

problems during the reporting period. These issues were particularly problematic in reception areas where migrants and refugees were forced to wait for extended periods for shelter, which resulted in increased instances of labor and sex trafficking.

Adult victims were entitled to a six-month temporary residence permit that was renewable if the victim found employment or enrolled in a job training program. Child victims received an automatic residence permit until age 18 and were accommodated in generalized children's centers or in new centers established for trafficking victims that are also asylum-seekers. The government granted 324 temporary residence permits for victims of exploitation in 2015; it is unclear how many recipients were trafficking victims. Although victims were not required to cooperate with law enforcement to obtain a residence permit, some NGOs and international organizations reported authorities gave preference to those who collaborated with law enforcement. It is unclear how many victims collaborated in the prosecution of their traffickers in 2014. Police worked in collaboration with NGOs and international organizations to screen for trafficking victims as part of standard registration procedures at most ports of entry. NGOs reported, however, that many trafficking victims among irregular migrants, asylum-seekers, and unaccompanied children went unidentified due to officials' inconsistent use of identification criteria. Therefore, although the law protects victims from being penalized for unlawful acts committed as a result of being subjected to trafficking, many unidentified victims were treated as regular asylum-seekers or illegal migrants.

## PREVENTION

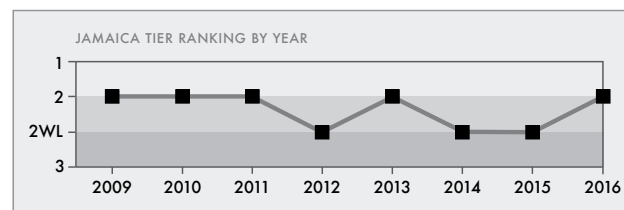
The government sustained limited trafficking prevention efforts. In February 2016, the government adopted a national action plan; however, it did not fund or implement the plan during the reporting period. Government officials and representatives from NGOs and international organizations cited an absence of coordination on trafficking efforts; the government continued to lack a national anti-trafficking coordinator and there was no national rapporteur to conduct independent evaluations of anti-trafficking efforts. It also did not implement any nationwide public awareness campaigns. Local authorities and NGOs continued to distribute brochures, posters, bumper stickers, and media advertisements providing information on victim assistance. The government's hotline for victims of trafficking received more than 3,600 calls for information in 2015, of which 610 were directly related to trafficking. Local municipalities and police supported NGO-led education campaigns aimed at reducing the demand for commercial sex. Although Italians engaged in child sex tourism in various countries abroad, the government did not make any efforts to address the demand for child sex tourism, nor did it make any tangible efforts to reduce the demand for forced labor. The government provided anti-trafficking training to Italian troops prior to their deployment abroad as part of international peacekeeping missions and for its diplomatic personnel.

## JAMAICA: Tier 2

Jamaica is a source and destination country for adults and children subjected to sex trafficking and forced labor. Sex trafficking of Jamaican women and children reportedly occurs on streets and in night clubs, bars, massage parlors, and private homes, including in resort towns. Jamaican citizens have been subjected to sex trafficking and forced labor abroad, including

in other Caribbean countries, Canada, the United States, and the United Kingdom. Communities vulnerable to sex trafficking and forced labor include residents of Jamaica's poverty-stricken areas effectively controlled by criminal "dons," and workers in the informal sector, particularly on family farms and in markets and shops. Child domestic workers may be subject to domestic servitude. Many children are reported missing in Jamaica; some of these children are subjected to forced labor or sex trafficking. Foreign nationals are subjected to forced labor in Jamaica and aboard foreign-flagged fishing vessels operating in Jamaican waters. NGOs and other local observers report child sex tourism is a problem in Jamaica's resort areas. Two former officials faced trafficking in persons charges.

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 secured two convictions, the first in seven years: one each for forced labor and sex trafficking. The government prosecuted nine trafficking cases against 14 alleged traffickers. The government developed a national action plan for 2015-2018, developed and implemented two new victim protection protocols, reported 52 suspected child trafficking cases, identified four confirmed trafficking victims who were provided government shelter and services, and increased funding to victim services. Officials identified few confirmed victims relative to the number of new trafficking investigations and the size of the vulnerable population.



## RECOMMENDATIONS FOR JAMAICA:

Vigorously prosecute, convict, and punish traffickers, including any officials complicit in sex or labor trafficking; identify and assist more victims of forced labor and sex trafficking, including prostituted Jamaican children; develop a new, comprehensive national action plan with adequate funding dedicated to implementing the plan; fully implement government-wide standard operating procedures to guide police, labor inspectors, child welfare officials, and health workers in the proactive identification of local and foreign victims of forced labor and sex trafficking, including children younger than age 18 in prostitution in night clubs, bars, and massage parlors; develop and implement standards for shelter and trafficking victim care designed to move victims toward self-sufficiency; provide the necessary authority and support to the newly appointed national rapporteur on trafficking in persons to carry out the mandate to investigate reports of human trafficking, report on violations of the rights of victims, and provide an annual report to the government; and continue efforts to raise awareness about human trafficking of both Jamaican citizens and foreign nationals.

## PROSECUTION

The government increased efforts to investigate, prosecute, and convict traffickers. The government prohibits all forms of trafficking through its comprehensive Trafficking in Persons (Prevention, Suppression, and Punishment) Act. The maximum sentence for trafficking in persons and conspiracy to commit trafficking is 20 years' imprisonment, or a fine, or both. The

maximum sentence for aggravated trafficking in persons is 30 years' imprisonment, or a fine, or both. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In April 2014, officials enacted the Criminal Justice Act, which may be used to prosecute traffickers who are members of a "criminal organization" with penalties of five to 15 years' imprisonment or a fine or both. A number of new laws, including most notably the Evidence (Amendment) Act of 2015, the DNA Evidence Act of 2015, and the Jury (Amendment) Act of 2016, are expected to strengthen the judicial system's ability to admit relevant evidence in trafficking cases and improve the jury system.

Authorities reportedly initiated 30 new trafficking investigations compared with 38 in 2014, leading to the arrest of four individuals for suspected trafficking crimes in 2015. Officials prosecuted nine trafficking cases against 14 alleged traffickers; two cases—one sex trafficking and one forced labor—against four defendants were new in the reporting period compared to five new trafficking cases in the previous reporting period. The government secured two convictions, the first in seven years: a forced labor conviction and a sex trafficking conviction. In the forced labor case, the court sentenced the trafficker to pay 2.4 million Jamaican dollars (\$19,700) in fines and 2.4 million Jamaican dollars in restitution to three victims, but did not impose imprisonment; this is not sufficiently stringent under international law. In the sex trafficking case, the trafficker was sentenced to 15 years of hard labor in April 2016. The independent commission of investigations had authority to investigate all alleged abuses by police officers and government officials. The former deputy chairman of Jamaica's anti-doping committee faced charges of living off the earnings of prostitution, a crime under the Sexual Offenses Act; the prosecution was ongoing at the close of the reporting period.

The government trained 563 police officers on trafficking, compared to 128 in the previous reporting period. The Ministry of National Security and the National TaskForce against Trafficking in Persons trained coast guard, customs, and immigration officials; and the Jamaican Constabulary Force (JCF), with the Ministry of Labor and Social Security, funded and facilitated an anti-trafficking training for police officers, soldiers, customs officers, and other law enforcement officials from across the Caribbean. Jamaican officials participated in trafficking in persons courses for criminal justice system professionals to build capacity, funded by foreign government and international organization sources.

## PROTECTION

The government increased efforts to protect victims. Authorities identified four confirmed trafficking victims—three men and one girl—in 2015, compared to four confirmed victims—three women and one girl—in 2014. The government developed a victim protection protocol and a standard operating procedure for granting temporary immigration status to trafficking victims. Police continued to use a standard operating procedure for victim identification. Immigration officials continued to screen and conduct risk assessments of potential victims. The children's registry received 52 reports of suspected trafficking cases—49 for sex trafficking and three for forced labor—which it referred to the JCF. The JCF's trafficking unit, when taking trafficking victims into protective custody, was required to notify the taskforce, partner NGOs, and, when applicable, the Child Development Agency. The JCF trafficking unit then made arrangements for the transportation and transfer of victims to a shelter care facility.

The government offered protection to all four identified victims and referred them to government or NGO care facilities for medical services, psychological services, and financial assistance for basic necessities. The government's trafficking shelter, which could house 12 people, continued to assist two female victims; one victim of domestic servitude who had lived in the shelter for three years and one child sex trafficking victim who entered the shelter in 2015. Both received medical and dental care, psychological counseling, food and basic necessities, legal services, and access to recreation. Both victims attended school outside the shelter and received help with homework from shelter staff. Authorities also provided shelter and services to three male forced labor victims at a secure location. Authorities provided 13 million Jamaican dollars (\$107,100) for victim assistance in 2015, compared with 3.4 million Jamaican dollars (\$29,500) in 2014; however, the 2014 budget figure did not include the cost of accommodating victims in locations alternative to the shelter. In accordance with Jamaica's anti-trafficking law, the government directed immigration authorities not to deport foreign victims. The anti-trafficking taskforce and an international organization were in the process of securing immigration relief for four foreign national victims at the end of the reporting period. There were no reports of the government punishing victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government increased efforts to prevent human trafficking. Jamaica developed and published a new national anti-trafficking plan valid through 2018, to be implemented by the national taskforce through sub-committees on prevention, protection, and prosecution. The taskforce requested but had not received a fixed budget to implement the plan. The cabinet appointed a national rapporteur on trafficking in persons in early 2015 in order to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government. The government engaged in public awareness raising activities on all forms of trafficking, including a campaign in schools and the community; media interviews; and targeted outreach through the distribution of more than 3,300 pamphlets. The government's efforts resulted in the direct training of more than 4,000 students and 90 principals. The labor ministry, prior to the departure of Jamaican participants in an overseas seasonal agricultural program, educated them about the risks of trafficking. The taskforce educated members of the tourism industry in major resort areas on indicators of trafficking and encouraged them to report suspected sex tourism. The government did not report any child sex tourism investigations, prosecutions, or convictions. Police conducted operations in an area known for the commercial sex trade, which resulted in the closure of three establishments suspected of facilitating illegal activity. The government did not report efforts to reduce the demand for forced labor. The government provided anti-trafficking training to diplomatic personnel, including the requirement for such personnel to enter into employment contracts with their domestic workers.

## JAPAN: Tier 2

Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers, mainly from Asia, are subjected to conditions of forced labor, including some cases through the government's Technical

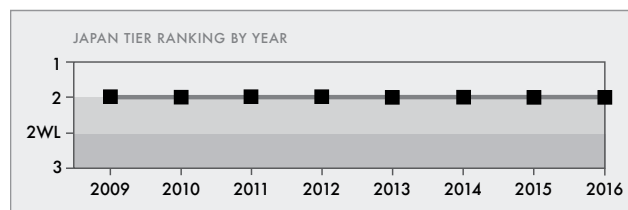
Intern Training Program (TITP). Some men, women, and children from East Asia, Southeast Asia (mainly the Philippines and Thailand), South Asia, South America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for forced prostitution in bars, clubs, brothels, and massage parlors. Traffickers strictly control the movement of victims using debt bondage, threats of violence or deportation, blackmail, passport retention, and other coercive psychological methods; victims of forced prostitution sometimes also face debts upon commencement of their contracts. Most victims are required to pay employers fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. Brothel operators may add “fines” for alleged misbehavior to victims’ original debt, and the process used to calculate these debts is typically not transparent. Trafficking victims may transit Japan before enduring exploitation in onward destinations, including East Asia and North America.

Japanese citizens, particularly runaway teenage girls, children of foreign and Japanese citizens who have acquired citizenship, and their foreign mothers, are also subjected to sex trafficking. The phenomenon of *enjo kosai*, also known as “compensated dating,” and variants of the “JK business” (JK stands for *joshi-kosei*, or high school girl) continue to facilitate the sex trafficking of Japanese children. Sophisticated and organized prostitution networks target vulnerable Japanese women and girls—often in poverty or with mental disabilities—in public areas such as subways, popular youth hangouts, schools, and online; some of these women and girls become trafficking victims. Organizations in Japan contact children of Japanese fathers and Filipino mothers to assist them and their mothers to acquire citizenship and move to Japan for a fee; once in Japan, some mothers and children are then exploited in sex trafficking to pay off the debt incurred for the organizations’ services. Japanese men continue to be a significant source of demand for child sex tourism in Asia.

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

The Government of Japan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased prosecutions and convictions of traffickers and the number of trafficking victims identified during the reporting period, although nine of the 27 traffickers convicted in 2015 received only fines as punishment. The government did not prosecute or convict forced labor perpetrators despite allegations of labor trafficking in TITP, and the overall number of prosecutions and convictions decreased since 2013. The government released its first annual report on anti-trafficking measures. The government,

however, did not develop or enact legislation that would fill key gaps in the law to facilitate prosecutions of trafficking crimes and bring it into accordance with the definition of trafficking in international law. The government modestly increased efforts to protect trafficking victims. The government, however, did not develop specific protection and assistance measures for trafficking victims, such as establishing a nationwide network of shelters exclusively for trafficking victims apart from the existing network of shelters for victims of domestic violence. The government did not accede to the 2000 UN TIP Protocol.



## RECOMMENDATIONS FOR JAPAN:

Update the legal framework to fully criminalize all forms of trafficking in accordance with the definition in international law, including to criminalize those who recruit, transport, transfer, or receive individuals for forced labor or sex trafficking; increase the penalty for trafficking offenses by eliminating the alternative of a fine to a prison sentence; significantly increase efforts to investigate and prosecute labor trafficking cases, and punish convicted traffickers with jail time; enact the TITP reform bill; increase enforcement of bans on excessive deposits, “punishment” agreements, withholding of passports, and other practices by organizations and employers that contribute to forced labor; implement the newly expanded victim identification procedures for front-line officers to recognize both male and female victims of forced labor or sex trafficking; enhance victim screening to ensure potential trafficking victims, including but not limited to arrested migrant workers under the TITP program, are not detained or forcibly deported for unlawful acts committed as a direct result of being subjected to trafficking; set aside resources to provide specialized care and assistance to trafficking victims, including designated shelters for trafficking victims; aggressively investigate, prosecute, convict, and punish Japanese citizens who engage in child sex tourism overseas; and accede to the 2000 UN Transnational Organized Crime Convention and the 2000 TIP Protocol.

## PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. Japan’s criminal code does not prohibit all forms of trafficking in persons, as defined by international law, and the government relies on various provisions of laws relating to prostitution, abduction, child welfare, and employment to prosecute trafficking in persons crimes. Articles 7 through 12 of the 1956 Prostitution Prevention Law criminalize the procurement of prostitutes and forced prostitution. Article 226-2 of the penal code criminalizes the buying or selling of human beings. The 1947 Employment Security Act makes it a crime for a person to engage in labor recruitment “by means of violence, intimidation, confinement or other unjust restraint on mental or physical freedom” or to recruit laborers for “work harmful to public health or morals.” In addition, Japan’s 1947 Child Welfare Act broadly criminalizes harming a child—to include causing a child to commit an obscene act or an act harmful to the child—which has reportedly been the basis for prosecuting a defendant for subjecting a child to prostitution. However, the Child Welfare Act does not appear to cover all forms of child sex trafficking, as it does not reach the recruitment, transport,



transfer, or receipt of a child for the purpose of prostitution. Article 226-2 provides a 10-year maximum penalty for buying a person for the purpose of profit or indecency, which is sufficiently stringent and generally commensurate with penalties prescribed for other serious crimes, such as rape. However, buying and selling a person for the purpose of transporting him or her across international borders is a lesser crime subject to a two-year minimum penalty. Other crimes relied on by Japanese prosecutors to prosecute trafficking offenses also carry insufficiently stringent penalties because they provide for a fine as an alternative to incarceration. An offender who prostitutes a child and is convicted of endangering a child's welfare by "causing the child to commit an act making an impact that is mentally or physically harmful to the child" could be punished only with the payment of a fine, as the penalty is a maximum of three years imprisonment, a fine of the equivalent of one million yen (\$8,000), or both. Likewise, though causing a child to "commit an obscene act" carries a higher maximum penalty of 10 years' imprisonment, a fine of no more than 3 million yen (\$24,000), or both, even under this article there remains the possibility of a fine as the sole punishment. Similarly, to the extent the Employment Security Act criminalizes the act of recruitment for forced labor, the allowed maximum punishment of a minimum fine of 200,000 yen (\$1,700) is insufficiently stringent. In addition, some forms of forced prostitution are punishable by a maximum of three years' imprisonment or a fine. Others are subject to five years' imprisonment without the alternative of a fine.

The government reported investigating 44 cases for crimes related to human trafficking in 2015, compared with 32 in 2014. It initiated prosecution of 17 cases in 2015, most of which had direct or indirect links to sex trafficking and involved a total of 26 suspected traffickers. The government convicted 27 traffickers, six of whose prosecutions began in 2014, compared with 18 convicted in 2014. Nine of the 27 convicted traffickers received only fines. Despite numerous reports and allegations of possible labor trafficking offenses under the TITP, including confiscation of passports, imposition of exorbitant fines, arbitrary deduction of salaries resulting from non-contractual infractions, and attempted forceful deportation by both sending and receiving organizations, the government did not prosecute or convict traffickers involved in the use of TITP labor as traffickers. However, the government has prosecuted some of these abuses as labor violations with insufficiently stringent penalties. The government reported investigating 728 cases of child prostitution, compared with 661 in 2014. It was unclear how many investigations resulted in prosecutions and convictions and how many of the cases involved children engaged in transactional sex as compared to children subject to prostitution by a third party. The National Police Agency (NPA), Ministry of Justice (MOJ), Bureau of Immigration, and public prosecutor's office continued to conduct numerous anti-trafficking trainings for senior investigators and police officers, prosecutors, judges, and immigration bureau officers on identifying victims and investigating trafficking cases. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government modestly increased efforts to identify and protect trafficking victims. The government identified 54 trafficking victims, compared with 25 in 2014. Of the 54, the government identified 23 Filipino labor trafficking victims in one case, which may have also involved sex trafficking for some

victims. The government identified 11 other labor trafficking victims in separate cases in 2015. This was the first year the government identified labor trafficking victims in 20 years; some of these cases may also have been related to sex trafficking. The government's protection efforts continued to be hampered by a narrow definition of human trafficking. The government has never identified a forced labor victim in TITP, despite substantial evidence of trafficking indicators, including debt bondage, passport confiscation, and confinement. NPA officials identified 20 female sex trafficking victims in 2015, compared with 25 in 2014. Five of the 13 Japanese sex trafficking victims identified were children. Despite 518 children identified as involved in prostitution by police, the government officially identified only five children as sex trafficking victims. Police informally counseled some child sex trafficking victims on their behavior instead of formally identifying them as trafficking victims and consequently did not receive specialized trafficking victim services. The government continued to lack trafficking-specific victim services but funded Japan's Women's Consulting Center (WCC) shelters and domestic violence shelters, which assisted 21 of the identified victims. Other victims received assistance in NGO shelters or returned to their homes. WCC shelters provided food, basic needs, psychological care, and coverage of medical expenses, and allowed the victims to leave the facilities when accompanied by facility personnel. The government began to provide financial support for shelter protection for male victims through an NGO in October 2015.

NPA officials used an IOM-developed handbook and the Inter-Ministerial Liaison Committee's manuals to identify victims and refer victims to available services. Some victims were reluctant to seek government assistance due to fear of reprisals from traffickers. No government assistance to victims of labor trafficking or abused participants in the TITP was reported, as the government did not screen for or identify victims among this vulnerable population. The government-funded Legal Support Center provided pro bono legal services to destitute victims of crime for both criminal and civil cases; for the fourth consecutive year, it was unclear whether any trafficking victims applied for or received such services. Although the law prohibits trafficking victims from being punished for crimes committed as a result of being subjected to trafficking, some victims were fined for immigration violations incurred. Temporary, long-term, and permanent residence benefits were available to victims who feared returning to their home country; the government granted eight long-term residence visas. In most cases, however, foreign victims chose to return to their home country rather than stay through the lengthy investigation and trial period, during which they were often not allowed to work. The government funded a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to foreign victims. Twelve victims received services and returned to their home countries through this program during the reporting period. Victims had the right to seek compensation from their traffickers; and some foreign workers, including potentially unidentified trafficking victims, did file civil suits for non-payment of wages. However, given that companies ordered to provide restitution often declared bankruptcy, receiving restitution remained difficult.

## PREVENTION

The government increased efforts to prevent trafficking. It issued its first annual report on government actions to combat trafficking and tracked measures against the stated goals of its anti-trafficking action plan. The plan outlined efforts to reform the TITP, train front-line officers, and improve

protection and assistance for trafficking victims. A draft TITP reform bill submitted to the Diet in March 2015 has yet to be voted upon. The reform bill would establish an entity to conduct management audits, an oversight mechanism to hold perpetrators accountable for crimes of forced labor, redress mechanisms for foreign migrants, and would designate responsible ministries, but it would not allow interns to change employers. The Ministry of Land, Infrastructure, Transport and Tourism initiated a program to accept foreign construction workers that has strong protection components, such as onsite assessments and reviews, as an attempted progression from TITP. The MOJ banned three companies, 32 supervising organizations, and 238 implementing organizations from receiving TITP interns in 2015. The Japan International Trade Cooperation Organization, a government entity designated to monitor the TITP, conducted employer visits and trainings, operated a hotline for TITP interns, and distributed the TITP workers' handbooks in six languages.

The government continued to advertise the multilingual emergency contact hotline number at local immigration offices and with governments of source countries, conduct online trafficking awareness campaigns, and publicize trafficking arrests to raise awareness. To reduce demand for commercial sex, the cabinet office continued to distribute posters, leaflets, and passport inserts nationwide with warning messages to potential consumers of sexual services. Japan is a source of demand for child sex tourism, with Japanese men traveling and engaging in commercial sexual exploitation of children in other Asian countries—particularly Thailand, Indonesia, Cambodia, the Philippines, and, to a lesser extent, Mongolia; the government prosecuted one Japanese national for child sexual exploitation in another Asian country and sentenced him to two years' imprisonment with a four-year suspended sentence. The NPA shared case details on commercial sexual exploitation of children in Southeast Asia with Thai, Cambodian, Philippine, and Indonesian police counterparts. The government provided anti-trafficking training for troops prior to their deployment abroad on international peacekeeping missions and to its diplomatic personnel. Japan is the only G-8 country that is not a party to the 2000 UN TIP Protocol.

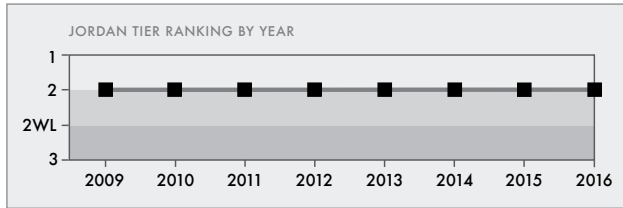
## JORDAN: Tier 2

Jordan is a source, destination, and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Jordan relies on foreign migrant workers in several industries, including construction, agriculture, textiles, and domestic work. Jordan's sponsorship system prevents foreign workers from switching employers or receiving adequate access to legal recourse in response to abuse. Some migrant workers from Egypt—the largest source of foreign labor in Jordan—experience forced labor in the construction, service, and agricultural sectors. There are an estimated 53,000 foreign female domestic workers in Jordan, primarily from Southeast Asia and East Africa; some are subjected to forced labor and experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, long hours without rest, and verbal and physical abuse. Many of these workers are unable to return to their home countries, while some remain in Jordanian detention, due to pending criminal charges against them or due to their inability to pay overstay penalties or plane fare home. The publicized case of a recruitment agent's beating of a Bangladeshi domestic worker, which was caught on camera in December 2015, exemplifies

the abuse suffered by some domestic workers in Jordan. Men and women from throughout Asia migrate to work in factories in Jordan's garment industry, where some workers experience withholding of passports, unsafe living conditions, verbal abuse, and restricted movement; in addition, workers in 47 percent of the factories in this industry pay unauthorized fees to recruitment agents in their country of origin, making them vulnerable to debt bondage.

Syrian refugees in Jordan are increasingly vulnerable to trafficking, in part due to their financial circumstances. Women and children—in particular—among the refugee population often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking; however, the Jordanian government enacted new policy in March 2016 that allows Syrian refugees legal work permits. NGOs have observed an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in agriculture and service industries, as well as peddling goods and begging. In previous years, Jordanian law enforcement, NGOs, and the media reported instances of Syrian refugee women and girls sold into "temporary" or forced marriages to Jordanians and men from the Gulf for the purpose of forced prostitution; however, Jordanian officials did not report similar incidents in 2015. International organizations and NGOs reported an increase in early marriages among Syrian refugees in 2015, which may place girls at risk of sexual exploitation and forced labor. Syrian, Lebanese, North African, and Eastern European women may be forced into prostitution after migrating to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be forced into prostitution. Some out-of-status domestic workers from Indonesia, the Philippines, Bangladesh, and Sri Lanka were reportedly forced into prostitution after fleeing their employers. Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be victims of forced labor. There are reports of organized child begging rings involving Jordanian and Syrian children. Some Jordanian girls are forced to drop out of school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking.

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government continued robust efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials and alleged offenders in the garment industry. Despite serious budget and resource constraints, the government sustained progress in its proactive identification, referral, and provision of protective services to victims. The government opened its first shelter dedicated solely to victims of all forms of trafficking, with a three-year operating budget of 750,000 Jordanian dinars (JD) (\$1,056,264) and ensured shelter staff was trained to provide appropriate care. The government also adopted a national victim referral mechanism—developed in consultation with civil society organizations—for authorities to systematically identify and refer victims to protection services. Nevertheless, authorities continued to lack screening procedures in detention facilities to identify trafficking victims among illegal foreign migrants who were arrested and imprisoned.



## RECOMMENDATIONS FOR JORDAN:

Amend the anti-trafficking law to ensure that penalties for sex trafficking and forced labor of adults are sufficiently stringent and commensurate with other grave crimes; amend the anti-trafficking law to restrict the ability of judges to impose fines in lieu of prison time when sentencing convicted traffickers; continue to prosecute, convict, and punish sex trafficking and forced labor offenses with adequate jail time and investigate and punish individuals for withholding workers' passports under Jordan's passport law; increase training for law enforcement and prison officials to proactively screen for trafficking victims among detained foreign migrants, and improve proactive identification of victims of all forms of trafficking among vulnerable populations and regularly cooperate with NGOs in these efforts; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations or escaping from an abusive employer; fully implement and train law enforcement, prison, and judicial officials on implementation of the national victim referral mechanism; continue to allocate adequate funding for operation of the government's trafficking shelter and continue to train shelter staff to identify and provide specialized care to victims; issue regulations governing work in the agricultural sector, and regulate fraudulent labor and recruitment practices; and continue to implement anti-trafficking awareness campaigns.

## PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law prohibits all forms of sex and labor trafficking. Penalties for sex trafficking and forced labor of adults are a minimum of six months' imprisonment and/or a fine ranging from 1,000-5,000 JD (\$1,400-7,000); these penalties are neither sufficiently stringent nor commensurate with those prescribed for other grave crimes, such as rape and kidnapping. As stated in Jordan's criminal code, penalties for rape are not less than 10 years' imprisonment and penalties for kidnapping range from two to 10 years' imprisonment. The law also prescribes penalties of not more than 10 years' imprisonment for the sex trafficking and forced labor of children, which are sufficiently stringent and commensurate with those prescribed for other grave crimes. Jordan's labor law assigns administrative penalties for labor violations committed against Jordanian or foreign workers, yet these penalties are not sufficiently stringent to deter the crime of human trafficking. The withholding of passports is a crime under Jordan's passport law, which prescribes six months' to three years' imprisonment, as well as financial penalties.

The Public Security Directorate and Ministry of Labor (MOL) joint anti-trafficking unit continued robust efforts to investigate potential trafficking crimes. In 2015, the joint anti-trafficking unit investigated 206 potential trafficking cases, among which 28 were determined to be forced labor cases and referred for prosecution; 26 of these cases were related to domestic servitude and two were related to the agricultural and construction sectors.

The Ministry of Justice reported it initiated the prosecution of 55 potential trafficking cases and convicted 12 offenders under the anti-trafficking law in 2015. Three of these convictions involved sexual exploitation and nine involved forced labor offenses; penalties applied to the offenders ranged from six months' imprisonment to 10 years of hard labor and fines. Eight alleged trafficking offenders were acquitted and the government dropped two cases by general amnesty, which the King announced by Royal Decree. The government's prosecution efforts in this reporting period increased slightly from 53 trafficking cases in 2014, yet convictions decreased from 28 in 2014. In one case in December 2015, an NGO reported an incident involving a Bangladeshi domestic worker beaten and forced to work by a recruitment agent. The police immediately investigated and referred the case for prosecution for alleged trafficking crimes; the case was ongoing at the end of the reporting period, and the recruitment agency was closed. The anti-trafficking unit conducted 57 inspections of recruitment agencies and 35 at work sites to investigate reports of mistreatment of foreign workers. Unlike in the previous reporting period, the government proactively took steps to investigate and refer for prosecution potential trafficking crimes in the garment industry. In January 2016, the anti-trafficking unit investigated forced labor allegations in a garment factory where more than 100 migrant workers experienced confiscation of passports, withheld pay, physical abuse, and unsafe living conditions. The anti-trafficking unit promptly referred the case for expedited prosecution and trafficking charges were reportedly filed against the factory's manager and owner in February 2016; however, at the end of the reporting period, an NGO reported the factory administration was pressuring the victims to dismiss the charges. In addition, in November 2015, the government reported two members of the General Intelligence Directorate were charged with trafficking crimes and scheduled to be tried in front of a military court; the case was ongoing at the end of the reporting period.

