaysian border officials who demanded bribes to allow vehicles through the border without conducting proper inspections. Further, the report alleged authorities may have committed obstruction of justice when a senior police officer ordered the destruction of all potential evidence, including the camps and mass graves, one day after their discovery. NGOs continued to assert authorities had not investigated or held perpetrators accountable for the full extent of the crimes related to the camps, including trafficking crimes. During the reporting period, the prime minister ordered a Royal Commission of

Inquiry into the camps and mass graves and the King approved the expected six-month long investigation in January 2019.

Ongoing corruption related to processes for foreign nationals to work in Malaysia increased the cost of migration and consequently increased a migrant worker's vulnerability to trafficking through debt-based coercion. During the previous reporting period, the government reported it was investigating four smuggling networks, operating at the Kuala Lumpur International Airport and allegedly involving 600 immigration officials. The government reported the reassignment of the 600 officials and the arrest of seven of these officials; at the end of the reporting period the cases remained ongoing. Separately, authorities reported investigating 18 immigration and police officers for human smuggling and trafficking in persons and prosecuting two officers for exploitation of their domestic employees (unrelated to their official duties); all cases remained ongoing at the end of the reporting period and the government did not report any new developments. The government did not report initiating any new prosecutions or convicting any complicit officials during the reporting period.

PROTECTION

The government decreased protection efforts. In 2018, the government identified 1,305 potential victims and confirmed 97 victims, a significant decrease compared to 2,224 potential and 721 confirmed victims in 2017, and 3,411 potential and 1,558 confirmed victims in 2016. Of the 97 confirmed victims in 2018, 63 were women, approximately the same number of women victims confirmed in 2018; however, there was a marked decrease in the number of confirmed male and child victims in 2018 (34) compared with 2017 (659). The government explained the continued decrease in the number of victims identified as a result of a reduction in the use of large-scale police raids of suspected commercial sex establishments and instead focused on investigations against forced labor, the larger trafficking problem in Malaysia. The government reported each of the five law enforcement agencies followed agency-specific standard operating procedures (SOPs) to identify trafficking victims. However, observers reported the SOPs lacked basic indicators that would allow officials to proactively and accurately identify trafficking victims and instead focused on the role and responsibility of the officer once a victim was referred to law enforcement. The government's identification of labor trafficking cases relied on reports of abuse from embassies representing foreign workers and other informants and labor inspections in response to workers' complaints of non-payment of wages and other violations. NGOs relayed that authorities treated many of the victims identified during police or immigration raids like criminals. NGOs also believed this treatment contributed to the government's insufficient identification of victims; the raid-environment was not conducive to victims speaking candidly to law enforcement and due to the lack of basic indicators of trafficking, NGOs reported officials arrested and charged some victims for immigration violations instead of identifying them as trafficking victims.

The Ministry of Women, Family, and Community Development (MOWFCD) continued to fund and operate seven shelters specifically to house victims of trafficking—four for women, one for men, and two for children. During the reporting period, MOWFCD established an additional shelter for adult female trafficking victims, although it had not yet served victims. The government housed victims in these shelters as part of a court-ordered 21-day interim protection order (for potential trafficking victims) or a subsequent 90-day protection order (for certified trafficking victims). In practice, the government renewed the protection order for certified victims, which required their stay in a shelter, until the completion of the trial associated with their case; some victims remained in the shelters for up to six months. In the previous reporting period, the government took steps to reduce government shelter overcrowding by providing funding and referring victims to three NGO-run shelters; however, in July 2018, the government—a new administration since May 2018—suspended the funding in order to review the program and did not reestablish it by the end of the reporting period. Because of the reduction in the number of identified victims, no government shelter was over capacity.

In March 2019, the government established a pilot program to provide two victim assistance specialists to guide victims from their identification, through the judicial process, and finally to repatriation in their home country; at the end of the reporting period the program had yet to begin working with victims. The government continued to provide basic services for all victims staying in its shelters, including food, medical care, social and religious activities, and security. NGOs reported medical screening was inadequate for victims upon arrival to government shelters and shelters lacked full access to reproductive health and dental services. Shelters did not have medical staff on site and accessing medical care required shelter staff to coordinate transportation and a chaperone. NGOs provided some victim rehabilitation services, including medical care and counseling, without government-allocated funding; however, NGOs continued to express difficulty maintaining adequate resources and staffing levels to provide consistent services for victims. Due to the lack of available and adequate interpretation services, some victims did not understand shelter rules and their rights during the judicial process, contributing to stress and leading some victims to request repatriation instead of participating in prosecutions. During the reporting period, MOWFCD translated shelter rules and regulations in to five languages and disseminated them to several, but not all, of its shelters. The government reported it allotted each victim 35 Malaysian ringgit (RM) ($8.50) to make telephone calls each month; however, in practice this amounted to one or two calls supervised by shelter staff. Some government shelters were not able to track phone costs per victim and instead instituted one 10 minute international phone call per month while others only allowed calls within Malaysia. The government continued to give monthly allowance payments of 127 RM ($31) to victims for incidental expenditures; during the reporting period, 184 victims received a total of 73,550 RM ($17,810). The government did not always disburse the funds on a monthly basis; some victims received the allowance as a lump sum when they repatriated home.

The government amended the anti-trafficking law in 2015 to allow victims to work and move freely in and out of government facilities, pending a security risk assessment, medical screening, and mental health evaluation. Of the 97 confirmed victims, the government issued 68 special immigration passes that authorized freedom of movement, compared to 91 passes for 721 confirmed victims in 2017. At the end of the previous reporting period, the government announced a policy to ensure victims received a special immigration pass before the end of their 21-day interim protection order. While the majority of confirmed victims received this pass, the government continued to lack enough qualified mental health counselors to conduct the required psycho-social evaluation during the appointed timeframe. Additionally, in practice, a victim's freedom of movement remained restricted to chaperoned trips. The government did not issue any work visas to victims

during the reporting period, compared to two in 2017 and six in 2016. Shelter staff continued to provide opportunities for victims to engage in handicrafts and other income-generating activities in the shelter. In February 2019, the government began offering technical and vocational training for shelter residents in the Kuala Lumpur women's shelter and the Malacca men's shelter; 21 victims (13 women and eight men) participated in training ranging from English-language classes to vocational courses in sewing and car repair.

As in past years, many identified victims preferred to return immediately to their home countries. Although the law permitted victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings. The reluctance of victims to stay in Malaysia and provide such testimony reportedly stemmed from a desire to avoid protracted criminal proceedings, interest to quickly rejoin the workforce, unappealing shelter and work conditions, and intimidation from traffickers. For victims who participated in court proceedings, prosecutors noted they were instructed to request restitution in each case; in 2018, prosecutors requested restitution in 29 cases, compared with three in 2017, and secured 80,000 RM ($19,370). The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government worked with foreign diplomatic missions to fund and provide repatriation assistance for victims to return to their countries of origin.

PREVENTION

The government increased efforts to prevent trafficking. The Ministry of Home Affairs (MHA) led the anti-trafficking council (MAPO), which included five enforcement bodies, other government entities, and three NGOs. It met on a quarterly basis and coordinated interagency anti-trafficking efforts to implement the government's 2016-2020 national action plan. MAPO also conducted trainings for government ministries and held consultation sessions with NGOs. In 2018, the government maintained its allocation of four million RM ($968,520) to operate the MAPO secretariat. The government produced and aired 16,880 public service radio broadcasts and 1,515 television segments, an increase from 9,006 radio and 1,605 television announcements in 2017. Labor officials continued to provide banners and other signage at the Kuala Lumpur International Airport in holding lounges for newly arrived migrant workers in a range of languages to help educate foreign workers about their rights in Malaysia. The prime minister appointed a 13-member committee on foreign workers to develop recommendations to overhaul the government's foreign worker management system; the committee conducted 13 town halls around the country and met with nearly 300 stakeholders. In February 2019, the committee submitted 40 policy and structural recommendations to the Cabinet including creating an online worker recruitment system to prevent fraud and exploitation and establishing a foreign worker complaint mechanism.

The government's Private Employment Agency Act (PEAA), amended in 2017, required all recruitment agencies secure a license with the Ministry of Human Resources (MOHR) to recruit foreign workers, including domestic workers. As part of PEAA's implementation, in October 2018, the government announced it would ban the more than 150 Malaysian-based outsourcing companies from recruiting migrant workers after January 2019. Outsourcing companies had previously been under the purview of MHA and retained control over the migrant workers as the employer, despite the migrant workers performing work for other companies at off-site locations. The government required current employees of outsourcing companies to transfer their employment directly to the company they were performing work for or face deportation after March 31, 2019. Civil society and media documented instances where outsourcing companies increased migrant workers' vulnerability to debt bondage through lack of communication regarding options for the employees to stay and work legally within Malaysia and withholding salaries from migrant workers who were leaving Malaysia.

The 2017 PEAA capped employee-paid recruitment placement fees at 25 percent of the first month's salary for Malaysian workers employed within or outside of Malaysia and one month's salary for non-citizens employed within Malaysia. The law did not define what comprised a "placement fee." The majority of migrant workers in Malaysia paid fees to agents in Malaysia as well as to recruitment agents in their home country, which contributed to the workers' vulnerability to debt bondage. In 2018, the government investigated 14 companies for violating the PEAA—nine for allegedly conducting recruitment without a license, two for improperly imposing fees on workers, and three for failure to display their license or keep proper records—but did not report the result of the investigations. Media reported that from 2015-2018, Malaysian employment agencies and 10 Bangladeshi recruitment agencies formed a monopoly on recruitment of Bangladeshi workers to charge higher recruitment fees and reportedly bribed politicians and officials in both countries to facilitate the monopoly. The government charged the former joint-Deputy Prime Minister and Minister of Home Affairs with multiple counts of corruption and criminal breach of trust. Some of the charges related to allegations of money laundering related to outsourcing companies charging high fees to Bangladeshi workers and allegations that he received bribes from a private company to appoint it as the implementer of the one-stop center to process work permits for Pakistani and Nepali migrant workers.

In the previous reporting period, the government mandated employers pay the foreign worker levy, a one-time cost paid to the government for any non-Malaysian the company hired, instead of forcing workers to bear the cost. Civil society and embassies representing migrant worker home countries reported the majority of employers were not passing the levy cost onto workers, although there were exceptions. Employer-perpetrated passport retention remained widespread and, in contrast to last year, the government did not report prosecutions and convictions for unauthorized retention.

During the reporting period, migrant workers, media, and civil society alleged several rubber-product manufacturers based in Malaysia exploited migrant workers, including through methods indicative of forced labor. The government reported it investigated the allegations and in February 2019, MOHR filed 42 charges against one of the companies for breach of the labor law. The government also threatened another company with fines for the use of excessive overtime but did not publicly report if it took any action against the company for this or other substantial allegations. In November 2018, an NGO published a report documenting multiple indicators of forced labor in the production of palm oil in Malaysia, including coercive practices such as threats, violence, lack of clarity of employment terms and conditions, dependency on the employer, lack of protection by police, debt bondage, high recruitment fees, and involuntary overtime. In June 2018, the government funded and began a five million RM ($1.21 million) survey, under the oversight of an international organization, to ascertain the prevalence of forced and child labor in the palm oil sector. The government

completed data collection in January 2019 and reported it was analyzing the data at the end of the reporting period.

Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage. Labor courts resolved 14,009 labor disputes and ordered employers to provide workers back wages of more than 34.4 million RM ($8.33 million) and levied fines against employers who violated the labor law of 1.35 million RM ($326,880). The government did not demonstrate efforts to reduce demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.

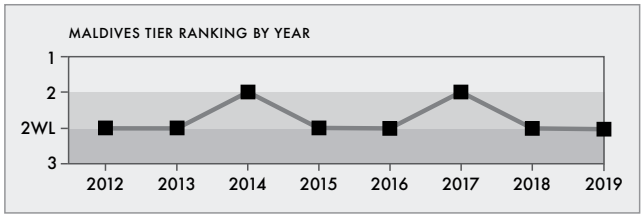
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malaysia, and to a lesser extent, traffickers exploit victims from Malaysia abroad. The overwhelming majority of victims are among the estimated two million documented and an even greater number of undocumented migrant workers in Malaysia. Foreign workers constitute more than 20 percent of the Malaysian workforce and typically migrate voluntarily—often through irregular channels—from Indonesia, Bangladesh, the Philippines, Nepal, Burma, Cambodia, Vietnam, India, Thailand, and Laos. Employers, employment agents, and illegal sub-agents exploit some migrants in labor trafficking primarily through debt-based coercion when the workers are unable to pay the fees for recruitment and associated travel. Some agents in labor source countries impose onerous fees on workers before they arrive in Malaysia and Malaysian agents administer additional fees after arrival—in some cases causing debt bondage. Large organized crime syndicates are responsible for some instances of trafficking. Employers exploit some migrant workers in labor trafficking on oil palm and agricultural plantations; at construction sites; in the electronics, garment, and rubber-product industries; and in homes as domestic workers. Employers utilize practices indicative of forced labor, such as restrictions on movement, violating contracts, wage fraud, the imposition of significant debts, and passport retention—which remained widespread. Malaysian law allows employers to hold workers' passports with the workers' permission, but it is difficult to determine if workers have freely given permission, and some employers retain the passports to prevent workers from changing jobs. Pervasive corruption and official complicity related to processes for foreign nationals to work in Malaysia increase the cost of migration and consequently increase a migrant worker's vulnerability to trafficking through debt-based coercion.

Traffickers recruit some young foreign women—mainly from Southeast Asia, although also recently from Nigeria—ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, but instead compel them into prostitution. Traffickers compel some women and girls into commercial sex through brokered marriages. Traffickers also compel men and children into commercial sex, although less frequently. More than 163,000 registered refugees and asylum-seekers in Malaysia lack formal status and the ability to obtain legal work permits, leaving them vulnerable to trafficking. Many refugees incur large smuggling debts, which traffickers then use to exploit refugees. Traffickers exploit Malaysian orphans and children from refugee communities in forced begging. Traffickers increasingly exploit Malaysian women and children in forced labor. Media report young male and female Malaysians pay recruitment fees for promised high-paying jobs, but traffickers transfer them to Cambodia and exploit them and authorities arrest them for immigration violations. In order to circumvent the Indonesian government's ban on Indonesian migration to 21 countries, some Indonesian workers transit Malaysia legally en route to Middle Eastern countries, where traffickers exploit some into forced labor.

MALDIVES: TIER 2 WATCH LIST

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by establishing a working-level anti-trafficking unit (AHTU) within the Ministry of Economic Development (MED), investigating one new trafficking case, and providing shelter and services for three potential labor trafficking victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, thereby inhibiting proactive identification of victims and at times resulting in the deportation and misclassification of victims. The government did not initiate any new prosecutions and, for the second consecutive year, did not convict any traffickers. Victim protection remained ad hoc and inconsistent, and the government did not investigate any reports of employer passport retention or inspect any labor recruitment agencies. The Anti-Trafficking National Steering Committee (NSC) did not meeting for the second consecutive year. The definition of human trafficking in the government's trafficking law does not conform to the 2000 UN TIP Protocol, as it requires movement of the victim. Therefore, Maldives remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Respecting due process, increase investigations, prosecutions, and convictions for all forms of trafficking, including officials complicit in trafficking-related crimes. • Increase training for law enforcement and judges on investigation of trafficking crimes and application of the anti-trafficking law. • Increase training for front-line officials on differentiating sex trafficking from sexual abuse, and train immigration officials and social service providers to identify and refer suspected trafficking cases to police for screening. • Formally adopt SOPs for proactive identification of trafficking victims and referral to services, and train all relevant government officials on their use. • Amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Increase efforts to regularly monitor labor recruitment agencies and employers for labor violations, and punish those engaging in fraudulent practices, including contract switching. • Enforce prohibitions against passport retention by employers, including government agencies. • Create a new national action plan to combat trafficking. • Re-establish the state-run shelter and consistent rehabilitation services, including

psycho-social support and interpretation at all stages of the process. • Finalize and implement the draft SOPs for shelter operations and victim services. • Raise public awareness of human trafficking—especially among migrant workers—through widespread media campaigns. • Convene regular meetings of the National Steering Committee on trafficking and its working-level body, and clearly designate roles to each entity.

PROSECUTION

The government decreased law enforcement efforts during the reporting period. The PHTA criminalized some, but not all, forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the PHTA required transportation of a victim in order to constitute a trafficking offense. The law criminalized child sex trafficking but did not make clear if forced prostitution of adults was considered a form of trafficking. Article 16 criminalized debt bondage without reference to transportation. The PHTA prescribed penalties of up to 10 years' imprisonment for trafficking offenses involving an adult victim and up to 15 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. MED began drafting an amendment during the reporting period to align PHTA's definition of trafficking with the 2000 UN TIP protocol; MED was seeking wider government input on the draft at the close of the reporting period.

The Maldives Police Service (MPS) reported initiating investigation of one adult sex trafficking case and one child sex trafficking case during the reporting period, compared to initiating one labor trafficking investigation the previous reporting period. Police closed the alleged child sex trafficking case after investigating and determining the allegations had been false; it continued the adult sex trafficking investigation against one Maldivian suspect at the close of the reporting period. The Prosecutor General's Office (PGO) did not initiate any new prosecutions, compared to one new prosecution the previous reporting period. Of the five prosecutions that remained ongoing at the close of the previous reporting period, PGO completed prosecution of two labor trafficking cases, in which judges acquitted the five Bangladeshi and two Maldivian defendants. Prosecution of the other three ongoing cases involving two Bangladeshi and four Maldivian suspects remained pending at the close of the reporting period. In one additional sex trafficking case that the victim had first reported in 2010—classified as sexual abuse—police dismissed the case twice in 2010 and 2012 and encouraged the victim to resolve the case personally; police opened an investigation a third time in 2017, after reports the alleged trafficker was exploiting the victims' sisters in sex trafficking. During the reporting period, the court dismissed the charges against the alleged trafficker without providing a justification. PGO appealed the dismissal and additionally pressed charges against the victims' mother and stepfather for negligence and failure to report the sexual abuse; PGO reported no further update at the close of the reporting period. The government did not secure any convictions during the reporting period, the same as in the previous reporting period. The government last convicted a trafficker under PHTA in 2016.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Private employers and some government agencies held the passports of foreign workers they employed. This included officials within the education and health ministries, which held the passports of foreign teachers and health care workers. MPS received complaints of employer passport retention but did not report any action to negotiate the release of the passports or penalize the employers for such acts or investigate potential labor or trafficking crimes among these populations. In the previous reporting period, Maldives Immigration had negotiated the return of documents to employees but neither penalized employers nor investigated potential labor or trafficking crimes. Civil society alleged labor recruiters bribed immigration officials to facilitate fraudulent recruitment, including to illegally obtain quotas to bring in more foreign workers; the Controller of Immigration also reported the former government had issued quotes "illegally." Despite these allegations, the government did not report any investigations into officials alleged to have issued illegal quotas. Observers stated some traffickers operated with impunity due to their connections with influential Maldivians and alleged the government was more likely to prosecute foreign suspects than Maldivian suspects. Observers reported some officials warned businesses in advance of planned raids for suspected trafficking offenses or other labor abuses.

Immigration continued to implement a mandatory training curriculum on trafficking for new recruits, and MPS reported all officers in its anti-trafficking department had previously received trafficking-specific training. Despite these trainings, officials conflated human trafficking with smuggling and undocumented migrants, and government efforts focused mainly on transnational labor trafficking to the possible detriment of addressing sex trafficking. Government officials acknowledged a need for more training on identifying and investigating trafficking cases, especially among MED, MPS, and the Labor Relations Authority (LRA) personnel. Civil society reported law enforcement and judges' lack of awareness and training on the PHTA likely contributed to the dearth of successful prosecutions. MPS, in partnership with an international organization, maintained a trafficking case management system that allowed potential victims to submit cases to the police online; however, it was only available in English, which limited its utility. MPS began training staff from foreign embassies and consulates on how to submit cases of trafficking to the system, but the system did not receive any reports of trafficking during the reporting period. Authorities recognized the lack of law enforcement cooperation agreements with source-country governments as an obstacle to investigating cases with foreign victims or perpetrators; they did not report collaborating with other governments during the reporting period. While MPS usually used a contract interpreter to communicate with suspected trafficking victims, the absence of dedicated foreign language interpreters for victims and witnesses, including among other law enforcement agencies, continued to hamper law enforcement and victim protection efforts.

PROTECTION

The government maintained minimal victim identification and protection efforts. The government identified one potential forced labor victim during the reporting period, an increase from zero trafficking victims identified the previous reporting period but a sharp decrease from 18 victims identified in 2016. The Ministry of Gender, Family, and Social Services received 10 cases of child commercial exploitation and three cases of child commercial sexual exploitation during the reporting period, some of which may have been trafficking cases. The ministry provided psycho-social support and temporary shelter

to victims of exploitation but did not refer the cases to MPS to screen for trafficking or for criminal investigation. MPS and social service providers did not have a clear understanding of the differences between sex trafficking and sexual abuse and sometimes categorized sex trafficking as sexual abuse, especially in cases of children; this made the true number of sex trafficking cases unknown. The government housed the potential forced labor victim in a guesthouse until MPS screened to confirm he was not a trafficking victim, and he was repatriated. Two Bangladeshi forced labor victims identified in a previous reporting period continued to receive services from the government, including shelter at a guesthouse. By the close of the reporting period, MED had provided new documentation to the victims, assisted them in securing employment, and reintegrated them back into society. The two victims identified in the adult sex trafficking investigation initiated during the reporting period had reported their exploitation after having left Maldives. The government did not reopen or construct a new dedicated trafficking victim shelter since 2014, in part due to budget constraints and the low number of victims identified. At temporary guesthouses, the government paid for shelter, food, and medical expenses. Victims were entitled to rehabilitative services, including counseling, interpretation, and police protection; in practice, however, victims lacked regular access to these services, which the government provided on a case-by-case basis. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. PHTA article 32 provided a 90-day reflection period during which victims were eligible to receive services while deciding whether to assist authorities in a criminal case.

MPS trained 25 police and immigration officers on protection of children from international child sex offenders, including child sex tourists. The government did not formally adopt SOPs for victim identification, protection, and referral that NSC had finalized in 2016; MED attributed the lack of adoption to NSC's failure to meet during the reporting period. Although MPS had disseminated the SOPs to its officers in the past, other government agencies were not aware of these SOPs, at times resulting in the deportation of potential victims without screening or investigation. For example, Maldives Immigration conducted raids of undocumented workers during the reporting period. While immigration officials reported they had screened for trafficking and did not identify any trafficking victims among the undocumented workers, they did not coordinate such raids with MPS and, counter to the SOPs, did not refer any of the workers to MPS for formal screening. At the close of the reporting period, immigration authorities detained 80 undocumented Bangladeshi workers identified in one such raid pending deportation and did not coordinate with MPS to screen for trafficking. There were no reports the government inappropriately penalized victims for crimes committed as a direct result of being subjected to trafficking; however, due to a lack of formal identification procedures and screening, authorities likely detained and deported some labor trafficking victims. The judiciary could provide protections for child victims of exploitation, including trafficking, who participated in trials against their alleged traffickers. No child trafficking victims participated in law enforcement proceedings during the reporting period. Foreign trafficking victims could receive a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution; however, the PHTA permitted the deportation of identified victims who had voluntarily entered Maldives illegally. Civil society questioned whether immigration officials adequately screened for trafficking among migrant workers who applied for voluntary departure.

PREVENTION

The government maintained minimal efforts to prevent trafficking. The NSC, composed of senior government officials and chaired by MED, was responsible for coordinating government and NGO anti-trafficking efforts, including implementation of the national action plan. Neither NSC nor its working-level advisory body met during the reporting period, in contrast with the previous reporting period when the advisory body met quarterly. As a result, NSC made minimal progress implementing the 2015-2019 anti-trafficking national action plan and failed to comply with a legal requirement to develop and submit to parliament an annual report of its activities. In February 2019, the president established a new anti-trafficking coordinating body, the AHTU, to coordinate the government's anti-trafficking efforts at the working level. The AHTU, housed within MED, assumed responsibility for several anti-trafficking efforts, including implementation of the 2015-2019 action plan, awareness raising, especially among the migrant workforce, and managing the anti-trafficking hotline, while the NSC maintained responsibility for anti-trafficking policy. AHTU had hired eight new staff by the close of the reporting period. The government's anti-trafficking infrastructure largely excluded the Ministry of Gender and Family, which had previously chaired the steering committee. Several agencies continued to report weak government coordination on anti-trafficking efforts. MPS maintained its trafficking hotline but did not receive any calls during the reporting period, a decrease from 20 calls received the previous reporting period. Officials noted a need to increase awareness of the hotline.

Immigration continued to use a pre-departure screening system for Bangladeshi migrant workers. The system required Bangladeshi employment agencies to register in the system, agree to standard wage and safety conditions, and establish electronic contracts with migrant workers that recruiters could not amend. Bangladeshi officials noted the system had diminished the number of fraudulent job offers, but employers continued to routinely give migrant workers new contracts upon arrival that did not match the previously negotiated contract. Maldives Immigration drafted an MOU on human trafficking with the Bangladeshi government; the draft awaited finalization by Maldivian officials at the end of the reporting period. The government's revised regulations for foreign employment agencies required all agencies to be licensed and fully compliant with regulations by July 2017. MED did not inspect any recruitment agencies in 2018, a sharp decrease from 40 inspections in 2017. The immigration department began investigating 67 employers for negligence in recruitment of foreign workers during the reporting period. Authorities barred 27 employers from bringing in or recruiting new migrant workers, but employers retained the ability to extend or renew their existing workers' permits. Immigration continued to implement a program allowing local companies to employ undocumented victims of labor law violations to extend the victims' legal status to remain in the country; during the reporting period, 2,648 undocumented workers enrolled in this program. LRA maintained its position that blacklisting labor-recruiting companies and individuals for labor-related infractions was ineffective because companies could register under a new name to continue operations, and it did not blacklist any labor-recruiting companies during the reporting period. LRA was legally mandated to inspect all worksites, including private houses, but it did not report inspecting any worksites during the reporting period—even those that it suspected might have had trafficking victims—citing a lack of funding and staff. MED, MPS, and LRA began creating an online portal for island councils to report the numbers of

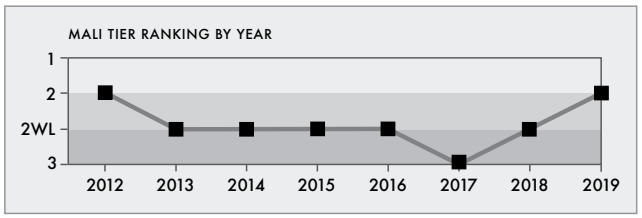
migrant workers on each island, but it was not implemented during the reporting period. LRA partnered with the Filipino consulate to promote awareness of labor laws and reporting mechanisms for consulate staff, MPS officials raised awareness of migrant worker and trafficking issues generally on TV and radio, and immigration officials handed out pamphlets with details of labor laws and reporting mechanisms to migrant workers upon arrival to the airport. Nonetheless, civil society reported a continued lack of significant, systematic efforts to raise awareness of trafficking and reporting mechanisms among the most vulnerable groups. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. MPS and the Ministry of Tourism partnered with an international organization to conduct "child safe tourism" campaigns for 36 guesthouse operators and resort managers in two atolls during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Maldives, and traffickers exploit victims from Maldives abroad. An unknown number of the approximately 169,000 documented and 65,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—are subjected to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. Migrant workers pay approximately $2,500 to $4,000 in recruitment fees to work in Maldives, contributing to their risk of debt bondage upon arrival. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. Authorities suspect some foreign workers from Bangladesh who enter the country on work visas might be younger than 18 years old and traveling with falsified passports. Police reported an uptick in Bangladeshi nationals living in Maldives who pose as labor agents and fraudulently recruit migrant workers from Bangladesh, facilitate their travel to Maldives, and abandon them upon arrival without documentation, rendering them vulnerable to trafficking. Migrant workers on fishing and cargo boats in Maldivian waters were vulnerable to forced labor. Girls from Maldives and Bangladesh and—to a lesser extent—women from Africa, Asia, and Eastern Europe are subjected to sex trafficking in Maldives. Some impoverished parents act as traffickers, allowing sex traffickers to exploit their children in exchange for financial assistance. Some women from South Asia are forced into prostitution after entering the country with their trafficker under the guise of tourism. Some Maldivian children are transported to the capital, Male, from other islands for domestic service. Some of these children also are reportedly subjected to sexual abuse and may be victims of forced labor. Maldivian women may be subjected to sex trafficking in Sri Lanka. There are unverified reports that some foreign tourists exploit Maldivian children in child sex tourism.

MALI: TIER 2

The Government of Mali 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 Mali was upgraded to Tier 2. The government demonstrated overall increasing efforts by increasing prosecution of trafficking crimes, initiating prosecution of two allegedly complicit police officers, continuing to partner with international organizations and NGOs to train law enforcement and community leaders, and approving the 2018-2022 National Plan of Action to Combat Trafficking in Persons. However, the government did not meet the minimum standards in several key areas. The government continued to provide support to and collaborate with the Imghad Tuareg and Allies Self-Defense Group (GATIA), a non-governmental armed group headed by a Malian general that used and recruited child soldiers. The government did not investigate any suspects, including government officials, for child soldiering offenses or make efforts to prevent armed groups from recruiting and using children. Law enforcement continued to lack resources and understanding of human trafficking, which impeded law enforcement efforts.



PRIORITIZED RECOMMENDATIONS:

Cease support to armed groups that unlawfully recruit and use children, and hold criminally accountable any officials complicit in child soldiering. • As part of the peace process, engage with non-governmental armed groups to cease recruitment and use of children. • Follow the established protocol for referring children allegedly associated with armed groups to care, and release any children inappropriately detained. • Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including complicit officials, with sentences prescribed in the 2012 anti-trafficking law. • Expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants, including psycho-social care, family reintegration, education, and vocational training. • Train and equip law enforcement on effective investigation techniques. • Regularly train judges and prosecutors on the 2012 anti-trafficking law and standardize refreshment trainings. • Continue to provide funding and in-kind support to NGOs that help identify and assist trafficking victims. • Develop and train officials on standardized mechanisms to identify trafficking victims. • Allocate a dedicated budget, resources, and personnel to the anti-trafficking committee and institutionalize monthly meetings of the anti-trafficking committee to improve operationalization of anti-trafficking policies and inter-ministerial coordination.

PROSECUTION

The government maintained law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices, as amended, criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment for trafficking offenses, except forced begging for which it prescribed lesser penalties of two to five years' imprisonment and a fine of 500,000 to two million West African CFA francs ($879-$3,520). These penalties

were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Government officials and NGOs reported that the law could not be effectively implemented to prosecute trafficking cases involving hereditary slavery because hereditary slavery is not precisely defined in the law.

As in the previous reporting periods, the justice minister issued a decree instructing judicial personnel to prioritize prosecutions of cases under the 2012 law. Law enforcement data for this reporting period was incomplete and otherwise difficult to obtain due to a three-month nationwide magistrates' strike and a lack of a centralized mechanism to collect comprehensive anti-trafficking law enforcement statistics. In addition, the government had limited or no judicial presence in four of the country's eight regions, primarily in the north and center of the country, due to continuing security challenges. The government reported investigating 17 cases, prosecuting 37 cases involving 55 alleged traffickers, and convicting one trafficker. Most cases the government investigated and prosecuted were sex trafficking cases. The convicted trafficker brought three Malian children to Cote d'Ivoire to exploit them in forced labor; the trafficker received a sentence of four years' imprisonment. Three convictions from previous reporting periods involving the exploitation of children in forced begging were pending appeal at the end of the reporting period. This is compared with 32 investigations, 13 suspects prosecuted, and one conviction during the previous reporting period. The trafficker convicted in 2017 received a sentence of eight months' imprisonment.

In collaboration with international organizations, the Ministry of Justice trained more than 200 judges, magistrates, labor inspectors, gendarmerie, and police in five of Mali's eight regions on victim identification and investigations and prosecutions under the 2012 anti-trafficking law and distributed approximately 200 copies of the anti-trafficking law. Despite these efforts, continued lack of awareness of the 2012 law stymied law enforcement action; for example, prosecutors dropped charges against two alleged traffickers for forced begging because prosecutors were unfamiliar with the 2012 anti-trafficking law. Additionally, the police's system-wide lack of funding and resources, including vehicles and equipment to investigate crimes, impeded anti-trafficking efforts. The government continued the investigation from the previous reporting periods of a former diplomat from Democratic Republic of the Congo and two Malian police officers for allegedly facilitating the transportation of Congolese girls to African, European, and Asian countries for exploitation; the government initiated prosecution of the two police officers during the reporting period. The non-governmental armed group GATIA, led by a Malian general, recruited and used child soldiers during the reporting period, but the government did not report any investigations, prosecutions, or convictions of traffickers for any child soldiering offenses.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. Government officials and NGO partners identified 122 trafficking victims and 46 potential victims during the reporting period, including Malians exploited in Mali and abroad and foreigners exploited in Mali. This is compared to the government and NGOs identifying 104 potential trafficking victims the previous reporting period. Among the identified victims, authorities identified 23 forced labor victims, including forced begging, at least three sex trafficking victims, and 84 Malians exploited abroad in Burkina Faso, Cote d'Ivoire, and other West and North African countries. The government did not have standardized mechanisms to identify trafficking victims.

The government worked closely with RAFY, a national network composed of NGOs, international organizations, and government ministries, including the Ministry for the Advancement of Women, Children, and the Family (MFFE), to refer all identified trafficking victims to service providers. NGOs—with some government assistance—assisted all trafficking victims identified during the reporting period. Services varied by location but generally included shelter, food, counseling, vocational training, repatriation, and reintegration assistance. Most service providers were NGOs, and the government relied on these NGOs to provide the majority of services, funded by private and international donors. With funding from the national anti-trafficking committee, however, the government provided in-kind support, including furniture to NGO shelters. MFFE had general care facilities that could assist trafficking victims; three of the facilities assisted potential Guinean and Nigerian child trafficking victims during the reporting period. Shelters and services for victims outside the capital remained limited, especially in the north. Foreign and domestic victims received the same services, and while some facilities could offer specialized services for females, there were no such services for males. In collaboration with NGOs, MFFE also coordinated repatriation for 84 Malian nationals exploited abroad, including a trafficking victim identified in Morocco, and provided food, shelter, and medical assistance upon repatriation.

The government did not offer legal alternatives to removal to countries in which victims would face retribution or hardship, and it did not have formal policies to encourage victims to participate in trials against their traffickers. Victims could file civil suits against their traffickers, but the government did not report that any did so during the reporting period. Malian law protected victims from being fined, detained, or otherwise penalized for unlawful acts traffickers compelled them to commit; however, a foreign government alleged Malian law enforcement physically abused, detained, and, in some cases, returned trafficking victims to their traffickers. Authorities continued following the government's 2013 inter-ministerial protocol requiring them to direct former child soldiers to rehabilitation centers. The Directorate for the Promotion of Children and Family (DPCF) within the Ministry for Promotion of Women, Children and Family reported identifying 53 children used by armed groups in 2018 and referred these children to international organizations for care; the government reunified 21 of these children with their families in 2018.

PREVENTION

The government increased efforts to prevent trafficking. In coordination with international organizations, the government finalized and published the 2018-2022 National Plan of Action to Combat Trafficking in Persons in January 2019. The national anti-trafficking committee met quarterly during the reporting period, but the lack of coordination and ownership for activities in the action plan among committee members impeded its effectiveness. The government allocated 200 million West African CFA francs ($351,710) for anti-trafficking efforts, the same amount allocated the previous year. With this funding, the government conducted activities outlined in the 2018-2022 National Plan of Action to Combat Trafficking in Persons such as anti-trafficking trainings, awareness-raising activities, and provided in-kind support to NGO victim shelters. With an NGO, the government also conducted three awareness-raising

sessions on child forced begging for 300 community leaders and Quranic teachers in Segou. The police had a hotline for crimes against women and children, although it did not report receiving any trafficking cases during the reporting period. The government did not make efforts to address the fraudulent recruitment of Malians abroad, and labor inspectors remained without sufficient capacity or resources to regulate the informal sector, where most cases of forced labor occurred. The government did not make efforts to decrease the demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not provide anti-trafficking training to Malian troops prior to their deployment abroad as part of international peacekeeping missions.

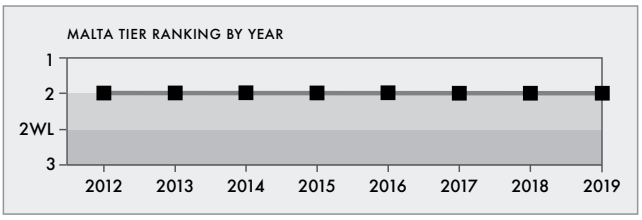
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mali, and traffickers exploit victims from Mali abroad. Humanitarian actors report high unemployment, food insecurity, and security threats drive some families to sell their children into domestic servitude or forced labor in gold mines. Internal trafficking is more prevalent than transnational trafficking. Boys from Mali, Guinea, and Burkina Faso are subjected to forced labor in agriculture—especially rice, cotton, dry cereal, and corn cultivation—artisanal gold mines, domestic work, transportation, begging, and the informal commercial sector. Corrupt Quranic teachers also coerce and force Malian boys to beg or perform agricultural work in in neighboring countries, including Senegal, Guinea, and Cote d'Ivoire. Some members of Mali's black Tuareg community are subjected to slavery practices rooted in traditional relationships of hereditary servitude. Men and boys, primarily of Songhai ethnicity, were subjected to a long-standing practice of debt bondage in the salt mines of Taoudeni in northern Mali. NGO reports indicate Malian children endure forced labor on cotton and cocoa farms in Cote d'Ivoire. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia and domestic servitude in Lebanon, Saudi Arabia, and Tunisia. Women and girls from other West African countries, particularly Nigeria and Benin, are recruited with promises of jobs as nurses or waitresses in Bamako but exploited in sex trafficking throughout Mali, including in Chinese-run hotels and especially in small mining communities. In January 2019, Nigerian authorities estimated more than 20,000 Nigerian girls are victims of sex trafficking in Mali, although this data has not been corroborated. Traffickers force women and girls into domestic servitude, agricultural labor, and support roles in artisanal gold mines. Reports allege corruption and complicity among local police and *gendarmes* in Farako may have facilitated forced labor and sex trafficking in mining communities. Africans transiting Mali to Europe, primarily via Algeria and Libya and less so via Mauritania, are vulnerable to trafficking, and Nigerian traffickers exploit Nigerian women in sex trafficking in Mali en route to Europe. An international organization repatriated more than 1,430 Malians from Libya in 2017, some of whom may have been trafficking victims.

During the reporting period, the government did not exercise control over the majority of its territory and lost ground it had previously regained. Justice officials had no or an extremely limited presence in four of Mali's eight regions, limiting the government's ability to provide justice, victim services, and gather data. Since early 2012, rebel and Islamic extremist groups have occupied parts of northern Mali. Terrorist organizations and armed groups continue to recruit and use children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols; some used boys for running errands and spying. Some of these groups used girls in combat, support roles, and for sexual exploitation, including sexual slavery through forced marriages to members of these militias. The armed groups purportedly force some families to sell their children to the groups or coerced communities into giving up teenage boys to the groups for "community protection." An international organization reported traffickers fraudulently recruited some children for education in Quranic schools but forced them to fight with armed groups. Some families reportedly insert their children into the ranks of armed groups because parents believe they will benefit from disarmament, demobilization, and reintegration assistance. In the past, a Malian armed group forcibly recruited Malian refugees in Mauritania to be child soldiers in Mali. The government provided in-kind support to and collaborated with GATIA, a non-governmental armed group led by a Malian general that used and recruited at least 22 children during the reporting period. In 2016, an international organization investigated GATIA officials, Malian Defense and Security Forces officers, and civilians for conflict-related sexual violence, including sex trafficking and sexual slavery.