The government also continued to settle an unknown number of labor disputes during the reporting period, which included cases involving non-payment of wages, withholding of passports, breaches of contract, inappropriate work conditions, and excessive work hours. Though some of these cases involved conditions indicative of trafficking crimes, the government did not categorize them as such. 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 joint anti-trafficking unit held a number of trainings and awareness-raising workshops for government officials in 2015, some of which were held in coordination with civil society organizations. For example, the anti-trafficking unit and a local NGO jointly held three trainings for 74 government officials on the protection of migrant workers.

## PROTECTION

The government continued to take proactive measures to identify trafficking victims and made progress in its efforts to provide protection services to victims despite budget constraints. Authorities proactively screened for potential victims during trafficking investigations and labor inspections conducted throughout the year. Through these efforts, the government identified and referred 124 trafficking victims to government and NGO-run shelters in 2015; this was on par with the number of victim referrals in 2014. The government also offered protection



services to 100 forced labor victims identified in a garment factory in January 2016. Though the victims reportedly chose to continue working in the factory instead of receiving assistance, an NGO reported in February 2016 the factory administration was not providing the victims adequate food and was pressuring them to drop the charges against their perpetrators. The anti-trafficking unit received referrals from a wide range of entities, including the MOL-operated hotline, law enforcement and labor officials, NGOs, and foreign embassies. In November 2015, the government finalized and signed into effect its first national victim referral mechanism, which was drafted in consultation with various government ministries and civil society organizations. The referral mechanism outlines a broad range of institutions that can identify and refer trafficking victims and details a wide range of protection services available for victims, including shelter, medical, psychological, legal, translation, rehabilitation, and reintegration services, as well as training programs for all trafficking victims, both Jordanian and foreign. The referral mechanism, however, does not explicitly state that a victim can receive protection services regardless of whether they file charges against his or her perpetrator.

In September 2015, the government officially opened a shelter solely dedicated to protecting trafficking victims with a three year operating budget of 750,000 JD (\$1,056,264). The shelter's 20 staff members were trained with specialties to care specifically for trafficking victims. The facility had the capacity to serve 60 male and female victims, including children, with a separate wing and entrance for male victims; it was the only shelter in the country that was accessible to men. The shelter was available to all potential trafficking victims referred by the attorney general's office or the anti-trafficking unit. Between September and January 2016, the shelter served 18 female victims of forced labor. The government also continued to provide protection services to trafficking victims in a shelter for gender-based violence victims, which could house up to 50 female victims of violence and offered medical, psycho-social, educational, and legal assistance. In addition, during the reporting period the government drafted bylaws to operate a shelter that would provide protection services specifically to domestic workers; however, the bylaws were not enacted at the end of the reporting period. At the end of the reporting period, the government was seeking additional funding to renovate and furnish the shelter building, which will have the capacity to serve as many as 300 women.

Though the government made progress in its efforts to identify, refer, and protect victims, some foreign trafficking victims—including domestic workers—remained vulnerable to financial penalties, arrest, and detention if found without valid residence documents if they left their place of employment, or if their employers or recruitment agencies filed false claims of theft against them. NGOs reported law enforcement and prison officials were not sufficiently trained to effectively screen for, identify, and refer victims among foreign migrant workers in administrative detention or those charged with crimes. To address this problem, the Public Security Directorate (PSD) signed an agreement with a local NGO in January 2016 to work in partnership to identify and assist victims at police stations and prison rehabilitation centers, as well as to train PSD personnel and assist in the repatriation of victims. Similarly in January 2016, the joint anti-trafficking unit signed an agreement with the Prison Directorate that grants the unit permission to screen all detainees for indicators of trafficking and refer victims to appropriate services; under this agreement, the unit will also provide anti-trafficking training to prison personnel. The fining of foreign workers—including identified trafficking victims—for

not maintaining valid residence documents served as a strong disincentive for victims to remain in Jordan and pursue legal action against their traffickers. Additionally, the government did not allow foreign trafficking victims to work while receiving shelter services, which led many victims to forego the litigation process altogether. Foreign female domestic workers continued to seek refuge at their respective embassies, which provided shelters for workers who fled abusive employers. Many of them were waiting for the return of their passports, back pay for unpaid salaries, or resolution of labor disputes or criminal charges. Following an amnesty period that ended in April 2015 for migrant domestic workers to rectify their immigration status in the country, the government continued to cooperate with foreign embassies to waive overstay fines for workers who wished to return to their home countries. Foreign embassies reported positive cooperation with the government in these efforts. However, an international organization reported that once the amnesty period ceased, it was difficult to obtain waivers for workers' overstay fines; as a result, the organization was unable to repatriate 80 domestic workers.

## PREVENTION

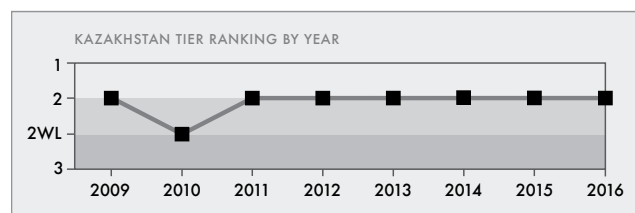
The government sustained strong prevention efforts. The inter-ministerial anti-trafficking committee and its technical committee continued to meet regularly during the reporting period. The government continued to draft a new national anti-trafficking action plan and strategy, but it was not finalized at the end of the reporting period. The government distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, airports, in the garment sector, and at the MOL unit in charge of domestic worker issues. It conducted media interviews to raise awareness about trafficking and resources for victims. The government took measures to reduce the demand for commercial sex acts and forced labor. The government made efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation; it conducted awareness campaigns on the dangers of forced marriage, established Shariah courts in Syrian refugee camps, and required Ministry of Interior approval for all Syrian marriages to people of other nationalities, including Jordanians. In addition, in March 2016, the government announced a new policy that eased restrictions on Syrian refugees' legal work status and allowed them to receive work permits in most sectors. MOL hired 66 new labor inspectors in 2015, increasing the total number to 226 inspectors responsible for enforcing the labor code, including child labor violations; this continued a steady increase of inspectors over several years. In 2015, MOL conducted 94,136 labor inspections, found 13,908 labor violations, and closed 1,635 workplaces. MOL also inspected 65 recruitment agencies and closed four, including the agency allegedly responsible for the abuse and forced labor of a Bangladeshi domestic worker in December 2015. MOL continued to operate a hotline that received labor complaints and included interpretation services in some source-country languages; this hotline continued to provide referrals to the anti-trafficking unit for investigation of potential trafficking crimes. A 2011 decree issued by the labor minister, which required employers to pay their domestic workers by direct deposit to a bank account, was not fully implemented or enforced in 2015. In August 2015, the government prohibited the recruitment of Kenyan domestic workers due to significant numbers of labor disputes and trafficking cases. The government provided human rights training to junior diplomatic personnel, but it did not provide specific anti-trafficking training. The Ministry of Foreign Affairs continued to report its finance department directly paid locally-hired domestic staff of Jordanian diplomats posted

abroad, in accordance with labor laws and wage rates in the host country. The government did not provide specific anti-trafficking training for its peacekeepers before their deployment abroad.

## KAZAKHSTAN: Tier 2

Kazakhstan is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Domestic trafficking is a consistent problem, accounting for most identified victims. Kazakhstani women and girls are subjected to sex trafficking in the Middle East, Europe, and the United States. Women and girls from neighboring Central Asian and Eastern European countries, as well as from rural areas in Kazakhstan, are subjected to sex trafficking in Kazakhstan; in most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Some children are forced to beg and others may be coerced into criminal behavior. The relative economic prosperity in the government capital Astana, the financial capital Almaty, and the western oil cities Aktau and Atyrau, attract large numbers of Kazakhstanis from rural villages, some of whom become victims of labor trafficking and sexual exploitation. Chinese, 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. Many victims of trafficking in Kazakhstan indicate they were lured through fraud and deceit, sometimes by friends or acquaintances, and, at times, exploited by small organized criminal groups in Kazakhstan.

The Government of Kazakhstan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly increased its funding for and implementation of awareness campaigns, as well as its victim identification and case investigation efforts. The government also significantly increased its funding for victim assistance and continued its robust partnership with international organizations and NGOs to protect victims and raise awareness of trafficking crimes. The government adopted legislation that will allow funding for long-term shelters, as well as standards for the provision of services to trafficking victims. However, convictions of traffickers decreased significantly, in part attributed to insufficient resources and high turnover rates for police. Media continued to report allegations of police officers' complicity in human trafficking, but the government reported no investigations or prosecutions of police or other government officials suspected of trafficking crimes.



### RECOMMENDATIONS FOR KAZAKHSTAN:

Further improve efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance; vigorously investigate, prosecute, and convict suspected trafficking cases, respecting due process, including allegedly complicit

government officials and police officers; update laws to align with international standards; ensure victim identification is not contingent on successful investigation and prosecution efforts; increase funding and resources for anti-trafficking police units; continue to increase the number of government-funded trafficking shelters and provide longer-term shelter, free legal assistance, and rehabilitation to trafficking victims; cease deporting victims and provide legal alternatives to forced repatriation; train labor inspectors to identify victims of forced labor and report potential trafficking cases to the police; and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement or facilitation of trafficking crimes.

### PROSECUTION

The government maintained progress in anti-trafficking law enforcement efforts. Articles 128, 135, 125(3b), 126(3b), 308, and 134-1 of the penal code prohibit all forms of sex and labor trafficking and prescribe penalties of up to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Updates to the penal code that entered into effect during the reporting period, however, did not include definitions of key terms that had been included in the old codes.

Police investigated 104 trafficking cases, compared to 82 in 2014. In 2015, law enforcement officials opened 97 new criminal cases for trafficking offenses, compared to 73 in 2014. Seven cases from previous years were continued, and seven additional cases were completed, resulting in 12 convictions, a decrease compared to 37 cases completed in 2014 with 32 convictions. While police attributed the decrease in convictions to the complexity and time-consuming nature of trafficking investigations, high turnover among police officers and inadequate staffing of anti-trafficking units also hindered the government's anti-trafficking efforts. Of the 12 convictions, 10 sex traffickers received sentences ranging from three to seven years' imprisonment and two labor traffickers received sentences of one to five years. In addition, the government opened 199 investigations of trafficking-related crimes, including pimping and brothel maintenance. NGOs continued to suspect traffickers bribed low-ranking police officials to avoid these charges. Media reported several cases in which police officers were accused of trafficking or sentenced for other offenses that may have been related to trafficking, such as the cases of police officers in Zhambyl allegedly holding a resident of Kyrgyzstan in slavery for 19 years, making him work in their households in exchange for food, and of a former police officer in Akmola Region who allegedly exploited a man in his household for 10 years. Yet the government reported no official investigations or prosecutions of allegedly complicit police or other government officials in human trafficking offenses.

The government continued to provide a variety of specialized training courses in the identification, investigation, and prosecution of trafficking crimes for police, prosecutors, and judges, and funded police participation in international anti-trafficking events. In 2015, the judicial institute conducted six training sessions for 300 judges on the protection of trafficking victims during the criminal process. The Ministry of Internal Affairs (MVD) conducted six training courses on victim identification and investigative techniques for 103 police officers. During the reporting period, the government jointly investigated 17 cases related to trafficking in cooperation with foreign governments, including Kyrgyzstan, Uzbekistan, Russia, and Tajikistan. The Supreme Court released an analysis



of criminal cases tried in Kazakhstani courts during 2013 and 2014, which included 36 criminal cases against 69 traffickers, and recommended best practices for applying appropriate charges and avoiding mistakes during prosecutions.

## PROTECTION

The government maintained efforts to protect victims, finalized provisions that will allow for future funding of long-term shelters and set standards for the provision of services to trafficking victims. The first tranche of 44,000 Kazakhstani Tenge (KZT) (\$240,000) will be available for use in 2016. In 2015, the government identified 92 trafficking victims, an increase from 74 victims in 2014. Of those, 77 were sex trafficking victims and 15 forced labor victims. All but two of the identified victims were from Kazakhstan; 19 of the Kazakhstani victims were subjected to trafficking in Indonesia, Qatar, and United Arab Emirates, while the remaining were internal victims, recruited from rural to urban areas for both labor and sexual exploitation. All of the victims the government identified received assistance from government-funded programs.

Three NGO-operated trafficking shelters provide legal, psychological, and medical assistance and are accessible to all trafficking victims, regardless of citizenship, gender, or age. The government allocated approximately 4,700,000 KZT (\$25,700) for direct victim assistance, including 3,500,000 KZT (\$19,100) for shelter assistance to one NGO-run shelter for trafficking victims in Astana, which assisted 48 victims, and 1,200,000 KZT (\$6,600) for direct victim assistance during investigations. The government also allocated an additional 31,100,000 KZT (\$170,000) for funding NGO- and government-run shelters providing services to victims of crime, domestic violence, and trafficking. In 2015, NGOs reported assisting 162 trafficking victims, compared to 161 the previous year; among these, police referred 50 and international organizations, embassies, NGOs, and self-referrals were responsible for the additional 112. Of all trafficking victims assisted, 51 were Kazakhstani and 111 were foreigners; 49 were victims of sex trafficking, 113 of forced labor, 55 were female and 107 male.

In the previous reporting period, the government expanded the special social services law, to entitle trafficking victims to care as “victims of violence.” In 2015, the government finalized standard criteria for determining eligibility for a wide range of social services. However, the government did not implement the new standards, which will be used in the operation of shelters for trafficking victims. Amendments to the penal procedural code, made in the previous reporting period, came into force in January 2015, allowing victims to seek compensation from a government fund. However, the fund had not yet been established, as it requires the adoption of implementing regulations. NGOs reported effective victim referral and police cooperation with anti-trafficking units assigned to each region. Law enforcement units mandated to address migration or trafficking issues have a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or persons in prostitution. The government encouraged victims to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. The government provided foreign victims legal protection, including suspension of deportation proceedings, and special temporary residency throughout the criminal investigation; however, if a criminal case was not initiated, authorities did not recognize and give protective status to victims. NGOs reported foreign victims sometimes

experienced problems in accessing local medical care due to a lack of health insurance or residence permits. The government did not offer legal alternatives to removal of foreign victims and forcibly repatriated all victims after expiration of their temporary residency rights. In 2015, there were no reports of authorities criminally punishing victims for crimes as a direct result of being subjected to trafficking.

## PREVENTION

The government increased prevention efforts, under the direction of the Interagency Trafficking in Person Working Group, which has been led by the MVD since 2014. The government approved a national action plan for 2015-2017, which includes activities to improve anti-trafficking legislation; investigation and prosecution of human trafficking cases; victim identification and assistance; cooperation with international and non-governmental organizations; and prevention. In May 2015, the National Commission for Human Rights publicly released a special report analyzing current legislation, existing prevention mechanisms, and stakeholders’ roles in addressing human trafficking. The report highlighted weaknesses in addressing corruption and victim identification and protection, along with recommendations for improvement. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The Ministry of Culture and Information funded radio and television programs, as well as the publication of newspaper articles and web-publications, designed to prevent trafficking by raising public awareness. In July 2015, the MVD began a 25-day public information campaign in commemoration of International Day against Human Trafficking. During the campaign, police participated in TV and radio programs, conducted presentations at hospitals and tourist information and construction offices, and organized flash mobs at sporting events to raise public awareness of human trafficking. The MVD also distributed information in parks, shopping malls, rail stations, airports, hotels, and markets that included the number for the national anti-trafficking hotline. The hotline received more than 1,525 calls in 2015, which led to the investigation of five cases of human trafficking. The government also allocated approximately 9,800,000 KZT (\$51,800) to NGOs for prevention projects, including public awareness campaigns, compared to 7,492,500 KZT (\$41,100) during the previous year. The government did not take any action to reduce the demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.

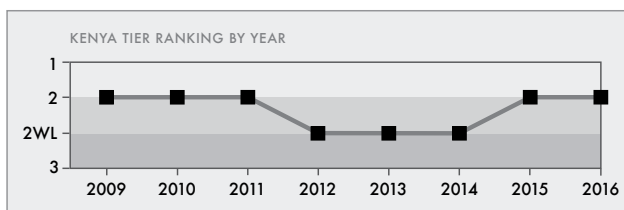
## KENYA: Tier 2

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, children are subjected to forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Girls and boys are also exploited in prostitution throughout Kenya, including in sex tourism on the coast; at times, their exploitation is facilitated by women in prostitution, “beach boys,” or family members. Children are also exploited in sex trafficking by people working in *khat* (a mild narcotic) cultivation areas, near Nyanza’s gold mines, along the coast by truck drivers transporting stones from quarries, and by fishermen on Lake Victoria. Kenyans voluntarily migrate to other East African nations, South Sudan, Angola, Europe, the United States, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, United Arab Emirates

(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 internally displaced persons, particularly those who live close to a major highway or local trading center, are most vulnerable to trafficking. Gay and bisexual Kenyan men are deceptively recruited from universities with promises of overseas jobs, but are forced into prostitution in Qatar and UAE. Nairobi-based labor recruiters maintain networks in Uganda that recruit Rwandan and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenyan women are subjected to forced prostitution in Thailand by Ugandan and Nigerian traffickers.

Children from East Africa and South Sudan are subjected to forced labor and sex trafficking in Kenya; Kenyan children may endure similar exploitation in these countries. Kenya's largest refugee camp complex, Dadaab, hosts hundreds of thousands of refugees and asylum-seekers, and the security situation limits some humanitarian access, assistance, and protective services. A 2012 survey by a local NGO found fear of recruitment into terrorist organization al-Shabaab, especially of children, was a concern of a small percentage of respondents. Some children in Kenya-based refugee camps may endure sex trafficking, while others are taken from the camps and forced to work on tobacco farms. Trucks transporting goods from Kenya to Somalia returned to Kenya with girls and women subsequently placed into brothels in Nairobi or Mombasa. Indian women recruited to work in *mujra* dance clubs in Nairobi face debt bondage, which they are forced to pay off by dancing and performing sex acts.

The Government of Kenya does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Counter-Trafficking in Persons Advisory Committee (advisory committee) met regularly and began developing a data collection mechanism to improve tracking of anti-trafficking efforts across Kenya's 47 counties. The advisory committee established and implemented its annual work plan; its accomplishments in 2015 included developing standard operating procedures for prosecutors and training approximately 50 trainers from key anti-trafficking officials. The government reported substantially increased trafficking prosecutions and convictions. In 2015, the government identified 153 child trafficking victims in only three of Kenya's 47 counties. The government allocated seven million Kenyan shillings (approximately \$70,000) to the victim assistance fund for the first time during the reporting period. The government developed national referral mechanism (NRM) guidelines to assist stakeholders in referring potential victims of trafficking to services. The Ministry of Labor (MOL) developed new policies for Kenyans seeking employment opportunities abroad to ensure their work contracts comply with specific standards set within the ministry; however, the policies were not implemented by the end of the reporting period. The government did not provide adequate protective services to adult victims subjected to trafficking within the country or identified in situations of forced labor or prostitution overseas. In September 2015, an MOL taskforce provided a report to the cabinet secretary concluding that unskilled workers were the most vulnerable to exploitation and made recommendations for ways to address this issue as well as ways to regulate recruitment agencies, especially unregistered ones. Government funding and resource limitations remained a concern.



## RECOMMENDATIONS FOR KENYA:

Increase protective services available to adult trafficking victims, particularly those identified in and returned from the Middle East; implement a formal process for law enforcement officials to refer trafficking victims for assistance, including adult trafficking victims and repatriated Kenyans; ensure data collection is obtained from all 47 counties for anti-trafficking efforts, including victim assistance; vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; provide additional training to all levels of the government, particularly front-line responders, on identifying and handling trafficking crimes; allocate adequate resources to police, labor, and social services staff to ensure implementation of the prosecution and protection mandates within the Counter-Trafficking in Persons Act of 2010; allocate sufficient resources for anti-trafficking efforts throughout the country; increase oversight of and accountability for overseas recruitment agencies; establish the board of trustees to oversee the National Assistance Trust Fund for Victims of Trafficking; utilize formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes; and conduct awareness campaigns throughout the country, including rural areas.

## PROSECUTION

The government increased law enforcement efforts. Section 1 of the Counter-Trafficking in Persons Act of 2010, which came into force in September 2012, prohibits all forms of trafficking and section 3(5) prescribes a sufficiently stringent minimum punishment of 15 years' imprisonment, which is commensurate with that of other serious crimes, such as rape. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of child sex tourism, child prostitution, and forced prostitution, and prescribe penalties of six to 20 years' imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other serious offenses. Prosecutors, however, rarely pursued cases under these provisions of the act.

The government reported prosecution of 762 suspected traffickers and 456 convictions during the reporting period, in comparison to 65 prosecutions and 33 convictions the previous reporting period. Eighty-one cases ended in an acquittal. For the first time, the government received law enforcement data from all 47 counties, partially contributing to the significant increase in reported prosecutions and convictions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking; however, a federal district court in California issued a default judgment awarding damages to a domestic worker who sued her former employer, a Kenyan consular officer, for exploitation. Corruption at all levels of the government remained a serious concern. During the reporting period, the government cooperated with foreign governments in the investigation of potential trafficking crimes. In September 2015, the advisory committee provided

anti-trafficking training to 30 senior Directorate of Criminal Investigation officials. The advisory committee developed standard operating procedures, including on responding to and prosecuting trafficking cases, and mandatory training requirements. During the reporting period, the government trained an unspecified number of officials on anti-trafficking. Nonetheless, training provided by the government during the reporting period remained insufficient in light of Kenya's considerable human trafficking problem.

## PROTECTION

The government made inconsistent efforts to protect child trafficking victims, and efforts to identify and assist adult victims remained weak. Authorities identified 153 internal child trafficking victims (44 for forced labor, 11 for sex trafficking, the remainder unidentified) and did not report how many adult victims it identified. While the number of children identified decreased compared to 658 the previous reporting period, it was unclear whether this reflected the government's reporting of data from only three of 47 counties. Immigration officials continued to arrest, without screening, potential trafficking victims for traveling with forged documents. Authorities sometimes identified victims at subsequent court hearings, when the detainees provided additional information about their status. Immigration officials often conflated smuggling with trafficking; authorities recognized the need to train officials on identification of trafficking victims.

The government and advisory committee developed and implemented NRM guidelines to assist all relevant stakeholders, including law enforcement and social service officials, in referring potential victims of trafficking to appropriate services. Department of Child Services (DCS) children's officers continued to participate in police investigations, identify child trafficking victims, and provide them with counseling and *ad hoc* referrals to service providers. DCS and a local NGO continued to jointly operate a national 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse; the hotline's main call center was located in a government-owned building in Nairobi. During the reporting period, the hotline received 1,195 reports of child trafficking; however, the government did not report disaggregating the statistics between labor exploitation and sex trafficking. DCS continued to operate eight drop-in referral centers in Eldoret, Garissa, Malindi, Siaya, Kakamega, Nairobi, Nakuru, and Mombasa that provided counseling, guidance, and referrals to other centers for an unknown number of victimized children, including trafficking victims, who could not return to their homes. DCS also funded and operated four rescue centers in Garissa, Malindi, Thika, and Machakos where child victims of violence, including trafficking victims, could stay for three months before returning home or being referred to NGO facilities. The government reported its centers provided assistance to all child victims identified during the reporting period.

The government made efforts to implement the 2014 Victim Protection Act, which aimed to improve support provided to all trafficking victims, including accommodation, food, medical treatment, psycho-social care, police protection, and the establishment of a fund to assist victims. During the reporting period, the government allocated seven million Kenyan shillings (\$70,000) to the victim assistance fund for the first time. The government provided minimal services to adult trafficking victims identified within the country or abroad. Kenya's diplomatic missions made limited efforts to assist Kenyan trafficking victims, primarily by facilitating contact between

victims and their families. While the MOL initiated efforts to send labor attaches to Kenyan missions abroad, especially in the Middle East, it did not complete this process by the end of the reporting period due to resource limitations. The Ministry of Foreign Affairs (MFA) began developing a system to assist Kenyan trafficking victims abroad; however, it was not finalized by the end of the reporting period. The government continued to provide *ad hoc* access to medical aid, shelter, counseling, or financial assistance to repatriated adult trafficking victims. The MFA maintained the assignment of one additional immigration officer to its embassies in the UAE and Saudi Arabia to expand provision of consular services to assist trafficking victims.

The government reported it had formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes; however, there were no reports such procedures were used during the reporting period. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking. The Department of Immigration implemented the Kenyan Immigration Border Procedure Manual (KIBPM), which included guidelines and procedures for immigration officials to identify traffickers and victims, mandatory actions for officials once a suspected case of trafficking is identified, and a procedure for conducting interviews with victims to gather evidence on recruitment and exploitation of the victim. The government did not report whether the KIBPM was provided to all officials, including police officers. Under the anti-trafficking act, officials may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not report using this provision during the reporting period.

## PREVENTION

The government increased efforts to prevent human trafficking. The advisory committee, the governing body for anti-trafficking efforts, met regularly during the reporting period and implemented Kenya's national action plan for 2015-2020. Additionally, the advisory committee is working with partners to develop a database to share relevant ministry information across all 47 counties; in the interim, information is shared through DCS. The advisory committee through the represented offices and DCS disseminated awareness materials and case studies in efforts to educate local communities on potential indicators of trafficking.

The MOL developed new policies for Kenyans seeking employment opportunities abroad to ensure their work contracts comply with specific standards set within the ministry; however, the policies were not implemented by the end of the reporting period due to a lack of capacity within the ministry. In September 2015, MOL's taskforce to review the existing framework for the management and regulation of recruitment agencies produced a report on labor migration issues. MOL continued requiring agencies sourcing jobs abroad in the hospitality and service sectors to obtain MOL approval of all contracts prior to prospective migrants signing the contracts and departing for employment. The contracts, if a labor ministry officer deems the contract credible, are required to be signed before a labor ministry officer and applicants must register with the Kenyan embassy in the host country.

The government made efforts to reduce the demand for commercial sex acts, but did not report efforts to reduce demand for forced labor. The MFA provided anti-trafficking training for its diplomatic personnel and vetted employment

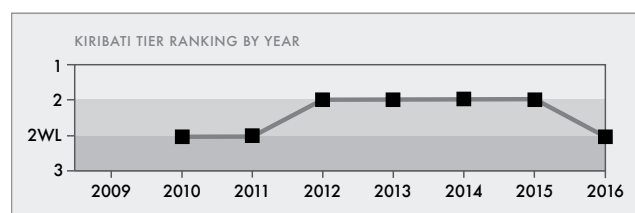


contracts between Kenyan foreign service officers posted abroad and their domestic workers to ensure that they were legally sufficient and provided for the interests of the domestic worker. The government's training for troops deployed overseas on international peacekeeping missions included a module on human rights, addressing human trafficking.

## KIRIBATI: Tier 2 Watch List

Kiribati is a source country for girls subjected to sex trafficking within the country. Visiting ship crew members, mainly Asian men, exploit children and some women in commercial sex. A local NGO reported as many as 20 I-Kiribati girls, some as young as 15 years old, may be subject to child sex trafficking in local bars and hotels. Some I-Kiribati—including family members of potential victims, older women, and hotel and bar workers—may facilitate child sex trafficking by providing a venue for commercial sex with minors. Others fail to assist trafficking victims or alert authorities to situations of child sex trafficking. These girls generally receive financial support, food, alcohol, or goods in exchange for sexual services.

The Government of Kiribati does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore Kiribati is placed on Tier 2 Watch List. During the reporting period, the government conducted anti-trafficking training for police and welfare officials, conducted outreach programs on sexual violence and exploitation, and developed counselling guidelines for schools to enhance the protection of minors. While the government enacted the Employment and Industrial Relations Act, criminalizing the trafficking of children, it assigned penalties that were not sufficiently stringent for the crime. The government did not prosecute cases against potential traffickers or punish those who exploited or facilitated the commercial sexual exploitation of children. The government also did not employ procedures to proactively identify child sex trafficking victims, particularly among individuals in prostitution. It did not provide assistance to any victims or refer them to or support organizations that did so.



### RECOMMENDATIONS FOR KIRIBATI:

Investigate and prosecute trafficking offenses, and convict and punish foreign crew members for the commercial sexual exploitation of children; ensure anti-trafficking laws criminalize the full scope of labor and sex trafficking, are not limited to cross-border movement, and prescribe penalties commensurate with other serious crimes; develop procedures for law enforcement officers and social service providers to interview women and children intercepted en route to or aboard international vessels, and at local bars and hotels, for evidence of trafficking; establish formal procedures for the identification of trafficking victims and their referral to domestic violence

and sexual offense officers for care; train front-line officers, including law enforcement, on victim identification techniques and interview procedures, and a victim-centered approach to facilitate increased trust between victims and officers; hold parents and guardians accountable—including under the 2013 Children, Young People and Family Welfare Act—for inducing children to engage in commercial sex acts; expand efforts to raise awareness about human trafficking in locations where perpetrators are known to seek potential victims; and focus on increasing public recognition that children in the commercial sex trade are trafficking victims rather than juvenile delinquents.

### PROSECUTION

The government made limited law enforcement efforts to combat human trafficking. The Measures to Combat Terrorism and Transnational Organized Crime Act, as amended in 2008, criminalizes certain forms of human trafficking, prescribing penalties of up to 15 years' imprisonment for the trafficking of adults and 20 years' imprisonment for the trafficking of children. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The law defines trafficking as a transnational offense, requiring the entry of a person into Kiribati or any other State. Transnational trafficking is not known to occur in Kiribati or affect I-Kiribati. The government claimed internal trafficking could be prosecuted under this law; however, the statute does not appear to reach domestic crimes of exploitation, and there are no reports to indicate the government has ever attempted to prosecute a domestic trafficking case under the law. During the reporting period, the government passed and signed into law the Employment and Industrial Relations Act, which, for the first time, in parts XIII and XIV, specifically criminalizes the trafficking of children, including, respectively, both the use, procuring, or offering of a child for prostitution, the production of pornography and other similar offenses, and forced labor. For the prostitution and related offenses, the law imposes a \$5,000 fine, 10 years' imprisonment, or both; for forced labor, the penalty is a fine of \$100,000, a term of imprisonment of 25 years; or both. Although the law does criminalize both forms of child trafficking consistent with how those crimes are defined in international law, because the penalties include the possibility of a fine in lieu of prison time, they are not proportionate to the crime committed and not sufficiently stringent. In addition, the sanction for sex trafficking of children is not substantially similar to the sanction for other serious crimes, such as rape.

The government did not conduct any investigations in 2015, compared to zero investigations in 2014 and two investigations conducted against foreign fishing vessel owners in 2013. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government made no discernible efforts to protect trafficking victims, and did not identify or assist any victims in 2015. The government remained without procedures to identify trafficking victims proactively among vulnerable populations. Police may have encountered girls exploited by sex traffickers and clients in well-known meeting places, such as bars and hotels in Kiribati; however, officials did not formally screen this population and did not identify any trafficking victims among them or provide them with any protective or rehabilitative services. The government reported victims could be referred to religious organizations to access medical and psychological

services on an ad hoc basis; however, for the fourth consecutive year, it failed to refer any victims to such services or provide funding to these organizations. The Measures to Combat Terrorism and Transnational Organized Crime Act's victim protection provisions shield victims from prosecution for immigration crimes committed as a direct result of being subjected to trafficking; however, law enforcement efforts to combat prostitution potentially resulted in some trafficking victims being treated as law violators, for which the anti-trafficking act did not grant reprieve. Officials did not screen individuals detained for prostitution-related crimes to determine whether they were trafficking victims or verify their ages. The government did not develop or implement a referral process to transfer potential victims who are detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care. The Kiribati Immigration Ordinance gives the principal immigration officer the option to make exceptions or extensions to standard immigration rules in exigent circumstances, such as trafficking; given the lack of identified foreign victims, this provision remained unused.

### PREVENTION

The government made limited efforts to prevent human trafficking. The government lacked a national action plan or a government agency to coordinate national anti-trafficking efforts. The Ministry of Women, Youth, and Social Affairs, in partnership with an international organization, continued to broadcast a radio show on child protection issues, including the commercial sexual exploitation of children. The police department's domestic violence and sexual offenses unit continued to operate two 24-hour hotlines for reporting exploitation and abuse, although no known allegations of human trafficking were received. The government did not make efforts to address child sex tourism in the country or reduce the demand for commercial sex or forced labor. While foreign fishing license regulations hold ship captains accountable for the presence of unauthorized persons on their vessels, the enforcement of these regulations did not result in the prosecution of traffickers or protection of victims. The Ministry of Labor reported reviewing the contracts of all I-Kiribati going overseas and conducting pre-departure briefings to ensure workers were aware of their rights and able to protect themselves from potential forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.

## KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: Tier 3

The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to forced labor and sex trafficking. Government oppression in the DPRK prompts many North Koreans to flee the country in ways that make them vulnerable to human trafficking in destination countries. Within North Korea, forced labor is part of an established system of political repression. The government subjects its nationals to forced labor through mass mobilizations and in North Korean prison camps. Many North Korean government-contracted laborers in foreign countries also face conditions of forced labor. North Korea holds an estimated 80,000 to 120,000 prisoners in political prison camps in remote areas of the country. In many cases, these prisoners have not been charged with a crime or prosecuted, convicted, or sentenced in a fair, judicial hearing. In prison

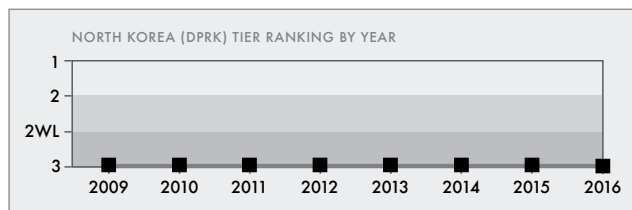
camps, all prisoners, including children, are subject to forced labor, including logging, mining, or farming for long hours under harsh conditions. Political prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. Furnaces and mass graves are used to dispose the bodies of those who die in these prison camps. The North Korean government operates regional, local, or sub-district level "labor training centers" and forces detainees to work for short periods doing hard labor, receiving little food, and subject to abuse, including regular beatings. Authorities reportedly send people to such centers if they are suspected of engaging in simple trading schemes or are unemployed.

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

The DPRK government system of harsh punishment through forced labor camps or the death penalty can fuel trafficking in neighboring China. Many of the estimated 10,000 North Korean women and girls who have migrated illegally to China to flee from abuse and human rights violations are particularly vulnerable to trafficking, and traffickers reportedly lure, drug, detain, or kidnap some North Korean women upon their arrival. Others offer jobs but subsequently force the women into prostitution, domestic service, or agricultural work through forced marriages. These women are subjected to sexual slavery by Chinese or Korean-Chinese men, forced prostitution in brothels or through Internet sex sites, or compelled service as hostesses in nightclubs or karaoke bars. If found by Chinese authorities, victims are often forcibly repatriated to North Korea where they are subject to harsh punishment, including forced labor in labor camps or death.

The Government of North Korea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government participated in human trafficking through its use of forced labor in prison camps and labor training centers, and its provision of forced labor to foreign governments through

bilateral contracts. It failed to protect trafficking victims when they were forcibly repatriated from China or other countries.



## RECOMMENDATIONS FOR THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA:

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

## PROSECUTION

The government made no known anti-trafficking law enforcement efforts. DPRK laws do not prohibit all forms of trafficking in persons. Fair trials did not occur in North Korea, and the government did not provide transparent law enforcement data during the reporting period. The government did not explain what provisions of law, if any, were used to prosecute trafficking offenses or protect victims. During the reporting period, there were no known investigations or prosecutions of trafficking offenses, or convictions of traffickers. The government did not report whether it provided any anti-trafficking training to its officials. The government did not report any investigations or prosecutions of government officials for alleged complicity in human trafficking offenses.

## PROTECTION

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

North Koreans forcibly repatriated by Chinese authorities, including women believed to be trafficking victims, were sent to prison camps, where they were subjected to forced labor, and possible torture and sexual abuse by prison guards. North Korean defectors reported instances of the government executing trafficking victims forcibly repatriated from China. Article 30 of the criminal code partially suspends civil rights of prison camp inmates; government officials used this provision to

abuse victims in prison camps. The government reportedly subjected some repatriated victims who were pregnant to forced abortions and reports indicate that infants born to repatriated victims while in prison were killed. An estimated 20,000 to 30,000 children born to women from the DPRK live in China and reports show some are unable to be registered upon birth, rendering them stateless and vulnerable to possible exploitation.

## PREVENTION

The government made no efforts to prevent human trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that made them vulnerable to human trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking, train government officials, or screen migrants along the border for signs of trafficking. DPRK authorities made no discernible efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel. North Korea is not a party to the 2000 UN TIP Protocol.

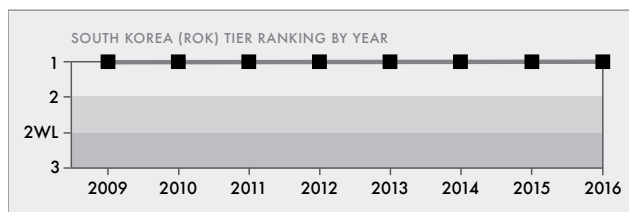
## KOREA, REPUBLIC OF: Tier 1

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

Men and women from China, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America are subjected to forced labor in South Korea; some women from these regions are subjected to forced prostitution. Migrant workers, especially those from Vietnam, China, and Indonesia, can incur thousands of dollars in debt, contributing to their vulnerability to debt bondage. Approximately 500,000 low-skilled migrant workers, many employed under the government's employment permit system, work in fishing, agriculture, livestock, restaurants, and manufacturing; some of these workers face conditions indicative of forced labor. Some foreign women on E6-2 entertainment visas—mostly from the Philippines, China, and Kyrgyzstan—are subjected to forced prostitution in entertainment establishments near ports and U.S. military bases. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia who are recruited for marriage to South Korean men through international marriage brokers are subjected to forced prostitution or forced labor after their arrival. South Korean men engage in child sex tourism in Vietnam, Cambodia, Mongolia, and the Philippines. The ROK is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific.



The Government of the Republic of Korea fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government ratified the UN Convention against Transnational Organized Crime and the 2000 UN TIP Protocol. Authorities investigated 421 reported cases linked to human trafficking, indicted 146 cases involving 214 defendants, and obtained 64 trafficking convictions. The government conducted public awareness campaigns and maintained efforts to train public officials on anti-trafficking investigation procedures, victim identification, and victim protection. Despite the alignment of written law with anti-trafficking international standards, the government continued to narrowly define “trafficking” in practice, applying laws with lower penalties to trafficking crimes and failing to follow victim-centered procedures in law enforcement operations.



## RECOMMENDATIONS FOR THE REPUBLIC OF KOREA:

Increase efforts to investigate, prosecute, and convict traffickers under the criminal code and ensure convicted offenders receive sufficiently stringent sentences; train law enforcement officers, prosecutors, and judicial officials to interpret “trafficking” as defined in the criminal code—not requiring kidnapping, buying and selling, force, or confinement; proactively identify trafficking victims among vulnerable populations—including individuals arrested for prostitution, disabled persons, and migrant workers in all visa categories—using standard victim identification guidelines; actively inspect industries with high potential for exploitation, such as salt farms, rather than relying on self-reporting of abuse by victims; proactively investigate and prosecute South Koreans engaging in sex acts with child sex trafficking victims in South Korea and abroad; increase monitoring of and establish measures to address trafficking vulnerabilities in South Korean government-issued entertainment visas, including verifying contracts and monitoring sponsoring establishments; and continue to investigate and prosecute those who use forced labor on South Korean-flagged fishing vessels.

## PROSECUTION

The government sustained anti-trafficking law enforcement efforts. Chapter 31 of the criminal code prohibits all forms of trafficking and prescribes up to 15 years’ imprisonment for trafficking crimes; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government continued to use the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Traffic, the Labor Standards Act, and the Act on the Protection of Children and Juveniles against Sexual Abuse to prosecute and punish most trafficking offenses. The government investigated 421 reported human trafficking cases, indicted 214 suspects, and convicted 64 traffickers. Most of the convicted traffickers received sentences of less than three years’ imprisonment, with fines and community service, but many offenders received suspended sentences in practice. Prosecutors and police officers complained of inconsistent application of immigration regulations and

actual time served by those convicted. After a March 2014 case involving hundreds of disabled South Korean men exploited in salt farms, the government inspected over 800 salt farms and convicted 40 owners and brokers for various violations. However, more than half of those received suspended sentences, and employers subsequently began to evade inspection by having employees register as owner-operators of small plots of land. The Ministry of Justice and National Police Agency (NPA) held a series of training courses and seminars throughout the year for prosecutors, judges, and law enforcement officers on anti-trafficking issues, identification of victims, and victim protection. Prosecutors indicted two postal workers for running a prostitution ring and also indicted a police officer who attempted to assist them.

## PROTECTION

The government sustained efforts to protect and assist trafficking victims. In 2015, NPA created a new victim protection division responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems. The government identified and assisted 58 foreign sex trafficking victims, compared with 58 in 2014; statistics for South Korean or foreign labor trafficking victims were unavailable. Although the government established sex trafficking victim identification guidelines in 2013 and implementation remained ongoing, many law enforcement officers reported not knowing about them, and the government continued to lack labor trafficking victim identification guidelines. Ministry of Gender Equality and Family (MOGEF) continued to support 91 facilities that provide services specifically to sex trafficking victims, and 8,410 persons used those facilities or services in 2015. Ministry of Employment and Labor (MOEL) operated 39 foreign workers’ support centers and funded NGOs that offered similar services; hundreds of workers, some of whom were trafficking victims, received counseling, education, job training, and lodging. NPA continued to work with social workers when screening women involved in prostitution to identify and assist potential trafficking victims. Although the law provides that trafficking victims would not be punished, women in prostitution caught during police raids or arrested migrant workers were fined, required to attend training, or deported, without being screened for indicators of trafficking. Police reportedly forced some victims to recreate incidents in bars and clubs, and allowed club owners suspected of trafficking crimes to meet with victims held in detention where they may have threatened victims. The government maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups vulnerable to trafficking. The government offered foreign victims legal alternatives to their removal to countries in which they may face hardship or retribution. As an incentive to encourage trafficking victims to participate in investigations and prosecutions, the government issued G-1 visas with permission to work for up to one year. Victims could file a civil suit to receive restitution, but it is unclear how many victims pursued this option.

## PREVENTION

The government increased efforts to prevent trafficking. In November 2015, the government ratified the UN Convention against Transnational Organized Crime and the 2000 UN TIP Protocol. In partnership with 16 city and provincial offices and over 200 agencies, MOGEF sponsored the first “Sex Trafficking Prevention Week” through the promotion of ROK anti-prostitution policies, online materials, public service announcements, and events to raise awareness of the dangers

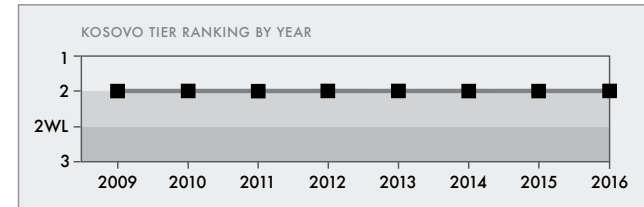
of sex trafficking. To mark the start of the campaign, MOGEF convened an international anti-sex trafficking symposium with participation from international experts. NPA conducted inspections to enforce laws prohibiting sex trafficking and labor trafficking in the fishing industry and sex trafficking and recruitment among tourists and tour groups. MOEL inspected 8,000 businesses employing minors, 506 businesses with at-risk female employees, and 3,000 businesses with foreign workers. MOGEF continued to operate hotlines in 13 languages accessible to trafficking victims, and the Ministry of Oceans and Fisheries continued to operate a hotline for foreign crew members. MOEL educated 4,552 persons on anti-labor trafficking laws and policies, and the government supported anti-sex trafficking programs in schools. The government lacked a trafficking-specific national plan of action, but included proposed anti-trafficking efforts in its human rights national action plan. To address demand for forced labor, the government continued to educate salt farm owners on labor rights and standards following the discovery of widespread abuses in 2014. To curb the demand for commercial sex acts, the government carried out awareness campaigns at airports, railroad stations, and with travel agencies. South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands, traveling primarily on travel-agency-organized golf group tours or business trips. The government denied passport issuance to 15 South Koreans for engagement in sex tourism abroad; however, it did not prosecute or convict any South Korean sex tourists. The government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions and anti-trafficking training to its diplomatic personnel.

## KOSOVO: Tier 2

Kosovo is a source and destination country for men, women, and children subjected to sex trafficking and forced labor, including in the restaurant industry. Most sex trafficking victims in Kosovo are girls, though Kosovo criminal groups also force women from Albania, Moldova, Romania, Serbia, and other European countries into prostitution. Women and girls are subjected to sex trafficking in private homes and apartments, night clubs, and massage parlors. Traffickers offer employment as dancers and singers in restaurants—and sometimes false marriage promises—but then force victims into sex trafficking. Traffickers increasingly use social media to recruit victims. Children from Kosovo and neighboring countries are forced to beg within the country. During the reporting period, authorities identified children exploited as dancers and escorts, who are also vulnerable to sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. Government corruption creates an environment that enables some trafficking crimes. Several police officers, labor ministry employees, and other government officials have been charged with or convicted of trafficking crimes.

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government licensed two NGO shelters to exclusively serve trafficking victims, increased funding for the shelters, and offered shelter and services to all victims identified in 2015. It implemented procedures to screen for trafficking among vulnerable populations, appointed a coordinator for national anti-trafficking efforts, and began implementation of its national action plan, including disbursing funds to support the plan's activities. However, the government

identified fewer victims and prosecuted fewer suspects than the previous year, convictions decreased to a five-year low, and judges imposed lenient sentences on convicted traffickers. Furthermore, while complicit officials faced administrative action for involvement in trafficking crimes, courts formally acquitted them of trafficking charges. The government continued to lack a victim compensation fund required by law, and the national anti-trafficking agency was inactive for much of the reporting period.



### RECOMMENDATIONS FOR KOSOVO:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences, including imprisonment; fully implement the provisions of the 2015 Law on Crime Victims Compensation, including establishing a victim compensation fund and disbursing funds to trafficking victims; provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; train officials on screening for trafficking among individuals in prostitution, migrants, and other at-risk populations, and uniformly implement such protocols; enhance efforts to identify and assist children subjected to forced begging; reduce the backlog of trafficking cases to ensure all cases of suspected trafficking are thoroughly investigated; establish shelters in the northern municipalities to assist trafficking victims in those regions; and allow trafficking victims freedom of movement in all shelters.

### PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. While it initiated slightly more trafficking investigations, it significantly decreased prosecutions and convictions and continued to impose inadequate sentences on traffickers. Article 171 of Kosovo's criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years' imprisonment and a fine of up to 500,000 euros (\$544,069). These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. When sex trafficking offenses involve minors or a group of victims subjected to sex trafficking, the penalties increase to 15-20 years' imprisonment and a fine. Other articles in the criminal code prohibit various types of trafficking: article 169 prohibits slavery, slavery-like conditions, and forced labor; article 231 prohibits taking sexual services from a trafficking victim; article 241 prohibits facilitating or compelling prostitution; and article 242 prohibits the provision of facilities for prostitution.

Authorities investigated 165 possible cases of trafficking during the reporting period, an increase from 155 cases in 2014. The government initiated 53 trafficking prosecutions, a decrease from prosecutions of 93 suspects in 33 cases in 2014. Courts convicted 13 traffickers, a significant decrease from 41 convictions in 2014, and Kosovo's lowest number of trafficking convictions since 2010. Judges continued to issue sentences far below the minimum penalty of five years' imprisonment; all sentences issued for trafficking offenses in 2015 were for less

than three-and-a-half years' imprisonment. The government did not disaggregate law enforcement statistics to demonstrate action against both sex and labor trafficking. As in previous years, the backlog of trafficking cases grew during the reporting period; 88 trafficking cases remained in the court system from previous years, and 95 cases remained open at the end of 2015.

Official complicity in trafficking offenses remained a significant concern. Though the government fired and retired several officials during the year for malfeasance, including some for human trafficking crimes, these same persons were acquitted of criminal charges, as in previous years. The government initiated one prosecution against a municipal official for the misuse of an official position and sexual exploitation of trafficking victims; the suspect remained under arrest at the end of the reporting period—receiving half of his salary—while the case was pending. In July 2014, police arrested a municipal official for alleged sexual exploitation of a trafficking victim; the government fired the suspect due to the allegation, but the judge acquitted him of all trafficking charges during the reporting period. Citing a lack of evidence, prosecutors dismissed a case initiated in 2014 involving a police officer suspected of abuse of official position and sexual exploitation; he resumed his official duties. In 2014, courts convicted two labor ministry officials for abuse of official position for issuing work permits to 22 foreign workers, later identified as trafficking victims, and fined each official 3,000 euros (\$3,650); however, the officials were acquitted of trafficking in persons and organized crime charges and allowed to resume their official duties. Prosecutors appealed the sentences, alleging the officials had knowledge the foreign workers were trafficking victims. The officials are being retried for trafficking in persons and organized crime; the appeal was ongoing at the end of 2015. The government funded and conducted 11 anti-trafficking workshops for 15 members of the anti-trafficking special police force, compared with 24 trainings held in 2014. The government exchanged information with foreign countries on 30 trafficking cases, engaged in joint trafficking investigations with four countries, and signed law enforcement cooperation agreements with two countries that include collaboration on anti-trafficking law enforcement efforts.

## PROTECTION

The government identified fewer trafficking victims but modestly increased its victim protection efforts and its capacity to provide assistance. Specialized police units identified 28 trafficking victims in 2015, a continued decrease from 42 victims identified in 2014 and 51 in 2013. Of the 28 victims, 17 were adults and 11 were children; 17 were victims of sexual exploitation and 11 were subjected to forced labor, including one in forced begging, one in domestic servitude, and five children as dancers and escorts. The majority of victims identified were Kosovo citizens, and others came from Albania and Serbia.

The government provided 181,925 euros (\$197,959) to one government-run shelter and two NGO-run shelters for dedicated trafficking victim assistance in 2015, compared with 171,699 euros (\$186,832) in 2014. The government had provided an additional 344,994 euros (\$420,000) to NGO shelters in 2014 to assist victims of crime, including trafficking victims, but did not provide such funding in 2015. The government placed 18 of the 28 identified victims in government-run or NGO shelters. The remaining 10 victims declined government assistance and opted to return to their families. Victims had access to nine care facilities during the reporting period, though none were located in the country's four northern municipalities.

Authorities could place child trafficking victims in a shelter designated solely for child victims of violence, and foster care was available for long-term care. In May 2015, the government licensed two existing and government-funded NGO-run shelters serving victims of various crimes to provide services exclusively to trafficking victims; including the existing government-run trafficking shelter, this increased the total number of trafficking-specific victim shelters to three. The government maintained a high security shelter opened in 2013 that housed male and female victims separately. Victims determined to be at low risk of further exploitation typically stayed in NGO-run shelters, while those at medium or high risks were typically placed in the state-run shelter. Adult victims could not leave the high security shelter unchaperoned at will but could do so from the NGO-run shelters based on a risk assessment; one NGO shelter allowed victims to leave freely without assessment. The government had formal procedures to identify trafficking victims and refer them to government or NGO-run shelters for short-term and long-term care, and officials employed these procedures during the reporting period. The Ministry of Health and NGOs jointly funded NGO-conducted trainings for health-care professionals on identifying trafficking victims and the ministry's policies for the provision of services to trafficking victims and victims of domestic abuse.

The government encouraged victims to participate in investigative and judicial processes by providing protection at the high-security shelter, accommodation and care at other facilities, and participation in the witness protection program, if necessary. Victim advocates or social workers were present when police interviewed potential victims of trafficking, and they also informed victims of the rehabilitation services available and provided legal advice. All 28 victims provided statements to the police, prosecutors, and pre-trial judges. Kosovo law requires authorities to provide foreign victims a 30 to 90-day reflection period after identification in which victims can recover before deciding whether to cooperate with law enforcement. Victims who were witnesses in criminal proceedings could return to their countries of origin without waiting for the conclusion of the trial. The government was authorized to provide temporary residence permits to foreign victims for at least six months, but there are no reports any victims applied for a permit during the reporting period. A 2013 trafficking victim protection law required the government to establish and fund a victim compensation fund. The government adopted the Law on Crime Victims Compensation during the reporting period—which includes trafficking victims as beneficiaries—and allocated 500,000 euros (\$545,000) to the law's victim compensation fund. However, the law had not been implemented at the end of the reporting period; thus, payments could not be disbursed. During the reporting period, the Ministry of Interior implemented procedures for the proactive screening for trafficking among migrants, people in prostitution, and other vulnerable groups. The ministry trained law enforcement on such procedures, and they were employed in practice. There were no reports the government punished victims of trafficking for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government continued efforts to prevent trafficking. During the year, it formally adopted its 2015-2019 anti-trafficking national action plan, drafted with support from NGOs and international experts. The government began to implement the plan, including allocating resources and disbursing 288,000 euros (\$313,384) towards the plan's implementation. In



September, the government appointed a new national anti-trafficking coordinator, a position that had been vacant since December 2014. Because the coordinator was responsible for convening the national anti-trafficking agency, it was not until October 2015 that the agency held its first 2015 meeting and began to monitor member agencies' efforts to implement the national action plan. The government's awareness-raising efforts included a one-month campaign aimed at potential child trafficking victims, including artwork and essay contests in 12 schools on preventing trafficking; information sessions with school staff and parents on trafficking prevention; and the distribution of manuals to staff in 268 schools on combating trafficking. The government did not demonstrate efforts to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel and provided them a manual to aid in identifying trafficking victims.

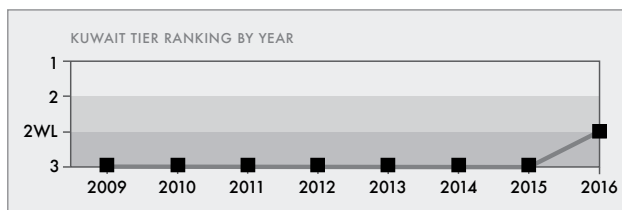
## KUWAIT: Tier 2 Watch List

Kuwait is a destination country for men and women subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from South and Southeast Asia, Egypt, the Middle East, and increasingly throughout Africa to work in Kuwait, mainly in the domestic service, construction, hospitality, and sanitation sectors. Reports indicate the Democratic People's Republic of Korea (DPRK) has sent over 4,000 North Korean laborers to Kuwait for forced labor on construction projects through a North Korean company operated by the Workers' Party of Korea and the North Korean military. According to these reports, employees work 14 to 16 hours a day while the company retains 80 to 90 percent of the workers' wages, and monitors and confines the workers, who are in very poor health due to lack of adequate nutrition and health care. While Filipino, Indian, and Sri Lankan women continue to represent a significant percentage of Kuwait's domestic worker population, in the last few years there has been a continued increase in migrants from Ethiopia, Uganda, Kenya, Sierra Leone, Nigeria, Tanzania, The Gambia, Liberia, and Madagascar. Limitations imposed by Asian source-country governments on the recruitment of domestic workers led Kuwaiti labor agencies to recruit more migrant workers from Africa. Though most migrants enter Kuwait voluntarily, upon arrival some sponsors subject migrants to forced labor, including through non-payment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. Many of the migrant workers arriving in Kuwait have paid exorbitant fees to labor recruiters in their home countries or are coerced into paying labor broker fees in Kuwait which, according to Kuwaiti law, should be paid by the employer—a practice making workers highly vulnerable to forced labor, including debt bondage. Some labor recruiting companies have been complicit in trafficking with their use of deceptive recruiting techniques to bring in migrant workers on the basis of unenforceable contracts and nonexistent positions, while promising employers workers who are well-trained but turn out to be unskilled.

Kuwait's sponsorship law—which ties a migrant worker's legal residence and valid immigration status to an employer—restricts workers' movements and penalizes them for leaving abusive workplaces; as a result, domestic workers are particularly vulnerable to forced labor inside private homes. Many workers report experiencing work conditions substantially different from those described in the contract; some workers never see

the contract at all and others receive Arabic or English-language contracts they are unable to read. In addition, sources report runaway domestic workers are sometimes exploited in forced prostitution by agents or criminals, who manipulate their illegal status.

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 investigated six cases and prosecuted 20 traffickers during the reporting period in comparison to none the previous year. For the first time, it convicted eight traffickers under the 2013 anti-trafficking law. In 2015, the government established the anti-human trafficking department under the Ministry of the Interior (MOI) as the national coordinating body on human trafficking issues. The anti-human trafficking department functions as a law enforcement agency and conducted several raids per week during the reporting period. Additionally, it maintained a hotline for trafficking-related concerns in Arabic and English during the reporting period. In June 2015, the National Assembly passed law no.69, which improved protections for domestic workers. The government also created a centralized, government-sponsored domestic labor recruiting company to act as a single center for recruiting and managing the domestic labor force, as well as overseeing the implementation of the new domestic labor law and all recruiting companies that hire domestic workers. Nonetheless, it was not implemented, as the by-laws were not approved and the law had not been published in the official gazette by the end of the reporting period. The government continued its efforts to prevent trafficking during the reporting period by conducting investigations into illegal recruitment agencies, including those allegedly involving government officials, leading to the arrest and referral of 336 violators for prosecution out of 1,386 investigations. Nonetheless, it remained unclear how many of these cases were investigated under the 2013 anti-trafficking legislation. Existing laws do not provide adequate prosecutorial power or punishments for those operating labor recruiting firms. The government implemented formal procedures to identify or refer trafficking victims; however, it did not apply them in many cases and victims of trafficking continued to be arrested, detained, and deported. Emerging efforts to issue exit and travel documents to abused workers whose passports had been confiscated continued, but were not accompanied by any enforcement activities against the employers from whom the workers had fled.