MALTA: TIER 2

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Malta remained on Tier 2. These efforts included prosecuting more traffickers, hiring a social worker dedicated to trafficking victims, removing all residency and work permit fees for foreign victims of trafficking, and for the first time, identifying and referring a child victim to care. However, the government did not meet the minimum standards in several key areas. It has only convicted one trafficker since 2012, which resulted in a fully suspended prison sentence, identified fewer victims, continued to lack coordination among ministries, and did not effectively control licensing for massage parlors, where there was a high vulnerability for sex trafficking.



PRIORITIZED RECOMMENDATIONS:

Vigorously and expeditiously investigate and prosecute trafficking offenses, including convicting traffickers and sentencing convicted traffickers to significant prison terms. • Increase efforts and training of relevant staff and officials to proactively identify trafficking victims among vulnerable immigrant populations, particularly migrant workers and women in prostitution. • Improve coordination efforts among ministries to effectively implement the national action plan. • Improve license control for massage parlors. • Increase collaboration between police and other stakeholders during investigations. • Use anti-trafficking training for police officers, prosecutors, and judges to increase focus on working with victims. • Disburse sufficient funding to the inter-ministerial

committee for implementing the national action plan. • Provide adequate availability of interpreters for victims.

PROSECUTION

The government maintained law enforcement efforts. Article 248A-G of the criminal code criminalized sex trafficking and labor trafficking, and prescribed penalties of four to 12 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The police vice squad, which is responsible for trafficking, conducted three investigations in 2018, compared to seven in 2017. Police also conducted seven investigations for illegal prostitution in massage parlors, but they found no evidence of trafficking. The government prosecuted 10 persons (eight for labor trafficking and two for sex trafficking) compared to two in 2017. Three labor trafficking prosecutions initiated in 2014 and a 2004 case involving a police official for collusion with a trafficker remained pending at the close of the reporting period. In March 2018, the government convicted one sex trafficker from a 2008 case, however the court fully suspended the prison sentence; this was the first conviction since 2012. The perennial issue of slow court proceedings continued to hamper prosecutions and convictions. There were no new investigations or prosecutions of government employees complicit in trafficking offenses. In September 2018, the Ministry of Home Affairs and National Security delivered several training sessions to new police recruits, domestic and foreign border guards, and immigration officials.

PROTECTION

The government maintained protection efforts. Police identified 23 foreign trafficking victims and one Maltese victim, compared to 30 foreign victims in the previous reporting period. Forced labor victims included 17 Filipinos (13 from a single case), three Mauritians, one Nepali, and one Pakistani. Sixteen of the forced labor victims were male and six were female. Sex trafficking victims included one Moldovan woman and one Maltese girl—the first government-identified child victim to date. The government maintained standard operating procedures for victim identification that allowed a range of entities to refer victims to the government's social welfare agency. The government funded the UK to provide training to immigration officials on victim identification and referral. The training was compulsory for all officials responsible for issuing residence permits and visas. In March 2019, the government also funded training for labor officials and inspectors on victim identification.

The national welfare agency offered medical care, employment services, personal and legal counseling, and additional emergency shelters and staff. Victims had freedom of movement in government shelters. The government provided the child victim with comprehensive specialized support. Sixteen of the 24 victims identified during the reporting period received care services. The government assisted one victim with return to their home country. The government hired a social worker dedicated to trafficking victims. In March 2019, the legal aid agency trained victim assistance lawyers.

The government encouraged but did not require victims to assist in the investigation and prosecution of their alleged traffickers, and provided them with protective support, including the option to testify via video, although courts inconsistently offered it. Some victims reported challenges in accessing interpreters. The law provided victims a two-month reflection period to recover and contemplate cooperation with law enforcement. A victim support unit provided counseling, information, and referral services to victims of all crime, including trafficking. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a renewable six-month temporary residence permit, police protection, legal assistance, and the right to work. In 2018, authorities enacted a new policy that removed all residency and work permit fees for victims of trafficking. The government provided these temporary residence permits to 15 of the trafficking victims identified during the reporting period. The government improved collaboration between ministries issuing residency permits. In one large case, 14 victims received permits within one day of detection. Victims could apply for restitution from the government and file a civil suit against the perpetrators for the restitution of unpaid salaries and other expenses. One civil suit was under judicial consideration during the reporting period. Courts penalized some minors under prostitution laws in recent years without efforts to identify them as sex trafficking victims.

PREVENTION

The government increased prevention efforts. The inter-ministerial anti-trafficking committee continued to implement the 2017-2019 national action plan. The committee convened several times throughout 2018; however, authorities and NGOs continued to report a lack of effective interagency coordination on trafficking issues. The government maintained its anti-trafficking budget of €20,000 ($22,940) for 2018, but reduced the budgeted amount to €16,000 ($18,350) for 2019. The government also provided €53,000 ($60,780) for victim services, an increase from €35,000 ($40,140) in 2017, and spent an undisclosed amount on training programs. The government increased awareness campaigns over the reporting period by launching television commercials to inform the public on sex and labor exploitation, including human trafficking, and held a forum to raise forced labor awareness in the business sector. In January 2019, the National Commission on Domestic Violence organized a five-day anti-trafficking training event focused on bringing together stakeholders from the public, private, and NGO sectors. Additionally, the government allocated €120,000 ($137,610) for a national anti-trafficking campaign scheduled for 2019. The Parliamentary Secretary for Reforms, Citizenship, and Simplification was responsible for whole-of-government reform of efforts to fight trafficking and held multiple consultations with the interagency, civil society, and the private sector that will inform the new 2020 action plan. NGOs reported a lack of regulation on licensing for massage parlors, which remained places of high concern for sex trafficking. The government did not make efforts to reduce the demand for commercial sex acts. The national welfare agency continued to run a hotline for individuals in need of social services, including potential trafficking victims.

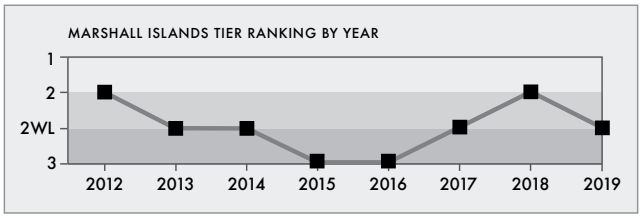
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Malta. Sex traffickers exploit foreign and domestic women and children and labor traffickers exploit foreign men and women. Forced labor victims originate from China, Eastern Europe, and Southeast Asia, with increasing numbers from the Philippines. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, foreign male soccer players, and women from Central and Eastern Europe, Russia, and Ukraine working in nightclubs represent populations vulnerable to trafficking. The approximately 5,000 irregular migrants from African countries

residing in Malta are vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors.

MARSHALL ISLANDS: TIER 2 WATCH LIST

The Government of the Republic of the Marshall Islands (RMI) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included funding an international organization to provide some anti-trafficking training to officials and an NGO to provide free legal advice and support to victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. In June 2018, local media alerted police to a brothel with potential child sex trafficking victims and alleged complicity of high-ranking government officials in the brothel's operation. The police reportedly took no action until after the local newspaper published the story; the police investigation remained ongoing at the end of the reporting period—nine months later. The government did not report efforts to identify these girls as trafficking victims or any other trafficking victims and did not report providing assistance to any potential or confirmed victims during the reporting period. The government did not report any investigations, prosecutions or convictions of government officials complicit in trafficking and it had not prosecuted or convicted any traffickers since 2011. Therefore the RMI was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence traffickers to adequate penalties. • Disseminate and employ proactive procedures to identify trafficking victims among all vulnerable groups, such as women in commercial sex and foreign fishermen, and train officials on their use. • Train law enforcement and prosecution officials to implement the anti-trafficking laws. • Strengthen efforts to administer and fund protective services for victims in cooperation with NGOs and international organizations and ensure potential victims are proactively offered services while their case is investigated. • Develop a current national action plan on trafficking and implement it. • Develop and conduct anti-trafficking education and awareness-raising campaigns. • Undertake research to study human trafficking in the country. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government decreased law enforcement efforts. The Prohibition of Trafficking in Persons Act of 2017 criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment, a fine of up to $10,000, or both if the victim was an adult, and up to 20 years' imprisonment, a fine of up to $15,000, or both if the victim was under age 18. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape. In June 2018, local media uncovered alleged child sex trafficking of Marshallese girls at a brothel and alleged complicity of high-ranking government officials in its operation. Despite the journalist alerting police to the potential child sex trafficking, the police reportedly took no action until after the local newspaper published the story. At the end of the reporting period, the government reported the investigation remained ongoing and did not report the outcome of two investigations into child sex trafficking initiated in the previous year. The government had not reported any trafficking prosecutions or convictions since 2011. The government acknowledged a need for improved technical capacity for law enforcement on investigative and surveillance techniques and for prosecutors on case management and court filing procedures. Despite reports of alleged official complicity, the government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking. The government funded an international organization to train immigration, police, customs, and maritime surveillance officers in November 2018 on migrant smuggling, human trafficking, and the provision of assistance to vulnerable migrants.

PROTECTION

The government decreased efforts to protect victims. While the government had standard operating procedures for the identification of victims, the government did not report employing such procedures or identifying any victims, compared with the identification of one child sex trafficking victim and one potential victim during the previous report period. The government, with non-governmental, faith-based and international organizations, could provide protective services to victims; however, it did not provide such services to any potential or identified trafficking victims during the reporting period despite local media reporting potential child sex trafficking victims. Government-provided services included counseling, legal assistance, testing for sexually transmitted diseases, and accessible services for victims with disabilities. The government had a memorandum of understanding with an NGO to assign female victims between ages 14 and 18 to survivor support services and place them in a network of approved safe houses. The Ministry of Internal Affairs assumed supervision of all other child victims and continued to fund two social workers whose duties included coordinating assistance to trafficking victims, among others. Adult victims were provided shelter by NGOs and were able to leave safe houses or shelters unchaperoned unless it was determined that doing so might put them in danger. The government contributed $93,000 to an NGO to provide free legal advice and support to victims, including trafficking victims; the same amount as during the previous reporting period. The government did not provide long-term alternatives to removal to countries where victims may face hardship or retribution.

PREVENTION

The government decreased efforts to prevent trafficking. The National Task Force on Human Trafficking (NTHT) encompassed a wide array of government, NGO, and international organization members and led the government's anti-trafficking efforts. While the NTHT reportedly remained engaged, observers identified a need for increased coordination and information sharing between agencies to ensure the appropriate authorities

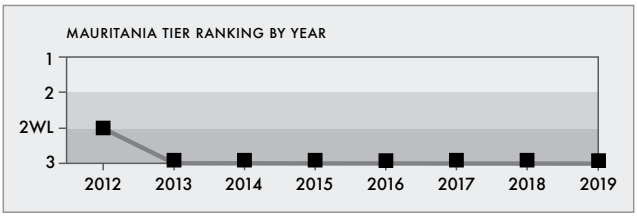
took action on suspected cases of trafficking. The government's national action plan expired in 2017; during the reporting period, the government took steps to renew the plan but did not finalize it. In contrast to the previous year, when the government conducted awareness campaigns that reached more than 2,400 people, the government did not report conducting any new or ongoing awareness campaigns. However, the government did co-host and publicize a film showing and public awareness event, with a foreign government, to coincide with the UN's World Day against Trafficking in Persons. The government continued to take measures to prevent the commercial sexual exploitation of vulnerable populations by prohibiting unauthorized visitors on board licensed foreign fishing vessels docked in Majuro and issuing immigration day passes for most crewmembers that mandate they return to their ship by the evening. The government did not take steps to reduce the demand for commercial sex acts or forced labor. The RMI is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported in the past five years, human traffickers exploit domestic and foreign victims in the Marshall Islands, and traffickers exploit Marshallese victims abroad. Traffickers exploit East Asian and Marshallese girls in sex trafficking in the RMI. Hotel and bar staff and family members recruit and transport women and girls and exploit them in sex trafficking with foreign construction workers and crewmembers of foreign fishing and transshipping vessels that dock in Majuro. Observers report commercial sexual activity involving foreign fishermen has increasingly moved from fishing vessels to local bars and hotels. Traffickers also exploit some of these foreign fishermen in conditions indicative of forced labor on ships in Marshallese waters. Traffickers compel foreign women, most of whom are long-term residents of RMI, into prostitution in establishments frequented by crewmembers of Chinese and other foreign fishing vessels; some traffickers recruit Chinese women with the promise of other work and, after paying large recruitment fees, they force them into prostitution. Some wealthier or more powerful family members used traditional cultural practices to exploit impoverished Marshallese from outer islands to serve as indentured labor on their property. Limited reports indicate some Marshallese searching for work in the United States experience indicators of trafficking, such as passport confiscation, excessive work hours, and fraudulent recruitment. Some Marshallese children are transported to the United States, where they are subjected to situations of sexual abuse with indicators of sex trafficking.

MAURITANIA: TIER 3

The Government of Mauritania does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Mauritania remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by continuing to assist vulnerable children, including trafficking victims, at day centers and closing a recruitment agency for its role in fraudulent recruitment and sex trafficking. The government also organized an event with an NGO to raise awareness among religious leaders about child exploitation, including forced begging. However, the government continued to harass anti-slavery activists. While funding for anti-slavery courts increased during the rating period, government agencies charged with combating trafficking and slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and reports persisted of officials refusing to investigate or prosecute perpetrators. The government also did not proactively identify trafficking victims.



PRIORITIZED RECOMMENDATIONS:

Hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged slavery offenses and interference in ongoing investigations. • Significantly increase efforts to investigate, prosecute, and convict traffickers and slaveholders with significant prison terms using the 2003 anti-trafficking and 2015 anti-slavery laws, and mandate that any human trafficking cases tried under the 2003 anti-trafficking law are automatically referred to the anti-slavery courts. • Continue to increase funding for the anti-slavery courts, ensure each of the anti-slavery courts is appropriately staffed with a dedicated prosecutor (*procureur*), judge of inquiry, and trial judge, and train prosecutors and judicial officials on both the 2003 anti-trafficking and 2015 anti-slavery laws. • Limit the rotation of judges sitting on the three anti-slavery courts to ensure sufficient expertise to carry out their duties effectively in accordance with the 2015 anti-slavery law. • Develop standard procedures to identify and refer trafficking and slavery victims to care, and train authorities on the procedures' implementation. • Institute measures to support trafficking and slavery victims during investigations, including providing easier access to legal assistance and protection from intimidation and threats from their alleged traffickers. • Partner with NGOs to provide shelter and services to all trafficking victims, including adults. • Proactively screen potential trafficking victims for trafficking indicators and cease detaining, deporting, or otherwise penalizing potential trafficking victims, including sexual abuse victims, women in prostitution, and irregular migrants. • Investigate and prosecute individuals accused of fraudulently recruiting Mauritanians abroad for exploitation in forced labor and sex trafficking. • Legally recognize anti-trafficking NGOs, allow them to register and operate within the country, free from undue government interference, and cease harassment of anti-slavery activists. • Develop and finalize an anti-trafficking national action plan that addresses all forms of trafficking, including hereditary slavery and forced labor, with input from civil society and all relevant ministries in the government. • Foster dialogue with civil society working on anti-slavery issues and, with input from civil society, develop and implement a plan to continue providing assistance to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement. • Increase public awareness campaigns against trafficking, including hereditary slavery.

PROSECUTION

The government maintained weak anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking, except hereditary slavery, and prescribed penalties of five to 10 years'

imprisonment and a fine of 500,000 to one million Mauritanian ouguiya (MRU) ($13,890-$27,780), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalized hereditary slavery and prescribed sufficiently stringent penalties of five to 20 years' imprisonment and a fine of 250,000 to five million MRU ($6,940-$138,890).

During the reporting period, the government investigated four cases, prosecuted one alleged trafficker, and convicted zero traffickers, compared to three investigations, three prosecutions, and three convictions the previous reporting period. Nine appeals cases remained pending before the Nema anti-slavery court at the end of the reporting period. The government continued an investigation initiated in 2016 into a recruitment agency that had allegedly fraudulently recruited more than 200 Mauritanian women to Saudi Arabia for domestic servitude and forced prostitution and closed the recruitment agency during the reporting period. NGOs reported the government did not initiate any new investigations into fraudulent recruitment. During the previous reporting period, a Mauritanian domestic servitude victim in Saudi Arabia attempted to file a complaint against her employer, but the Mauritanian embassy reportedly refused to assist. An NGO within Mauritania filed a complaint on her behalf, as well as on behalf of approximately 20 other Mauritanian women exploited in domestic servitude and forced prostitution in Saudi Arabia. The NGO reported an appeals court sentenced the owner of the recruitment agency to three years' imprisonment but the owner never served his sentence.

Three regional anti-slavery courts had exclusive jurisdiction over trafficking and slavery cases; however, the courts lacked the staff, funding, and resources to investigate and prosecute trafficking and slavery crimes throughout their regions. The three courts received a total of 700,000 MRU ($19,440) during the reporting period, an increase from a total of 450,000 MRU ($12,500) during the previous reporting period. While the appointed judges received specialized training on the 2015 anti-slavery law, they have not been trained in its enforcement and the unique challenges of investigating slavery cases, including how to prevent slaveholders from intimidating victims to withdraw their cases. Moreover, while other topical courts had specialized prosecutors, there were no specialized prosecutors for the anti-slavery courts. Judicial shuffles affected the anti-slavery courts twice during the reporting period. During an abrupt May 2018 judicial reshuffle, the Supreme Judicial Council (SJC) reassigned or removed experienced presiding judges sitting on the Nema and Nouakchott anti-slavery courts. In a second reshuffle in December 2018, the SJC appointed a new presiding judge to the Nema anti-slavery court and two deputy judges to the Nouakchott anti-slavery court. The Ministry of Justice directed all courts to transfer cases under the 2015 anti-slavery law to the anti-slavery courts; judges transferred nine slavery cases, but an unknown number of slavery cases remained with local courts.

Efforts to address hereditary slavery remained weak. Despite persistent concerns of official complicity and corruption in slavery cases, the government did not report any prosecutions or convictions of government officials complicit in, or accused of corruption related to, human trafficking offenses. Some police, prosecutors, and judges reportedly refused to investigate and try cases of hereditary slavery, or to acknowledge hereditary slavery continued to occur. Heavy government influence over the judiciary restricted its independence, and reports persisted that prosecutors and judges often prosecuted alleged slave owners for lesser offenses, closed slavery cases, or transferred cases for mediation to avoid bringing a slavery case to trial. Although prosecutors have a legal obligation to transfer slavery cases to the anti-slavery courts, some prosecutors encouraged victims to withdraw their complaints in exchange for a small amount of financial compensation. *Marabouts* (Quranic teachers) suspected of exploiting *talibés* (Quranic students) in forced begging are rarely prosecuted and usually enter agreements with prosecutors to drop cases. However, Tadamoun, the government agency mandated to address poverty and the "vestiges of slavery," remained a civil party to nine ongoing slavery investigations. International organizations organized five trainings on the anti-trafficking legal framework and forced labor cases for approximately 65 judges, prosecutors, and security officials without financial or in-kind support from the government.

PROTECTION

The government maintained minimal efforts to protect trafficking victims. The government did not report identifying any trafficking victims, compared to identifying 35 child forced begging victims in the previous reporting period. NGOs reported identifying at least 310 child trafficking victims. The government did not have formal measures to identify trafficking victims or refer them to care, but it used existing referral procedures for child victims of crime. NGOs noted social workers lacked training to identify trafficking victims, including in domestic work and prostitution, and did not know where to refer identified victims for care. The Ministry of Social Affairs (MASEF) reported supporting 360 children at risk of, or victims of violence, abuse, and exploitation, which could include trafficking victims, at its public day centers. NGOs, sometimes in partnership with MASEF, reported caring for 4,998 vulnerable children during the reporting period, which included child victims of violence, abuse, and exploitation, including trafficking. Some children received socio-legal assistance, medical care, and educational support from NGOs. The government did not provide financial or in-kind support to NGOs that continued to provide the majority of protective services to trafficking victims. An international organization assisted with the repatriation of 17 of the 200 domestic servitude and sex trafficking victims identified in Saudi Arabia since 2016; the status of the remaining 183 victims was unknown at the end of the reporting period.