### RECOMMENDATIONS FOR KUWAIT:

Significantly increase law enforcement efforts to investigate, prosecute, and convict trafficking offenses, including those perpetrated by Kuwaiti citizens, under the 2013 anti-trafficking law; fully implement domestic labor law no.69 to ensure domestic workers receive appropriate rights and protections; prosecute and convict sponsors who subject domestic workers to involuntary servitude; enforce laws against sponsors and employers who illegally hold migrant workers' passports; establish standard operating procedures for investigations and prosecutions of trafficking crimes; coordinate with the

public prosecutor's office to amend current laws to allow for the prosecution of labor recruiting firms; establish formal procedures to proactively identify and refer to protection services all victims of human trafficking; train law enforcement officials and social workers to identify trafficking victims proactively among vulnerable populations, and screen for human trafficking victims during migrant round-ups; establish linkages between emerging victim care efforts and law enforcement activities; continue to train shelter staff in providing services to potential trafficking victims; ensure the availability of shelter and services to male victims, sex trafficking victims, and forced labor victims outside of the domestic worker context; increase effective coordination between ministries through the inter-ministerial anti-trafficking committee; develop and implement an updated multi-year national anti-trafficking strategy and action plan; and increase efforts to raise awareness and prevent trafficking.

## PROSECUTION

The government improved its legal structure and increased its anti-trafficking law enforcement efforts during the reporting period. Anti-trafficking legislation enacted in 2013 prohibits all forms of trafficking and prescribes penalties ranging from 15 years' to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government enacted a labor law for the protection of domestic workers' rights; however, the law was not fully implemented by the end of reporting period. Law no.69 guarantees domestic workers one day off per week, 30 days of annual paid leave, a 12-hour work day and a one-time end-of-service award of one month's salary per year worked.

In 2015, the government investigated six cases involving 20 traffickers. It prosecuted all 20 traffickers during the reporting period, in comparison with none the previous year. The government convicted eight traffickers under the 2013 anti-trafficking law, in comparison with none the previous reporting period; five traffickers were acquitted and seven prosecutions remained pending at the end of the reporting period. In June 2015, the government established the anti-human trafficking department under MOI, which began investigating and referring trafficking cases. It also released a human trafficking handbook for its employees as a manual providing guidance on implementation of the anti-trafficking law. In November 2015, for the first time, MOI's anti-trafficking and public morals department investigated and referred a suspected forced labor case to the public prosecutor's office. The case involved a Syrian national who detained, coerced, and sexually abused six Filipino domestic workers. The government investigated visa fraud rings, allegedly involving complicit officials, including in MOI, the Ministry of Social Affairs and Labor (MOSAL), and the Ministry of Commerce and Industry, as well as members of the ruling Al-Sabah family; however, it did not provide any information on its efforts to prosecute and convict officials complicit in trafficking or trafficking-related offenses. The government remained reluctant to prosecute Kuwaiti citizens for trafficking offenses. Kuwaiti law enforcement treated cases of forced domestic labor as administrative infractions, and punishment was limited to assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back-wages. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remained common among sponsors and employers of foreign workers; the government demonstrated no efforts to enforce this prohibition. It remained common to find domestic workers who took refuge in their home-country embassy shelters without their passports in

their possession. In 2015, the anti-human trafficking unit, in partnership with an international organization, held an anti-trafficking train-the-trainer program. The judicial institute continued its mandatory human trafficking course for all newly hired judicial officials, including prosecutors and judges.

## PROTECTION

The government made notable efforts to protect victims of trafficking, though serious systemic issues continued to harm victims. It provided shelter to approximately 4,000 domestic workers, including a small percentage of potential forced labor victims, in its high-capacity shelter for runaway domestic workers, which opened in December 2014. The fully operational 700-bed facility served as a one-stop facility, providing medical and psychological care, assistance with repatriation, as well as access to officials from various ministries involved in filing cases against employers. The government allocated an annual budget of KD 260,000 (\$840,000) for shelter functions and resources. Victims were not permitted to leave the facility unescorted. While article 12 of the anti-trafficking law stipulates public prosecutors may refer a trafficking victim to an appropriate care facility during an ongoing trial until the time of repatriation, it was unclear whether government officials identified and referred any potential victims to the high-capacity shelter or other care providers. The government shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and migrant workers. The government did not conduct screenings to identify whether domestic and private sector workers were victims of trafficking. The anti-human trafficking unit published a manual to assist law enforcement officials in identifying sex trafficking, forced begging, and child trafficking crimes. Nonetheless, the government did not develop and implement formal procedures for all relevant officials to proactively identify trafficking victims among vulnerable populations, such as foreign migrants, domestic workers, and women in prostitution. During the government's migrant round-ups, the government did not have a systematic process in place to identify victims of trafficking among the thousands of foreign migrants who were arrested, detained, and deported.

There continued to be no shelter or other protective services for male trafficking victims. Domestic workers from the Philippines, Indonesia, Nepal, Sierra Leone, India, Sri Lanka, Ethiopia, and other countries continued to seek assistance at their embassies; some source-country embassies reported jointly providing shelter to more than 25 domestic workers who ran away from their employers. To assist embassies in repatriating trafficking victims, the government directly funded and coordinated with recruitment agencies to purchase airline tickets. MOI provided repatriation assistance to approximately 900 domestic workers; however, it was unclear whether authorities sought a refund of travel costs from the employers who sponsored the workers. The government did not offer foreign trafficking victims legal alternatives to removal to countries in which they may face hardship or retribution.

The 2013 anti-trafficking legislation does not stipulate providing protection from prosecution for victims who fled abusive employers. Workers who left their employer's residence without permission risked criminal penalties and arrest, detention, and deportation, even if they were fleeing from an abusive sponsor. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and from obtaining adequate legal redress for their exploitation. Embassy contacts reported that some personally motivated police officials helped to ensure trafficking victims

were not subjected to unwarranted incarceration. Trafficking victims rarely filed cases against their employers, as there were few incentives to report complaints and cooperate in investigations; however, some victims who alleged non-payment of wages received a monetary settlement for wages owed from their employers. If trafficking victims absconded and filed a grievance, it was common for their sponsors to file a counter-grievance against them, which often resulted in administrative deportation or detention of the employee. The government reported public prosecutors sometimes tried cases on victims' behalf if they were unable to afford legal counsel while pursuing cases against their employer or sponsor.

## PREVENTION

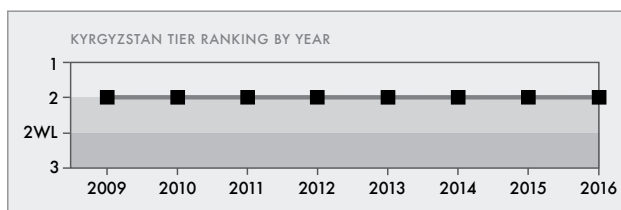
The government made increased efforts to prevent human trafficking. The government conducted awareness campaigns at Kuwait International Airport aimed at educating newly arriving domestic workers about the services offered at the domestic workers' shelter. In March 2015, MOI's public morals protection and anti-human trafficking department distributed brochures in English and Arabic informing workers of their rights and how to identify human trafficking to migrant workers at the airport, recruiting agencies, labor agencies, offices of the Public Authority for Manpower (PAM), and MOSAL. During the reporting period, media reports indicated that PAM referred over 3,900 files of companies that allegedly violated private sector employment law to the general administration of residence affairs for investigation. Allegations against these companies included: recruiting workers from abroad without giving them a job (831 cases); operating as a recruiting agency illegally (745 cases); violating the labor inspection law (1,191 cases); violating occupational safety and security conditions (1,133 cases); and violating or not ensuring appropriate worker accommodation conditions (36 cases). Most of the referred offenders would only be investigated and prosecuted under the general penal code and given inadequate sentences in the form of fines; of the thousands of people referred for investigation, it remained unclear how many would be considered for investigation and prosecution for violations under the anti-trafficking law. PAM continued to lack an adequate number of labor inspectors. The government reported efforts to reduce the demand for forced labor but did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

## KYRGYZSTAN: Tier 2

The Kyrgyz Republic (or Kyrgyzstan) is a source, transit, and destination country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyz men, women, and children are subjected to forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other European countries, as well as within Kyrgyzstan, specifically in the agricultural, forestry, construction, and textile industries and in domestic service and forced childcare. Kyrgyz children are also subjected to forced labor in cotton, the selling and distribution of drugs within the country, and hauling cargo both in Kyrgyzstan and neighboring countries. Women and girls are subjected to sex trafficking abroad, reportedly in Turkey, the United Arab Emirates (UAE), India, Russia, Kazakhstan, South Korea, and within the country. Kyrgyz police officers allegedly exploit female trafficking victims, including some younger

than age 18, for sex both in saunas and on the street. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including minors, and reports that police accept bribes from alleged traffickers to drop cases. Street children who engage in begging and children engaged in domestic work (often in the homes of extended family members) are vulnerable to human trafficking. Women and underage teenaged girls from Uzbekistan are increasingly subjected to sex trafficking in southern Kyrgyzstan. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, the UAE, and Turkey, where they may become victims of 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.

The Government of Kyrgyzstan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. A June 2015 parliamentary report provided the first evaluation of government anti-trafficking efforts in a decade and provided recommendations for improvements. As a result, ministries have formed an interagency platform to begin inter-ministerial communication on trafficking and initiated the development of victim identification guidelines for front-line officials. Additionally, in 2016, Parliament established a working group, which is focused on bringing anti-trafficking legislation in line with international standards. Further, the Ministry of Internal Affairs (MVD) has begun playing a significant role in publicly highlighting trafficking in persons problems and advocating government-wide changes to better address them. However, the government failed to address alleged complicity in trafficking and trafficking-related offenses, despite a 2013 report by the UN special rapporteur on the sale of children, child prostitution, and child pornography that concluded there was serious and endemic corruption of police officers, who allegedly participated themselves in the detention and rape of child sex trafficking victims. In addition, authorities reported fewer prosecutions and convictions of traffickers in 2015.



## RECOMMENDATIONS FOR KYRGYZSTAN:

Vigorously investigate and prosecute government officials allegedly complicit in trafficking or who engage in abuse and exploitation of trafficking victims, and convict and punish those found guilty; investigate and prosecute suspected trafficking crimes, respecting due process, and convict and punish trafficking offenders, ensuring the majority of those convicted serve time in prison; increase efforts to identify trafficking victims proactively among vulnerable groups, particularly persons in prostitution, and refer victims to protection services; finalize guidelines on victim identification and train officials on their use; enact legislation consistent with international law to ensure prosecuting the prostitution of minors does not require proof of force, fraud, or coercion; develop and 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; amend the law to exempt identified trafficking victims from punishment for unlawful acts committed as a direct result of being subjected to trafficking; and continue to contribute to NGOs providing assistance to victims.

## PROSECUTION

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

The government initiated four trafficking investigations under Article 124 in 2015, three for sex trafficking and one for forced labor; authorities initiated 11 trafficking investigations in 2014. Authorities reported an additional 18 investigations under other articles that involved inducing minors into prostitution; the government did not report this number of investigations in 2014. The Prosecutor General's Office (PGO) reported initiating prosecutions of six criminal cases under article 124 involving an unknown number of suspects in 2015, compared with nine cases involving 21 suspects in 2014. The government convicted four offenders in two cases under article 124 in 2015, compared with 15 offenders convicted in 10 cases in 2014. The government did not report whether the convicted offenders were sentenced to prison.

Advocates for victims reported there was a general lack of proactive investigation. Such advocates indicate police generally will not pursue investigations unless victims make a specific, well-supported complaint, while many victims believed coming forward would be dangerous or futile. In 2015, the government elevated a criminal investigation unit specializing in trafficking and prostitution from the Bishkek city police to a national-level department in the MVD to oversee national anti-trafficking law enforcement efforts; the unit had six officers. Civil society actors reported the need for increased training for police, particularly in how to identify victims and work with them as witnesses. Authorities relied on civil society and foreign partners to provide training for police, prosecutors, and judges. An international organization reported that in 2016 the judges' training center and prosecutors' training

center signed memoranda of understanding calling for an introduction to trafficking issues to be integrated into training for these professionals.

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

## PROTECTION

The government increased efforts to identify victims but maintained minimal efforts to protect and assist trafficking victims. In 2015 and 2016, parliamentarians highlighted the need for the government to increase assistance to trafficking victims. The newly-established Ministry of Labor and Social Development has included in its mandate the responsibility for developing policy on and provision of assistance to victims of trafficking. The government remained without formal written procedures to guide officials in proactive identification of trafficking victims among high-risk populations; however, during the reporting period, the government began development of guidelines for officials to identify victims and refer them to care providers. In reporting on cases pursued in 2015 under article 124, the PGO reported 62 victims were involved, including six children. The government did not report a comprehensive count of identified victims in 2014, but it did report identifying 21 Kyrgyz labor trafficking victims in Russia and 23 Kyrgyz sex trafficking victims in Turkey and UAE. International organizations and NGOs reported assisting 192 victims in 2015, 162 of whom were subjected to forced labor, 26 to sex trafficking, and four to both labor and sex trafficking; two of the victims were children and 105 were male. The government continued to provide rent-free facilities used by three NGO-run shelters (two for adults and one for children) that provided services for trafficking victims. MVD's witness protection unit estimated assisting seven trafficking victims, who received physical protection for themselves and family members and help obtaining a state attorney. Consular officials assisted an unknown number of victims abroad by providing no-cost travel documents.

In 2015 and 2016, MVD was receptive to training on improving procedures for interviewing and protecting victims, but further work was needed. 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 government required witnesses to attend multiple public hearings and sit next to their alleged traffickers at trial, which deterred victims from cooperating with police. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. While the law provides the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. A June 2015 parliamentary report highlighted the need to amend legislation to ensure trafficking victims are not punished for unlawful acts committed as a result of being subjected to

trafficking, and a new parliamentary working group focused on changes to legislation. According to the 2013 UN special rapporteur report, police officers allegedly detained child sex trafficking victims, releasing them only after they performed sexual acts. Police allegedly extorted bribes from child sex trafficking victims through threats of arrest for prostitution, even though prostitution was neither illegal nor an administrative offense. MVD conducted approximately 70 brothel raids in 2015. The police's increased interaction with international and local trafficking experts has reportedly led to officers' increased sensitivity toward children found in brothels. However, the continued lack of training and formal written procedures for the identification and protection of potential sex trafficking victims increased victims' vulnerability to arrest and penalization during brothel raids.

## PREVENTION

The government increased efforts to prevent trafficking. In June 2015, a parliamentary commission publicized an evaluation of the government's overall anti-trafficking efforts, marking the first analysis of implementation of the 2005 national anti-trafficking law. The parliamentary report has reinvigorated efforts and directed reforms. In 2015, the government formed an interagency platform to initiate an interagency dialogue on trafficking, which had been lacking; agencies began holding these discussions in 2015. In late 2015, the government dissolved the ministry responsible for coordinating national anti-trafficking efforts and assigned this duty to the newly established State Migration Service. Civil society representatives noted a 2013-2016 national action plan remained unimplemented. Parliament established a working group in 2016 to ensure further monitoring of the government's implementation of its anti-trafficking obligations, and civil society and international organization representatives report it is working productively. The government, with the support of an international organization, continued to operate two employment centers that provided 16,552 people in 2015 employment services, vacancy advertisements, a list of licensed foreign labor recruitment agencies, and pre-departure orientation (which included trafficking prevention) for job seekers to ensure safer migration and employment. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance on working abroad; the hotline received 3,413 calls in 2015. In July 2015, the government passed a law to increase the penalties for private employment agencies found operating without a license. Officials lamented the law did not equip law enforcement to combat licensed but unscrupulous recruitment agencies that knowingly send Kyrgyz migrants to exploitative worksites abroad and began researching a legislative fix during the reporting period. MVD reported the government conducted 132 events and information campaigns aimed at raising awareness and preventing trafficking. The government provided anti-trafficking guidance for its diplomatic personnel. The government did not report efforts to reduce the demand for commercial sex acts or forced labor.

## LAOS: Tier 2 Watch List

Laos is a source and, to a much lesser extent, a transit and destination country for women, children, and men subjected to sex trafficking and forced labor. Lao trafficking victims often are migrants seeking better opportunities outside the country who experience labor or sexual exploitation after

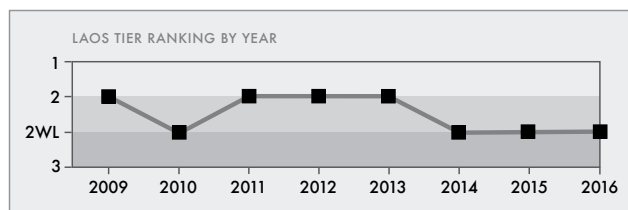
arriving in destination countries, most often Thailand, as well as Vietnam, Malaysia, China, Taiwan, and Japan. Some migrate with the assistance of brokers charging fees, but many also cross borders independently with valid travel documents. Traffickers, including victims' family members, are often known to those in the rural communities where they lure victims with false promises of legitimate work abroad. Many victims, particularly women and girls, many younger than 18 years old, are exploited in Thailand's commercial sex industry and in forced labor in domestic service, factories, or agriculture. Lao men and boys are victims of forced labor in Thailand's fishing, construction, and agricultural industries. Lao victims of forced labor in the Thai fishing industry have been identified in Indonesian waters. NGOs report individuals offering transportation services near the Thai border facilitate the placement of economic migrants into forced labor or sex trafficking in Thailand. The government reports foreign traffickers increasingly collaborate with local Lao middlemen to facilitate trafficking. Many trafficking victims may be among the more than 10,000 migrants deported or "pushed back" annually from Thailand without official notification, often sent back to Laos in boats across the Mekong River. Vehicle drivers sometimes intercept these migrants when they arrive back in Laos and facilitate their re-trafficking. A small, possibly increasing, number of women and girls from Laos are sold as brides in China and subjected to sex trafficking. Some local officials may contribute to trafficking by accepting payments to facilitate the immigration or transportation of girls to Thailand.

Laos is reportedly a transit country for some Vietnamese and Chinese women and girls who are subjected to sex trafficking and forced labor in neighboring countries, particularly Thailand. Local organizations reported concerns that some of the Vietnamese men and women working in or near (often illegal) logging and construction areas along the Laos-Vietnam border may be victims of trafficking. They reported similar concerns about Burmese nationals working as manual laborers or involved in the sex trade near the "golden triangle" tri-border area with Burma and Thailand.

There is little data on the scope of trafficking within Laos. Some Vietnamese, Chinese and Lao women and children are subjected to sex trafficking in the country, usually in larger cities or in close proximity to borders, casinos, or special economic zones, reportedly to meet the demand of Asian tourists and migrant workers. Some Lao adults and children are subjected to forced labor in the agricultural sector within Laos. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States travel to Laos intending to exploit child sex trafficking victims.

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In December 2015, the Lao National Assembly approved the Law on Anti-Trafficking in Persons, which was promulgated in February 2016. The government completed its 2016-2020 national action plan. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Laos is placed on Tier 2 Watch List for a third consecutive year. Per the Trafficking Victims Protection Act, Laos was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The number of victims identified declined significantly, and prosecutions and convictions declined for a second consecutive year. The government investigated some

foreign tourists suspected of exploiting child sex trafficking victims, but did not initiate any prosecutions in these cases.



## RECOMMENDATIONS FOR LAOS:

Disseminate and implement formal victim identification procedures and train police and border officials to identify trafficking victims; differentiate between different types of trafficking (i.e. labor and sex), and refer them to care systematically, particularly among migrants “pushed back” from Thailand and domestic victims; increase efforts to identify and combat internal trafficking—including children subjected to sex trafficking and adults and children subjected to forced labor in the commercial agricultural sector—by identifying and assisting Lao citizens subjected to trafficking within the country and prosecuting their traffickers, including complicit officials; implement the new anti-trafficking law and train government officials on its provisions and victim identification guidelines; provide incentives for victims to participate in formal legal proceedings, including through restitution awards from the courts; increase expenditures from the government anti-trafficking budget on service provisions and assistance programs for victims; work with civil society organizations to deliver assistance to victims; in partnership with local and international organizations, increase resources and vocational trainings to support victims, including male victims, to reintegrate into their home communities; increase efforts to prosecute and punish child sex tourists and public officials complicit in trafficking; 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; and collaborate with civil society and across ministries to implement the 2016-2020 national action plan.

## PROSECUTION

The government promulgated new anti-trafficking legislation but made decreased law enforcement efforts. Under article 134 of the penal code, Lao law generally prohibits all forms of human trafficking and prescribes penalties ranging from five years’ to life imprisonment, fines ranging from 10 to 100 million kip (\$1,230 to \$12,300), and confiscation of assets; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December 2015, the National Assembly approved Laos’ first trafficking-specific law, which was promulgated in February 2016. In 2015, authorities reported investigating 41 individuals and prosecuting nine for suspected trafficking offenses, and convicting 13 traffickers, a decrease from 31 prosecutions and 21 convictions in 2014 and 24 prosecutions and 35 convictions in 2013. Officials reported convicted traffickers received punishments from five to 15 years’ imprisonment and fines ranging from 10 to 100 million kip (\$1,230 to \$12,300). The government did not provide specific details about these cases, but reported all convictions were achieved under article 134 of its penal code. Foreign donors provided trainings that reached immigration officers, police, and justice officials. Many individuals still relied on out-of-court mediation due to a limited number of trained lawyers or investigative tools necessary to prosecute cases through the

courts. Anti-trafficking organizations reported some low-level local officials may have contributed to trafficking by accepting payments to facilitate the immigration or transportation of girls to Thailand. The government did not report any prosecutions or convictions of officials for complicity in human trafficking or trafficking-related activities during the year.

## PROTECTION

The government maintained inadequate victim identification efforts among those exploited within the country and deported from other countries, and it assisted fewer victims than the previous year. The government did not follow standard procedures for the identification of victims among vulnerable groups. During the reporting period, the government partnered with an international organization to complete nationwide victim identification guidelines for authorities, though these were not implemented. Authorities did not systematically screen deportees from Thailand, leaving some victims unidentified, and front-line officers’ lack of awareness often led to conflation between trafficking and involuntary migration, which may have resulted in victim penalization. Local experts reported provincial authorities did not employ victim identification procedures, leaving victims of internal trafficking largely unidentified. The government continued to provide modest support to some victims, primarily those identified by the Thai government and repatriated to Laos. It reported receiving 143 victims returned from abroad and identifying 46 victims within the country; of these, it provided assistance to all 189 victims, a decrease from 253 victims identified and assisted in 2014.

Victim assistance could include temporary accommodation, legal advice, health care, education, or job training, with most of these services provided and funded by NGOs and international organizations. The government cooperated with several international organizations to run transit centers in Vientiane, where victims returned from Thailand could stay for approximately one week before being returned to their home communities, and a quasi-governmental women’s union operated a short-term shelter for victims of abuse; authorities conducted victim interviews to identify trafficking victims among those referred to these facilities, although an unknown number of victims received services from these centers. In addition, the government referred an unknown number of victims to non-governmental shelters or other providers of medical care, counseling services, and vocational training. The government reported training health professionals on providing assistance to human trafficking victims. A lack of adequate long-term support due to limited resources available made victims vulnerable to re-trafficking. A significant number of identified victims in 2015 were male, but the vast majority of services were only available for women. Several international organizations operate a male and female vocational training and rehabilitation center in southern Laos without support from the government. There are no shelters in northern Laos, where many victims originate.

Central government officials instructed provincial authorities they could not fine repatriated victims for immigration violations. However, a lack of proactive victim identification may have resulted in authorities treating some unidentified victims as law violators. Lawyers did not always have formal training and victims were not always made sufficiently aware of their legal rights. The government reported encouraging victims to cooperate with prosecutions, and the Lao Women’s Union made efforts to familiarize individual victims with the court process. However, an overall lack of incentives, resources, and lawyers



made it difficult to fully participate in formal legal proceedings, which can be lengthy and unlikely to include restitution awards. This situation led some victims to choose traditional out-of-court mediation for quicker and more lucrative redress. The government did not establish formal legal alternatives to the removal of foreign trafficking victims to countries where they may face retribution or hardship, but reported it would consider such options on a case-by-case basis.

## PREVENTION

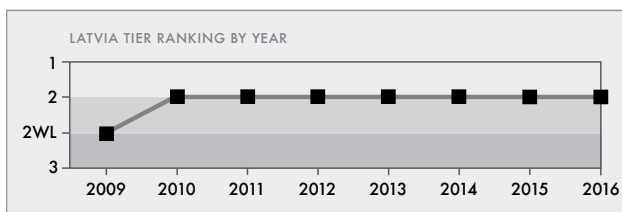
The government continued prevention efforts. Government-controlled print, television, and radio media continued to promote anti-trafficking awareness, and public officials distributed materials to provincial leaders and local community members on the dangers of human trafficking. The government continued implementation of its 2012-2015 national action plan. It completed an action plan for 2016-2020 to which it designated personnel resources and for which ministries will use their funding to support their required tasks. The government reported increasing funding for anti-trafficking activities. The government's national steering committee for anti-trafficking efforts continued to coordinate activities; however, the lack of transparency, active planning, and resources, made it difficult to coordinate activities with all ministries and international partners. Civil society organizations with trafficking expertise report a lack of transparency from the government; at times, authorities may have impeded the work of NGOs by requiring prior government approval of all anti-trafficking activities. The government organized training sessions to raise awareness of human trafficking for the tourism sector and investigated several cases, but did not prosecute or convict any sex tourists. The government did not provide anti-trafficking training for its diplomatic personnel. The government took no discernible measures to reduce the demand for forced labor or commercial sex acts.

## LATVIA: Tier 2

Latvia is a source and destination country for men, women, and children subjected to sex and labor trafficking. Latvian women and girls are subjected to sex trafficking within Latvia, as well as in other parts of Europe. Latvian men, women, and children are subjected to forced labor within Latvia, as well as in other parts of Europe, particularly in the construction and agricultural sectors. Latvian women recruited for brokered marriages in Western Europe, particularly Ireland, are vulnerable to sex trafficking, domestic servitude, and forced labor. To a lesser extent, Latvia is a source and destination country for exploitation in forced criminality.

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Latvia continued to be a regional leader in identifying and preventing sham marriages that put women in highly vulnerable situations, including some cases of trafficking. The government raised awareness of the dangers of sham marriages in Latvia and across Europe, and Latvian courts convicted organizers of these schemes. These robust efforts, however, were not matched in the government's fight against other forms of trafficking. Authorities have not initiated a labor trafficking investigation since 2009, and a Latvian court has never convicted a criminal defendant of labor trafficking. While prosecutors indicted significantly more sex trafficking suspects in 2015, there were no convictions under

the trafficking statute in 2015 versus one conviction in 2014. In victim protection, notably fewer victims received government-funded services in 2015.



## RECOMMENDATIONS FOR LATVIA:

Increase efforts to investigate and prosecute trafficking cases under the trafficking statute (section 154-1 of the Latvian criminal law); increase efforts to proactively identify victims, particularly Latvian and foreign victims exploited within the country; increase training for police, prosecutors, and judges on all forms of trafficking beyond those related to sham marriages; encourage more victims to assist law enforcement by training officials on how to provide appropriate protections to all victims, such as witness protection, and how to minimize the trauma victims face when testifying against their traffickers in courtrooms; provide police investigators sufficient resources to conduct investigations; improve collaboration between the state labor inspectorate and the police to ensure credible referrals result in police investigations; provide prosecutors and judges with clarity on the use of section 154-1 versus section 164, and consider amending section 164 if too much overlap exists; provide more victims with compensation from their traffickers and from the State Agency for Judicial Assistance; and fully fund and implement the 2014-2020 National Anti-Trafficking Program (national action plan).

## PROSECUTION

The government maintained weak law enforcement efforts. Latvia prohibits all forms of trafficking through sections 154-1 and 154-2 of its criminal law, which prescribe a maximum penalty of up to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors have the power to reclassify cases from section 154-1 to lesser crimes. For instance, trafficking crimes could be charged under section 164, which criminalizes exploiting individuals' vulnerability or using deceit to involve them in prostitution—a scenario very similar to sex trafficking—but prescribes punishments as lenient as community service or a fine.

Authorities have not initiated a labor trafficking investigation since 2009, despite the government certifying at least 25 labor trafficking victims in the last three years. The country's first labor trafficking investigation, which began in 2008, remained ongoing. A Latvian court has never convicted a criminal defendant of labor trafficking. Local media raised concerns that domestic and international labor exploitation was underreported. On sex trafficking, the government investigated nine suspects in three new cases under section 154-1 in 2015, compared with one new case involving 10 suspects in 2014 (which was finalized in 2015). The government initiated prosecutions of eight sex trafficking suspects under section 154-1 in 2015, which was more than the combined total of prosecutions in the five years preceding 2015. Courts, however, did not secure any convictions under section 154-1 in 2015. In the past five years, only three traffickers have been subject to final convictions under section 154-1.

In 2015, authorities began a trial process involving two Riga police representatives charged with facilitating pimping. In a second case, the prosecution of a former anti-trafficking police officer accused of extortion and other crimes was pending enforcement of an appeals trial ruling that provided for a four-year imprisonment term and a five-year bar from government employment. Authorities continued to prosecute a sworn attorney for withholding evidence in a trafficking-related prosecution.

A 19-officer unit of the state police specialized in investigating trafficking, sham marriages, money laundering, and related crimes. Authorities collaborated with several foreign governments on transnational trafficking investigations. Observers reported the need for more training for law enforcement, particularly on working with victims, evidence collection, and understanding psychological coercion. Law enforcement reportedly had more capacity and was more inclined to investigate and charge suspected traffickers for crimes other than trafficking, such as money laundering, pimping, and transfer for sexual exploitation, rather than doing so under trafficking provisions. Charging traffickers with these lesser crimes, particularly those that often result in suspended sentences, permits traffickers to commit a serious crime with impunity, endangers the victims they exploited, diminishes the deterrence effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime. The government partnered with international and non-governmental partners to provide training for police, prosecutors, and judges. The State Police College and State Border Guard College each developed a trafficking-specific training course during the reporting period.

## PROTECTION

The government demonstrated mixed victim protection efforts. The government's NGO-run rehabilitation program offered victims psychological assistance, medical aid, legal representation, housing, and reintegration services. The government certified victims for enrollment in the state-funded assistance program based on decisions by either law enforcement or an NGO-led commission of professionals. For victim certification, the commission had the authority to use Skype or other technology instead of an in-person interview with the victim in front of the commission. The welfare ministry's budget for this program was 162,562 euros (\$176,890) in 2015, which was sufficient to cover the number of victims enrolled in the program.

In 2015, the government enrolled eight new victims into its assistance program, a sharp decline from 27 victims in 2014; the decrease may be due in part to fewer outreach activities by the government and the state-contracted NGO. The government established a working group to improve the current referral mechanism based on NGOs' concerns about officials' inconsistent application. Seven of the newly enrolled victims were Latvian and had been exploited abroad. Two victims were children, including one foreign citizen exploited in Latvia. In one case, the NGO commission enrolled a minor who may have been trafficked to commit armed robbery; Latvian law enforcement and prosecutors later found the minor was a voluntary participant. The minor continued to receive state-funded assistance and remained in pre-trial imprisonment at the close of the reporting period. Only two of the eight registered victims cooperated with law enforcement in 2015, amid reports that officials did not gain victims' trust or take sufficient efforts to encourage victims to cooperate. Civil

society reported authorities pressured trafficking victims into serving as witnesses in criminal trials. Local victim advocates reported the number of victims certified by the state did not accurately reflect the scope of trafficking in Latvia because of victims' inability to report abuses or hesitation to do so given concerns noted above. All Latvian courts had video conference and audio recording capabilities; nevertheless, observers noted instances in which victims facing their traffickers during trial caused re-victimization. In the last six years, only three victims have received court-ordered restitution payments from their traffickers; the last was in 2013. In 2015, one trafficking victim received compensation from the State Agency for Judicial Assistance, which administers a crime victims' compensation program.

## PREVENTION

The government demonstrated strong prevention activities. Latvian authorities continued to use section 165-1, which prohibits the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking. In 2015, the government began prosecutions of five defendants under section 165-1 and convicted nine suspects, although only two convicted offenders received a prison sentence. An anti-trafficking working group comprised of 33 representatives across government ministries and NGOs coordinated inter-ministerial activities and implemented the 2014 to 2020 national action plan. Authorities reported the national budget did not allocate funding for several of the action plan's activities, including training and state police activities. Various ministries contributed to a number of awareness-raising activities, including programs for schools and potential migrants. The government continued to maintain information and emergency hotlines that received calls on potential trafficking situations. The government provided anti-trafficking training for Latvian diplomatic personnel. The government did not report any specific measures to reduce the demand for commercial sex acts or forced labor.

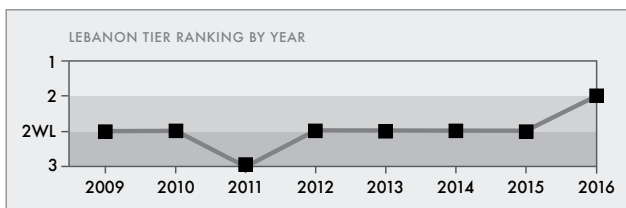
## LEBANON: Tier 2

Lebanon is a source and destination country for women and children subjected to forced labor and sex trafficking, and it is a transit point for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women and girls from South and Southeast Asia and an increasing number from East and West Africa endure domestic servitude in Lebanon, facilitated by recruitment agencies that at times engage in fraudulent recruitment. Under Lebanon's sponsorship system, workers who leave their employers' houses without permission forfeit their legal status, putting them at risk of re-trafficking. Lebanese government officials and NGOs report most employers withhold their workers' passports, putting workers at risk of trafficking. Women from Eastern Europe, North Africa, and Dominican Republic enter Lebanon to work in the adult entertainment industry through Lebanon's *artiste* visa program, which sustains a significant commercial sex industry and enables sex trafficking; 5,120 women entered Lebanon under this program in 2015, a substantially higher number than in 2014. The terms of the *artiste* visa prohibit foreign women working in adult nightclubs to leave the hotel where they reside, except to "perform," and nightclub owners withhold the women's passports and control their movement; these women also experience physical and sexual abuse, withheld wages, and domestic servitude. Some women from East and West Africa also endure sex trafficking in Lebanon. Lebanese children are

victims of forced labor in street begging and sex trafficking facilitated by male pimps, husbands, and boyfriends, and, at times, through early marriage. Small numbers of Lebanese girls may be subjected to sex trafficking in other Arab countries.

Men, women, and children among the 1.1 million registered Syrian refugees in Lebanon are at risk of sex trafficking and forced labor. Restrictions on Syrians' ability to work legally in Lebanon, as well as strict enforcement of visas and residence permits, increase this population's vulnerability to trafficking. The Lebanese government and media reported in late March 2016 an extensive sex trafficking ring exploiting primarily Syrian women and girls in Beirut; the majority of the women and girls were fraudulently recruited from Syria with false promises of work and subjected to commercial sexual exploitation where they experienced mental, physical, and sexual abuse and forced abortions. In 2015, reports indicated a sharp increase in forced begging among Syrian children, some of whom are also forced or coerced to conduct criminal activity. An international organization reported in 2015 evidence of bonded labor within refugee communities where child labor is used in exchange for living in informal tented settlements. Syrian girls are brought to Lebanon for sex trafficking, sometimes through the guise of early marriage. Lebanese pimps may force or coerce some Syrian women and Syrian LGBTI refugees into prostitution. Syrian gangs force Syrian refugee men, women, and children to work in the agricultural sector in the Beqaa Valley.

The Government of Lebanon does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Internal political instability, insufficient funding, and threats of violent extremism continued to limit the government's ability to effectively address trafficking. Moreover, Lebanon's sponsorship system, which places a significant amount of power in the hands of employers, remained a significant impediment to authorities identifying and protecting trafficking victims. Despite these challenges, the government investigated and prosecuted trafficking offenders, including breaking up an extensive sex trafficking ring that exploited women and girls, and it convicted 30 traffickers in 2015—a significantly higher number of convictions in comparison to the previous reporting period. The government continued to identify trafficking victims, including 45 primarily Syrian sex trafficking victims, and partnered with NGOs and international organizations to provide victims appropriate protection services; however, the government did not implement victim identification procedures or directly protect victims. Additionally, authorities continued to arrest, detain, deport, and—in some cases—prosecute trafficking victims among vulnerable groups, such as illegal foreign migrants, children, and women in prostitution, for crimes committed as a direct result of being subjected to trafficking. The government reinvigorated its anti-trafficking steering committee in 2015 and implemented anti-trafficking awareness campaigns.



## RECOMMENDATIONS FOR LEBANON:

Increase investigations, prosecutions, and convictions of

offenders under the anti-trafficking law, including officials complicit in human trafficking; investigate employers and recruitment agents who withhold workers' passports, travel documents, or wages for potential trafficking crimes; increase training for judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law; legally prohibit the withholding of workers' passports and travel documents, including for persons under the *artiste* visa program; reform the sponsorship system to ensure workers are not bound to abusive employers and to allow workers, including those under the *artiste* visa program, freedom of movement; enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers; ensure identified trafficking victims are not detained, deported, or prosecuted for unlawful acts committed as a direct result of being subjected to trafficking; implement standard procedures to identify trafficking victims among vulnerable populations, such as illegal migrants, women holding *artiste* visas, domestic workers, and Syrian refugees; continue to work in partnership with NGOs to identify and provide protection services to victims; and increase efforts to coordinate inter-ministerial anti-trafficking activities effectively.

## PROSECUTION

The government demonstrated progress in its law enforcement efforts, but resource constraints, security challenges, and a lack of capacity continued to hinder prosecution efforts. Lebanon's 2011 anti-trafficking law prohibits all forms of human trafficking. Prescribed penalties for sex trafficking and forced labor range from five to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Nevertheless, government and NGO officials reported the law was applied unevenly, as most judges lacked understanding of the crime and knowledge of best practices to handle trafficking cases appropriately. Likewise, some judges gave convicted traffickers weak sentences. The continuing lack of a law to prohibit and punish employers or labor agents from confiscating workers' passports or travel documents remained a concern.

The Internal Security Forces (ISF) Anti-Trafficking Unit continued to conduct anti-trafficking investigations, although it suffered from inadequate staffing. In 2015, it investigated 14 suspected trafficking cases, while the Directorate of General Security (DGS) investigated 52 potential trafficking cases. In late March 2016, ISF investigated and broke up an extensive sex trafficking ring, which exploited primarily Syrian women and girls in Beirut, and arrested 16 perpetrators involved in the ring, including a doctor who performed over 200 abortions on the victims; authorities immediately revoked the doctor's license and closed his medical clinic. This investigation was ongoing at the end of the reporting period. After reports of complicity by some ISF officers regarding the trafficking ring, the Minister of Interior opened an investigation into the claims; however, the investigation began after the end of the reporting period. The Ministry of Justice (MOJ) reported investigating 93 suspected traffickers, of which the government charged and prosecuted 71 under the anti-trafficking law, on par with the 72 prosecutions in 2014. Thirty-three of these offenders were referred to the courts for trial; these cases involved forced labor, forced child street begging, and sex trafficking. The government obtained convictions for four of the 33 cases initiated in the reporting period; three offenders were convicted of child sex trafficking and sentenced to 10 years' imprisonment, a fine, and loss of civil rights, and the fourth offender was convicted of forced labor



and subject to the same penalties. Despite these efforts, officials generally sought to resolve trafficking cases involving foreign workers through mediation between the employer and worker, rather than refer them for criminal prosecution. Government officials continued to report security forces were reluctant to arrest parents for trafficking their children due to a lack of social services available should the child be removed from the family. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period; however, NGOs continued to report a common perception that DGS officers accepted bribes to protect adult nightclubs or issue *artiste* visas. The government provided some anti-trafficking training for officials, but the breadth and scope was inadequate to fully address the problem in Lebanon; the government encouraged officials to participate in trainings provided by NGOs. In 2015, DGS conducted weekly awareness-raising sessions on human trafficking for its staff, and the ISF included a trafficking component in human rights trainings for officers. The army continued to require anti-trafficking training for soldiers, while widely distributed military publications featured articles on human trafficking to raise awareness among military officers.

## PROTECTION

The government made some efforts to identify and protect trafficking victims, yet victims remained vulnerable to punishment for crimes committed as a direct result of being subjected to trafficking. The government did not have formal procedures for officials to identify trafficking victims appropriately, and the cabinet did not formally adopt draft procedures for the referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. The ISF anti-trafficking bureau identified 33 potential victims of sexual exploitation in cases officials referred to the judiciary in 2015. Additionally, in March 2016 ISF identified and referred to NGO protection services 30 to 45 women and child sex trafficking victims, who were rescued during an investigation of a sex trafficking ring in Beirut; at the end of the reporting period, the Ministry of Social Affairs (MOSA) continued to coordinate with an international organization to assist the victims, including providing them with resettlement to a third country. This demonstrated an increase in victims identified by officials, in comparison to the previous reporting period. The government did not directly provide protection services to trafficking victims, and it continued to rely on an NGO-run safe house to provide some services to female trafficking victims. A 2013 memorandum of understanding (MOU) between an NGO and the government required DGS to refer victims to the safe house and provide security for the location. In October 2015, the government renewed the MOU for another three years. In 2015, the safe house assisted 34 trafficking victims, six of whom the government referred. ISF also referred four victims to another NGO. The government punished victims for crimes committed as a direct result of being subjected to human trafficking, such as domestic workers who fled abusive employers, out-of-status migrant workers, women holding *artiste* visas, and persons in prostitution, whom authorities often arrested, detained, and deported without screening for trafficking. Women holding *artiste* visas were subject to immediate deportation upon arrest for prostitution violations, while foreign workers without valid residence and work permits were subject to detention for one to two months—or longer in some instances—followed by deportation. Some children involved in criminal activity—some of whom may have been trafficking victims—faced arrest and prosecution. For example, MOJ reported in 2015 the investigation, prosecution,

and conviction of Syrian and Lebanese children for committing illicit activity; such cases involving Syrian children had notably increased. DGS maintained a 500-person detention center in Beirut for illegal foreign migrants, many of whom were unidentified trafficking victims. While DGS did not proactively identify victims within the detention center, an NGO permitted to screen for victims identified four trafficking victims in the detention center; the NGO also reported an increased level of professionalism and sensitivity among DGS officials and investigators. The government did not adopt the labor law amendment extending legal protections to foreign workers nor the law providing increased labor protections to domestic workers.

Government officials did not encourage victims to file criminal charges against their traffickers, although victims were permitted to file civil suits. The government did not provide legal redress for victims who chose voluntary repatriation because they were not present in the country to testify against their traffickers. NGOs reported foreign victims prefer quick administrative settlements followed by repatriation rather than long criminal prosecutions because of the lack of protection services during the criminal proceedings. The 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.

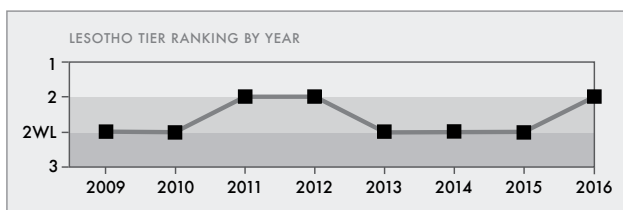
## PREVENTION

The government made modest efforts to prevent trafficking. The national anti-trafficking steering committee resumed its monthly meetings in 2015, after many years during which the committee did not meet. The government did not formally adopt a national anti-trafficking action plan, yet relevant ministries continued to take efforts to implement the draft plan. The Ministry of Labor (MOL) launched anti-trafficking public awareness campaigns focused on forced labor and exploitation of migrant workers, in cooperation with NGOs in July and October 2015. DGS officers at Beirut International Airport continued to return passports directly to migrant domestic workers upon their arrival. DGS and MOL continued to operate hotlines to receive complaints, including for trafficking crimes, but it was unclear how many trafficking victims were identified through these hotlines. DGS continued a program to inform *artiste* visa holders about restrictions and obligations of their visa status upon arrival to Beirut International Airport. Under the program, if the visa holder objects to the visa's terms, she is free to return to her home country; in 2015, DGS repatriated two foreign women upon their request. The government made efforts to reduce the demand for forced labor. DGS continued to periodically issue circulars calling on Lebanese employers to abide by guest worker regulations. MOL closed 18 employment agencies for employment violations against foreign workers in 2015, and maintained a blacklist of recruitment agencies for committing fraudulent recruitment practices; however, the government did not report prosecuting any recruitment or employment agencies for potential trafficking crimes, nor did MOL report the number of blacklisted recruitment agencies. Nevertheless, MOL and ISF continued to require Syrian nationals to hold work permits in specific sectors where they were not previously required, which increased Syrian refugees' vulnerability to trafficking by legally binding them to their employers under the sponsorship system. The government did not take steps to reduce the demand for commercial sex acts or address child sex tourism by Lebanese nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

## LESOTHO: Tier 2

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

The Government of Lesotho does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made progress in prosecution and protection, including instituting new systems to build capacity for improvement in these areas. The government convicted a sex trafficker and sentenced him to 15 years' imprisonment (10 years suspended), identified more potential trafficking victims, issued implementing regulations for the 2011 anti-trafficking act, signed an agreement with South Africa aimed at increasing protections for Basotho workers employed there, and established a multi-agency taskforce to coordinate the investigation of trafficking cases. Despite these measures, the anti-trafficking law still does not comply with international law, and the government did not provide funding for the Victims of Trafficking Trust Fund or sufficient resources for anti-trafficking law enforcement and protection efforts. It continued to rely on NGOs to assist victims. Jurisdictional issues in the courts continued to impede trafficking prosecutions.



### RECOMMENDATIONS FOR LESOTHO:

Address jurisdictional issues impeding the adjudication of trafficking cases and increase efforts to investigate and prosecute trafficking crimes, including complicit officials; provide financial support for the Victims of Trafficking Trust Fund and implement procedures for administering the funds; develop 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; allocate funding to support operation of the multi-agency anti-trafficking taskforce; expand efforts to provide trafficking-specific training to investigators, prosecutors, judges, and social service personnel; complete renovations and continue to work with NGOs to ensure the availability of a suitable facility for the care of victims of trafficking; amend the anti-trafficking and child welfare laws so that force, fraud, or coercion are not

required for cases involving children younger than age 18 to be considered trafficking crimes and penalties for trafficking crimes are sufficiently stringent to deter potential traffickers; provide anti-trafficking training to diplomatic personnel; increase efforts to systematically collect and analyze anti-trafficking law enforcement and victim protection data; and increase oversight of labor recruitment agencies licensed in Lesotho.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. The legal framework for addressing human trafficking, however, still includes definitions that are not in line with the 2000 UN TIP Protocol and penalties that are not sufficiently stringent to deter the crime. The 2011 Anti-Trafficking in Persons Act prohibits and punishes all forms of trafficking in persons; however, inconsistent with international law, the use of deception, threat, force, or other means of coercion is required for a child to be considered a trafficking victim. The law prescribes penalties of up to 25 years' imprisonment or a fine of one million maloti (\$64,284) under section 5(1) for the trafficking of adults and up to life imprisonment or a fine of two million maloti (\$128,568) under section 5(2) for the trafficking of children. While these penalties include provisions that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape, a provision allowing a sentence in which offenders pay a fine in lieu of serving prison time allows for a penalty that is not proportionate to the crime and does not provide an adequate deterrent to potential perpetrators of trafficking offenses. The definition of trafficking in the 2011 children's protection and welfare act also requires the use of deception, threat, force, or other means of coercion for a child to be considered a trafficking victim. Section 67 of this act provides penalties of life imprisonment and a fine of up to one million maloti (\$64,284) for child trafficking by false pretenses, fraud, or deceit. However, section 77 of the children's welfare act prescribes penalties of a fine not to exceed 30,000 maloti (\$1,929) or 30 months' imprisonment or both. Allowing a fine in lieu of imprisonment does not provide an adequate deterrent to potential perpetrators of child sex trafficking. Labor recruiters who knowingly recruit workers for forced labor are liable for the same penalties as those who hold them in servitude. Persons who knowingly and unlawfully buy or engage the services of a trafficking victim are considered to have committed a trafficking offense with the same penalties. The government provided an increased penalty when a member of the police or military is convicted of engaging a person subjected to trafficking for the purposes of prostitution. In November 2015, the government issued implementing regulations for the 2011 anti-trafficking act that outline the roles and responsibilities of each ministry in combating trafficking in persons and provide guidelines for police interviews with potential victims and screening procedures.

The government convicted a Chinese national for the sex trafficking of a Chinese woman. The trafficker was sentenced to 15 years' imprisonment, with 10 years suspended; the conviction was under appeal and the trafficker remained in prison at the close of the reporting period. A prosecution for domestic servitude ended in acquittal. Five prosecutions were pending at the end of the reporting period; some of these were accepted for prosecution more than a year earlier and in some cases the accused remains in jail. In addition, two cases of alleged labor exploitation were under investigation at the end of the reporting period. In the previous year, the government investigated four cases but did not prosecute or convict any

offenders. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government provided trafficking-specific training for police recruits as part of their basic legal training and trained police, immigration officers, and judicial officials on the anti-trafficking law and implementing regulations in Maseru, rural townships, and at border posts during the reporting period. Nonetheless, many law enforcement officials reportedly had limited understanding of trafficking and how to protect victims from potential intimidation. Near the end of the reporting period, the government established an anti-trafficking taskforce under the Ministry of Home Affairs with investigative and logistical support from the Lesotho Mounted Police Service (LMPS). The taskforce, comprised of representatives from the Ministry of Home Affairs, Ministry of Police, Ministry of Justice, and Ministry of Social Development, coordinates the investigation of trafficking cases. The government did not address a jurisdictional issue impeding efforts to hold traffickers accountable: the magistrate courts, which are the court of first instance for trafficking cases, lack authority to impose the maximum penalties allowed in trafficking crimes.

## PROTECTION

The government made uneven efforts to protect victims. It identified more potential victims of human trafficking, but did not allocate funding for the Victims of Trafficking Trust Fund or provide financial support for protective services for victims. The Child and Gender Protection Unit (CGPU) within the LMPS identified 18 potential trafficking victims, compared with 11 the previous reporting period. CGPU referred six potential victims to an NGO that provided counseling and assistance to trafficking victims and referred one child victim to a local charity that specialized in rehabilitation for abused children, compared with five referrals during the previous period. The government continued to rely on NGOs to assist victims and did not provide financial support to the NGOs. In March 2016, the government signed an agreement with an NGO to facilitate the NGO's re-establishment of a crisis care shelter for female victims of trafficking. Under the agreement the government committed to provide a facility for the shelter and utilities, and to permit the NGO staff to operate the shelter and provide counseling and other rehabilitative services for female victims of trafficking and their children. The anti-trafficking act regulations issued during the reporting period outlined the roles and responsibilities of each ministry in combating trafficking in persons, defined the rights of victims of trafficking, and also established procedures and standardized forms for screening and identifying victims of trafficking and for applying for funds from the victims of trafficking trust fund. Government hospitals and clinics offered free medical, psychological, legal, and life skills services to victims of crime, including trafficking; it is unknown whether trafficking victims received such services in 2015. The anti-trafficking act and its implementing regulations protect victims from prosecution for unlawful acts committed as a direct result of being subjected to trafficking, provide foreign victims with permanent residency as a legal alternative to their removal, and encourage victims to assist in the investigation of traffickers; however, it was unclear whether the government implemented these provisions.

## PREVENTION

The government increased its efforts to prevent trafficking through public awareness activities and measures to protect Basotho workers in South Africa. The multi-sectoral committee met three times, and its member ministries conducted public

awareness activities, including a national event to honor world anti-trafficking day, radio spots, public rallies, posting and distribution of printed material in public areas, presentations for primary school students, and outreach at border posts.

As of October 2015, the Ministry of Labor and Employment had conducted approximately 1,794 inspections of formal sector work sites; however, it did not inspect informal work settings, where forced labor is more prevalent. Only three of 38 labor inspectors received specialized training on child labor inspections; labor inspectors did not identify any child labor violations in 2015. In 2015, the government signed an agreement with the Government of South Africa that increases 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. During the reporting period, the government conducted a campaign to raise awareness of this program and thousands of Basotho registered in Lesotho, the first step in obtaining a long-term work permit in South Africa. The government also initiated a program to facilitate issuance of identity cards to more than 2,500 Basotho who transit informal border crossings frequently as day laborers or herders. The government made efforts to reduce the demand for commercial sex by posting flyers in public places. 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.

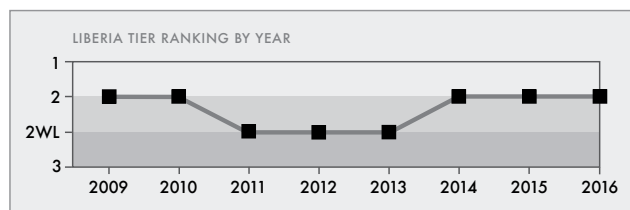
## LIBERIA: Tier 2

Liberia is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking within the country from rural to urban areas is more prevalent than transnational trafficking, and the majority of victims are children. Most trafficking victims originate from and are exploited within the country's borders, where they are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, alluvial diamond mines, and on rubber plantations. Traffickers typically operate independently and are commonly family members who promise poorer relatives a better life for their children. Children sent to work as domestic servants for their wealthier relatives are vulnerable to forced labor or, to a lesser extent, sexual exploitation. Orphaned children remain susceptible to exploitation, including in street selling and child sex trafficking. A small number of Liberian men, women, and children are subjected to human trafficking in other West African countries, including Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria. Women from Tunisia and Morocco have been subjected to sex trafficking in Liberia. During the previous reporting period, Liberian women were subjected to forced labor in Lebanon. Capacity constraints and generalized corruption within the judiciary continued to hamper efforts to investigate and prosecute crimes, including human trafficking.

The Government of Liberia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the Ebola outbreak and subsequent recovery efforts continued to severely affect the country and overwhelm the government's resources and capacity to address trafficking in persons effectively. Nevertheless, the government's trafficking in persons taskforce adopted a national referral mechanism and facilitated the repatriation of six Liberian women subjected to



trafficking in Lebanon during the previous reporting period. In total, 16 women were exploited in a trafficking ring first uncovered in September 2014. The government also provided \$50,000 for the care and protection of the 16 women. However, the government did not convict any trafficking offenders and continued to make insufficient efforts to investigate cases of internal trafficking, despite this being the predominant form of trafficking in the country. The government also did not implement fully its standard operating procedures for trafficking victim support.



## RECOMMENDATIONS FOR LIBERIA:

Increase efforts to investigate, prosecute, and convict trafficking offenses, with an increased focus on cases involving Liberian nationals; vigorously investigate, prosecute, and convict government officials complicit in trafficking offenses; finalize and implement the national referral mechanism adopted by the trafficking in persons taskforce and educate NGOs, law enforcement personnel, magistrates, and other relevant officials on the mechanism and on the "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures;" provide additional training to law enforcement officials and magistrates on the application of the anti-trafficking law and differentiation of trafficking crimes from cases of human smuggling or kidnapping; establish and adequately fund a shelter specifically for trafficking victims; and increase efforts to educate the public, particularly in Liberia's rural areas, about the dangers of human trafficking.

## PROSECUTION

The government maintained its minimal anti-trafficking law enforcement efforts during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons prohibits all forms of trafficking. It prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children, but does not include a maximum sentence for the trafficking of adults. The prescribed penalties for the sex and labor trafficking of children are sufficiently stringent, but the prescribed penalties for sex and labor trafficking of adults are not, nor are they commensurate with those prescribed for other serious offenses, such as rape.

The government reported one investigation of a potential internal trafficking case, one prosecution, and no convictions during the reporting period, compared with three investigations and no prosecutions or convictions in the previous reporting period. The one prosecution initiated during the reporting period followed from an investigation during the previous reporting period involving an alleged trafficker residing in Liberia and responsible for the exploitation of 16 Liberian women in Lebanon. The trial began in September 2015 and resulted in a hung jury in January 2016; by March 2016, officials had begun a re-trial. The government also initiated an investigation of one suspect in a potential internal trafficking case. No Liberian trafficking offenders have been convicted under Liberia's anti-trafficking law. All section heads of the

Liberia National Police (LNP) received basic training on how to report suspected trafficking cases to the Women and Children Protection Section (WACPS), which had the lead in investigating such crimes; however, LNP staff did not receive specialized training in investigating human trafficking crimes. Anti-trafficking training is a component of WACPS' mandatory three-week orientation course for all of its new officers. WACPS was unable to provide an estimate of the number of officers trained on anti-trafficking during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained modest efforts to identify and protect victims of human trafficking. It identified two potential internal trafficking victims. The government also repatriated six additional forced labor victims identified in a 2014 case, building upon the repatriation of 10 victims from the same case discovered in the previous reporting period. The government provided \$50,000 to the Ministry of Gender, Children, and Social Protection for the care and protection of the 16 women. The 2013 "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures" were not fully implemented during the reporting period. The standard operating procedures provide guidance for the care and protection of victims and special considerations for child victims of trafficking. The trafficking in persons taskforce developed a national referral mechanism to accompany the standard operating procedures, which was sent to the Minister of Justice in December 2015 for approval necessary prior to its implementation; it remained pending approval at the conclusion of the reporting period. Government efforts largely focused on a few transnational human trafficking cases. There remained no government-run shelters or safe homes specifically for trafficking victims in Liberia, and the government continued to rely on NGOs and civil society groups to provide basic assistance and psycho-social support to victims. Government resources continued to be insufficient to provide specialized care for male victims or victims with disabilities. The government offers legal alternatives to removal to countries in which victims would face retribution or hardship, such as temporary residency, on a case-by-case basis. No victims were identified during the reporting period that were eligible to receive this type of benefit. The 2005 Act to Ban Trafficking in Persons absolves victims from responsibility for unlawful acts committed as a result of being subjected to trafficking; there were no reports that victims were punished during the year.