MASEF managed seven public day centers for the protection and social integration of children that provided basic educational services, such as vocational training and literacy programs, which child trafficking victims could access. In addition, two of its day centers in Nouakchott could provide overnight and long-term care for child victims of crime. Because MASEF's day centers closed at night, *talibés* and other vulnerable children had to return to their exploitative situations or sleep on the streets. After short-term care, MASEF generally referred victims to other government shelters or NGOs for long-term care and vocational training; MASEF continued to assist 700 vulnerable children identified in previous years. The government allocated 360,000 MRU ($10,000) to MASEF's day centers to fund staff and psycho-social assistance, the same as the previous reporting period. The government also allocated 370,800 MRU ($10,300) to MASEF's Office of Childhood and 656,000 MRU ($18,220) to MASEF's Vocational Training Center. Government shelters accommodated both Mauritanian and foreign victims, although no shelters could accommodate adults; victims had to depart MASEF centers at age 18. The lack of long-term rehabilitative care rendered victims vulnerable to re-trafficking. The government did not provide any services to protect victims from threats or intimidation from their traffickers, nor did it provide training or services to help slavery victims adjust to life after slavery.

During the previous reporting period, the African Union ruled in favor of two former Mauritanian slaves who argued that the government had failed to uphold the anti-trafficking law in their 2011 case. The court ruled the government should enroll the victims in school, provide identity documents, and provide psychological support; the government partially complied with the ruling by providing identity documents, enrolling the victims in school, and compensating each victim 300,000 MRU ($8,330). However, the government did not provide psychological support or prosecute the alleged perpetrators and the case is pending further appeal with the African Union. The government did not have a formal policy to encourage victims to assist in investigations and prosecutions against their alleged traffickers. The 2015 anti-slavery law provided for comprehensive legal assistance for victims of hereditary slavery and the creation of support centers in each province; however, the government did not report implementing such provisions during the reporting period. Tadamoun provided support to 61 victims of slavery, which included legal assistance and providing income-generating activities or a stipend. The law allowed victims to obtain restitution and file civil suits against their traffickers, although the complex and opaque legal system made such efforts extremely difficult; there were no reports any victims did so during the reporting period. Mauritanian law allows potential victims to file for asylum or refugee status; however, the government did not report granting these legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. There were reports the government penalized and imprisoned on fornication charges girls who had been sexually abused, some of whom were likely victims of domestic servitude or sex trafficking. Officials jailed women suspected of prostitution and held irregular migrants in detention until their refugee status was resolved, without screening for trafficking. In 2018, the Ministry of Interior deported 5,091 foreign residents to their countries of origin without screening for trafficking indicators.

PREVENTION

The government maintained minimal efforts to prevent human trafficking. No single government agency was responsible for leading national anti-trafficking efforts. While the inter-ministerial anti-trafficking committee, which reported to the prime minister, did not meet during the reporting period, the human rights commissioner hosted two sub-cabinet inter-ministerial meetings on issues that included human trafficking. In 2018, the government announced it completed all necessary activities outlined in the 2014-2017 roadmap to fight the vestiges of slavery, an action plan drafted in collaboration with an international organization; however, the government did not engage with the international organization to assess the roadmap's indicators and impacts, nor did it advance plans for a follow-up action plan. In June 2018, the government partnered with an NGO to organize a communication day in Nouakchott with community and religious leaders on the role of religious leaders in the protection of children from exploitative situations, such as child forced begging. The government conducted additional awareness-raising activities through radio programs and community workshops; the reach of these programs is unknown. Tadamoun continued operating schools in communities of former slaves and providing income-generating activities in poverty-stricken areas, focusing particularly on communities of slave descendants and groups vulnerable to exploitation. The government continued to harass and prevent anti-slavery activists from operating in Mauritania. Multiple organizations working on anti-slavery issues remained unable to legally register, limiting their ability to operate in the country. In August 2018, the government arrested a prominent anti-slavery activist for alleged threats against a journalist; after five months in prison, the activist was sentenced to six months' imprisonment with four months suspended and was immediately released. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Despite large groups of Mauritanians fraudulently recruited for work abroad, the government did not make efforts to oversee labor recruitment or investigate labor recruiters or brokers allegedly involved in fraudulent recruitment. In 2017, the government signed a Memorandum of Understanding (MOU) with Saudi Arabia to increase protections for prospective domestic workers; for the second consecutive year, the government did not implement the MOU during the reporting period and denied requests to consult with civil society organizations on implementation. The government revived an agreement with an international organization to study the scope of forced labor in Mauritania; the final report is expected at the end of 2019. In November 2018, the government partnered with an international organization to issue identification cards to Malian refugees—as well as birth certificates to Malian refugee children born in Mauritania—in Mbera camp to reduce vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel.

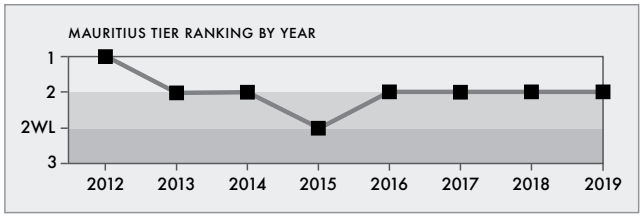
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritania, and traffickers exploit victims from Mauritania abroad. Adults and children from traditional slave castes in the Haratine (Black Moor) and Afro-Mauritanian communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on forced labor and hereditary slavery does not exist, local and international experts agree hereditary slavery continues to affect a small, but not insignificant portion of the country's population in both rural and urban settings. Many former slaves and their descendants remain in a dependent status with the family of their former slaveholders due in part to cultural traditions as well as a lack of skills and alternate economic opportunities. Some former slaves reportedly continue to work for their former masters or others under exploitative conditions to retain access to land they had traditionally farmed. Some boys from Mauritania and other West African countries who study at Quranic schools are forced to beg for food and money to pay corrupt *marabouts*; boys from low-income families in the Halpulaar community are particularly vulnerable. According to a 2015 survey, approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Fraudulent recruiters promise Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities—shelter and an education but force them into domestic servitude, especially in larger cities such as Nouakchott, Nouadhibou, and Rosso. Children of Haratine and Afro-Mauritanian descent working in the fisheries sector are vulnerable to forced labor. An NGO reported girls in border towns have been forced to carry illicit drugs. West African women and girls, especially Senegalese and Ivoirians, are vulnerable to domestic servitude and sex trafficking in Mauritania. Refugees in Nouadhibou reportedly engage in prostitution due to their dire financial situations, increasing their vulnerability to forced prostitution. Mauritanian, Nigerian, and Senegalese traffickers in the port city of Nouadhibou exploited Sub-Saharan African migrants transiting Mauritania en route

to Morocco and Europe in forced labor and sex trafficking. Mauritanian women and girls are fraudulently recruited by foreign agencies and Mauritanian middlemen for nursing and teaching jobs abroad and exploited in domestic servitude and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East promising substantial payment, and are exploited as sex slaves and in forced prostitution in Saudi Arabia and other Gulf countries. In 2016, an international organization identified and removed from a refugee camp in southeastern Mauritania 16 Malian child soldiers aged 15-17 associated with Malian rebel groups; some of the victims had been recruited in Mali, and others allegedly had been recruited from the camp in Mauritania.

MAURITIUS: TIER 2

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mauritius remained on Tier 2. These efforts included identifying and assisting more trafficking victims, including for both forced labor and sex trafficking; delicensing and referring several labor recruitment companies for criminal investigation; increasing labor inspections of migrant worker employment sites; increasing educational sessions on migrant worker rights; and increasing efforts to address passport seizure, including returning passports to migrant workers and referring perpetrators for criminal investigation. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers during the reporting period and protection services for adults remained lacking, with neither specialized shelters nor systematic provision of care. The government continued to lack a government ministry that was responsible for adult sex trafficking victims. While case conferencing had begun, coordination between law enforcement and prosecutors still needed improvement and the judicial process continued to be prohibitively slow, discouraging some victims from pursuing legal redress. The inter-ministerial committee on trafficking did not adopt a national action plan.



PRIORITIZED RECOMMENDATIONS:

Improve protection services for adult trafficking victims by developing and implementing standardized procedures for proactive victim identification and referral to protective services, especially among at-risk populations including women in prostitution and migrant workers, and ensuring provision of adequate assistance once identified. • Continue increasing efforts to investigate and prosecute trafficking offenses, and convict and sentence traffickers to adequate penalties. • Continue to implement and consistently enforce strong regulations and oversight of labor recruitment companies, including eliminating recruitment fees charged to migrant workers, and hold fraudulent labor recruiters criminally accountable. • Continue to improve coordination between law enforcement and prosecutors to decrease the length of the judicial process, including continued case conferencing and prosecution-led investigations, and consider establishing a fast-track for trafficking cases. • Implement a witness protection program to increase protection for victims and increase victim willingness to cooperate in prosecutions. • Continue vigilant monitoring of employers of migrant workers to identify and investigate indicators of trafficking. • Increase bilateral labor negotiations with source country governments to increase protections for migrant workers. • Continue to provide specific anti-trafficking training to law enforcement officials, labor inspectors, social workers, prosecutors, and magistrates to improve case investigation and victim identification and referral to appropriate care. • Prioritize the inter-ministerial committee's role in driving coordinated national efforts to combat trafficking. • Finalize the national action plan to combat trafficking, allocate sufficient funding to its implementation, and ensure clear roles and responsibilities in its implementation. • Utilize the national centralized anti-trafficking data collection and reporting tool.

PROSECUTION

The government maintained overall anti-trafficking law enforcement efforts, but did not convict any traffickers during the reporting period. The Combating of Trafficking in Persons Act of 2009 criminalized sex trafficking and labor trafficking of adults and children and prescribed penalties of up to 15 years' imprisonment. In addition, the amended Child Protection Act of 2005 criminalized child sex and labor trafficking and prescribed penalties for child trafficking offenses of up to 30 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2009 anti-trafficking law prohibited the recruitment of workers by using fraudulent or deceptive offers; however, the law did not extend to foreign recruiters who operated outside Mauritius.

With training and support from an international organization, the government had access to a national centralized anti-trafficking data collection and reporting tool; although it had been fully deployed during the reporting period, government use of the tool was limited. In 2018, the government reported initiating four investigations into at least five suspects; specifically, there was one investigation into child sex trafficking, two investigations into adult sex trafficking, and one investigation into forced labor. The government reported initiating prosecutions of 15 suspects and charging suspects under both the 2009 anti-trafficking law and the 2005 child protection act for sex trafficking; three of these cases were in front of the intermediate court at the end of the reporting period with one trafficker pleading guilty but not yet sentenced. The government reported convicting zero traffickers during the reporting period. This compared to four investigations, six prosecutions, and two convictions in 2017. Law enforcement and prosecutors reported increased case conferencing and coordination; however, coordination required further improvement and the judicial process continued to be prohibitively long, frequently many years, which at times dissuaded victims from seeking legal redress.

The Mauritius Police Force (MPF) continued the operation

of an internal coordination committee to combat trafficking as well as a "TIP desk," where two police officers focused on trafficking cases and served as a resource to other police units. The Ministry of Gender Equality, Child Development, and Family Welfare's Child Development Unit (CDU), responsible for all child protection issues, including trafficking, hired an additional 17 officers; these officers received anti-trafficking training during the reporting period. In 2018, the Mauritius Police Training School provided anti-trafficking courses to 462 law enforcement officers; this compared to 442 trained in 2017. The government trained 30 airport officials on identifying child trafficking victims. Despite these training efforts, some law enforcement officers continued to lack an understanding of the anti-trafficking law. Proper investigations, including collection of evidence and adequate witness testimony, remained difficult for law enforcement, often leading to lengthy and poor investigations and prosecutions. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

PROTECTION

The government increased efforts to identify and protect victims of sex and labor trafficking, but the availability of services for adult sex trafficking victims remained lacking. In 2018, the government identified 11 trafficking victims, including nine adult labor trafficking victims and two sex trafficking victims; this compared to five victims identified in 2017. The government provided medical assistance, counseling, and victim support to the two victims of sex trafficking. The government provided the nine adult male Bangladeshi victims of forced labor, identified in the textile industry, with new work permits without charge; police escort to their new places of employment; and translators during the investigation. However, the government did not report providing medical or psychological assistance to these victims or taking any further law enforcement actions against the trafficker. The government reported funding the repatriation of foreign labor trafficking victims, but did not report how many victims received this service during the reporting period. The CDU continued to systematically employ the standard referral procedure after identifying child trafficking victims. However, the government continued to lack standard identification and referral procedures for adult sex or labor trafficking victims and there continued to be no clear government agency responsible for assisting adult sex trafficking victims. The government continued the operation of a shelter for female child sex trafficking victims, which could host up to 32 children, but did not report how many it assisted during the reporting period. Child victims could leave the shelter to attend school and received medical and psychological assistance. The government continued to provide funding of 14 million Mauritian rupees ($409,960) for several anti-trafficking NGOs; several NGO-run daycare centers for trafficking victims; the children's shelter; and a drop-in center, operated by a local NGO, for trafficking victims.

There was neither specialized shelter, nor systematic provision of medical, psychological, or financial assistance for adult trafficking victims. However, there were at least three NGO-run shelters female victims could utilize, but there were no shelters available for men. In 2019, the government allocated 700,000 Mauritian rupees ($20,500) for an adult shelter for male and female trafficking victims; however, this shelter was not operational during the reporting period. The Passport and Immigration Office (PIO) continued to conduct raids to identify foreign persons with expired visas; and during the raids, PIO officers continued to proactively screen migrant workers to identify potential labor trafficking victims. There were no reports that the government inappropriately detained or penalized trafficking victims for crimes traffickers compelled them to commit; however, due to the lack of identification measures and gaps in understanding of human trafficking among some law enforcement officers, some adult victims of sex trafficking via forced prostitution and forced labor may have remained unidentified in the law enforcement system. For example, police officers generally did not screen women in prostitution for trafficking indicators. During the reporting period, immigration officials continued to regularly turn back single Malagasy women, traveling on their own with small amounts of money, who attempted to enter the country on tourist visas, on the grounds that they might be coming to Mauritius to engage in prostitution.

An NGO reported that not all migrant workers had freedom of movement beyond work hours and many employers provide housing facilities that were comparable to compounds, with fences and security guards. The 2009 anti-trafficking law provided victims limited legal alternatives to removal to countries in which they would face hardship. The law allowed the Minister of Home Affairs to decide to allow a trafficking victim to remain in the country for up to 42 days before deportation, and could issue a temporary residence permit, but only if the victim agreed to cooperate with the investigation and prosecution of the trafficking case. The law allowed the Minister of Home Affairs to extend the trafficking victim's permit on humanitarian grounds. The government generally encouraged, but did not require, victim cooperation in investigations and prosecutions; however, without cooperation, there was no basis under the law for a foreign victim to remain in the country. In the prior reporting period, an NGO reported that some companies in Mauritius actively deterred and prevented migrant workers from petitioning for their rights and some companies used informants to expose the leaders of potential protests and subsequently canceled their contracts and deported them. The government did not report efforts to address these abuses by employment agencies.

The government keeps victim identities confidential. The anti-trafficking law allowed the courts to award a victim up to 500,000 Mauritian rupees ($14,640) in restitution from the convicted trafficker; however, the courts did not award any restitution to victims during the reporting period. The law also allowed victims to file civil suits against their alleged traffickers for compensation for damages exceeding the amount of restitution awarded during criminal proceedings; however, civil suits could be prohibitively expensive and lengthy and there were no reports of suits filed during the reporting period. In an effort to encourage cooperation, victims and witnesses could request police protection by contacting their local police, a service the government reported providing to nine victims during the reporting period; protection included transport and police escort to their new places of work.

PREVENTION

The government increased prevention efforts. While the government had a high-level inter-ministerial coordination committee to address trafficking, the committee was not the primary driver of national anti-trafficking efforts, as it met only once during the reporting period. However, the National Steering Committee on Trafficking in Persons (NSCTIP), the working-level anti-trafficking body under the inter-ministerial committee, met monthly during the reporting period; continued drafting the national action plan; organized awareness campaigns, including the production of brochures on migrant worker rights in seven

languages; and supervised the renovation of an adult trafficking shelter. There was still confusion within the government on which department was responsible for addressing adult sex trafficking. The government remained without an anti-trafficking national action plan. The government operated two hotlines available to report crimes, including trafficking; the hotlines were available 24 hours a day and in multiple languages. Calls to the hotlines resulted in the government identifying two cases of trafficking during the reporting period. The government conducted several awareness raising campaigns during the report period. The government educated 1,811 people regarding the commercial sexual exploitation of children and ran awareness campaigns on the radio and television, which focused on labor trafficking among migrant workers. The Ministry of Gender Equality, Child Development, and Family Welfare, in partnership with an NGO, organized awareness campaigns in primary and secondary schools on the commercial sexual exploitation of children and trafficking and reached approximately 6,851 children and 487 adults; they also provided workshops on child protection, including trafficking, to 18,000 people at community centers and social welfare centers. The government distributed approximately 10,000 anti-trafficking posters to police stations, high schools, and community centers. In partnership with a foreign government, the government produced and distributed approximately 40,000 migrant worker rights brochures, translated into seven languages.

The Ministry of Labor (MOL) conducted nearly 2,940 individual sessions to sensitize migrant workers of their rights, including producing relevant documents in the native language of the migrant worker; this compared to 603 sessions in 2017. The MOL's Special Migrant Workers Unit—responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites—increased the number of inspectors from nine to 12 during the reporting period. The unit responded to 563 complaints from migrant workers and conducted 2,233 inspections, compared to 872 in the previous reporting period. To address the widespread issue of passport seizure by employers, a vulnerability for forced labor, the MOL and PIO undertook an initiative to randomly survey migrant workers and found that 39 were not in possession of their passports; the ministry referred these cases to the police and arranged the return of passports to their rightful owners.

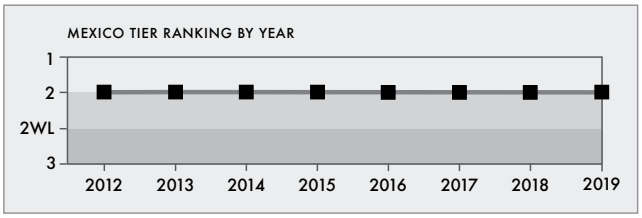
The government reported delicensing two labor recruitment companies following complaints of fraud and illegal fee charging, but the government did not report taking law enforcement actions against either company. The government also referred one labor recruitment company to the police for criminal investigation for charging illegal fees to migrant workers, but the government did not provide further details. However, the government did not report prosecution of fraudulent labor recruitment companies during the reporting period. Although the MOL was required to approve all employment contracts before migrant laborers entered the country, some migrant laborers reportedly entered the country with contracts that were incomplete or had not been translated into languages the workers could read. The Ministry of Health was required to grant initial approval for migrant worker dormitory buildings; however, an NGO reported that subsequent periodic checks were not required, and thus many buildings have fallen into disrepair and failed to meet the minimum health and occupancy standards after the initial inspection. The government did not make efforts to reduce the demand for commercial sex acts, but did make efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training to its diplomatic personnel during the reporting period. The government did not sign any bilateral labor agreements with source countries to protect migrant workers during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritius. Peers, significant others, family members, or businessmen offering other forms of employment will exploit girls from all areas of the country in child sex trafficking via prostitution. Taxi drivers allegedly transport child sex traffickers to their victims with whom they engage in commercial sex acts. Malagasy women transit Mauritius en route to employment as domestic workers in the Middle East, where traffickers subject many to forced labor and sex trafficking. Mauritius' manufacturing and construction sectors employ approximately 39,500 foreign migrant workers from India, Nepal, China, Sri Lanka, and Madagascar, with the vast majority from Bangladesh, some of whom traffickers subject to forced labor. Employers operating small and medium sized businesses employ migrant workers, mainly from Bangladesh, that have been recruited through private recruitment intermediaries, usually former migrant workers now operating as recruiting agents in their country of origin; labor trafficking cases are more common in small and medium enterprises, rather than in larger businesses that recruit directly without the use of intermediaries. Despite the illegality, employers routinely retain migrant workers' passports to prevent them from changing jobs and creating a vulnerability to forced labor.