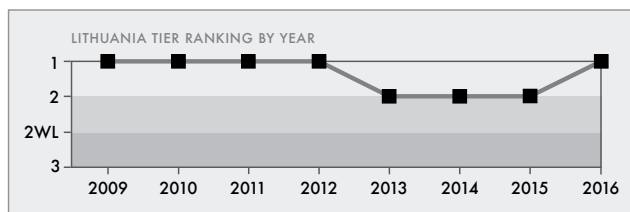
## PREVENTION

The government made minimal efforts to prevent trafficking in persons. The trafficking in persons taskforce did not hold regular meetings and remained without an operating budget. The country's five-year trafficking in persons national action plan, launched in March 2014, was only partially implemented during the reporting period. Nevertheless, there were sometimes greater coordination efforts amongst government ministries through the taskforce. The Ministry of Labor continued to support anti-trafficking awareness campaigns, mainly through existing billboards; however, the government did not sponsor outreach or awareness activities during the reporting period. The government did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. The government provided anti-trafficking training for its diplomatic personnel.

## LITHUANIA: Tier 1

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking, as well as a source and destination country for men subjected to labor trafficking. Observers estimate 40 percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within the country. Lithuanian women are also trafficking victims in Western Europe and Scandinavia. Lithuanian children and adults are increasingly forced to engage in criminal activities, such as shoplifting, theft, and drug selling, in Nordic countries and Western Europe. Some Lithuanian men are subjected to forced labor in Ireland, the United Kingdom, and the United States, including in agriculture. Men from neighboring countries, as well as China, may be subjected to labor trafficking in Lithuania. Vietnamese adults and children transiting through Lithuania may be trafficking victims. The approximately 4,000 boys and girls institutionalized in more than 90 orphanages are especially vulnerable to trafficking. In early 2015, the government initiated investigations into official complicity and negligence related to allegations of sex trafficking of girls and boys at state-run orphanages.

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government greatly increased the available training for police, prosecutors, and judges. Officials identified more victims, particularly among exploited children. A working group established by the General Prosecutor's Office completed recommendations for best practices for law enforcement and public officials on victim identification, investigations, and interagency coordination; the relevant government agencies endorsed those recommendations and began implementation in December 2015. The interior ministry drafted a government resolution in December 2015 to create an inter-ministerial body with NGO representation to coordinate national efforts. The national audit office published a self-critical review of its efforts as a means to guide future progress. The government began to phase out state-run orphanages, where children are vulnerable to exploitation, in favor of the foster care system; however, some police officers failed to recognize sex trafficking among women coerced into prostitution and children exploited for commercial sex. Additionally, public funding for care providers did not sufficiently cover victim assistance costs, and the government lacked a system to deliver specialized care to child victims.



### RECOMMENDATIONS FOR LITHUANIA:

Increase funding for NGOs to provide sustainable victim protection; provide systematic, effective training for all police officers on the identification, referral, and appropriate treatment of victims, including by integrating an anti-trafficking module into the basic training for the police; establish a formal inter-ministerial committee with NGO representation to coordinate whole-of-government anti-trafficking efforts; prevent the sex trafficking of children in state-run orphanages by prosecuting complicit or negligent orphanage authorities and ensuring ongoing reforms to the orphanage system to improve protection of vulnerable children; further improve training of investigators

and prosecutors on building trafficking cases, including developing evidence beyond victim testimony; further improve judicial understanding of trafficking and sensitivity toward victims of sex trafficking; equip courtrooms with the capacity to allow victims to provide testimony outside the presence of their alleged traffickers; intensify efforts to identify victims proactively, particularly children exploited for commercial sex and adults coerced to be in prostitution; and provide all victims access to shelter and trafficking-specific assistance, particularly adult male and child victims.

### PROSECUTION

The government demonstrated progress in law enforcement efforts. Lithuania prohibits all forms of trafficking through articles 147 and 157 of its criminal code, which prescribe penalties ranging from two to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Lithuanian authorities initiated investigations of 25 cases in 2015, compared with 24 in 2014. Authorities initiated prosecutions of 27 suspected traffickers, compared to 40 with 2014 and 18 in 2013. The government convicted 17 traffickers under articles 147 and 157, compared with 18 in 2014. All 17 traffickers convicted in 2015 were sentenced to time in prison, with terms ranging from three to eight years' imprisonment. The government collaborated with foreign counterparts in 17 international trafficking investigations, compared with two in 2014 and five in 2013. In March 2015, prosecutors announced an investigation into the director of an orphanage who had allegedly operated a sex trafficking ring inside the institution, offering young boys to pedophiles. In January 2015, prosecutors announced the investigation of a state-run residential institution for children with special needs; teenage residents allegedly had been subjecting girl residents to sex trafficking. In the latter case, the orphanage's director defended her institution by saying such activity is common at all Lithuanian orphanages. The investigations remained ongoing at the close of the reporting period.

The government increased its training of personnel during this reporting period. Although the basic training for police cadets continued to exclude trafficking, the national police organized eight anti-trafficking sessions at the police academy, which were attended by 160 police officers. In April, the national police and an NGO jointly organized a seminar for police, prosecutors, and judges. In September, a Supreme Court judge conducted a specialized training for 40 judges. In October, 20 police officers participated in a trafficking-specific two-day course organized by the Criminal Police Bureau. In November and December, the state labor inspectorate organized trainings on victim identification guidelines approved during the reporting period; 34 labor inspectors participated. The national police force continued to designate eight officers to lead trafficking investigations, and the General Prosecutor's Office designated six prosecutors. A Supreme Court justice with specialized knowledge of trafficking crimes received most of the trafficking cases that reached the Supreme Court. Observers reported prosecutors were reliant on victims' testimony to prove a trafficking case.

### PROTECTION

The government demonstrated progress in efforts to assist victims, although funding for services remained insufficient. Lithuanian law enforcement identified 79 victims and potential victims in 2015, compared with 47 in 2014. Authorities identified more child victims: from three in 2014 to 18 in 2015. NGOs

receiving a mix of public and private funding provided support to 139 trafficking victims and at-risk individuals, including 39 victims of labor trafficking; NGOs assisted 133 victims in 2014. The central government provided NGOs approximately 43,000 euros (\$48,000) for victim assistance programs, compared to approximately 149,000 litas (\$52,600) in 2014. Experts reported the funding provided by the state was not sufficient to cover the actual expenses incurred by care providers for victim assistance. Five publicly funded men's crisis centers had the capacity to provide assistance, to include finding shelter, though not all police officers were aware of this service. Authorities placed child trafficking victims in foster homes and mixed-use shelters, which may not have provided specialized care needed by child victims. The government had a formal procedure to refer identified victims to care facilities for assistance, although it was underutilized in some parts of the country.

Law enforcement could offer foreign victims of trafficking a 30-day reflection period to decide whether to cooperate with law enforcement. Foreign victims cooperating with law enforcement could receive temporary residency. Authorities did not identify any foreign victims in 2014 or 2015. The Lithuanian criminal code requires victims to testify. Lithuanian law permits authorities to use video conferencing and other technologies in the courtroom, which could prevent re-traumatization of trafficking victims, but courts continued to have limited technical capabilities. The government provided legal representation to victims; however, observers reported the attorneys were not trained on trafficking issues, so NGOs often hired private attorneys for victims. In most cases in 2015, victims received compensation. Observers reported shortcomings in police recognition of trafficking victimization among individuals in prostitution; as a result, authorities subjected sex trafficking victims to administrative sanctions for prostitution, and authorities treated child sex trafficking victims as criminals rather than victims.

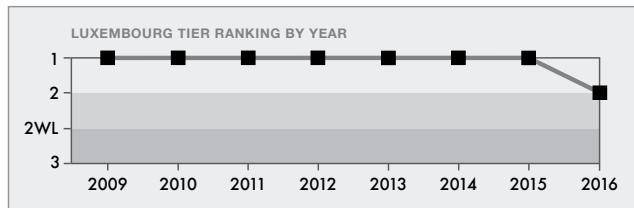
## PREVENTION

The government demonstrated progress in prevention efforts. In December 2015, the interior ministry drafted a government resolution to create a national inter-ministerial coordination commission with NGO representation. A working group established by the General Prosecutor's Office completed recommendations for law enforcement and public officials on best practices in victim identification, investigations, and interagency coordination; the relevant government agencies endorsed and began implementation of those recommendations in December 2015. The National Audit Office evaluated the government's anti-trafficking efforts and called for improvements in victim assistance, coordination, training for officials, and prevention activities, as well as the creation of an independent national rapporteur. The interior ministry continued to publish an annual report covering the government's anti-trafficking law efforts. Following concerns that many Lithuanian children were unnecessarily institutionalized and at an increased risk of sex trafficking, the government worked to phase out large institutions and increase support for foster care. Public officials participated in NGO-organized prevention activities, and law enforcement authorities raised awareness in the media. In addition, the police advertised and managed an e-mail account that the public could use to report potential human trafficking situations and ask for advice. The government provided anti-trafficking training for its diplomatic personnel. The Lithuanian government made efforts to reduce the demand for commercial sex, but not for forced labor.

## LUXEMBOURG: Tier 2

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

The Government of Luxembourg does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government maintained the number of cases investigated and traffickers convicted, funded an anti-trafficking conference, allocated 100,000 euros (\$114,000) for an awareness campaign, and continued to provide strong protections to identified trafficking victims. However, the government only concluded two prosecutions, continued to issue short and suspended sentences, did not provide adequate resources to its anti-trafficking police unit, and failed to finalize a national referral mechanism for victim identification and protection or a national action plan.



## RECOMMENDATIONS FOR LUXEMBOURG:

Vigorously prosecute, convict, and sentence labor and sex traffickers, including complicit officials, with sufficiently stringent prison sentences; finalize the national referral mechanism to guide front-line responders on how to proactively identify all types of trafficking victims and refer them to available services and protection; revise the trafficking law, including article 382-1, to clarify that force, fraud, or coercion are core elements of the crime of trafficking of adults; train law enforcement that subjecting a child to prostitution constitutes a trafficking crime; allow non-EU trafficking victims access to Luxembourg's labor market; increase resources available to law enforcement and government officials to proactively assist victims, identify and investigate labor and sex trafficking cases; continue to work collaboratively with, and increase resources available to, the national rapporteur to critically assess efforts and make recommendations to improve the government's response to human trafficking; and finalize a national action plan.

## PROSECUTION

The government demonstrated a slight decrease in law enforcement efforts. Luxembourg prohibits all forms of sex and labor trafficking through articles 382-1 and 382-2 of the criminal code, although article 382-1 is broader than the international definition and could be used to prosecute non-trafficking cases, as force, fraud, and coercion are aggravating



factors that increase penalties rather than a means to commit the offense. The prescribed penalties for trafficking offenses range from three to 10 years' imprisonment for adult trafficking and 10 to 20 years' imprisonment for child trafficking. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government reported 10 investigations and two prosecutions, compared to 10 investigations and six prosecutions in the previous reporting period. The government convicted five traffickers for sex trafficking in 2015, the same number as in 2014. Unlike in 2014, when all traffickers received prison sentences, the courts suspended the majority of prison sentences in 2015. Three traffickers received fully suspended sentences and fines ranging from 1,000 to 2,000 euros (\$1,140 to \$2,280). Two traffickers were ordered to serve between 18 and 48 months in prison, plus fines, compared to maximum sentences of 12 and 36 months in 2014 and 2013 respectively. The reported statistics reveal that convicted traffickers continued to frequently avoid imprisonment, resulting in penalties that are insufficiently stringent, as well as weakening deterrence of trafficking offenses. The police unit responsible for investigating trafficking cases continued to lack resources. In November 2015, the government, in collaboration with a regional organization, organized and funded a conference on law enforcement challenges concerning trafficking activities by African organized crime groups; 50 government officials and NGO representatives attended. The government also funded five judges' participation in anti-trafficking training at a foreign magistrate's school. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained modest efforts to protect trafficking victims. Authorities identified two female sex trafficking victims, compared with 11 victims of labor and sex trafficking in the previous reporting period. Authorities did not finalize a written national referral mechanism for front-line responders; as a result, the management of victim referral and services occurred on an ad hoc basis. The government provided shelter and services to one of the victims identified during the reporting period, and it continued to provide assistance to five victims identified in the previous reporting period. The government increased funding for victim services generally by 500,000 euros (\$569,000); however, it is unclear how much of this funding was dedicated to victims of trafficking. The government had policies in place to encourage trafficking victims to assist in the prosecution of trafficking offenders, including legal alternatives to removal to countries in which victims would face retribution or hardship. Trafficking victims were entitled to a 90-day reflection period to decide whether they wanted to testify, during which EU citizens could work. Upon expiration of the reflection period, the government could issue a foreign victim either temporary or permanent residency status, depending upon the victim's willingness to cooperate with law enforcement and whether the victim was an EU national. The government provided four trafficking victims with permanent residence permits in 2015. Victims were also entitled to participation in a witness protection program to ensure their security before, during, and after a trial. There were no reports authorities penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

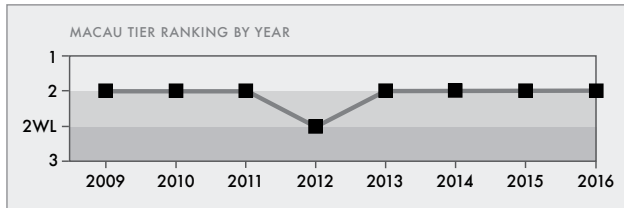
The government did not demonstrate an increase in anti-trafficking prevention efforts. The inter-ministerial committee

met three times and continued drafting a national action plan; the plan was not finalized at the close of the reporting period. The government did not conduct a national awareness campaign. The government allocated 100,000 euros (\$92,000) for a public awareness campaign in 2016, although the campaign had not been launched at the close of the reporting period. The government collaborated with regional partners to publish a brochure to raise awareness among first-responders, as well as a manual to strengthen cooperation among regional partners. The government also provided funding and technical support for an NGO-run website focused on the prevention of child sex tourism. The national rapporteur on trafficking in persons began the development of a centralized data collection system and began drafting the first bi-annual report; however, neither the database nor the report were finalized during the reporting period and the rapporteur lacked adequate resources. Authorities did not undertake any measures to reduce demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel; however, it distributed an anti-trafficking brochure to all diplomats prior to their deployment abroad.

## MACAU: Tier 2

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a transit territory for women and children subjected to sex trafficking and forced labor. Sex trafficking victims originate primarily from mainland China; many are from inland Chinese provinces and travel to the border province of Guangdong in search of better employment. Some are from Asia, Russia, Africa, and South America. Many trafficking victims respond to false advertisements for jobs, including in casinos in Macau, but upon arrival are forced into prostitution. Traffickers sometimes confine victims in massage parlors and illegal brothels, where they are closely monitored, threatened with violence, forced to work long hours, and have their identity documents confiscated. Children are reportedly subjected to sex trafficking in connection with the gambling and entertainment industry in Macau. Some brokers who bring foreign men and women to Macau to renew work visas to other countries restrict these workers' movements and withhold their passports in conditions indicative of debt bondage and forced labor.

The Government of Macau does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government set up a communication mechanism with hotel employees to report potential trafficking situations directly to police and conducted a two-day training on combating trafficking crimes and protection of trafficking victims for 170 front-line government officials. The government allocated 3.2 million patacas (\$400,000) for preventing and countering trafficking. Macau's Judicial Police set up a new anti-trafficking taskforce within the organized crime division. However, there were no trafficking convictions in 2015, and the government identified only six sex trafficking victims. While it investigated three cases of potential labor trafficking, the government concluded that the individuals in question were not trafficking victims.



## RECOMMENDATIONS FOR MACAU:

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

## PROSECUTION

Authorities decreased anti-trafficking law enforcement efforts during the reporting period. The anti-trafficking law, Law Number 6/2008 within the penal code, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The relatively small population of Macau (600,000) in comparison to its over 30 million yearly visitors exacerbated law enforcement and judicial capacity constraints, which continued to pose major challenges in addressing trafficking crimes.

Authorities conducted investigations of five sex trafficking cases and three labor trafficking cases, compared with five sex trafficking cases in 2014. Police found the cases of alleged labor trafficking did not reach the level of criminal labor trafficking and did not refer them for criminal prosecution. Of the five sex trafficking investigations, prosecutors dropped one case and initiated prosecution of the other four cases; however, three of those cases were tried under charges other than sex trafficking. One case, involving one defendant, was tried under the anti-trafficking law, but the defendant was found not guilty. The government obtained no trafficking convictions in 2015, compared with six in 2014. Prosecutors continued to use the "procuring of prostitution" provision for many cases with elements of trafficking. This crime has simpler evidentiary standards but carries lighter penalties than the trafficking law. Authorities reported screening for potential victims of labor trafficking and investigating three suspected cases, but did not report any prosecutions or convictions for labor trafficking.

In addition to providing standard trafficking awareness training to all judiciary police and public security police officers, authorities organized and attended numerous anti-trafficking trainings during the year. In January 2016, Macau's anti-trafficking committee co-hosted with another government a two-day workshop on combating trafficking crimes and protecting trafficking victims for 170 front-line government officials. Authorities reported cooperating with mainland Chinese and Hong Kong authorities on anti-trafficking efforts through intelligence exchanges and joint investigations. Authorities did

not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

## PROTECTION

Authorities sustained efforts to protect trafficking victims. Authorities identified six victims of sex trafficking, an increase from five in 2014 but continuing the decline from 38 in 2013. Four victims were children; five were from mainland China and one was from South America. Authorities did not identify victims of forced labor in 2015, although three suspected cases were referred to police for investigation. The Social Welfare Bureau (SWB) reported assisting and offering shelter to all identified victims in cooperation with local NGOs. Authorities designated 21 beds for female trafficking victims at a shelter managed by SWB. An NGO-run home housed child victims. SWB continued to operate a shelter for male victims, although authorities did not identify any male victims during the reporting period. The government spent 1.5 million pataca (\$187,500) on victim protection services, including allocations to NGOs for service provision at shelters. Authorities had a formal victim identification process, operational referral process, and standardized screening questionnaire that guided law enforcement, immigration, and social services personnel. Authorities sustained an existing partnership with local NGOs to provide interpreters to assist in interviewing foreign trafficking victims and to operate a 24-hour general hotline that could be used by trafficking victims. Authorities encouraged victims to assist in the investigation and prosecution of trafficking crimes by providing temporary shelter and assistance, but reported difficulty persuading victims to cooperate. Authorities had a policy of offering foreign crime victims legal alternatives to removal to countries in which they would face retribution or hardship; however, no trafficking victims were known to have sought this immigration relief during the reporting period. The legal system allows for civil remedies, but no victim was known to have pursued this option in 2015.

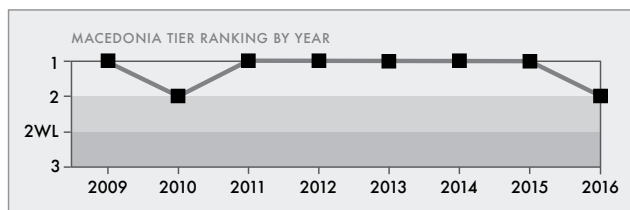
## PREVENTION

Authorities sustained efforts to prevent forced labor and sex trafficking. The Labor Affairs Bureau (LAB) and law enforcement agencies continued to disseminate thousands of leaflets, pamphlets, video clips, radio and television advertisements, and posters to raise awareness of labor trafficking. LAB continued a trafficking awareness education project in high schools, and held four seminars on labor rights and obligations for domestic workers and employment agency workers. Authorities also inspected construction sites, employment agencies, and companies with gaming licenses for labor trafficking, but despite these efforts did not identify any labor trafficking victims. The government worked with local hotels to promote awareness of trafficking crimes to hotel staff and set up a mechanism that required hotel employees to report any suspected case of trafficking immediately to police; one trafficking victim was identified during the reporting period through this mechanism. In an attempt to reduce demand for commercial sex acts, law enforcement authorities continued to combat the distribution of prostitution-related advertisements and increased the number of inspections of illegal brothels. Despite the majority of identified trafficking victims being child sex trafficking victims (four of six), authorities did not report any investigations or prosecutions for child sex tourism.

## MACEDONIA: Tier 2

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

The Government of Macedonia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the influx of refugees and migrants to the country placed a significant strain on government resources, government efforts to protect victims and prevent trafficking declined markedly. Overall government funding dedicated to anti-trafficking efforts decreased in 2015 to 4.1 million denars (\$75,600) from 32.45 million denars (\$601,108) in 2014. The government convicted more traffickers compared to 2014, but identified just four victims—the fewest ever reported—despite an increase in vulnerable populations due to increased migration. The government continued to screen children engaged in street selling and begging for trafficking, yet discontinued its partnership with NGOs to operate mobile outreach teams to identify all types of victims of trafficking proactively. Victims had difficulty accessing compensation, and the government did not offer specialized services for male victims. In contrast to previous years, the government did not fund or coordinate any public awareness campaigns.



### RECOMMENDATIONS FOR MACEDONIA:

Dedicate increased resources for the protection of victims; increase screening for trafficking among refugees and asylum-seekers; vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences; regularly train law enforcement officials, labor inspectors, diplomatic personnel, and other officials on proactive victim identification, particularly among child beggars, irregular migrants, and asylum-seekers; train law enforcement, judges, and prosecutors on a victim-centered approach; provide accommodation to foreign trafficking victims in safe and appropriately rehabilitative settings and allow victims to leave shelters at will; provide specialized services for male trafficking victims; improve compensation mechanisms for victims and inform them of their right to seek restitution; adequately protect victims and witnesses to prevent intimidation and re-traumatization during court proceedings; develop a

comprehensive national action plan for implementation beyond 2016; make public government anti-trafficking efforts; and raise public awareness of all forms of trafficking.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. The government prohibits all forms of trafficking, including forced begging and forced criminality, in articles 418(a) and (d) of its criminal code, which prescribe a minimum penalty of four years' imprisonment for trafficking adults and 12 years' imprisonment for trafficking children. This is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In December 2015, the government deleted article 191(a) on child prostitution, which could have enabled prosecutors to convict traffickers of a lesser offense rather than child sex trafficking, and amended article 418(d), explicitly criminalizing forced begging of minors and increasing the minimum sentence for child trafficking to 12 years' imprisonment. The government did not report any trafficking investigations in 2015, compared with three in 2014. Prosecutions were initiated against seven alleged traffickers, compared with five in 2014. In 2015, courts convicted and issued prison sentences to seven traffickers, compared with two convictions in 2014. Three were convicted for trafficking children for labor exploitation and four for trafficking children for sexual exploitation. In addition, courts convicted four traffickers for forced marriage involving domestic servitude, but issued the traffickers suspended sentences. Some police and labor inspectors allegedly accepted bribes related to trafficking crimes. Three police officers remained under investigation since 2014 for suspected involvement in organizations engaged in trafficking during the reporting period. Police cadets received specialized training, and 13 judges and six prosecutors attended trafficking trainings during the reporting period.

### PROTECTION

The government decreased victim protection efforts. Police officers, labor inspectors, immigration officers, social workers, and NGOs used a national referral mechanism to refer potential victims and received training on victim identification. During the reporting period, the government discontinued its partnership with NGOs to operate six joint mobile units that identified and referred victims to services. The government formally identified four victims of sex and labor trafficking—including one adult and three children—in 2015, compared with seven in 2014. Authorities referred all four victims to a shelter for trafficking victims and later repatriated one foreign victim. In 2015, NGOs identified 94 potential victims of trafficking among the migrant and refugee population transiting Macedonia. Authorities did not investigate any of these cases further, and the anti-trafficking unit did not screen for trafficking victims. However, the government identified and provided assistance to three female migrants who were victims of trafficking prior to arriving in Macedonia. Social workers and police identified 78 potential forced labor victims among predominantly Romani children engaged in street begging and street vending. The government placed them in daycare centers and warned, fined, or jailed their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages.

Overall government funding dedicated to anti-trafficking efforts decreased in 2015 to 4.1 million denars (\$75,600) from 32.45 million denars (\$601,108) in 2014. Approximately 801,036 denars (\$15,000) went directly to victim assistance



and management of a shelter for trafficking victims, compared to 663,036 denars (\$13,500) in 2014. Unlike previous years, the government did not award NGOs any grants for the 2016 fiscal year, although NGOs reported their reliance on these grants to assist victims and thus must reduce their services. Foreign and domestic victims were entitled to accommodation, psychological and medical assistance, and legal representation. Domestic victims could receive reintegration support, including education and job placement. Specialized assistance was not available for male victims, and the government did not provide services accessible for victims with disabilities. The government and NGOs jointly ran a shelter for trafficking victims, as well as a transit center for irregular migrants that offered separate facilities for foreign trafficking victims; both facilities could house male, female, and child victims. The shelter allowed victims freedom of movement, but the migrant facility did not permit foreign victims to leave without a temporary residence permit. Due to the lack of funding, the government's partnership with NGOs to run the shelter was discontinued in 2016. Victims who chose not to or were unable to stay in a shelter needed greater assistance with finding alternative lodging and follow-up care.

The law permits foreign victims a two-month reflection period to decide whether to testify against their traffickers followed by a six-month temporary residence permit, regardless of whether they testify; authorities granted one victim a residence permit in 2015, as in 2014. Foreign victims do not have the right to obtain employment in the country until granted a temporary residence permit. A court ordered compensation for one victim in a criminal trial in 2015. While victims can claim restitution through civil proceedings, no victims have ever successfully completed a claim due to the complexity of the legal process. Although there were no reports of trafficking victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking, police did not contact the anti-trafficking unit to screen for potential victims of trafficking among dancers and other individuals when conducting operations in nightclubs, where sex trafficking was prevalent.

## PREVENTION

The government decreased prevention efforts. Unlike previous years, the government did not fund or coordinate public awareness campaigns. The national anti-trafficking commission, comprised of government agencies, international organizations, and NGOs, met regularly to coordinate the government's anti-trafficking efforts and implement the 2013-2016 national action plan. Observers indicated the government did not provide sufficient funding to implement the plan and had not initiated development of a new action plan for implementation beyond 2016. The national commission worked with the local anti-trafficking commissions and provided training to improve local coordination. The government monitored its anti-trafficking efforts but did not make its assessment available to the public. In partnership with NGOs, the government conducted seminars for Romani students, teachers, and NGOs on the risks of forced marriages of minors. In 2015, a legal change allowed migrants and refugees who expressed intent to file for asylum to pass freely through the country, including access to public transportation and other services that reduced their vulnerability to exploitation. However, after the government restricted the asylum process in November 2015 to citizens of Syria, Iraq, and Afghanistan, authorities indicated an increase in migrant smuggling, which subsequently increased migrants' vulnerability to exploitation. The government partnered with a university in Skopje and an NGO to organize seminars focused on reducing

the demand for commercial sex, but did not report tangible efforts to reduce the demand for forced labor. The government provided diplomats basic training on human trafficking and distributed a handbook on preventing trafficking for domestic servitude in diplomatic households.

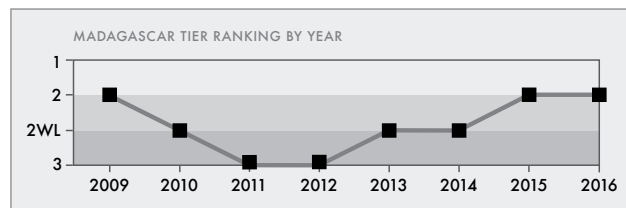
## MADAGASCAR: Tier 2

Madagascar is a source country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Malagasy children, mostly from rural and coastal regions, and from impoverished families in urban areas, are exploited in prostitution, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. Most child sex trafficking occurs with the involvement of family members, but tourist operators, taxi drivers, and local adults in prostitution also facilitate this crime. Informal employment agencies recruit child domestic workers who are subsequently subjected to forced labor. Some children are fraudulently recruited for work in Antananarivo as waitresses and masseuses before being exploited in prostitution. Reports suggest child sexual exploitation is most prevalent in tourist destinations and surrounding formal and informal mining sites. Previous reports indicated prostitution of boys was becoming more prevalent. Malagasy men exploit child sex trafficking victims, while most child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians.

It is estimated that thousands of Malagasy women are employed as domestic workers in Lebanon, Kuwait, and Saudi Arabia; these women circumvent a 2013 ban on work in Gulf countries by transiting Mauritius, Kenya, Comoros, and South Africa. Many of the women migrating are illiterate and vulnerable to fraud and abuse by recruitment agencies and employers. Reports suggest Malagasy men in the Middle East also endure forced labor in the service and construction sectors. Malagasy women are sent by persons acting as informal placement agents to China with falsified identity cards and exploited in forced labor and sold as brides. Malagasy men were subjected to forced labor aboard Chinese-flagged fishing vessels in South Africa's territorial waters in the previous reporting period, and increasingly are subjected to domestic servitude in China. NGOs previously reported government officials' complicity in obtaining falsified national identity cards, which facilitates the sexual exploitation of children for commercial sex in Madagascar and the domestic servitude of Malagasy women abroad. Past reports indicated public officials purchase sexual services from children in Antananarivo and Nosy Be, primary child sex tourism destinations. Police encourage financial arrangements between victims and their offenders, rather than pursuing charges; this perpetuates impunity.

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. It formally established the National Office to Combat Trafficking, and its members met several times during the reporting period. The government did not take adequate measures to operationalize its five-year national action plan, which came into effect in 2015, or allocate sufficient funding to support the effective work of the national office. Although the government reported 10 convictions in 2015, a slight increase from six in 2014, authorities reported only eight trafficking-related investigations, a significant decrease from 187 cases investigated the previous year. It continued to lack formal procedures to proactively identify trafficking victims

among vulnerable populations and did not systematically provide services. Although the government began to draft a bilateral agreement with Saudi Arabia in 2015, it did not make tangible progress with other destination country governments on protection and legal remedies for exploited Malagasy workers.