MEXICO: TIER 2

The Government of Mexico does not fully meet the minimum standards for the elimination of trafficking but is making efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Mexico remained on Tier 2. These efforts included identifying more victims in Mexico and abroad, investigating and prosecuting allegedly corrupt or complicit government officials, and maintaining law enforcement cooperation with the United States. However, the government did not meet the minimum standards in several key areas. The government investigated, prosecuted, and convicted fewer traffickers than in the previous year; provided limited specialized services for trafficking victims, which were unavailable in most parts of the country; and maintained an inadequate number of shelters compared to the scale of the problem. The government inspected and prosecuted few complaints of forced labor in agriculture, in part due to a lack of resources. Corruption and several instances of complicity among some public officials inhibited law enforcement action against trafficking.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking offenses at both the federal and state levels and sentence convicted

traffickers to significant prison terms. • Strengthen the capacity and integrity of the criminal justice system to effectively process trafficking cases and to provide safeguards to ensure victims participate. • Increase efforts to protect victims and witnesses testifying against traffickers, while ensuring they are not coerced into testifying or inappropriately misidentified as traffickers. • Increase efforts to hold corrupt or complicit public officials accountable through effective prosecutions and sentence convicted officials to significant prison terms. • Increase victim identification and referral, especially among vulnerable populations, such as migrant workers and individuals in prostitution using existing protocols. • Increase federal funding for law enforcement efforts and victim services, including through the use of the fund mandated by the 2012 anti-trafficking law. • Increase the capacity of federal and state specialized anti-trafficking prosecutors or units to respond more effectively to trafficking cases, through increased funding and staff training. • Train officials to seek or order restitution for victims as provided by law. • Strengthen the labor inspection system, particularly in the agricultural sector, and enforce laws to hold fraudulent foreign labor recruiters accountable. • Develop and implement a national strategic action plan on victim services in consultation with international organizations and NGOs to include specialized trafficking victim services and shelters funded by the government. • Strengthen data collection efforts. • Improve coordination mechanisms among federal, state, and local authorities.

PROSECUTION

The government decreased law enforcement efforts. The 2012 anti-trafficking law criminalized sex trafficking and labor trafficking, prescribing penalties of five to 30 years' imprisonment and fines for sex trafficking offenses and five to 20 years' imprisonment and fines for labor trafficking; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include labor exploitation and illegal adoption without the purpose of exploitation. Federal officials had jurisdiction over all international trafficking cases, all cases that took place on federally administered territory involving organized crime, and all cases involving allegations against government officials. States investigated other internal trafficking cases. Twenty-eight states had enacted trafficking laws by the end of 2018. The 2012 law obligated states to have a dedicated human trafficking prosecutor; 30 states had established specialized anti-trafficking prosecutors or units by the end of 2018.

Authorities initiated 112 federal and 304 state investigations in 2018, compared with 127 federal and 298 state investigations in 2017, 188 federal and 288 state investigations in 2016, and 250 federal and 415 state investigations for trafficking in 2015. Authorities initiated prosecutions against 510 individuals in federal and state cases in 2018 compared with 609 individuals in federal and state cases in 2017, 479 in 2016, and 578 in 2015. Authorities convicted 60 traffickers involved in 25 federal and 35 state cases, compared with 95 traffickers involved in 40 federal and state cases in 2017, 228 traffickers involved in 127 federal and state cases in 2016, and 86 traffickers involved in 36 federal and state cases in 2015. The government reported sentences ranging from five years' to 32 years' imprisonment, with an average term of imprisonment of 10.5 years. Notable cases included the arrest of eleven alleged traffickers and the identification of 60 indigenous women and children in forced labor in a street begging operation in the state of Oaxaca; the arrest of an alleged trafficker and police officer and the identification of 17 victims from Venezuela, Colombia, and Paraguay exploited in sex trafficking through an online sexual services provider; and the sentencing of a trafficker for slavery and forced labor in street begging to 33 years, eight months, and 29 days' imprisonment, a fine of 438,000 pesos ($22,290), and restitution to the victim of 70,000 pesos ($3,560). The Federal Police created a national anti-trafficking investigative unit in June 2018. Mexican authorities maintained law enforcement cooperation with the United States, partnering on 13 joint law enforcement operations, which resulted in the extradition of eight individuals, including seven alleged traffickers and the sentencing of a trafficker to eight years' imprisonment and a fine of $1.3 million in a U.S. federal court. An international organization provided multidisciplinary victim-centered trainings for federal and state prosecutors in 29 Mexican states. Mexican prosecutors participated in courses on child trafficking and in mentoring sessions offered by a foreign government to deepen expertise in prosecuting such cases, effectively working with victims, and preserving evidence to support prosecution. In August 2018, Mexico City prosecutors presented a report analyzing trafficking sentences and recommended joint investigations between prosecutors and police, and efficient prosecutions.

In 2018, the federal government dedicated 65 million pesos ($3.31 million) to investigations and prosecutions by the Special Prosecutor for Violence against Women, which was responsible for investigating and prosecuting crimes related to violence against women and trafficking in persons. Additionally, the government dedicated 21 million pesos ($1.07 million) to the Specialized Unit for Investigating Trafficking in Minors, Persons, and Organs under the Special Prosecutor for Organized Crime. In June 2016, the government completed a lengthy transition to an adversarial criminal justice system at the federal and state level, which continued to impact the overall number of convictions. Authorities conducted an insufficient number of proactive investigations, and investigations and prosecutions were sometimes delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the country, which caused additional stress for victims. NGOs expressed concern budget cuts affected the government's ability to combat trafficking as did a limited understanding of trafficking, particularly forced labor. NGOs also noted weaknesses in the government's application of the law, including misuse or misunderstanding of the law, an overly broad legal definition of trafficking, failure to perform official functions, and improper identification of and inadequate support for victims as factors limiting the government's effectiveness. Trafficking-related corruption and several instances of complicity among some public officials remained concerns. In April 2018, the media reported human traffickers allegedly paid between 14,000 and 19,000 pesos ($712 to $967) to immigration officials to facilitate the entrance of Venezuelan women who traffickers recruited through false promises of employment and exploited in sex trafficking through an online sexual services provider. The Mexico City Attorney General's office investigated immigration officials for their alleged role in this scheme and arrested a police officer allegedly involved in the operation. In November 2018, the State of Mexico's Special Prosecutor for Trafficking reported federal police allegedly hampered operations against the same online sexual services provider. A State of Mexico judge sentenced a former municipal police officer to four years and 11 months' imprisonment after the officer admitted to trafficking. The federal government did not report any prosecutions or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government maintained protection efforts, but provided limited specialized services for trafficking victims, which were unavailable in most parts of the country. The government reported identifying 706 trafficking victims in 2018—387 for sex trafficking, 153 for potential forced labor or labor exploitation, and 166 unspecified—compared to 667 trafficking victims in 2017, 740 victims in 2016, and 1,814 victims in 2015. Of the 706 trafficking victims identified, approximately 21 percent were male, 54 percent were female, and 25 percent with their gender unspecified, compared to 15 percent male, 66 percent female, and 19 percent gender unspecified in 2017. The federal government identified 146 of the total victims, compared to 140 in 2017, 194 in 2016, and 876 in 2015. The state governments identified 560 of the total victims, compared to 527 in 2017, 691 in 2016, and 938 in 2015. The Ministry of Foreign Relations identified and provided support to an additional 860 Mexican trafficking victims abroad, including 843 in the United States and 17 in other countries, compared to 196 Mexican forced labor victims abroad in 2017, and 20 in 2016. The NGO-run hotline identified 584 victims—78 percent female and 19 percent male, and 9 percent with their gender unspecified—some of whom were subsequently referred to the government.

Immigration and other federal officials each had formal protocols for the proactive identification of victims. Mexican consular officials abroad operated special windows in U.S. consulates to identify situations of vulnerability among migrant children, women, and indigenous persons. The government collaborated with an international organization that had developed specific state-level protocols in 24 of 31 states for victim identification and assistance and provided training for government officials in its use. NGOs challenged the government to continue to improve its ability to accurately identify trafficking victims among vulnerable populations, such as migrant workers and individuals in prostitution. Many victims reported they were afraid to identify themselves as trafficking victims or, if identified, to testify against their traffickers in court under the accusatorial system, and few filed complaints or assisted in investigations and prosecutions due to their fear of retribution from traffickers, the lack of specialized services, or distrust of authorities.

While victim services varied and were unavailable in some parts of the country, in general, federal and state agencies offered victims emergency services, such as medical care, food, and housing in temporary or transitional homes, and longer-term victim services, such as medical, psychological, and legal services, often in partnership with NGOs. The federal government supported a national network of shelters and emergency attention centers for female victims of violence, but few offered specialized care for trafficking victims. NGOs, many with foreign donor or private funding, provided specialized shelters and assistance to some victims who were sometimes referred by officials. Despite these efforts, services for male, adolescent, and forced labor victims, and victims in rural areas remained inadequate. The Special Prosecutor's Office for Violence Against Women and Trafficking in Persons continued to operate a high-security shelter in Mexico City, but it did not report how many victims it provided with shelter in 2018. Women were allowed to have their children with them at the shelter. Women were not allowed to leave the shelter alone; NGOs expressed concern this arrangement re-traumatized some victims. An NGO in the State of Puebla continued to operate the country's only public-private shelter, which provided comprehensive services to 77 victims in 2018, including education and vocational training to assist 45 survivors and their children to reintegrate into society. The State of Mexico continued to operate three trafficking-specific shelters opened in 2016, and the City of Mexico opened a trafficking-specific shelter, which provided medical, legal, psychological, and social services to victims during pending cases. In addition to these shelters, there are two publicly-funded Women Justice Centers in the states of Hidalgo and Guanajuato that work jointly with the Specialized State District Attorneys for Trafficking in Persons to provide a temporary shelter for trafficking victims.

The National Institute of Social Development (INDESOL) provided 3.02 million pesos ($153,660) to 11 NGOs to provide victim services to 110 trafficking victims. In 2018, the National Institute of Migration provided temporary immigration relief in the form of humanitarian visas to 241 victims of human trafficking or illicit smuggling and repatriated 399 victims of human trafficking or illicit smuggling. Humanitarian visas enabled foreign trafficking victims to remain in the country up to one year, and could be extended. Some government officials and NGOs expressed concern authorities did not grant humanitarian visas as often as they should due to a failure to identify eligible foreign trafficking victims, victims' lack of awareness of the process for obtaining such relief, victims' desire to return to his or her country of origin, and the waiting time for processing requests for immigration relief. The inter-secretarial anti-trafficking commission provided funding to an international organization to develop a national information system to track the number of victims identified, referred, and assisted across the country; the government completed the first phase of installation in 2017, incorporated additional data in 2018, and planned to implement the system in 2019.

The law provided victims with protection from punishment for unlawful acts their traffickers coerced them to commit. Some officials transferred victims to the National Institute of Migration (INM) for detention and deportation due to their immigration status and lack of formal identification as trafficking victims. Individuals in prostitution in Mexico City alleged officials detained and forced them to sign declarations accusing detained individuals of trafficking, which raised serious concerns about law enforcement tactics to secure evidence. NGOs also reported officials often re-traumatized trafficking victims due to lack of sensitivity. The national anti-trafficking law provided for restitution to be paid from a victims' fund, but the government did not report whether the courts awarded any trafficking victims restitution. The government did not report how many victims received restitution from their traffickers, but the media reported two victims received 293,000 pesos ($14,910) and 70,000 pesos ($3,560), respectively.

PREVENTION

The government maintained prevention efforts. The inter-secretarial anti-trafficking commission coordinated with 40 government agencies and institutes, meeting twice in 2018 to commemorate UN World Day Against Trafficking and to present the results of ongoing work; facilitated a meeting with leaders of the state anti-trafficking committees to discuss federal state coordination; and monitored the implementation of the national anti-trafficking action plan for 2014-2018 by publishing a report of its anti-trafficking efforts for 2018. Twenty-nine out of 31 states had state-level anti-trafficking committees. The government provided anti-trafficking training and awareness-raising programs for government officials, hotel and restaurant workers, students, teachers, and the public. The government produced a new brochure to educate the public about indicators of trafficking. The government promoted the UNODC Blue

Heart Campaign, which included the NGO-run hotline number on billboards, lottery tickets, postage stamps, and posters and a targeted campaign on UN World Day Against Trafficking in Persons in July 2018. The NGO-run hotline received 1,389 calls in 2018, which resulted in the identification of 131 potential trafficking cases (71 percent sex trafficking, 18 percent forced labor, 11 percent unidentified), compared to 981 calls in 2017, resulting in the identification of 103 calls with trafficking indicators. The government operated additional hotlines, including one for crimes against women and trafficking crimes, and promoted the reporting of trafficking tips to an NGO-run national anti-trafficking hotline. In October 2018, the Mexican National Commission for the Development of Indigenous Populations, the Government of Canada, and the UNODC announced a project to identify and prevent trafficking in Mexican indigenous communities. The National Human Rights Commission (CNDH), with the support of the government, continued to promote a national awareness campaign in airports and bus terminals, and conducted anti-trafficking training and awareness sessions for a range of audiences.

The Secretary of Labor and Social Welfare (STPS), together with an international organization, trained federal labor inspectors to use an inspection protocol in federal job centers with agricultural activities, which included a requirement to identify victims of forced labor and to report such crimes to law enforcement officials; however the government did not report identifying victims of forced labor through the use of this protocol in 2018. The government laid off STPS officials, including labor inspectors, reducing capacity to identify forced labor. Observers noted resource constraints, a limited number of inspectors, and no oversight of the informal economy hampered consistent enforcement of labor laws and the identification of forced labor. Authorities arrested suspected traffickers who allegedly exploited individuals in forced labor, but conducted very few inspections in major farming states, investigated few complaints, and did not report successful prosecutions for the crimes. Inspectors lacked resources and faced technical difficulties in carrying out inspections. The government conducted outreach to foreign migrant workers to inform them of their rights and responsibilities. While Mexican law criminalized fraudulent labor recruiting and prohibited charging recruitment fees, authorities did not report efforts to regulate or hold accountable fraudulent labor recruiters. NGOs reported authorities failed to enforce this law and its regulations, which resulted in workers being charged exorbitant recruitment fees, a factor that often leads to debt bondage to either the recruiter or employer, and very few registrations of recruiters and corresponding labor inspections of their operations. State labor ministries convened in August 2018 to discuss forced labor of agricultural workers, and the government announced a new plan against forced labor but the government did not report whether further action was taken in 2018.

The Secretary of Tourism, together with civil society, implemented a program to prevent trafficking and sex tourism, which included a "code of conduct" for travel agencies, hotels, restaurants, tourist guides, training centers, and transportation providers; training for students pursuing careers in this sector; and the distribution of awareness materials to prevent trafficking and reduce the demand for commercial sex acts from children in tourism destinations. NGOs alleged the government had not implemented the "code of conduct," but the government reported it offered training on the "code of conduct" and secured additional business signatories in 2018. The government had laws to facilitate the investigation, prosecution, or conviction of child sex tourists but did not report any such cases. Mexico participated in several international fora on trafficking, including the fifth annual trilateral trafficking in persons working group meeting with Canada and the United States where it shared best practices related to technology and trafficking. In November 2018, the government published a consular protocol for the protection of Mexican national trafficking victims, developed by an international organization and with funding from a foreign government, which has assisted Mexican officials to identify trafficking victims abroad.

TRAFFICKING PROFILE

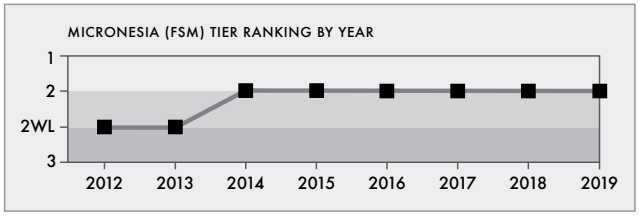
As reported over the past five years, human traffickers exploit domestic and foreign victims in Mexico, and traffickers exploit victims from Mexico abroad. Groups considered most vulnerable to trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, migrants, and LGBTI individuals. Traffickers recruit and exploit Mexican women and children, and to a lesser extent men and transgender individuals, in sex trafficking in Mexico and the United States through false promises of employment, romantic relationships, or extortion. Traffickers exploit Mexican men, women, and children in forced labor in agriculture, domestic servitude, child care, manufacturing, mining, food processing, construction, tourism, begging, and street vending in Mexico and the United States. Traffickers exploit day laborers and their children in forced labor in Mexico's agricultural sector; these individuals migrate from the poorest states to the agricultural regions to harvest vegetables, coffee, sugar, and tobacco; receive little or no pay, health care, or time off, may live in substandard housing, and in the case of children, are denied education. NGOs report some Mexicans are held in debt bondage in agriculture and are indebted to recruiters or to the company itself. NGOs estimated traffickers increasingly exploited individuals in forced labor in Mexico; but government and NGO statistics showed fewer than 1,500 forced labor victims identified from 2013 to 2017. Transgender Mexicans working in commercial sex are vulnerable to sex trafficking. Observers reported potential trafficking cases in substance abuse rehabilitation centers, women's shelters, and government institutions for people with disabilities, including by organized criminal groups and facility employees. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America, particularly El Salvador, Guatemala, Honduras, and Venezuela; traffickers exploited some of these victims along Mexico's southern border. NGOs and the media report victims from the Caribbean, South America, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States. Observers reported an increase in Venezuelan migrants vulnerable to trafficking over the past three years and concerns about migrants in general as a vulnerable population.

The government, the UN, international organizations, NGOs, and the media reported increased participation by organized criminal groups in trafficking and the creation of complex alliances with federal, state, and local government officials in at least 17 of 32 states to commit trafficking and related crimes. Organized criminal groups profit from sex trafficking and force Mexican and foreign men, women, and children to engage in illicit activities, including as assassins, lookouts, and in the production, transportation, and sale of drugs. Observers, including Mexican legislators, noted links between violence against women and girls and between women's disappearances and murders and trafficking by organized criminal groups. The UN Special Rapporteur on Indigenous Rights expressed concern over the recruitment and use of torture and murder by organized criminal groups of indigenous children and

youth to exploit them in forced criminality. Observers also expressed concern over recruitment of recently deported Mexican nationals by organized criminal groups for the purpose of forced criminality. Trafficking-related corruption and several instances of complicity among some public officials, including law enforcement and immigration officials, continue to raise concern. NGOs reported child sex tourism remains a problem and continues to expand, especially in tourist areas and in northern border cities. Many child sex tourists are from the United States, Canada, and Western Europe; Mexicans also purchase sex from child trafficking victims.

MICRONESIA, FEDERATED STATES OF: TIER 2

The Government of the Federated States of Micronesia (FSM) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore FSM remained on Tier 2. These efforts included prosecuting and convicting more traffickers and sentencing them to penalties proportionate to the seriousness of the crime. Judges also ordered the traffickers to pay victim restitution. The government provided $270,000 for anti-trafficking efforts and opened its first shelter for victims of crime in Chuuk. The government also designated a full-time assistant attorney general to prosecute all human trafficking cases and hired four investigators to support this work. However, the government did not meet the minimum standards in several key areas. The government remained without standard operating procedures (SOPs) for proactive victim identification and referral to protection services. Law enforcement and judicial understanding of trafficking remained low and overall protection services were insufficient.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Finalize, disseminate, and train officials on procedures for the proactive identification and referral of trafficking victims to rehabilitation services. • Increase resources for protection services for trafficking victims. • Increase and institutionalize anti-trafficking training for police, prosecutors, and judges, including on how to implement a victim-centered approach. • Provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution. • Strengthen efforts to implement the national action plan (NAP) and state-level plans, including through staffing a governmental anti-trafficking secretariat. • Monitor foreign labor recruitment for trafficking indicators, including the coercive use of debt. • Strengthen efforts to conduct anti-trafficking awareness campaigns targeted to traditional leaders, health care professionals, and the public, including those citizens of FSM who might migrate for work overseas.

PROSECUTION

The government increased law enforcement efforts. The national anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment, a fine of $5,000-$25,000, or both for offenses involving adult victims, and up to 30 years' imprisonment, a fine of between $5,000-$50,000, or both for offenses involving child victims. These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Each of Micronesia's four states had its own laws that criminalized trafficking offenses; however, Pohnpei and Chuuk States did not explicitly prohibit adult sex trafficking. Cases prosecuted at the state level may be heard subsequently at the national level, under national anti trafficking law, depending on which court hears a case.

The government reported investigating nine alleged trafficking cases, compared with eight in 2017, and prosecuting seven alleged traffickers, compared with two in 2017. Courts convicted six traffickers during the reporting period, an increase compared with two traffickers convicted in 2017. The Chuuk State court sentenced three traffickers for child sex trafficking to nine years' imprisonment and ordered each offender to pay $1,000 in restitution to the victim. In March 2019, a Supreme Court judge sentenced the mother and stepfather of a child sex trafficking victim to seven years and eight months' imprisonment and ordered each to pay the victim $40,000 in restitution. The combined $80,000 in restitution imposed by the court on the offenders was one of the largest restitution judgments in the history of the court. Also in March 2019, the Pohnpei State court sentenced a cab driver who used his taxi to recruit, transport, and deliver girls to have sex with sailors on shore leave and other men between 2015 and 2017 to 10 years' imprisonment and ordered him to pay a total of $14,000 restitution to two identified victims. The court allowed the offender to be released from prison at certain hours on Sunday to attend church and visit his children during the duration of his incarceration.

During the reporting period, the Department of Justice (DOJ) assigned a full-time assistant attorney general to prosecute all human trafficking cases and hired four investigators, two in Chuuk and two in Kosrae, who specialize in human trafficking. In 2018, the government provided DOJ with $100,000 for investigation and awareness programs; DOJ continued to provide training for law enforcement, judges, lawyers, health providers, faith-based organizations, and youth and women's groups at the state and national level. Despite these trainings, judges lacked specialized training and consequently some judges lacked sensitivity to trafficking issues and the trauma victims experienced. In previous years, the absence of judicial training and Micronesian law, which allowed for penalties of fines in lieu of imprisonment, regularly permitted judges to apply penalties that were disproportionately low to the severity of the crimes. The government's police academy training for new cadets included a mandatory training on investigating trafficking cases and how to interview potential victims. Observers stated police still required additional training on sex trafficking and sophisticated investigation techniques. The insular nature of the small island communities at times protected traffickers and impeded investigations. Police did not frequently investigate or charge traffickers whose role was to facilitate rather than impose exploitation, such as hotel owners, taxi drivers, and family members. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased efforts to protect victims. In August 2018, the government finalized and approved standard operating procedures (SOPs) for victim assistance and referral to state law enforcement; however, the government remained without SOPs to proactively identify trafficking victims and refer them to rehabilitation services. Insufficient identification efforts may have made victims vulnerable to law enforcement actions against them, such as deportation. The government did not report the number of potential victims it identified but reported providing food, clothing, medical services, psychological evaluation, counseling services, assistance with the appointment of legal guardians, and academic and social reintegration support, in partnership with an international organization, to 10 Micronesian girls who were victims of sex trafficking. This was an increase compared with the government providing limited protection services to two victims during the previous reporting period. In January 2019, the government opened its first shelter, available to all victims of crimes, in Chuuk. The government provided $100,000 for additional DOJ personnel and victim services and, in January 2019, provided an additional $70,000 to support a trafficking victim psychologist and the hotline established in the previous reporting period. The hotline operated 24 hours a day in English and local languages and while it received calls during the reporting period, none of the calls resulted in trafficking investigations.

The DOJ employed an anti-human trafficking coordinator at the national level and three assistant coordinators at the state level, who provided support to the victim from the investigation through the trial and for several years after the disposition of the victim's case. During the reporting year, a judge in Chuuk granted the implementation of special trial procedures by agreeing to close the court and providing a screen for the victim to sit behind during the victim's testimony. The government did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

PREVENTION

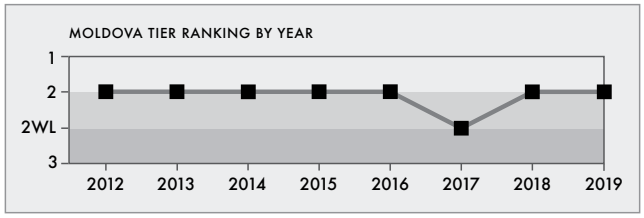
The government maintained efforts to prevent trafficking. The DOJ coordinated the government's anti-trafficking efforts. Each of the four states' anti-trafficking task forces, comprised of members of state and national law enforcement, the legal community, medical and mental health professionals, immigration officials, and women's empowerment and faith-based groups, continued to operate during the reporting period. Chuuk's task force met monthly and was the most active. The government reported it continued to implement its 2014 national action plan (NAP) and three of the four states had action plans linked to the NAP. The government provided $100,000 to DOJ for investigations and awareness activities, a large increase from approximately $100 for awareness activities in the previous reporting period. The government reported it conducted monthly community awareness programs throughout the four states. The government did not report any efforts to monitor foreign labor recruitment or preparation of Micronesian women and girls leaving to work in other countries. The government did not report 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 FSM, and traffickers exploit victims from FSM abroad. Sex traffickers exploit Micronesian women and girls through commercial sex with the crewmembers of docked Asian fishing vessels and on vessels in FSM territorial waters, or with foreign construction workers. Some family members exploit Micronesian girls in sex trafficking. Local authorities claim many sex trafficking cases are unreported due to social stigma and victims' fear of possible repercussions in their home communities. Foreign and domestic employers in FSM exploit low-skilled foreign migrant workers in forced labor, including in restaurants. Foreign migrants from Southeast Asian countries report working in conditions indicative of human trafficking on Asian fishing vessels in FSM or its territorial waters. Traffickers recruit FSM women with promises of well-paying jobs in the United States and its territories but upon their arrival they are subsequently forced into commercial sex or domestic service.

MOLDOVA: TIER 2

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Moldova remained on Tier 2. These efforts included identifying significantly more victims, establishing a case allocation system to route trafficking cases to judges with specialized training, holding some complicit officials accountable, and simplifying the process to obtain citizenship. However, the government did not meet the minimum standards in several key areas. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. Victims continued to suffer from intimidation from traffickers, and authorities provided uneven levels of protection during court proceedings. There was limited assistance available to child victims, despite the increasing number of children identified.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials. • Implement measures to address corruption in the judicial sector and law enforcement community, including taking steps to shield trafficking investigators and prosecutors from external influence and internal corruption. • Exempt all victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin. • Ensure consistent use of laws and regulations designed to protect victims during trial, take steps to protect victims and witnesses during court proceedings, and prosecute perpetrators of witness tampering and intimidation. • Increase shelter and rehabilitation assistance to child victims of trafficking. • Train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions. • Increase access to shelters and rehabilitation facilities for male victims of trafficking. • Improve cooperation with non-governmental care providers, including coordination on policy development and

assisting victims cooperating with investigations. • Formalize government oversight of private employment agencies, including monitoring for any recruitment fees charged to applicants.

PROSECUTION

The government maintained law enforcement efforts. Articles 165 and 206 of the criminal code criminalized sex trafficking and labor trafficking. The law prescribed penalties of six to 12 years' imprisonment for trafficking offenses involving an adult victim and 10 to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code also criminalized forced labor and imposed penalties of up to three years' imprisonment, which was not sufficiently stringent. Corruption in the judicial system remained an acute impediment to bringing traffickers to justice; prosecutors, members of the judiciary, and members of law enforcement were implicated in corrupt practices. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds. The government prosecuted several officials for complicity in trafficking. A case against a police officer for facilitating prostitution remained ongoing. In January 2018, a court convicted the former deputy director of Moldova's human trafficking-specialized law enforcement body for accepting bribes in a trafficking-related case and sentenced him to four years in prison; his case remained pending in the appeals court. Prosecutors indicted the director of an orphanage for the sexual and labor exploitation of several children in 2017; in 2018, a court convicted and sentenced the director and an accomplice to 17 years and six months and 17 years, respectively. The court ordered both to pay a minor victim 800,000 Moldovan lei ($47,080). Investigations on several government officials for complicity in trafficking continued in 2018. These included a case against a village mayor for labor trafficking and a case involving the deputy head of a regional labor inspectorate accused of forced labor on an animal farm. Authorities investigated, arrested, or indicted several Moldovan diplomats and the head of the foreign ministry's consular affairs department for extorting or accepting bribes to facilitate illegal migration.

Authorities conducted 153 trafficking investigations in 2018, compared to 185 in 2017. The government initiated 83 prosecutions in 2018, compared to 85 in 2017, and convicted 59 traffickers, compared to 58 in 2017. Of the 59 convicted traffickers, 56 received prison terms, ranging from three years and three months to 20 years, and three received suspended sentences. There were 20 persons acquitted and seven criminal investigations were terminated.

The Center for Combating Trafficking in Persons (CCTIP), Moldova's specialized anti-trafficking law enforcement body, was staffed by approximately 40 officers. The unit suffered from significant turnover of experienced staff during the year, which hindered the body's ability to investigate complex cases—such as those involving transnational criminal gangs or complex financial transactions. Observers reported CCTIP focused on simpler domestic sex trafficking cases rather than complex international cases, which boosted the center's statistics. The Prosecutors General Office (PGO) expanded staff of the Trafficking in Persons and Cybercrimes Unit, which was dedicated in part to trafficking crimes, from five prosecutors to 10, who focused solely on the investigation stage of the criminal justice process. Observers remarked increased staff led to the unit prosecuting significantly more trafficking cases. The Chisinau Prosecutor's Office maintained an Anti-Trafficking Bureau and monitored the assignment of cases, ensuring only prosecutors with specialized training received trafficking cases. Every territorial prosecutor's office outside the capital had a designated prosecutor to cover these cases. A separate team of six prosecutors within the PGO continued to serve as the focal point for international trafficking cases and monitor the Anti-Trafficking Bureau; it also tracked trends and data. In May 2018, the government established a new case allocation system for criminal trafficking cases, ensuring judges with specialized trafficking experience would hear them. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government and international organizations trained police, border guards, prosecutors, and judges in 2018.

Prosecutors did not develop investigative techniques that corroborate testimony or consistently employ a victim-centered approach to cases. A February 2016 Constitutional Court decision limited the time suspects may be detained to 12 months. Because final verdicts in trafficking cases can take years, this ruling obligated authorities to release suspected traffickers before trials concluded, enabling them to flee the country or retaliate against witnesses. Observers reported traffickers tried to manipulate, blackmail, or bribe victims to change their testimony. In 2018, only one victim and their family members benefited from witness protection programs, compared to three in 2017, despite many more in need of such protection. The National Investigative Inspectorate (INI) maintained a policy requiring CCTIP to regularly inform the INI of the suspects in CCTIP's investigations, to include subjects of search warrants before searches were executed, which increased the risk of corrupt officers warning suspects ahead of raids or intervening in ongoing investigations. In July 2018, the PGO issued an order calling for investigations in the case of a witness or victim changing testimony; during the reporting period, law enforcement initiated seven investigations of suspected witness intimidation and all seven resulted in criminal cases.

PROTECTION

The government maintained victim protection efforts. The government identified 364 trafficking victims in 2018, compared with 249 in 2017. Of these identified victims, 60 were children, an increase from 48 in 2017. Some law enforcement officials may have intentionally avoided taking action on victim identification and investigation of trafficking crimes. Border police did not consistently screen undocumented migrants for trafficking before placing them in detention facilities. The government decreased funding for victim protection, budgeting approximately nine million lei ($529,630) to repatriation assistance and seven shelters for victims of crime and family violence; this compared with 12.1 million lei ($712,060) in 2017. The government often relied on NGOs and international organizations to supplement government employee salaries and fund victim services; government contributions were often insufficient to cover basic living expenses for both employees and victims.

The government assisted 110 victims, including 19 children and five foreigners, with shelter care and coordinated with an international organization to facilitate the repatriation of 28 adult and 20 child victims from Russia, Ukraine, Romania, Spain, Lithuania, Italy, and the United Arab Emirates. Teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance. Through the Chisinau and regional centers, victims could receive shelter and medical, legal,

and psychological assistance, regardless of their cooperation with law enforcement. Psychological assistance, legal aid, and long-term reintegration support were insufficient, however, and some victims were unable to obtain the free medical insurance afforded under Moldovan law. Authorities granted foreign victims a 30-day reflection period, during which they could receive assistance and protection from deportation; if foreign victims chose to cooperate with law enforcement, they received temporary residence. Victims who could not be repatriated due to safety concerns could receive shelter-in-country, although no such cases were reported in 2018. Victims often struggled to find pro bono legal representation and relied on legal assistance provided by NGOs and international organizations. The weak capacity of social workers in outlying regions led to inefficient and poor quality services offered to victims. These deficiencies contributed to the continued risk of re-victimization. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care; one shelter could accommodate up to 10 child victims, but provided limited social services. Children's rights groups noted the limited assistance to child victims put them at a higher risk for institutionalization and further trauma. Officials interviewed victims 14 years old or younger in specialized hearing rooms with recording equipment and the assistance of a psychologist. Male victims were entitled to all forms of assistance, but lacked access to shelters. Care providers reported bureaucratic impediments to moving victims with severe mental health needs to state-run psychiatric institutions.

The government did not adequately protect victims participating in investigations and prosecutions. Law enforcement seldom fully informed victims of their rights, and victims did not understand court proceedings. At times, police intentionally withheld informing victims of their rights in attempting to secure victims' cooperation; some victims chose to flee abroad to avoid criminal proceedings against their alleged trafficker. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. The law required adult victims confront their alleged traffickers in person at a police station to begin an investigation; this requirement likely deterred victims from reporting crimes and could re-traumatize victims or otherwise put them at risk. In some cases, adult victims were required to confront their traffickers on multiple occasions over the course of an investigation and trial. Judges had discretion to allow victims to provide testimony without the alleged trafficker being physically present in the room. However, judges frequently disregarded laws and regulations designed to protect victims during trial proceedings thereby violating victims' rights and allowing traffickers to intimidate some victims in the courtroom so that the victims felt pressured to change their testimony.

The law allowed victims to file a civil suit for restitution as part of the criminal proceedings. In 2018, victims received awards of more than 3.2 million lei ($188,310) as restitution. Victims could submit compensation claims to the Ministry of Justice when they could not obtain compensation from the convicted perpetrator. Law enforcement recovered criminal assets from traffickers totaling 4.2 million lei ($247,160), including cash, vehicles, and real estate. The government punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The criminal code exempted trafficking victims from criminal liability for committing offenses as a result of their exploitation. However, when authorities classified cases under related statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. Similarly, when authorities reclassified sex trafficking cases to pimping cases, victims were no longer exempt from punishment and could be charged with prostitution offenses. Authorities could fine or imprison victims for making false statements if they changed their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the traumatization experienced. Authorities also prosecuted victims who recruited other victims during their period of exploitation.

PREVENTION

The government maintained prevention efforts. In September 2018, the government subordinated the national anti-trafficking committee (NCCTIP) secretariat under a new Permanent Secretariat, reducing the number of staff dedicated exclusively to coordinating anti-trafficking efforts from four to one and reducing the funding from the State Chancellery for combating trafficking. During the reporting period, the NCCTIP inter-ministerial committee convened three times to discuss progress on the ministries' commitments under the 2018-2023 national strategy and associated 2018-2020 action plan. The decreased staffing of NCCTIP limited the government's ability to conduct public awareness campaigns; however, the government continued to collaborate with civil society and international organizations to raise awareness. The government provided partial funding to an NGO to manage a hotline on child abuse and exploitation. The government funded and operated several trafficking hotlines; the government did not provide complete data, but CCTIP reported receiving 30 calls related to trafficking crimes through its hotline.

The National Agency for Employment provided consultations to employment agencies and coordinated agreements between employers and individuals; 81 registered private employment agencies operated within Moldova. Inspections at 62 of these agencies resulted in the closure of 17 agencies, 17 fines, and 22 official requests to the State Tax Service for tax audits and license revocations. Despite these actions, observers noted the general lax oversight and control of private recruitment agencies, particularly those offering foreign job opportunities, as a key trafficking vulnerability. The government simplified the procedures to obtain Moldovan citizenship and identity documents for individuals residing in Transnistria. The government made efforts to reduce the demand for commercial sex.

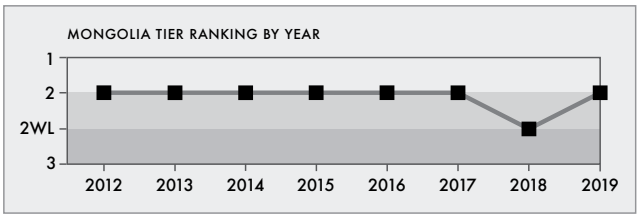
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Moldova, and traffickers exploit victims from Moldova abroad. Traffickers exploit Moldovan victims in sex and labor trafficking within Moldova and in Russia, Germany, other countries in Europe, and the Middle East. Most victims are from rural areas and have low levels of education. Traffickers exploit women and children in sex trafficking in Moldova in brothels, saunas, and massage parlors. Increasingly, girls aged 13 to 15 are victims of sex trafficking. Child sex tourism remains a concern, including from the EU, Turkey, Australia, Israel, Thailand, and the United States; children are exploited in online child pornography, which experts note is used as a grooming method for sex trafficking. Children, living on the street or in orphanages or left behind by parents migrating abroad, remain vulnerable to exploitation. Labor migrants remain vulnerable to trafficking; women account for more than half of all labor migrants from Moldova. The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Women from Gagauzia—a

Turkic-speaking autonomous territorial region—are vulnerable to sex trafficking in Turkey. The undocumented, or stateless, population, including the Romani community, within Moldova remains vulnerable to exploitation, primarily in the agricultural sector. There are increasing reports of forced labor in the construction sector. Official complicity in trafficking continues to be a significant problem in Moldova.

MONGOLIA: TIER 2

The Government of Mongolia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mongolia was upgraded to Tier 2. These efforts included resuming funding for victim service provision; significantly increasing identification of victims and assistance for repatriation; securing several convictions under new provisions of the amended criminal code; and initiating a new law enforcement campaign to curb fraudulent recruitment via social media. However, the government did not meet the minimum standards in several key areas. Authorities did not reopen any of the trafficking prosecutions discontinued without proper recourse in 2017 following enactment of the new criminal code, and some law enforcement officials reportedly continued to penalize victims for crimes committed as a result of their having been subjected to trafficking.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute all trafficking offenses using Articles 12.3 and 13.1 of the criminal code, including by opening investigations into crimes detected during research and prevention activities, and by reopening cases discontinued without proper recourse following enactment of the new criminal code. • Impose adequate sentences on convicted traffickers, to include time in prison. • Amend relevant laws to ensure victims' access to protection services regardless of whether officials initiate formal criminal proceedings against their alleged traffickers. • Cease penalizing victims for unlawful acts committed as a result of having been subjected to trafficking, including by amending the Law on Petty Offenses to ensure sex trafficking victims are not detained or fined. • Allocate additional resources for, and increase efforts to train officials on, implementation of anti-trafficking provisions of the criminal code, especially among rural prosecutors' offices. • Systematize and fully implement formal procedures to guide government officials, including police, immigration, and labor authorities, in victim identification and referral to protective services, especially among foreign workers, domestic and foreign nationals transiting major border crossing areas, women and children living in mining communities, and LGBTI persons. • Allocate funding to support and expand both government and NGO-run shelters and other forms of victim assistance and protection, including for male victims. • Expand the availability of assistance funds to all Mongolian victims identified abroad, regardless of what form of trafficking they experience. • Strengthen efforts to monitor the working conditions of foreign laborers employed in Mongolia and screen them for labor trafficking indicators, including by increasing funding and resources for labor inspectors and allowing them to conduct unannounced inspections. • Increase efforts to raise awareness on trafficking vulnerabilities among rural and border communities.