## RECOMMENDATIONS FOR MADAGASCAR:

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

## PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. Anti-Trafficking Law No. 2007-038 prescribes punishments for sex trafficking, ranging from two years' to life imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. Law No. 2014-040 broadened the scope of the 2007 anti-trafficking law to cover sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. The updated law imposes sufficiently stringent penalties for trafficking offenses, ranging from two to five years' imprisonment and a one to 10 million ariary (\$315-3,130) fine, and stiffer penalties of five to 10 years' imprisonment and fines ranging from two to 10 million ariary (\$625-3,130) for trafficking crimes committed against children. During the reporting year, justice officials facilitated workshops in Nosy Be and Toliary to familiarize law enforcement personnel with the 2014 anti-trafficking law.

National statistics on prosecutions and convictions remained difficult to obtain and verify, due to a lack of coordination between law enforcement and the courts and inadequate record keeping. During the reporting period, the national police's Morals and Minors Brigade investigated two potential trafficking cases and six trafficking-related cases, a stark decrease from the 187 cases of child sexual exploitation it investigated the year prior. Media reported the arrest of 14 alleged traffickers for the illicit recruitment of migrant workers; all 14 were referred for prosecution, a slight increase from the 11 prosecutions for illicit recruitment the year prior. Officials reported 10 trafficking convictions under the updated anti-trafficking law in 2015, compared with six in 2014. The government did not report

any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, there were widespread corruption and allegations of complicity.

## PROTECTION

The government sustained minimal efforts to protect victims. It continued to lack formal procedures to proactively identify trafficking victims among vulnerable populations and did not systematically provide services or refer victims for care. The Ministry of Population and Social Affairs, in collaboration with an international organization, continued to coordinate approximately 450 child protection networks across the country. These networks are mandated to protect children from various forms of abuse and exploitation, as well as ensure access to medical and psycho-social services for victims. However, the networks' protective services were at times inadequate, the standard of care was inconsistent across regions, and it was not clear whether any of the networks provided services to trafficking victims during the reporting year. The government continued to operate and fund the Manjary Soa Center in Antananarivo, which housed 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. There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The government remained without formal procedures to encourage victims to assist law enforcement in the prosecution of their traffickers; however, the police reported victims were generally willing participants in the investigations of their alleged traffickers. Under the 2014 anti-trafficking law, victims are entitled to compensation for reintegration and medical care; however, this provision was not implemented for the second consecutive year.

In 2015, officials assisted, through diplomatic facilitation, with the repatriation of 60 Malagasy citizens who were subjected to trafficking in China, Comoros, Kuwait, Saudi Arabia, and Thailand. The government did not engage with foreign governments regarding the protection of and legal remedies for exploited Malagasy workers; however, it did complete an initial draft of a bilateral agreement with Saudi Arabia during the reporting year. During the reporting period, many trafficking victims continued to return from the Middle East, where they had been subjected to various forms of abuse while working in domestic service. Upon repatriation, the vast majority of Malagasy trafficking victims arrived destitute and in need of psychological and medical services; however, the government did not provide victims with financial support or assistance but referred them to NGOs and international organizations for immediate care.

## PREVENTION

The government demonstrated modest efforts to prevent trafficking. During the reporting year, the government formally established the National Office to Combat Trafficking, as called for in its five-year national action plan, which came into effect in early 2015. Although members of the new national office convened seven meetings during the reporting year to draft staff duties and develop internal organizational structure, the government did not take additional steps to operationalize the national action plan and reduced funding for its implementation to eight million ariary (\$2,500); during the previous reporting year, the government allotted 38.95 million ariary (\$12,000). A 2013 ban on domestic worker travel to Gulf countries remained in place; however, illicit recruitment agencies circumvented the

ban by sending workers through Comoros, Kenya, Mauritius, and South Africa. In October 2015, the government signed an agreement with an international organization to commence construction of a training center for prospective migrant workers and recruitment agencies; however, progress on this effort was unknown.

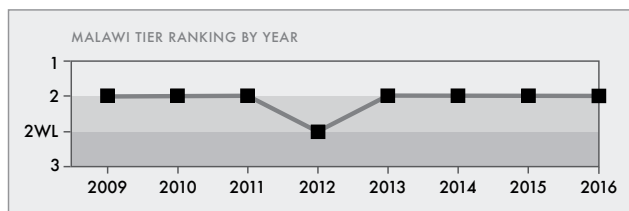
In November 2015, the government established a new tourist police branch in Ranohira Isalo to protect vulnerable populations against commercial sexual exploitation of children. However, officials did not disseminate the code of conduct to combat the commercial exploitation of children in the Nosy Be and Toliara tourism industry for the second consecutive year, although they did disseminate it in four additional regions with support from international organizations. Although authorities continued to operate the national hotline to document cases of child exploitation, no call statistics were available at the end of the reporting period. The prime minister launched an anti-trafficking awareness campaign, conducted and financially supported by an international organization, and justice ministers organized two national radio broadcasts to educate the public on the 2014 anti-trafficking law. During the reporting year, Malagasy officials, with donor funding, organized training on the identification and prevention of trafficking in the context of national disasters for an unknown number of humanitarian actors. The government did not make significant efforts to reduce the demand for forced labor during the reporting period. The government provided general guidance to diplomatic personnel on preventing trafficking based on respective local laws.

## MALAWI: Tier 2

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

The Government of Malawi does not fully meet the minimum

standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities retained anti-trafficking training in the police academy curricula and worked with foreign governments to repatriate 23 trafficking victims during the year. The government enacted the anti-trafficking legislation passed in the previous reporting period but did not use it to prosecute traffickers in 2015. Delays in enacting and training officials on the new anti-trafficking law inhibited its full enforcement until late in the year, resulting in an ineffective deterrence. Although Malawian authorities reported more than twice as many trafficking convictions in 2015 (58) compared with 2014 (25), the administered punishments were uneven with some receiving weak and poorly deterring sentences. The government identified approximately 197 trafficking victims, a decrease from 242 the previous year, but it did refer approximately 150 potential victims for protective services in 2015; it referred 100 in 2014. It continued to lack standardized procedures to effectively identify victims and provide them adequate protection and to rely on international organizations and NGOs to fund and implement most anti-trafficking programs.



### RECOMMENDATIONS FOR MALAWI:

Raise public awareness of the key provisions and fully implement the prosecution and protection provisions in the 2015 anti-trafficking legislation; vigorously prosecute and sentence both sex and labor trafficking offenses under the new law; sentence convicted traffickers to sufficiently stringent punishments, including by increasing prison sentences; support training and increase funding for judges, prosecutors, labor inspectors, and police to identify, investigate, and prosecute trafficking crimes; develop formal guidelines to identify trafficking victims, especially among vulnerable populations, and to refer them to available services; increase the availability of shelters and protection services for victims, including through in-kind or material support to NGOs for expansion of direct service provisions; improve and expand the collection of national prosecution and protection data; increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints; adopt a national strategy to combat trafficking that focuses on improving national-level coordination of anti-trafficking efforts across all districts; and develop and launch anti-trafficking public awareness campaigns.

### PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. Although Parliament enacted anti-trafficking legislation passed during the previous reporting period, it was not in official force until late in the year which, coupled with limited funding available for judicial and police training, partly prevented its use in prosecutions during the reporting period. The new anti-trafficking law, if fully implemented, would prohibit all forms of trafficking and prescribe punishments of up to life imprisonment, without the option of fines. During the year, the government punished traffickers with sentences of up to 16 years' imprisonment. Fines remained an alternative punishment and an ineffective deterrent against trafficking crimes. The penalties prescribed under the various statutes



that were in force prior to the November 2015 enactment of the Trafficking in Persons Act range from small fines to 14 years' imprisonment; because of the alternative of a fine, these penalties are insufficiently stringent and not commensurate with punishments prescribed for other serious crimes, such as rape. The Child Care, Protection, and Justice Act of 2010 prohibits child trafficking and prescribes sufficiently stringent penalties of up to life imprisonment for convicted traffickers.

In 2015, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from five of Malawi's 34 district-level police stations. Nonetheless, poor record management and a lack of government direction contributed to inadequate tracking of investigation, prosecution, and conviction statistics nationwide. MPS reported it arrested and prosecuted at least 68 alleged traffickers and convicted 58, an increase from 25 traffickers convicted during the previous reporting period. However, given the late 2015 enactment of the anti-trafficking law, judges were limited to the provisions of laws in effect at the time. The Ministry of Home Affairs, which includes MPS and immigration officials, maintained primary responsibility for the prosecution of trafficking crimes and enforcement of trafficking laws; it did not provide complete information on prosecutions in 2015. Police from Phalombe district provided supplemental law enforcement data, including the arrest of 35 potential offenders, five of whom authorities released. Phalombe police also reported attaining five convictions, although they subsequently acquitted four of these traffickers, a reduction from 11 it achieved in total in 2014. Prison sentences in Phalombe district ranged from 18 to 24 months' imprisonment.

The MPS retained anti-trafficking training in its curricula for the Limbe Police Training School, Mtakata Police Training School, and Police College. During the year, Malawian officials worked with the South African and Mozambican governments to repatriate 23 labor trafficking victims to their countries of origin. Despite allegations of corruption and anecdotal reports of police abusing sex trafficking victims in previous years, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government sustained inadequate efforts to protect victims and identified fewer victims than the previous reporting period. The government continued to lack systematic procedures for the proactive identification of victims and their referral to care. Given severe resource constraints, the government relied largely on NGOs to identify victims and provide long-term care and 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 operated by an international NGO. The national government lacked comprehensive data on the number of victims it identified, referred, or assisted during the reporting period; however, MPS reported it identified at least 197 trafficking victims, a decrease from 242 identified during the previous reporting period. The government ran one social rehabilitation center in Lilongwe for vulnerable children, orphans, and child trafficking and gender-based violence victims, providing counseling and rehabilitation services. The government reported referring more than 150 potential trafficking victims to the center in 2015 compared with 100 victims in 2014. Individuals familiar with the facility described the center as chronically underfunded and unsuitable for trafficking victims, especially children; conditions at the center were so dire some child sex trafficking victims reportedly

chose to leave the shelter and return to the brothels from which they had been removed. The lack of adequate and sustained assistance left victims vulnerable to re-trafficking.

Around 300 police stations at the sub-district level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately and the quality of services remained variable throughout the country. Some foreign victims avoided these centers due to fear of deportation. There was no alternative of providing foreign victims with temporary residency or other legal alternatives to their removal to their countries of origin; foreign victims faced deportation unless they challenged their immigration status in court. In 2015, there were no credible reports of trafficking victims being detained, fined, or jailed for unlawful acts committed as a direct result of their being subjected to trafficking; however, due to a lack of formal victim identification procedures during the reporting period, and the absence of alternatives to deportation for trafficking victims, some unidentified trafficking victims may have remained in the criminal justice system or been deported.

## PREVENTION

The government's efforts to prevent trafficking waned due in part to an ineffective interagency process. Malawi continued to lack an anti-trafficking national action plan, as the board established to provide nationwide guidance on such efforts under the anti-trafficking legislation, which came into force in November 2015, has not yet convened. During the reporting year, the Malawi Network Against Child Trafficking, comprised of government officials, NGOs, and international stakeholders, did not hold regional-area meetings and convened only one meeting at the national level, compared with eight total meetings it held during the previous year. Most public awareness campaigns continued to be spearheaded by NGOs. During the reporting year, officials did not report conducting any labor inspections; in 2014, however, the government facilitated at least 215 child labor inspections. Due to a withdrawal of most direct budget support from bilateral and multilateral donors and lack of government funding resulting in poorly paid staff, more than 60 percent of positions within the Ministry of Labor were vacant, impeding efforts to identify and penalize fraudulent labor recruitment during the year. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor. Malawi did not provide anti-trafficking training for its diplomatic personnel. With support and assistance from foreign entities, the government ensured Malawian troops received anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

## MALAYSIA: Tier 2 Watch List

Malaysia is a destination and, to a much lesser extent, source and transit country for men, women, and children subjected to forced labor and women and a small number of children subjected to sex trafficking. The majority of trafficking victims are among the estimated two million documented and an even greater number of undocumented migrant laborers in Malaysia. Foreign workers—primarily from Indonesia, Bangladesh, the Philippines, Nepal, India, Burma, and other Southeast Asian countries—typically migrate voluntarily to Malaysia to pursue better economic opportunities. Some of these migrants are subjected to forced labor or debt bondage by their employers, employment agents, or informal labor recruiters when they are

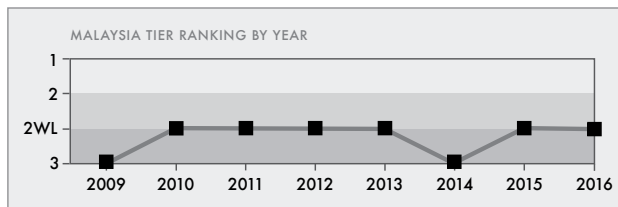
unable to pay the fees for recruitment and associated travel. Foreign workers employed by outsourcing or contract labor companies, which may or may not have oversight of personnel issues or day-to-day working conditions, have heightened vulnerabilities to exploitative labor conditions and a reduced ability to resolve disputes. Agents in labor source countries may impose onerous fees on workers before they arrive in Malaysia, in some cases causing debt bondage. Foreign workers in Malaysia and the companies which employ them are subject to a range of government fees for immigration processing, foreign worker levies, and other administrative processes. The law allows many of the fees, which are initially paid by employers, to be deducted from workers' wages, incentivizing employers to prevent workers from ending their employment before fees are recouped. Government regulations placed the burden of paying some immigration and employment authorization fees on foreign workers; this practice makes workers more susceptible to debt bondage. Authorities report organized crime syndicates are responsible for some instances of trafficking. Corruption among immigration and police officers remains a problem and impedes efforts to address trafficking.

Some migrant workers on palm oil and agricultural plantations, at construction sites, in the electronics industry, and in homes as domestic workers are subjected to practices that can indicate forced labor, such as passport retention—both authorized and unauthorized—and contract violations, restricted movement, wage fraud, and imposition of significant debts by recruitment agents or employers. Discoveries of migrant camps and mass graves along the border with Thailand in 2015 generated reports some officials were complicit in facilitating migrant smuggling, which may have included trafficking crimes. In previous years, some forced labor victims—such as Cambodian and Burmese men on Thai fishing boats in Malaysian waters—escaped their traffickers in Malaysian territory. After reports of abuse, the Cambodian government instituted a ban in 2011 on its citizens becoming maids in Malaysia. The ban was lifted in December 2015 after the signing of two memoranda of understanding between the Governments of Cambodia and Malaysia to improve regulation of foreign worker contracts and protect workers' rights; some Cambodian women remain subjected to domestic servitude. In efforts to circumvent anti-trafficking protections established by the Indonesian government, there are reports that some Indonesian workers may transit Malaysia legally en route to Middle Eastern countries, where some may be subjected to domestic servitude. Although significantly fewer than the number of forced laborers, some young foreign women—mainly from Southeast Asia, and to a much lesser extent Africa—are recruited ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, but are instead forced into prostitution. Some Vietnamese women and girls enter into brokered marriages in Malaysia and are forced into prostitution.

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

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

making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Malaysia is placed on Tier 2 Watch List for the second consecutive year. In July 2015, Parliament passed amendments to the existing anti-trafficking law to reform its victim protection system; these amendments legally came into force in November. The government co-chaired, with an internationally recognized trafficking expert, a consultation session with civil society stakeholders to develop implementing regulations for the amendments, focusing on legal changes allowing trafficking victims to live and work outside of government facilities; it then hosted two subsequent consultation sessions with civil society. In unparalleled form, the government shared the full text of draft implementing regulations with more than 40 invited participants in advance of each consultation session and collaborated with NGOs and international organization representatives to make line by line edits to the drafts during the last two sessions. The regulations were completed in March 2016 but awaited formal adoption at the close of the reporting period. In an effort to allow victims to move freely and work outside government facilities, the government collaborated with an international hotel chain to identify employment opportunities, advertised the positions to more than 100 trafficking victims, issued work permits to four trafficking victims, and arranged medical screenings as part of the work permit approval process for an additional five victims during the year. However, two of the first four workers subsequently left their jobs, and many victims declined to participate in the program, citing a desire to return home instead. Malaysia initiated fewer trafficking investigations and prosecutions compared to last year, but increased convictions from three to seven. Sentences for convicted traffickers varied, but some were insufficiently stringent. The government questioned several officials after the discovery of mass graves on the Thai border, but did not prosecute any officials during the reporting period for complicity in trafficking crimes. The government maintained a dedicated anti-trafficking police force, doubled the number of specialized anti-trafficking labor inspectors, and increased the number of specialized trafficking prosecutors. The government did not convict any employers for unauthorized retention of passports, despite pervasive passport retention and the inherent difficulty in determining if an employee has willingly allowed his or her employer to safeguard the passport. This marks a decrease from one such conviction in 2014. Malaysia continued its government-sponsored trafficking prevention efforts, including public awareness campaigns and the signing of nine bilateral memoranda of understanding with labor source countries to improve regulation of foreign worker contracts and protect workers' rights.



#### RECOMMENDATIONS FOR MALAYSIA:

Adopt, publicly gazette, and fully implement the regulations for the 2015 amendments to the anti-trafficking law and allow trafficking victims to obtain employment and move freely in and out of government and NGO facilities; increase the number and effectiveness of trafficking prosecutions and convictions,

including of complicit officials, through improved collaboration across law enforcement agencies, stronger cooperation between law enforcement officers and prosecutors, more effective investigations, reduced court delays, and increased judicial familiarity with the full range of trafficking crimes, particularly forced labor; increase the capacity of labor inspectors to identify trafficking victims among vulnerable groups, such as migrant workers, and to effectively investigate labor trafficking; readjust the foreign worker levy schedule to make employers, not employees, responsible for government-imposed fees; improve case management and communication with trafficking victims, including through increased prosecutor-victim interaction at least two weeks prior to trial in compliance with the attorney general's directive; increase collaboration with and allocate additional funding to credible and effective NGOs that house and counsel victims, including in respective native languages; ensure that workers, including domestic workers, are fully informed 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 that passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labor source countries; effectively enforce the law prohibiting employers from retaining passports without employees' consent, educate workers and employers on foreign worker rights, including legal recourses and remedies against traffickers, and ensure employers provide lockers or other secure passport storage facilities; expand labor protections for domestic workers, continue investigating allegations of domestic worker abuse, and educate employers about domestic workers' rights; and fully implement the 2016-2020 national plan to combat trafficking.

## PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. These efforts resulted in a decreased number of investigations and prosecutions, but an increase in trafficking convictions from three to seven. Malaysia's 2007 Anti-Trafficking in Persons Act—amended in 2010 and again in 2015—prohibits all forms of human trafficking and prescribes punishments of up to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. In 2015, the government completed 158 investigations of potential trafficking cases—a decrease from 186 in 2014—and reported 247 arrests for suspected trafficking crimes, a figure that was unavailable in the previous year. Officials continued to rely on labor inspections and reports from workers to initiate labor trafficking investigations. The government initiated prosecutions against 38 alleged trafficking offenders—including 24 for sex trafficking and 14 for forced labor—down from 54 prosecutions initiated the previous year. The government convicted seven traffickers—five for sex trafficking and two for labor trafficking—marking an increase from three traffickers convicted in 2014. Sentences for convicted traffickers varied; the average was five years in prison. However, the majority of sentences were weak and incommensurate with those prescribed for other serious offenses, including a trafficker who was administered one day in prison plus a fine of RM 20,000 (\$5,000), and three others who given sentences of one to three and one-half years' imprisonment. The Attorney General's Chambers reported a majority of prosecutors were complying with the 2014 written directive requiring them to engage with victims at least two weeks prior to trial to better understand and address victims' concerns about the process and duration of trials. However, the limited availability of certified interpreters

and Malaysia's decentralized jurisdictions remained challenges. The government continued to pursue cases that could not meet the evidentiary standard for the anti-trafficking law, re-classifying them under the Employment Act, the Immigration Act, and other related laws for prosecution. However, accountability for traffickers remained disproportionately low compared to the scale of the human trafficking problem in the country.

The Royal Malaysia Police maintained a specialized anti-trafficking unit, and the labor department doubled its specialized trafficking enforcement team to approximately 30 during the reporting period. The Attorney General's Chamber appointed 13 additional trafficking-specialist deputy public prosecutors throughout Malaysia, raising the total to 42, an increase from the 29 on staff in 2014. The government's enforcement of the prohibition on unauthorized passport retention by employers remained limited. The government did not prosecute any employers for this crime in 2015; in 2014, it convicted one defendant for unlawfully withholding 29 employees' passports and fined him RM 5,000 (\$1,400). The practice of passport retention remained widespread and problematic; Malaysian law allows employers to hold workers' passports with the workers' permission, but it is difficult to determine if workers have freely given permission and some employers may retain the passports in order to preclude workers from changing jobs.

Each of Malaysia's five enforcement agencies continued to conduct anti-trafficking trainings for an unknown number of officials, focusing on victim protection, law enforcement, and prosecution, among other topics. The government facilitated 10 national briefing sessions at state levels to inform relevant agencies on critical aspects of the 2015 amendments to the anti-trafficking law. Government representatives organized a course for the judicial sector during which the Attorney General's Chamber briefed sitting judges on elements of human trafficking. During the year, Malaysian officials participated in a specialized course and bilateral meeting facilitated by the Philippine regional police on cross-border trafficking issues. The May and August 2015 discoveries of migrant camps and mass graves along the border with Thailand fueled reports corrupt officials facilitated migrant smuggling, which may have included trafficking crimes. Although Malaysian authorities detained an unknown number of police and forestry officials for questioning, the government did not report any prosecutions or convictions of government officials complicit in trafficking.

## PROTECTION

The government made some efforts to protect victims. The government continued to reform its victim protection system, including some progress on a regulatory framework to allow victims' freedom of movement and right to work. In July 2015, Parliament passed amendments to the anti-trafficking law, which officially went into force in November 2015. The revised law allows victims to work and to move freely in and out of government facilities; allows the court to order convicted traffickers to pay restitution to trafficking victims and provides an avenue for trafficking victims to bring civil suits against their abusers; expands interim protection orders from 14 to 21 days to allow for more thorough investigations; allows NGOs to house victims legally as designated protection officers; and institutionalizes a high level anti-trafficking committee. With some international funding, the government and an internationally recognized trafficking expert co-chaired a consultation session with civil society stakeholders to solicit feedback and recommendations on the development of implementing regulations for the amendments to the anti-



trafficking law, focusing on legal changes allowing trafficking victims to live and work outside of government facilities. The government then hosted two subsequent consultation sessions with civil society. In an unprecedented effort, the government shared the full text of draft implementing regulations with more than 40 invited participants in advance of each consultation session and collaborated with NGOs and international organization representatives to make edits to the drafts during the last two sessions.

The Ministry of Home Affairs completed the implementing regulations in March 2016; however, they were not officially in effect at the close of the reporting period, as they awaited formal adoption and publication in the official gazette. The final version of the draft regulations reflected some international best practices and NGO input. Additional consultations with civil society stakeholders are required to address remaining operational issues, including limitations on certain nationalities working in specific sectors, accountability for providing medical screenings and risk assessments, and the role of NGO protection officers. If fully implemented, the 2015 amendments to the anti-trafficking law would allow all trafficking victims—including foreigners—who received a protection order to stay at a government facility in Malaysia, to work, and to come and go freely from government or NGO facilities, pending a medical screening and risk assessment.

During the reporting period, the government collaborated with an international hotel chain to identify employment opportunities for trafficking victims and advertised the positions to more than 100 trafficking victims in government facilities. Nine accepted the offer during the reporting period. Many who declined participation cited preferences to return to their respective countries of origin or dissatisfaction with the salary offered by the hotel chain, which was nearly double the Malaysian minimum wage. The government issued work permits for four trafficking victims and arranged medical screenings for the remaining five, who awaited the issuance of their work permits at the end of the reporting period. In these cases, the government identified and removed administrative obstacles that make hiring a foreign worker a complicated and protracted process. Two of the four newly employed trafficking victims left their jobs a few weeks after beginning work. The government presented this employment offer to newly identified trafficking victims and other shelter residents on a regular basis, yet many women continued to decline the opportunity.

The government reported independent law enforcement agencies followed standardized procedures to identify trafficking victims. Officials initiated labor trafficking investigations after labor inspections and workers' reports of non-payment of wages. In 2015, the government identified 1,386 potential trafficking victims, of which it confirmed 305 as trafficking victims, on par with 303 identified victims in 2014. The victims were mainly Vietnamese and Indonesian, followed by Filipino and Thai nationals. The government did not always proactively screen the vulnerable migrant worker population for indicators of trafficking, which left an unknown number of potential victims unidentified and without proper care. The anti-trafficking law provides trafficking victims immunity from immigration offenses. Potential trafficking victims who denied they had been subjected to trafficking or whose employers confiscated their documents were sometimes detained, deported, or charged with immigration offenses.

During the year, most trafficking victims were housed in government facilities as part of a court-ordered 21-day

interim protection order (for suspected trafficking victims) or a subsequent 90-day protection order (for certified trafficking victims). The longest recorded stay during the year was seven months. Many victims preferred to immediately return to their home countries and, in a few cases, some foreign embassies sheltered victims in order to expedite their repatriation and provide an alternative to being housed in Malaysian government facilities. Although the law permits victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings. In an effort to avoid protracted criminal proceedings and return home more quickly, many victims were unwilling to testify against their traffickers. Reports alleged traffickers threatened victims or bribed them with out-of-court settlements.

The Ministry of Women, Family, and Community Development maintained seven facilities to house trafficking victims—four for women, one for men, and two for child trafficking victims. The government provided basic services to those staying in its facilities, including food, medical care, social and religious activities, and security; NGOs provided some victim rehabilitation and counseling services in most shelters, typically without government-allocated funding. During the reporting period, Malaysian officials negotiated a cooperative agreement to provide a local NGO service provider with RM 44,000 (\$11,000) to conduct therapeutic activities at the government's trafficking shelter in Kuala Lumpur. Victims could make phone calls at least once per month and more often when shelter capacity was not maximized. The government maintained its allocation of RM 4,000,000 (\$1,000,000) to the Ministry of Home Affairs and RM 4,600,000 (\$1,150,000) to the Ministry of Women, Family, and Community Development to operate government facilities for trafficking victims in 2015.

## PREVENTION

The government modestly increased efforts to prevent trafficking. Malaysia's anti-trafficking council (MAPO) was headed by the home affairs ministry and included representation from five enforcement bodies, other government entities, and two NGO representatives. It met monthly and was active in coordinating interagency anti-trafficking efforts. The cabinet convened one meeting to discuss human trafficking issues during the reporting period and separately approved the implementing regulations for the anti-trafficking law; it held four meetings during the previous year. The government drafted a national action plan spanning 2016-2020 to supersede its 2010-2015 plan. The government's anti-trafficking awareness campaigns continued to highlight criminal penalties associated with commercial sexual exploitation. The government produced and aired 6,447 public service radio broadcasts and 1,347 television segments during the reporting period, an increase from 3,947 and 1,179 announcements, respectively, in 2014. It also disseminated 50,000 informational booklets on trafficking via 139 information centers around the country. Public statements on flights arriving from source countries warned of severe punishments under the anti-trafficking law. Media frequently covered trafficking-related news, although often conflating it with migrant smuggling. The home affairs ministry continued outreach to electronics companies and other Malaysian employers on trafficking issues, including at the Malaysian Employer's Federation Academy Symposium in October 2015; in 2014, it targeted 100 companies in the electronics industry in Penang, Shah Alam, and Johor to sensitize strategic public fora on forced labor indicators, such as passport retention. The government co-organized with international anti-trafficking organizations a regional workshop in Kuala

Lumpur in December 2015, wherein participants from the Association of Southeast Asian Nations member states and civil society worked together to develop common indicators for practitioners to more effectively identify trafficking victims.

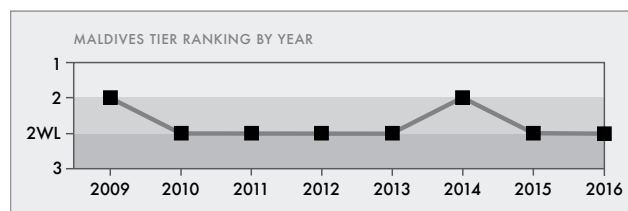
The government signed memoranda of understanding with the governments of Sri Lanka, Vietnam, Thailand, China, Pakistan, Bangladesh, India, Cambodia, and Indonesia to improve regulation of foreign worker contracts and rights. In December 2015, the government signed two memoranda of understanding to govern the employment of Cambodian domestic workers in Malaysia, which prompted the Cambodian government to rescind its 2011 ban on its nationals traveling to Malaysia to work as household maids; however, some women remained subjected to domestic servitude. Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage. Labor inspectorates conducted more than 47,000 labor inspections, issued 6,500 citations for contraventions of the Employment Act, and referred seven cases of exploitative labor for criminal proceedings, a relatively low number given the extent of labor trafficking in the country; results of the seven referrals were unavailable at the close of the reporting period. The Labor Court also resolved more than 16,000 cases of non-payment of wages and compelled employers to pay more than RM 35.4 million (\$8.85 million) in back pay and approximately RM 2.2 million (\$550,000) in fines. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.