PROSECUTION

The government increased law enforcement efforts. Article 13.1 of the criminal code criminalized sex trafficking and labor trafficking; it prescribed penalties of two to eight years' imprisonment for offenses involving an adult victim and five to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Article 12.3 of the criminal code criminalized sexual exploitation offenses, including some forms of sex trafficking; penalties ranged from two to eight years' imprisonment for trafficking offenses involving individuals older than the age of 14, and 12 to 20 years' imprisonment for those involving children younger than the age of 14. During the reporting period, the government investigated 17 trafficking cases (12 in 2017) involving 62 alleged perpetrators, 21 of whom were prosecuted (15 defendants under Article 13.1 and six under Article 12.3, compared to 19 in 2017). The National Police Agency (NPA) maintained an anti-trafficking unit, which conducted at least 11 of these investigations (none in 2017). Courts secured convictions in six trafficking cases—five under Article 13.1 and one under Article 12.3—compared to none in 2017. Authorities did not report full sentencing data, but NPA officials noted the trafficker convicted under Article 12.3 was sentenced to 12 years' imprisonment. Upon enactment of the new criminal code in 2017, prosecutors dismissed as many as 26 trafficking cases that had been filed under a defunct criminal code article, rather than conducting assessments of each case to determine whether the relevant allegations fell under Articles 13.1 and 12.3. The Prosecutor General's Office then established a working group to reassess and consider formally reinstating these cases in early 2018, but a decision remained pending at the end of the reporting period. International observers expressed concern that the government's provision of early release to some incarcerated traffickers was excessively lenient and possibly contributed to continued incidence of the crime.

Due to the misconception among many government officials that traffickers only exploit women and girls, authorities rarely used Articles 13.1 or 12.3 to prosecute cases where traffickers targeted male victims and instead used provisions with less stringent penalties. The government resumed funding for training courses for law enforcement officers and social workers on trafficking, along with certain forms of in-kind support, including instructors and classroom spaces. However, law enforcement authorities noted judiciary officials' general unfamiliarity with trafficking-specific provisions of the criminal code continued to lead to lesser charges in some cases. Rural prosecutors' offices noted an acute need for additional training, resources, and dedicated personnel to properly handle trafficking cases. Municipal police in Zamiin-Uud, the largest port of entry on Mongolia's southern border, held quarterly information-sharing sessions and conducted joint anti-trafficking operations with a counterpart agency in the neighboring Chinese city of Erlian. NPA officials also

participated in capacity-building training in Korea and Thailand. Authorities did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, despite ongoing reports that some low-level law enforcement officials facilitated the crime.

PROTECTION

The government increased efforts to protect victims. After three consecutive years without government funding for victim protection, the government provided 95 million tugriks ($35,950) to the primary anti-trafficking NGOs that continued to provide the vast majority of victim protection services. Two shelters run by the non-governmental Mongolian Gender Equality Center (GEC) were the main victim service providers in the country and received a large portion of this funding to expand their work. Only one of these shelters could accommodate male victims and neither was accessible to persons with disabilities. NPA investigators reported using a trafficking risk assessment checklist containing 11 questions to proactively identify victims among vulnerable populations; in practice, NGOs indicated victim identification and referrals were not sufficiently systematic and often depended largely on the awareness and initiative of individual officers.

Neither the government nor the GEC identified any foreign victims during the reporting period. However, civil society groups noted some improvement in these practices following increased government participation in foreign donor-funded training activities nationwide and with increased government funding for anti-trafficking activities. Authorities identified and referred at least 20 victims to NGO protection services (unreported in 2017). NPA officials referred eight Mongolian child sex trafficking victims to psycho-social and medical care, and the Ministry of Justice and Home Affairs (MOJHA) contracted with several NGOs to secure shelter services for 12 victims. The GEC assisted one victim of labor trafficking and 38 victims of sex trafficking (a total of 29 in 2017). According to the GEC, all of the adult victims were female, and six—one male and five females—were child sex trafficking victims. The GEC in turn formally supplied information on 10 cases involving 34 of the victims to the NPA for criminal investigations into the relevant suspects. The NPA's Victim and Witness Protection Department reported it did not provide protection services to any trafficking victims in 2018.

Mongolia maintained a National Anti-Trafficking Program (2017-2021) and work plan aimed at improving prevention and protection efforts; unlike in previous reporting periods, the government allocated 709 million tugriks ($268,260) to implement this program (no funding in 2017). This budget allocation allowed border authorities to install and implement new immigration software to screen for trafficking indicators among 167 Mongolian children traveling internationally without parents or legal guardians; although they did not identify any victims among these children, border authorities provided them with passport inserts containing emergency consular contact information and shared their biometric data with law enforcement for continued monitoring.

Article 8.1 of the criminal procedural code included language that reportedly denied trafficking victims' access to protective services until prosecutors had initiated cases against their alleged traffickers, thereby obstructing access to protective services for some victims in 2017. In an effort to address this issue in 2018, MOJHA created a working group and instituted an intra-governmental comment period to consider amendments to the Law on Victim and Witness Protection; these remained in draft form at the end of the reporting period. Article 15 of the anti-trafficking law stipulated that victims were entitled to compensation for damages wrought by their traffickers, but officials and non-government observers agreed inconsistencies between the criminal code and the civil code made this provision impossible to fully implement. The Ministry of Foreign Affairs (MFA) Consular Department maintained a fund to assist Mongolian nationals subjected to trafficking abroad, but it was only available in cases involving organized crime syndicates or "grave harm." In 2018, authorities repatriated at least 20 Mongolian individuals subjected to trafficking abroad—two from Malaysia, 17 from China, and at least one from Cambodia—a significant increase from a total of seven in 2017. MOJHA reported the MFA also provided psycho-social services to 15 of these victims.

Mongolia's Law on Petty Offenses, which allowed authorities to detain anyone apprehended on suspicion of prostitution for seven to 30 days, reportedly continued to place some victims at risk of penalization for crimes committed as a direct result of their having been subjected to trafficking. Authorities claimed to have identified and protected 10 child sex trafficking victims among 415 individuals arrested during anti-prostitution raids in 2018, but they did not report on the status of charges brought against four underage girls arrested for prostitution in the last reporting period. Mongolian law did not provide legal alternatives to the removal of foreign victims to countries in which they could face retribution or hardship. In observance of a 2017 UN Security Council resolution, the government had reportedly repatriated the majority of North Korean labor migrants originally in Mongolia under the auspices of bilateral work agreements; authorities did not screen them for trafficking indicators. Some civil society and provincial government contacts expressed concern that a small number of non-diplomatic North Korean migrant workers remained in country and continued to face conditions indicative of forced labor.

PREVENTION

The government increased efforts to prevent trafficking. It increased funding to the National Anti-Trafficking Program (2017-2021) and corresponding work plan. Under the management of a National Sub-Council, the program aimed to provide technical guidance on trafficking prevention and coordinate interagency efforts to implement relevant legislation. Authorities continued to work with an international organization to establish an integrated law enforcement statistical database, which remained in progress at year's end. MOJHA provided nine million tugriks ($3,410) to a local NGO to conduct a labor exploitation study that included a forced labor prevalence component. The General Authority for Specialized Investigation (GASI) also conducted two large-scale surveys on children's general vulnerabilities in horse jockeying and on child labor protection issues, respectively. Officials continued to disseminate a daily trafficking-themed public service announcement (PSA) on social media and television, in addition to distributing PSAs to police stations in all provinces. In the south, authorities also began conducting anti-trafficking awareness-raising activities for hundreds of students and local medical professionals specializing in adolescent care in an effort to address trafficking vulnerabilities among youth crossing into China for employment opportunities.

The Ministry of Labor and Social Protection General Agency for Labor and Social Welfare had the authority to monitor labor

agreements for foreign nationals working in Mongolia and for Mongolians working in countries that had bilateral work agreements with Mongolia. GASI had the authority to inspect labor contracts and monitor compliance with the law for all workers in Mongolia and to conduct inspections of working conditions in Mongolian formal sector establishments. Officials and NGOs noted funding and resources for the inspectors were too low to provide comprehensive oversight, and the government did not report statistics on, or the outcomes of, these inspections. Moreover, GASI was required to give employers 48 hours' advance notification before conducting an inspection, raising concerns that employers may have been able to conceal violations in the interim. Unlike in the prior reporting period, the government took measures to reduce the demand for commercial sex acts and forced labor. Together with an international organization, MOJHA and NPA created, co-funded, and implemented a campaign to raise awareness on, investigate, and intervene in fraudulent online recruitment leading to sex trafficking and forced labor. Through these efforts, the government shuttered dozens of social media pages attempting to lure Mongolians into false employment opportunities abroad, and referred several cases for criminal investigation.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mongolia, and traffickers exploit victims from Mongolia abroad. Traffickers may also use Mongolia as a transit point to subject foreign individuals to trafficking in Russia and China. Traffickers subject Mongolian men, women, and children to forced labor in China, Kazakhstan, Norway, Sweden, and Turkey, and to sex trafficking in Belgium, Cambodia, China, Germany, Hong Kong, Japan, Macau, Malaysia, South Korea, Sweden, Turkey, and the United States, as well as in Mongolia. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. Most sex trafficking of Mongolian victims from rural and poor economic areas occurs in Ulaanbaatar, provincial centers, and border areas. One recent civil society survey found domestic violence drove the vast majority of Mongolian trafficking victims to seek and accept unsafe employment opportunities that left them vulnerable to traffickers. Traffickers subject women and girls to sex trafficking in Mongolian massage parlors, illegal brothels, hotels, bars, and karaoke clubs, sometimes through the permissive facilitation of local police. Transgender women are reportedly at higher risk of sex trafficking due to pervasive social stigma barring them from employment in the formal sector. Tourists from Japan and South Korea have reportedly engaged in child sex tourism in Mongolia in prior years; some civil society groups believe this practice may be on the rise.

The ongoing development of the mining industry in southern Mongolia continues to drive growing internal and international migration, intensifying trafficking vulnerabilities—especially along the China-Mongolia border. Truck drivers transporting coal across the Chinese border in Omnogovi Province are often more vulnerable to labor traffickers due to an arrangement under which employers confiscate their passports as collateral for their vehicles. These drivers often wait in truck lines with minimal sleep for weeks or months at a time until they receive permission to cross and make deliveries in China, where customers impose wage deductions for the delays; this loss of income reportedly makes them further vulnerable to labor exploitation. Traffickers are increasingly subjecting women and girls to sex trafficking in these border crossing truck lines, along the coal transport roads connecting mining sites to the Chinese border, at nightlife establishments in mining towns, and at entertainment sites across the border in Inner Mongolia. Mining workers sometimes leave their children at home alone while on extended shift rotations, during which time the children are at elevated risk of sex trafficking. Child forced labor also occurs in connection with artisanal mining.

Traffickers force some children to beg, steal, or work in other informal sectors of the economy, such as horseracing, herding and animal husbandry, scavenging in garbage dumpsites, and construction. Some families are complicit in subjecting children to sex trafficking and forced labor. Traffickers force Mongolian girls to work as contortionists—often under contractual agreements signed by their parents—primarily in Mongolia and Turkey, and to a lesser extent in Hong Kong and Singapore. Mongolian boys are at high risk of forced labor and sex trafficking under visa regimes that enable them to work indefinitely as horse jockeys and circus performers across the Chinese border, provided they return with a chaperone every six months; this frequent facilitated transit also makes them more vulnerable to trafficking. Traffickers compel women and girls to work in domestic service and engage in commercial sex acts after entering into commercially brokered marriages with men from China and, to a lesser extent, Korea.

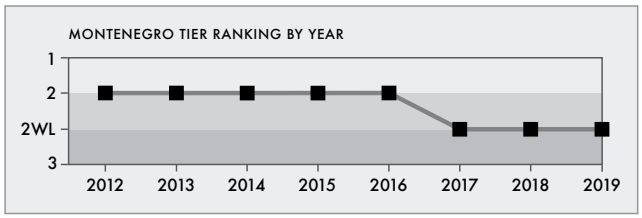
Chinese companies are increasingly hiring Mongolian men and boys to work at agricultural operations for compensation far below minimum wage and under ambiguous immigration status, placing them at high risk of trafficking. Some Chinese micro-lending institutions reportedly retain Mongolians' passports as a form of collateral, leaving them vulnerable to immigration status-related coercion.

North Korean and Chinese workers employed in Mongolia are vulnerable to trafficking as contract laborers in construction, manufacturing, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining. Some of them experience contract switching when they enter the country, making them especially vulnerable to coercion due to resultant immigration violations. The remaining North Korean laborers in Mongolia reportedly do not have freedom of movement or choice of employment, and companies allow them to retain only a small portion of their wages while subjecting them to harsh working and living conditions. Officials report some Russian and Ukrainian women entering Mongolia through Chinese border crossings for short visits under visa-free regimes may be sex trafficking victims. Observers report that corruption among some Mongolian officials facilitates sex trafficking in illicit establishments and impedes the government's anti-trafficking efforts.

MONTENEGRO: TIER 2 WATCH LIST

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included drafting and adopting a national anti-trafficking strategy for 2019-2024 and a national action plan for 2019. The government established a multi-disciplinary task force to proactively investigate trafficking and changed case referral procedures to decrease the chances of trafficking cases prosecuted under other offenses. However, the government did not demonstrate

overall increasing efforts compared to the previous reporting period; the government did not convict any traffickers under its trafficking law for the fifth consecutive year and did not initiate any prosecutions. The government penalized one potential victim due to inadequate identification. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Montenegro was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Montenegro remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code. • Increase proactive screening of potential victims, especially for women in prostitution, migrants, seasonal workers, and children engaged in begging. • Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Incentivize and encourage victim participation in investigations and prosecutions in a victim-centered manner. • Increase access to justice and victim-witness protection for victims. • Integrate Romani groups into decision-making processes regarding victim protection. • Create and finance an accessible compensation fund and inform victims of their right to compensation during legal proceedings. • Ensure the Office for the Fight against Trafficking in Persons has adequate independence, capacity, and impact to implement anti-trafficking efforts.

PROSECUTION

The government maintained inadequate law enforcement efforts. Article 444 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties ranging from one to 10 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated four cases (two in 2017). The government did not initiate any prosecutions (two in 2017). The government continued to prosecute two cases from previous years. The government did not secure any convictions under Article 444 for the fifth consecutive year. The government established a multi-disciplinary task force to proactively investigate trafficking. Additionally, law enforcement maintained a specialized trafficking unit within the Police Directorate and two task forces targeting forced child begging and sex trafficking; the forced child begging task force charged one suspect. Law enforcement conducted raids on bars, nightclubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations.

Experts continued to report authorities investigated and prosecuted possible sex trafficking cases under other offenses, such as brokering in prostitution (Article 210). In previous years, basic prosecutors stopped some investigations when they secured enough evidence to prosecute under Article 210 and did not investigate for more subtle forms of coercion or seek additional evidence through specialized investigative techniques; however, the government changed case referral procedures by requiring the Supreme Prosecutor's Office to initially review all trafficking-related cases and then downgrading cases not deemed as a trafficking offense. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The Office for the Fight against Trafficking in Persons (OFTIP) and the Ministry of Interior (MOI), and at times in cooperation with an international organization, separately trained 73 police officials, 17 representatives from prosecution offices, one court advisor, and 19 judicial officials.

PROTECTION

The government maintained victim protection efforts. The government identified four potential victims of forced begging, compared to one officially recognized and one potential sex trafficking victim in 2017. All victims were underage females in 2017 and 2018. Police also identified 22 child beggars (107 in 2017) and accommodated most of the child beggars at local social welfare centers until releasing them to their parents or guardians. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures for identifying and referring victims to services. First responders carried out the preliminary identification of possible victims and then contacted police who formally recognized the individuals as potential trafficking victims. Police officers proactively screened foreign nationals and seasonal workers during the summer tourist season for indicators of trafficking. Observers continued to report the low number of identified victims reflected inadequate victim identification procedures. The government identified potential victims as an official trafficking victim only in cases with a final conviction or at times a formal indictment; however, the government provided the same services to potential victims and officially recognized victims. A multi-disciplinary coordination team led by the national coordinator monitored the implementation of the NRM and met twice a year and when a potential victim was identified. The government provided training on victim identification to police, labor inspectors, health workers, social workers, and workers in the tourism industry.

The government-funded NGO-run shelter accommodated three victims (four victims in 2017). OFTIP allocated €24,000 ($27,520) to the NGO-run shelter, compared to €23,500 ($26,950) in 2017 and €27,000 ($30,960) in 2016. The government-funded NGO-run shelter provided specialized services for trafficking victims, including vocational training and medical, psycho-social, legal, and reintegration assistance. The shelter could accommodate adult male, adult female, and child victims in separate living quarters in the shelter. Victims could leave the shelter after an assessment by police or by the social welfare centers in the case of children. The Ministry of Labor and Social Welfare (MLSW) operated local social and welfare centers and two regional institutions, which provided general services for victims of abuse, including trafficking victims. Although MLSW did not provide specialized services for trafficking victims, MLSW separated facilities for males and females. The law allowed foreign victims to acquire temporary residence permits from three months to one year with the ability to extend; no victims applied for temporary residence permits in 2016, 2017, or 2018.

The government penalized one potential victim for crimes committed as a direct result of being subjected to trafficking due to inadequate identification; experts reported the government

deported a potential victim to Serbia. The law provided witness protection, free legal aid, and a psychologist to encourage victims to participate in prosecutions; however, observers continued to report the government assigned lawyers with little or no experience to potential victims. Prosecutors implemented victim-centered approaches for a child victim who participated in the ongoing prosecution of her trafficker; prosecutors video recorded her testimony in the presence of a social worker, requested a female judge, and separated her from the trafficker to prevent re-traumatization. However, observers reported law enforcement failed to protect a potential victim from intimidation and threats to change her testimony from her at-large perpetrator. The law also allowed for the possibility of restitution through civil suits. The law on compensation of victims intended to provide financial assistance to victims of violent crimes; however, this law will not go into effect until Montenegro becomes a member of the EU. No victim has ever received restitution in civil or criminal proceedings; observers reported some prosecutors did not know they could make claims during criminal proceedings.

PREVENTION

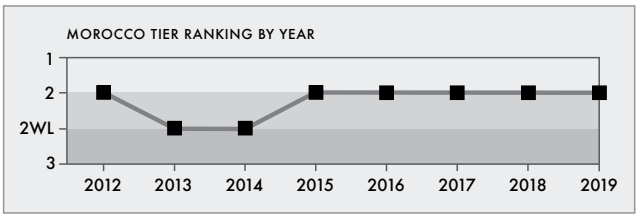
The government increased prevention efforts. The government drafted and adopted a national anti-trafficking strategy for 2019-2024 and a national action plan for 2019. The government allocated €166,165 ($190,560) to OFTIP, compared to €176,630 ($202,560) in 2017. OFTIP led overall anti-trafficking efforts and the head of OFTIP was the national coordinator for the anti-trafficking working group, which comprised government agencies, non-governmental and international organizations, and the international community. Observers reported the MOI did not fully recognize OFTIP's role and a reorganization in the previous year created unnecessary administrative obstacles. The government organized awareness campaigns at schools and seminars for representatives from municipal government and state institutions on their respective roles and responsibilities in anti-trafficking efforts. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims. The hotline received 565 calls (476 calls in 2017); none of the calls led to an investigation, and observers reported police rarely acted on potential cases from the hotline. The government produced and aired a video to promote the hotline and advertised the hotline number on billboards. The government, in coordination with the Roma Council and NGOs, organized trafficking awareness campaigns targeting the Romani community. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not have procedures in place to regulate labor recruitment agencies. OFTIP trained 29 soldiers on trafficking issues participating in peacekeeping missions in Afghanistan.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in hospitality facilities, bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are subjected to forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo, and forced into domestic servitude. Migrants from neighboring countries are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups subject some Montenegrin women and girls to sex trafficking in other Balkan countries.

MOROCCO: TIER 2

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Morocco remained on Tier 2. These efforts included the identification of more victims, the designation of 42 prosecutors to specialize in trafficking cases, and the conviction of five traffickers. It also took steps toward implementing a draft national victim referral mechanism. However, the government did not meet the minimum standards in several key areas. It remained without victim identification and referral procedures, and it did not report proactively identifying trafficking victims, especially among the sub-Saharan African migrant community—many of whom preferred to seek asylum or refugee status in Europe—that remained highly vulnerable to trafficking in Morocco. As a result, unidentified victims among vulnerable populations remained at risk of penalization, including arrest and forcible displacement, and re-trafficking. The government also did not provide or fund specialized protection services specifically for trafficking victims.



PRIORITIZED RECOMMENDATIONS:

Implement the 2017 decree for the National Commission to coordinate anti-trafficking measures, create and implement the national victim referral mechanism, and directly train judicial and law enforcement authorities on its application. • Significantly increase trafficking-related investigations, prosecutions, and convictions of traffickers and sentence convicted traffickers to significant prison terms. • Adopt and systematically implement procedures for officials to proactively identify and refer trafficking victims, especially among irregular migrants, to appropriate protection services. • Provide adequate protection services for victims of all forms of trafficking. • Increase financial or in-kind support to NGOs that provide specialized services for populations vulnerable to trafficking. • Ensure that victims are not punished for the unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. • Train law enforcement and judicial officials, child labor inspectors, and healthcare personnel on the appropriate measures to screen for and identify victims of trafficking, and refer them to appropriate protection services. • Disaggregate the law enforcement data between human trafficking and migrant smuggling crimes.

PROSECUTION

The government maintained efforts to investigate, prosecute, and convict traffickers. Law 27.14 criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and fines, which were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties for other serious crimes, such as rape. The law criminalized child trafficking as an aggravated offense, with prescribed penalties of 20 to 30 years' imprisonment and a fine of between $21,390 and $213,860. Several pre-existing laws used during the reporting period criminalized some forms of sex and labor trafficking. Generally, penalties under these laws were not sufficiently stringent. Morocco's penal code criminalized forced child labor through Article 467-2, which prescribed penalties of one to three years' imprisonment, which were not sufficiently stringent. The penal code also criminalized "forced prostitution" and "corruption or prostitution of minors" through Articles 497-499, which prescribed penalties of up to 10 years' imprisonment; these penalties were sufficiently stringent and commensurate with other serious crimes such as rape. Article 10 of Morocco's labor code criminalized forced labor and prescribed penalties of a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties were not sufficiently stringent.

The government reported it investigated 80 potential sex and labor trafficking cases involving 231 alleged traffickers during the 2018 calendar year, which demonstrated a significant increase from 34 total investigations in 2017. The government reported the prosecution of 16 cases (14 sex trafficking cases and two forced labor cases) and five convictions in 2018; these statistics compared to the prosecution of 20 alleged traffickers and four convictions in 2017. The government reported disrupting 188 "migrant trafficking networks" and arresting 1,102 perpetrators, an increase over 2017; it was unclear if any individuals in the networks were prosecuted for trafficking crimes. However, authorities continued to conflate human trafficking and migrant smuggling. In July 2018, the government extradited a Ghanaian national to Spain for alleged trafficking crimes. The government did not report initiating any investigations, prosecutions, or convictions of government officials complicit in human trafficking. A member of the Moroccan Mission to the United Nations in New York had allegedly conspired to commit visa fraud related to employment of several foreign workers; an investigation in that matter remained ongoing at the end of the reporting period. The United States could not commence prosecution due to the mission member's immunity. In November 2018, the Office of the General Prosecutor tasked 42 prosecutors nationwide with lead responsibility for handling human trafficking cases brought before the judiciary in all 13 prefectures. During the reporting period, the government provided several anti-trafficking trainings to its officials, including security officials and labor inspectors.

PROTECTION

The government maintained efforts to identify and refer trafficking victims to protection services. In 2018, the government reported it identified 131 male and female victims, including Moroccan victims who were exploited abroad and foreign victims exploited in Morocco. In comparison, in 2017, the government identified 10 victims of trafficking, including sex trafficking, forced labor, and forced begging. In 2018, the government reported that it assisted 85 foreign victims and referred 37 Moroccan victims to Ministry of Justice units and civil society organizations for appropriate care. The government did not have formal victim identification procedures or a national victim referral process, but it collaborated with an NGO to establish best practices and transparent guidelines and procedures for the draft referral mechanism. The government continued to informally refer victims and provided in-kind support to civil society organizations that provided essential services to populations vulnerable to trafficking. Additionally, the government continued to provide services to female and child victims of violence, including potential trafficking victims, at reception centers staffed by nurses and social workers at major hospitals, as well as in protection units in Moroccan courts. During the reporting period, Moroccan law enforcement agencies identified focal points to work directly with these centers and units, and compiled a list of NGO service providers for authorities to refer trafficking victims to care. The government reported providing protection services for more than 17,000 at-risk women and children at centers throughout the country in 2018, but it did not report if any of these individuals were trafficking victims. The government reportedly continued to encourage victims to cooperate in investigations against their traffickers, but it did not report the number of victims who did so during the reporting period, nor did it report if victims received restitution from traffickers or measures taken to protect witness confidentiality. The government reportedly provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

The Ministry Delegate in charge of Moroccans Residing Abroad and Migration Affairs (MDMRAMA) continued to lead the implementation of the government's National Strategy for Immigration and Asylum, which aimed to regularize the legal status of migrants, refugees, and asylum-seekers, including trafficking victims; under this strategy, foreign trafficking victims could benefit from various services, including reintegration assistance, education, vocational training, social services, and legal aid. However, the government did not report how many foreign trafficking victims—if any—benefited from these services during the reporting period. Furthermore, despite these longstanding regularization efforts, the government did not report efforts to proactively identify potential trafficking victims while undertaking these efforts, especially among the vulnerable sub-Saharan African migrant population; therefore, some victims remained unidentified and authorities may have penalized them for unlawful acts traffickers compelled them to commit, such as immigration violations. For example, during the reporting period the government conducted large-scale round-ups of reportedly thousands of sub-Saharan African migrants from the areas in northern Morocco that border the Spanish enclave cities of Ceuta and Melilla. One report alleged that this effort included some asylum-seekers and a limited number of refugees—including some children—and forcibly displaced them to areas of the country away from Spanish territory. According to NGOs and the media, authorities sometimes did not check the legal documentation of this population during the raids, nor did they make efforts to screen for trafficking among this vulnerable population. The government also reported it intercepted 89,000 people trying to cross illegally to Europe in 2018, which included rescuing 29,715 migrants stranded at sea. It did not report screening these individuals for indicators of trafficking or identifying any as trafficking victims.

PREVENTION

The government maintained efforts to prevent human trafficking. The government did not have a national inter-ministerial anti-trafficking commission as required by the 2016 anti-trafficking law; a 2017 decree to establish the committee remained pending

approval at the end of the reporting period. Nevertheless, several ministries throughout the Moroccan government took various leadership roles to combat trafficking. The government also continued to implement a national anti-trafficking action plan, which included coordination across relevant ministries. The government, however, relied heavily on NGOs and international organizations to address trafficking. The government continued to raise awareness of the anti-trafficking law among government officials and vulnerable populations, including women, children, and migrants; it also organized trainings—with support from an international organization—to raise awareness of trafficking among government entities and civil society. The government continued its regularization campaigns to grant legal status and protections to migrants, refugees, and asylum-seekers, which helped decrease this population's vulnerability to trafficking. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism during the reporting period.

In October 2018, the government implemented Law No.19.12 addressing foreign domestic workers; the law required a standard employee contract, limits on working hours, a weekly rest day, and a minimum wage. The law also specifically limited working hours for minor domestic employees aged 16-18 to 40 hours per week; it further prohibited minor domestic workers from dangerous work. The law also banned the practice of "intermediaries" negotiating the procurement of domestic workers on behalf of the employee and the recruitment agency. The government continued to operate a hotline through the National Center for Listening and Reporting for the public to report abuses against child rights, but the government did not report if the hotline received any claims of potential child trafficking crimes. During the reporting period, the government continued a program that provided assistance to homeless children in Casablanca and Meknes to prevent them from becoming victims of various forms of exploitation, including forced labor. The Ministry of Labor and Vocational Integration (MOLVI) continued to conduct child labor inspections in the formal economy across the country, but the government reported it remained concerned about child labor violations in the informal sector, including potential forced child labor crimes. The government reported that overall labor inspections suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, throughout the country. Furthermore, there was no national focal point to submit complaints about child labor or forced child labor, and no national referral mechanism for referring children found during inspections to appropriate social services. The government provided its diplomatic personnel with human rights training, including respect for labor and trafficking in persons laws, in their basic courses before being assigned abroad. Moroccan peacekeeping forces received anti-trafficking training and operated under a "no tolerance" standard for its troops involved in UN peacekeeping missions.

TRAFFICKING PROFILE

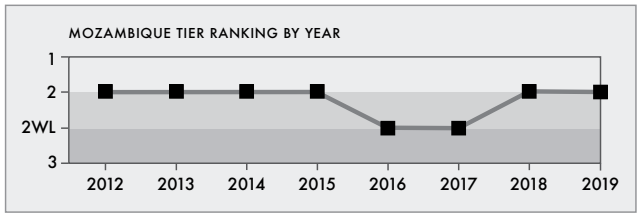
As reported over the past five years, human traffickers exploit domestic and foreign victims in Morocco, and traffickers exploit Moroccan victims abroad. Documented and undocumented foreign migrants, especially women and children, are highly vulnerable to forced labor and sex trafficking in Morocco and as they transit through Morocco to reach Europe. In 2018, the number of sub-Saharan migrants clandestinely entering the country more than doubled, a majority of whom intend to transit Morocco on their way to Europe. Some female undocumented migrants, primarily from Sub-Saharan Africa and a small but growing number from South Asia, are coerced into prostitution and forced labor in Morocco. Criminal networks operating in Oujda on the Algerian border and in the northern coastal town of Nador force undocumented migrant women into prostitution and begging; networks in Oujda also reportedly force children of migrants to beg. Some female migrants, particularly Nigerians, who transit Oujda are forced into prostitution once they reach Europe. International organizations, local NGOs, and migrants report women and unaccompanied children from Cote d'Ivoire, Democratic Republic of the Congo, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports suggest Cameroonian and Nigerian networks force women into prostitution, while Nigerian networks also force women to beg in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia are recruited for employment as domestic workers in Morocco; upon arrival, some are subjected to forced labor, experiencing non-payment of wages, withholding of passports, and physical abuse at the hands of their employers.

According to a November 2015 study conducted by the Moroccan government, with support by an international organization, children are exploited in Morocco for labor, domestic work, begging, and sex trafficking. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal and construction industries and in mechanic shops. Although the incidence of child domestic workers has reportedly decreased in Morocco since 2005, girls are recruited from rural areas for work in domestic service in cities and some become victims of forced labor. NGOs and other observers anecdotally reported in 2018 that a significant number of girls work as domestic help in Moroccan households but it is difficult to determine the extent of the problem because of authorities' inability to access this population. Some family members and other intermediaries coerce Moroccan women into prostitution. Traffickers exploit Moroccan men, women, and children in forced labor and sex trafficking, primarily in Europe and the Middle East. Using force, restrictions of movement, threats, and emotional abuse, traffickers force Moroccan women into prostitution abroad where they experience restrictions on movement, threats, and emotional and physical abuse. Some foreigners, primarily from Europe and the Middle East, engage in child sex tourism in major Moroccan cities.

MOZAMBIQUE: TIER 2

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Mozambique remained on Tier 2. These efforts included investigating and prosecuting more trafficking cases, training more front-line responders across the country, including labor inspectors for the first time, and robust awareness-raising efforts targeting multiple segments of society in both urban and rural areas. The government also helped facilitate family reunification and reintegration for at least 12 child trafficking victims. The government did not, however, meet the minimum standards in several key areas. The government did not finalize its draft national action plan nor did it draft implementing regulations on the 2008 anti-trafficking law's victim protection provisions developed during

the previous reporting period. Some front-line responders conflated smuggling with trafficking. Mozambican officials remained without effective policies or laws that would regulate foreign recruiters and hold them civilly and criminally liable for fraudulent recruiting.



PRIORITIZED RECOMMENDATIONS:

Finalize and implement the national action plan, and issue regulations necessary to implement the victim protection and trafficking prevention provisions of the 2008 anti-trafficking law. • Amend the anti-trafficking law to bring the definition of trafficking in line with the definition of trafficking under international law. • Develop a formal system to proactively identify trafficking victims among vulnerable populations and finalize and implement the national referral mechanism. • Expand the availability of protective services for victims via increased funding or in-kind support to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons. • Hold labor recruiters liable for fraudulent recruitment. • Investigate and prosecute officials complicit in trafficking crimes. • Build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims. • Train officials to investigate and prosecute criminals who facilitate child sex trafficking or adult forced prostitution.

PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. The 2008 Law on Preventing and Combating the Trafficking of People criminalized sex trafficking and labor trafficking and prescribed penalties of 16 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The law did not, however, establish the use of force, fraud, or coercion as an essential element of the crime, as is consistent with the definition of trafficking under international law.

In 2018, the government investigated 10 trafficking cases, six suspected forced labor cases and four suspected sex trafficking cases, compared with investigating five forced labor cases the previous year. These cases involved 25 Mozambican victims and one Rwandan victim. The government prosecuted seven defendants in seven cases compared with six defendants in five cases the previous year; one case remained pending at the close of the reporting period. The government convicted two traffickers for labor trafficking under the 2008 anti-trafficking law, compared with six convictions in 2017, and sentenced one trafficker to four years' imprisonment and the other trafficker remained awaiting sentencing at the close of the reporting period. While expert reports alleged traffickers commonly bribed police and immigration officials to facilitate trafficking crimes both domestically and across international borders, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The government conducted nationwide trainings for front-line responders during the reporting period. The government trained judges and lawyers on the anti-trafficking law and procedure. Provincial and district reference groups throughout the country conducted trainings and seminars, including training national police officers on investigative techniques, and proper identification and referral of trafficking victims. The Attorney General's Office had bilateral memoranda of understanding (MOU) with the Republic of South Africa, Eswatini, and Zambia to address cross-border cooperation on trafficking cases. The government partnered with neighboring governments and an international law enforcement organization to increase investigative capacity of law enforcement through an intelligence-driven operation. As a result, officials in two countries arrested suspected traffickers and identified 87 victims. It is unclear if there was overlap between these cases and trafficking cases reported by the government.

PROTECTION

The government maintained protection efforts. The government identified and referred to care 26 victims, including 21 forced labor victims and five sex trafficking victims, compared with 53 trafficking victims identified and referred during the previous reporting period. Of those victims identified, all five sex trafficking victims were Mozambican women while the labor trafficking victims included 20 Mozambican men and one Rwandan man. In partnership with an international organization, the Ministry of Gender, Children, and Social Action (MGCAS) operated three dedicated trafficking shelters, which provided medical, psychological, and legal assistance to all adult and child victims. The MGCAS helped facilitate family reunification and reintegration for at least 12 child victims. The government did not finalize a draft national referral mechanism (NRM) for a second consecutive year, but used it informally to identify and refer victims. While the government began drafting implementing regulations for trafficking victim and witness protection, those regulations remained incomplete at the end of the reporting period.

Police stations throughout the country had specialists trained by the Office of Assistance to Women and Children Victims of Domestic Violence who were equipped and available to respond to suspected trafficking cases. The government continued to operate facilities in more than 215 police stations and 22 "Victims of Violence" centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime. The government did not, however, provide specific numbers of trafficking victims who benefited from these services in 2018. The Attorney General's Office (PGR) convened relevant government stakeholders to assess and coordinate joint efforts to address victims' needs in several specific cases during the reporting period. The anti-trafficking law required police protection for victims who participated as witnesses in criminal proceedings against traffickers, but the government did not report any victims utilizing these services. Although Mozambican law provided for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution, the government did not use this provision during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. The National Reference Group (NRG) convened an annual meeting of all members to coordinate anti-trafficking efforts at the

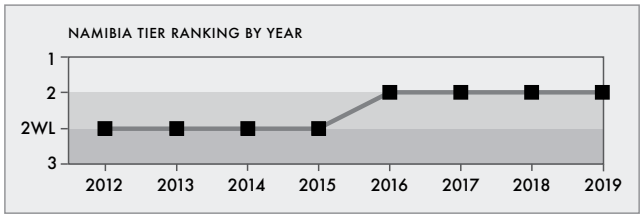
national level and members at the national, provincial, and district levels met regularly as working groups tailored to address specific trafficking cases and concerns. The government failed to pass the national action plan for the second consecutive year. Provincial-level reference groups consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations carried out awareness campaigns to educate the public in urban and rural areas and coordinated regional efforts to address trafficking and other crimes. Officials trained journalists, youth, and religious leaders on awareness of the crime of trafficking, and taught them how to report possible instances to the appropriate authorities. The PGR developed content and training for journalists focused on identification of trafficking victims and reporting on trafficking crimes. The government continued to participate in the Southern African Development Community (SADC) regional data collection tool by uploading information on trafficking cases, victim and trafficker profiles, and sharing information with countries in the region. In partnership with international organizations, the government continued training labor inspectors on trafficking victim identification and referral. The NRG ran 74 radio and 31 television spots to raise awareness of trafficking, reportedly reaching approximately 320,000 people. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts or forced labor during the year.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mozambique, and traffickers exploit victims from Mozambique abroad. The use of forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. Traffickers lure voluntary migrants, especially women and girls from rural areas, from neighboring countries to cities in Mozambique or South Africa with promises of employment or education, and then exploit those victims in domestic servitude and sex trafficking. Mozambican girls are exploited in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Eswatini and South Africa. Child sex trafficking is of growing concern in the cities of Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, their arrival could increase the demand for sexual services, potentially including child sex trafficking. Mozambican men and boys are subjected to forced labor on South African farms and mines where they often labor for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Eswatini to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Mozambican adults and girls are subjected to forced labor and sex trafficking in Angola, Italy, and Portugal. Persons with albinism, including children, are increasingly vulnerable to trafficking for the purpose of organ removal. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports alleged traffickers bribe officials to move victims within the country and across national borders to South Africa and Eswatini.

NAMIBIA: TIER 2

The Government of Namibia 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 Namibia remained on Tier 2. These efforts included more investigations and prosecutions of potential traffickers and convicting traffickers for the first time in two years. The government referred to care a higher percentage of identified victims and facilitated the safe repatriation of more foreign victims. In partnership with an international organization the government finalized a National Referral Mechanism (NRM) and Standard Operating Procedures (SOPs) to guide front-line officials in the identification of victims and provision of protective services. It also finalized and disseminated the National Gender Based Violence (GBV) Plan of Action, which included a comprehensive framework to address trafficking. However, the government did not meet the minimum standards in several key areas. The government did not finalize implementing regulations for the Combating of Trafficking in Persons Bill, which are required for the law to be operational. It also did not adequately fund facilities equipped to shelter victims of trafficking.



PRIORITIZED RECOMMENDATIONS:

Finalize implementing regulations for the Combating of Trafficking in Persons Bill and train officials on the new law. • Train officials on implementation of the national referral mechanism and standard operating procedures. • Increase funding to civil society partners that provide accommodation and care to trafficking victims to ensure they have adequate resources. • Increase efforts to investigate and prosecute traffickers. • Strengthen coordination among government ministries to ensure roles and responsibilities are clear and anti-trafficking policies are increasingly effective. • Increase efforts to raise public awareness, especially in rural areas.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2004 Prevention of Organized Crime Act (POCA) criminalized sex trafficking and labor trafficking and prescribed penalties of up to 50 years' imprisonment or a fine not exceeding 1 million Namibian dollars ($69,690). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as rape. In March 2018, the president signed the Combating of Trafficking in Persons Act, which explicitly criminalizes human trafficking and provides protection measures for victims of trafficking and it was promulgated in April 2018; however, the implementing regulations required for the law to be fully operational were not finalized by the end of the reporting period.