## MALDIVES: Tier 2 Watch List

Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking, and a source country for women and children subjected to labor and sex trafficking. An unknown number of the approximately 130,000 and 60,000 documented and undocumented foreign workers in Maldives, respectively—primarily Bangladeshi and Indian men in the construction and service sectors—experience indicators 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 \$400 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. NGOs allege officials may warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses and be involved in labor recruiting practices that can lead to trafficking. A small number of women from Asia, Eastern Europe, and former Soviet countries, as well as girls from Bangladesh and Maldives, are subjected to sex trafficking in Maldives. Maldivian children are transported to the capital, Male, from other islands for domestic service; some of these children are also reportedly subjected to sexual abuse and may be victims of forced labor. Maldivian women may be subjected to sex trafficking in Sri Lanka.

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government launched its national action plan, a training curriculum on trafficking

for new immigration officials, and a reporting hotline. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Maldives is placed on Tier 2 Watch List for the second consecutive year. The government did not initiate any new prosecutions; police stated they lacked training on evidence gathering. Victim protection was inadequate and inconsistent—victims lacked regular access to medical and psycho-social support. At the end of the reporting period, the government formally adopted victim identification guidelines but had not yet adopted standard operating procedures (SOPs) for victim identification, protection, and referral, thereby preventing proactive identification of victims.



## RECOMMENDATIONS FOR MALDIVES:

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

## PROSECUTION

The government maintained weak anti-trafficking law enforcement efforts. The Prevention of Human Trafficking Act (PHTA) prohibits many, but not all, forms of sex and labor trafficking under articles 12, 13, 14, and 16. The law prohibits internal and transnational trafficking. However, in a departure from the 2000 UN TIP Protocol definition, it generally requires the acts of exploitation be predicated on movement and does not criminalize child sex trafficking in the absence of coercion. The law does prohibit debt bondage and some forms of child trafficking without requiring movement. Article 13 is also beyond the scope of the 2000 UN TIP Protocol definition, in defining as a form of trafficking in persons the compelling of a person to undergo a medical test after being transported. The law prescribes penalties of up to 10 years' imprisonment, which are sufficiently stringent, but are not commensurate with those prescribed for other serious crimes, such as rape.

The government reported investigating six trafficking cases during the reporting period, compared with five in 2014; for the third consecutive year, authorities did not initiate any new prosecutions. The police referred two cases to the Prosecutor General's Office (PGO), but prosecution was not initiated due to lack of evidence. Police reported they lacked adequate

training on gathering evidence for trafficking cases. The PGO continued prosecuting one sex trafficking case against three foreign nationals from the previous reporting period. The government did not convict any trafficking offenders in 2014 and 2015, compared with one conviction in 2013. Government ministries and others frequently held the passports of foreign workers they employed, as well as those of foreign victims in trafficking cases, despite the PHTA defining the destruction or withholding of a person's passport or identity documents as an act of "exploitative conduct." The government reported Maldives immigration investigated 30 cases of withholding of passports; however it is unclear what action the government took to penalize the retention of migrant workers' passports.

Officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Despite reports of a need for trafficking-specific training—especially for investigators, prosecutors, and judges—the government did not provide such training to personnel. An international organization, supported with foreign funding, conducted training for 235 officials from various agencies. During the reporting period, Maldives immigration launched a mandatory training curriculum on trafficking for new recruits and conducted training for 150 police and immigration officials. Authorities did not report collaborating on transnational investigations with foreign counterparts, despite the identification of foreign victims who were referred to law enforcement by foreign high commissions during the reporting period. Law enforcement efforts continued to be hampered by the absence of dedicated foreign language interpreters for victim-witnesses. NGOs reported some officials warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses. Despite these reports and others that officials may have been involved in labor recruiting practices that can lead to trafficking, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government demonstrated limited progress in victim protection; while victim identification guidelines were formally adopted, victim care services remained limited. The anti-trafficking law stipulates a 90-day reflection period, during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. Victims are entitled to receive rehabilitative services, including shelter, health care, counseling, translation services, and police protection; however, in practice, victim care services are limited. Victims lacked regular access to medical and psycho-social support. Since the closure of the state-run shelter in 2014, the government rented apartments for identified victims and provided a monetary stipend on an as-needed basis. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. Maldives immigration maintained a shelter for undocumented male migrant workers, but this shelter did not provide trafficking-specific services. There were no local NGOs providing services to trafficking victims during the reporting period.

The government identified nine victims during the reporting period, the same number identified in 2014. All nine of the victims were male foreign nationals and subjected to forced labor. The government provided eight of the victims with apartments and the ninth victim secured accommodation through his government's diplomatic representation in Maldives. Victim identification guidelines were endorsed by the anti-

trafficking national steering committee (NSC) in December 2015 and formally adopted in February 2016. In January 2016, NSC finalized SOPs for victim identification, protection, and referral and sent the SOPs to the president's office; however, the procedures had not been formally adopted at the end of the reporting period. In the absence of SOPs, Maldives police reported officials used international victim identification guidelines but acknowledged these procedures were often ill-suited for the Maldivian context. Immigration officials reported they screened all foreign workers detained for deportation for trafficking indicators and referred three suspected cases to the police; however, officials also stated some potential victims may have been deported. Foreign victims assisting an investigation or prosecution could receive a renewable visa; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Maldives immigration funded the repatriation of nine trafficking victims, five of whom were identified in a previous reporting period.

## PREVENTION

The government demonstrated limited progress in preventing trafficking. The government launched a national action plan in May 2015 but did not formally adopt it, thereby limiting its implementation; officials noted they had failed to meet several deadlines and would have to amend the plan. The Ministry of Economic Development remained in charge of coordinating government and NGO anti-trafficking efforts through NSC and, in November 2015, convened a new interagency advisory committee to advise this body and monitor the government's implementation of national anti-trafficking efforts. The Ministry of Law and Gender, a former chair of the steering committee, was largely excluded from the government's anti-trafficking infrastructure, subsequently increasing coordination challenges.

In March 2016, the government formally revised employment agency regulations to restrict, among other requirements for an operating license, recruitment of migrant workers only from registered and regulated employment agencies in source countries. Maldives immigration conducted 21 one-hour interactive radio programs focused on human trafficking and hosted other programs on television and radio where trafficking was discussed. Immigration officials reported blacklisting 157 labor-recruiting companies and individuals for various labor-related infractions; however, officials noted blacklisting was ineffective as companies could register under a new name to continue operations. Maldives immigration launched a program allowing undocumented victims of labor law violations to be employed by a local company and given legal status to remain in the country; 400 foreign workers have utilized this program. The police launched a dedicated human trafficking reporting hotline and the government advertised the hotline in the media and informed foreign embassies. The government provided written guidance, but did not provide anti-trafficking training for its diplomatic personnel. The government did not report any efforts to reduce the demand for commercial sex acts or forced labor. Maldives is not a party to the 2000 UN TIP Protocol.

## MALI: Tier 2 Watch List

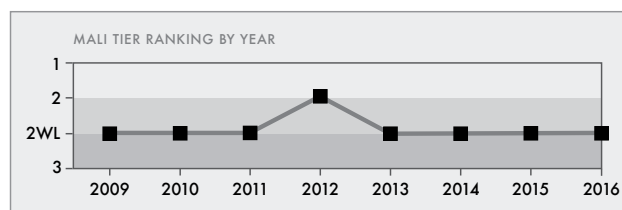
Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking; however, boys from Guinea and Burkina Faso are subjected to forced labor in artisanal gold



mines, and women and girls from other West African countries, particularly Nigeria, are exploited in prostitution throughout Mali. Women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines and subjected to sex trafficking. Boys are subjected to forced labor in agriculture, artisanal gold mines, domestic work, transportation, and the informal commercial sector. Men and boys, primarily of Songhai ethnicity, are subjected to debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tuareg community are subjected to slavery practices rooted in traditional relationships of hereditary servitude. Malian boys and other West African nationals are forced into begging by unscrupulous *marabouts* (religious teachers) in Mali and neighboring countries. NGO reports indicate Malian children endure forced begging in Senegal and Guinea and forced labor on cotton and cocoa farms in Cote d'Ivoire. Other Africans transiting Mali to Europe, primarily via Algeria and Libya and less so Mauritania, are vulnerable to trafficking. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia. Reports allege corruption is pervasive throughout the security forces and judiciary, which impedes government efforts to prosecute crimes in general, including trafficking.

In early 2012, rebel and Islamic extremist groups invaded and occupied northern Mali. During their 2012-2013 occupation of the north, these terrorist organizations and armed groups recruited and used children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols. These groups reportedly used girls for sexual exploitation, including sex slavery through forced marriages to members of these militias. These armed groups purportedly forced some families to sell their children to the groups. Although the number of child soldiers continued to decrease during the reporting year, NGOs and international organizations reported some children remain involved with armed groups. Although there is no evidence the Malian military recruits or uses child soldiers, poor military recordkeeping systems and the ready availability of fraudulent birth certificates impeded the government's ability to verify the precise age of all Malian soldiers. The unstable security environment in and extremely restricted access to northern Mali, where the government exercises limited territorial control, limited the availability of comprehensive reporting.

The Government of Mali does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Mali is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Mali was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. While the government, in partnership with NGOs, identified and referred 63 victims to protective services during the reporting year, and distributed 600 copies of its anti-trafficking law to the judiciary, it did not convict any trafficking offenders and did not conduct any national awareness campaigns.



## RECOMMENDATIONS FOR MALI:

Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers; train judicial personnel on how to effectively use the 2012 anti-trafficking law; develop standardized mechanisms to identify potential trafficking victims and refer them to care; train law enforcement on effective case investigation techniques and how to develop standardized identification and referral procedures; expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants; fully implement the 2015-2017 national action plan to combat trafficking; and increase efforts to raise public awareness about trafficking.

## PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices prohibits all forms of trafficking of adults and children. The law prescribes penalties of five to 10 years' imprisonment, and a maximum of 20 years' imprisonment for cases involving aggravating circumstances, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. In an unprecedented effort to apprise judicial personnel on the 2012 anti-trafficking law, the ministry of justice distributed 600 copies of the 2012 law to judges and magistrates for dissemination to all courts nationwide. The justice minister also issued a decree instructing all judicial personnel to prioritize prosecutions of cases under the anti-trafficking law. The government investigated three potential trafficking cases during the reporting period, compared to one case investigated during the previous period, which was dismissed for lack of evidence of trafficking indicators. It did not convict any traffickers. The government, in conjunction with an international organization, facilitated four trafficking-specific training workshops for 135 officials, including law enforcement personnel, labor inspectors, and prosecution and judicial officials. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government sustained minimal efforts to protect trafficking victims. Government officials and NGO partners identified 63 trafficking victims, compared with 48 during the previous reporting period. The government provided nominal assistance to victims, including familial reunification and travel documentation, but continued to rely solely on privately-funded NGOs and international organizations to provide victims with shelter, counseling, food, repatriation, and reintegration services. The government did not provide financial support to NGOs that assisted victims. The government did not report identifying or assisting any victims of traditional slavery in areas where these practices are prevalent. The government remained without standardized mechanisms to identify potential trafficking

victims and refer them to care. Mali offers legal alternatives to removal to countries in which victims would face retribution or hardship.

While reports of child soldiering declined during the reporting period, international organizations reported viewing children among the ranks of rebel militias and terrorist organizations in the north. According to an international organization, five children remained in government detention for suspected association with armed groups. The government referred two formerly-detained children to rehabilitation centers. The government adopted an inter-ministerial protocol in 2013 to require liberated child soldiers to be transferred to rehabilitation centers rather than prison, and continued to follow that procedure.

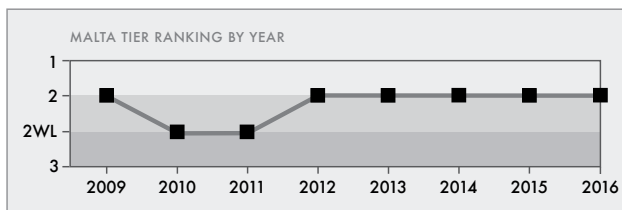
## PREVENTION

The government made modest efforts to prevent trafficking. Malian officials allocated 250 million FCFA (\$430,000) toward the three-year national action plan (2015-2017) to combat trafficking and took some steps to implement it in 2015. The national committee, charged with coordinating government anti-trafficking efforts, met infrequently during the reporting period. The government designed an awareness-raising theatrical piece for broadcast by television and radio, but it did not air the sketch by the end of the reporting period. During the year, the government trained 21 labor inspectors on forced labor indicators; however, the labor inspectors remained without sufficient capacity to regulate the informal sector, where most cases of forced labor occurred. The government made no efforts to decrease the demand for forced labor or commercial sex acts in Mali. It did not provide anti-trafficking training for its diplomatic personnel and peacekeepers deployed abroad.

## MALTA: Tier 2

Malta is a source and destination country for women and children subjected to sex trafficking and a destination for women and men subjected to labor trafficking. Female sex trafficking victims primarily originate from China, Hungary, Poland, Romania, Russia, and Ukraine. During the reporting period, a Tunisian woman was subjected to sex trafficking in Malta. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims largely originate from China, Indonesia, the Philippines, and Vietnam. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe working in nightclubs represent populations vulnerable to exploitation. The approximately 5,000 irregular migrants from African countries residing in Malta may be vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors.

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government provided trafficking victims with shelter and services and funded training for police officers, community center employees, and diplomats; in addition, its inter-ministerial anti-trafficking committee continued to implement the national action plan. However, the government investigated and prosecuted fewer trafficking cases, identified fewer trafficking victims, did not adequately fund anti-trafficking efforts, and did not conduct national awareness campaigns.



## RECOMMENDATIONS FOR MALTA:

Vigorously investigate and prosecute trafficking offenses and pursue adequate sentencing for convicted trafficking offenders; increase anti-trafficking training for police officers and offer training to prosecutors and judges, with a focus on working with victims; increase funding to the inter-ministerial committee to implement the national action plan; strengthen efforts to proactively identify trafficking victims among vulnerable populations, particularly migrant workers, women in prostitution, and children exploited for commercial sex; train stakeholders on the use of the standard operating procedures for victim referral; implement the newly adopted guidelines to protect irregular migrants from arbitrary detention; and conduct an anti-trafficking national awareness campaign.

## PROSECUTION

The government demonstrated a slight decrease in law enforcement efforts. Malta prohibits both sex and labor trafficking through article 248A-G of the criminal code, which prescribes penalties of four to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government conducted two investigations and initiated two prosecutions during the reporting period, demonstrating a decrease from the previous reporting period, when the government conducted five investigations and initiated seven prosecutions. Both prosecutions remained pending at the close of the reporting period. The government has not obtained a conviction since early 2012. The three labor trafficking prosecutions initiated in 2014 were still pending at the close of the reporting period. The appeal of a 2012 conviction of a police officer for alleged involvement with the trafficker remained pending. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offences.

The slow pace of court proceedings hampered prosecutions relying on foreign victims to provide testimony in court. The government, in collaboration with an international organization, provided training for 10 police officers and 35 community center employees on victim identification; however, it did not offer training for prosecutors or judges. Frequent turnover of vice unit investigators, who also served as prosecutors, presented a challenge to authorities working to ensure all stakeholders receive specialized training.

## PROTECTION

The government demonstrated modest efforts to protect trafficking victims. Police identified two trafficking victims, a decrease from 18 victims identified in the previous reporting period. Both victims were foreign women; one was a victim of sex trafficking and one was a victim of both labor and sex trafficking. Although there are no shelters specifically for trafficking victims in Malta, the government, in partnership with NGOs, provided both victims with emergency shelter and services, as well as legal support. NGOs continued to provide

support and services to 10 trafficking victims identified in 2014, some of whom also continued to receive financial support from the government. The government has never formally identified a child trafficking victim.

The government had standard operating procedures in place that allowed a range of entities to refer victims to the government's social welfare agency for care, including emergency shelter. The government encouraged 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 conference. Maltese law offered victims a two-month reflection period to recover and contemplate cooperation with law enforcement. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a temporary residence permit, police protection, legal assistance, and the right to work. The government provided these entitlements to both trafficking victims identified during the reporting period. There were no reports the government penalized victims for unlawful acts committed as a direct result of being subjected to trafficking. Maltese courts, however, have convicted some children for prostitution in recent years, and these may have been unidentified victims of sex trafficking. Additionally, migrants who entered the country illegally, some of whom may have been trafficking victims, were routinely held in detention centers. In December 2015, the government issued new guidance that limited the circumstances under which irregular migrants could be detained; implementation of the new procedures remained pending at the close of the reporting period.

## PREVENTION

The government demonstrated modest anti-trafficking prevention efforts. For a second consecutive year, the government maintained an anti-trafficking budget of 20,000 euros (\$21,760), a decrease from previous years. The government did not conduct any anti-trafficking awareness campaigns. The inter-ministerial anti-trafficking committee was charged with implementing the national action plan; however, implementation was hindered due to a lack of funding. Although authorities conducted 19 labor inspections, the government did not make efforts to reduce the demand for commercial sex acts or forced labor. The committee publicly released two semi-annual reports monitoring the government's anti-trafficking efforts in 2015. The social welfare agency continued to run a hotline for individuals in need of social services, including trafficking victims. The government funded anti-trafficking training for its diplomatic personnel; the training was provided by an international organization.

## MARSHALL ISLANDS: Tier 3

The Republic of the Marshall Islands (RMI) is a source and destination country for RMI women and children and women from East Asia subjected to sex trafficking. RMI girls are recruited by foreign business owners to engage in prostitution with crew members of foreign fishing and transshipping vessels that dock in Majuro. Some of these foreign fishermen may themselves be subject to conditions indicative of forced labor on ships in Marshallese waters. Foreign women, most of whom are long-term residents, are subjected to forced prostitution in establishments frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women are recruited with the promise of legitimate work and, after paying large recruitment fees, are forced into prostitution. Limited reports

indicate some Marshallese searching for work in the United States experience indicators of trafficking, such as passport confiscation, excessive work hours, and fraudulent recruitment. Some Marshallese children are transported to the United States where they are subjected to situations of sexual abuse with indicators of sex trafficking.

The Government of the Republic of the Marshall Islands does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government's National Task Force on Human Trafficking (NTHT) drafted and submitted for cabinet approval a national action plan developed from its monthly meetings between law enforcement, NGOs, and other government representatives and has begun implementing part of the plan while awaiting endorsement from the cabinet. The NTHT's awareness-raising efforts to combat trafficking in persons reached more than 1,500 people during the reporting period and focused on at-risk young, economically disadvantaged Marshallese. In 2015, the government passed and enacted the Child Rights Protection Act, which addressed the gap in criminalization of domestic child trafficking in RMI's legislation. However, the government failed to effectively implement its anti-trafficking law; and government officials have not reported any trafficking prosecutions for five consecutive years. The government made no efforts to proactively identify victims, especially among vulnerable populations, such as foreign and local women in prostitution and foreign men working on fishing vessels in Marshallese waters.



## RECOMMENDATIONS FOR THE MARSHALL ISLANDS:

Increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers; amend the criminal code to prohibit all forms of trafficking; adopt proactive procedures to identify trafficking victims among vulnerable groups, such as foreign workers and women in prostitution; approve a national plan of action that outlines RMI's plan to combat trafficking and has dedicated resources for implementation; train law enforcement and prosecution officials to implement the anti-trafficking laws; adopt comprehensive labor codes to govern workers' rights and employers' responsibilities; prosecute public officials when they are complicit in trafficking activities; fund and administer, in cooperation with NGOs and international organizations, protective services for victims; develop and conduct anti-trafficking education and awareness-raising campaigns; undertake research to study human trafficking in the country; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government increased some of its anti-trafficking law enforcement efforts. Article 251 of the criminal code prohibits only transnational forms of human trafficking and prescribes penalties of up to 35 months' imprisonment for the trafficking of adults and up to 10 years' imprisonment for the trafficking of children. The penalties for subjecting children to trafficking



are sufficiently stringent, but the penalties for adult trafficking are not, and only the penalties for the trafficking of children are commensurate with those prescribed for other serious crimes, such as rape. In addition to trafficking, article 251 also criminalizes other activities, including labor violations and the promotion of prostitution. In October 2015, the government passed and enacted the Child Rights Protection Act to prohibit the domestic and transnational trafficking of children.

The government did not initiate any new trafficking investigations, compared to one initiated in 2013. The investigation initiated in 2013 involving foreign women in forced prostitution remained ongoing and did not result in prosecutions for trafficking offenses or convictions. The government facilitated two anti-trafficking trainings conducted by an international organization through the free provision of venues. Seventeen victim service providers received victim protection and identification training in January 2016, and 75 law enforcement officials and lawyers received anti-trafficking law enforcement training in March 2016. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government made no efforts to identify trafficking victims or ensure their access to protective services. The government has not identified any trafficking victims for five consecutive years. Law enforcement and social services personnel did not employ systematic procedures to proactively identify trafficking victims among high-risk populations, such as women in prostitution and foreign migrant workers onboard fishing vessels. The government reportedly made available free medical, legal, and police protection for trafficking victims, but no formal mechanism existed to verify this assistance was provided to any victims. The government did not provide or allocate funding specifically for the provision of services to victims. The government did not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution and did not provide victims long-term residence visas or legal employment opportunities. There were no reports of potential trafficking victims being punished for crimes committed as a result of being subjected to trafficking; however, the government identified no victims.

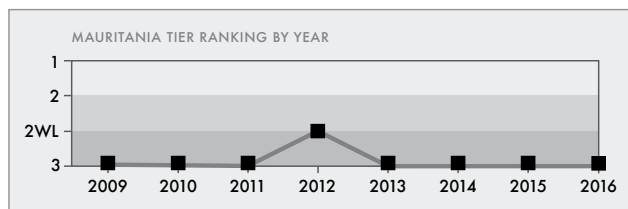
## PREVENTION

The government increased efforts to prevent trafficking. The NTHI, a cabinet-based advisory board, held monthly meetings with participation from the director of immigration, assistant attorney general, law enforcement authorities, NGOs, and faith-based organizations. The NTHI drafted a national plan of action and has presented it to the cabinet for approval. To educate the vulnerable population of young Marshallese looking to emigrate for employment, the NTHI proactively conducted anti-trafficking awareness-raising outreach to over 1,500 high school students, college students, government officials, and the general public in RMI's two major cities. The government did not provide anti-trafficking training for its diplomatic personnel. 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.

## MAURITANIA: Tier 3

Mauritania is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Adults and children from traditional slave castes in the Black Moor and Afro-Mauritanian communities are subjected to hereditary slavery-related practices rooted in ancestral master-slave relationships. Although reliable data on the total number of slaves does not exist, local and international experts agree hereditary slavery continues to affect a significant portion of the country's population, in both rural and urban settings. Held for generations by slave-holding families, persons subjected to hereditary slavery are forced to work without pay as cattle herders and domestic servants. Separately, some boys from Mauritania and other West African countries who study at Koranic schools are forced to beg for food and money to pay corrupt *imams*. Boys from low-income families in the Halpulaar community are most vulnerable to forced begging by unethical *imams*. Approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities, as well as women and girls from Mali, Senegal, The Gambia, and other West African countries—are forced into domestic servitude in Mauritania, sometimes by recruiters who fraudulently promise parents they will provide shelter and education for the children. West African women and girls are vulnerable to sex trafficking in Mauritania. Mauritanian women and girls are subjected to forced labor and sex trafficking abroad. During the reporting period, over 200 Mauritanian women—the majority of whom are members of traditional slave castes—were exploited in domestic servitude in Saudi Arabia after having been fraudulently recruited for nursing and teaching jobs by Mauritanian middlemen working for Saudi recruitment agencies. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian women and girls. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East promising substantial payment, and are exploited as sex slaves in Saudi Arabia and other Gulf countries. Law enforcement and judicial officials failed to appropriately investigate and prosecute cases of hereditary slavery brought to their attention.

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. In 2015, the government created courts exclusively to try slavery cases and enacted an anti-slavery law that allows some NGOs to bring forward slavery cases on behalf of victims. However, these courts were underfunded, the judges did not receive specific training on how to try human trafficking cases, and the government did not prosecute any traffickers. It did not provide adequate protective services to victims or establish procedures to identify victims among persons arrested for prostitution and individuals detained and deported for immigration violations. The government continued to imprison anti-slavery activists and repress civil society advocacy for an increase in anti-trafficking law enforcement efforts.



## RECOMMENDATIONS FOR MAURITANIA:

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

## PROSECUTION

The government made minimal anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons prohibits all forms of trafficking in persons except hereditary slavery and prescribes penalties of five to 10 years' imprisonment, which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The government, with assistance from civil society and international donors, drafted and enacted a new anti-slavery law in August 2015 that criminalizes slavery and prescribes sufficiently stringent penalties of five to 20 years' imprisonment, which exceed the penalties for other serious crimes. The law is overly broad in that it includes all forced marriage as slavery, which is not in line with the international definition of slavery. The law also mandated the creation of specialized anti-slavery courts to exercise exclusive jurisdiction over slavery cases. The government nominated three judges to the aforementioned courts—notably, none of the judges are from the traditional slave-holding caste—but the courts lacked funding, and none of the appointed judges were specifically trained in how to deal with the unique challenges of investigating human trafficking cases, including how to prevent traffickers from intimidating victims and victims from withdrawing their cases. The courts' limited funding and lack of resources—especially the lack of vehicles for courts that cover large geographic areas—hampered their effectiveness. The anti-slavery law authorizes human rights associations that have

been legally established and operating for at least five years to bring forward slavery lawsuits on behalf of victims; however, this authorization still does not empower one of the country's leading anti-slavery NGOs—which the government has not legally recognized—to bring forward such claims.

The government reported two investigations for forced labor involving three suspected traffickers and six victims, compared with one investigation the previous reporting period; as in the previous reporting period, it did not report any prosecutions or convictions for trafficking offenses. According to NGOs, the government received approximately 2,500 reports of child labor during the reporting period, but there is no evidence the government investigated these cases or any other cases of forced child labor. Between January 2014 and September 2015, an international organization identified 2,035 children working for former slaveholders—some of whom may have been the children's former slaveholders—and 674 children begging in Koranic schools. The National Agency to Fight against the Vestiges of Slavery, Integration, and the Fight against Poverty, or *Tadamoun*, submitted one criminal claim on behalf of a victim during the reporting period; however, the court later reclassified the violation as child exploitation, a crime that carries lesser penalties; in addition, against the criminal code, the court delivered the verdict without the victim or her lawyer present. The government made minimal efforts to investigate a few of the middlemen who facilitated the movement of more than 200 Mauritanian women to Saudi Arabia for labor exploitation, but it did not file any charges.

Efforts to address hereditary slavery remained especially weak. With assistance from an NGO, the government arrested a suspected slaveholder and freed three slaves he was allegedly holding; the suspect was released on bail pending trial. In December 2015, an NGO filed a complaint on behalf of three family members allegedly held in debt bondage. The prosecutor invoked the new 2015 anti-slavery law to appeal a settlement offer from the judge. In a positive contrast with previous years, the court of appeals rejected the settlement offer and ordered the two defendants to remain in prison; the case was pending at the end of the reporting period. The government reported that 17 other cases were pending among the three anti-slavery courts; however, it is unclear if the courts had initiated any prosecutions and how they had charged the defendants in these cases. NGOs reported law enforcement and judicial officials often used lesser statutes to prosecute hereditary slavery offenses, issuing charges such as unpaid labor.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, serious complicity concerns remained, including reports of police, prosecutors, and judges who refused to investigate and try cases of hereditary slavery. NGOs reported that in the majority of the 29 cases of hereditary slavery in Mauritania they studied between 2010 and 2015, either police closed the case without investigation or prosecutors refused to prosecute the defendants. Government agencies charged with combating trafficking lacked sufficient resources, personnel, and the political will to prosecute offenders. Despite the government's recognition that law enforcement and judicial officials lacked training on trafficking investigations and the 2015 anti-slavery law, it did not provide such training during the reporting period.

In an attempt to suppress civil society representatives advocating against hereditary slavery and systematic discrimination in Mauritania, the government continued to detain several anti-

slavery activists that it had convicted during the previous reporting period. After the court rejected the activists' first appeal in August 2015, they filed an appeal with the Supreme Court the following month that was pending at the end of the reporting period. One activist received parole in June 2015 on medical grounds, and the other two remained in prison. In September 2015, approximately 50 people peacefully protested the domestic servitude of Haratine women in Saudi Arabia outside the Saudi Arabian Embassy in Nouakchott. Local law enforcement used tear gas to break up the demonstration and arrested nine participants, who were eventually released.

## PROTECTION

The government maintained limited efforts to protect victims of human trafficking, including those exploited in hereditary slavery. The Ministry of Social Affairs, Childhood, and the Family opened a new public center for the protection and social integration of children, bringing the national total to seven such centers; 373 children received services from these centers, but it is unclear how many were trafficking victims. The government allocated 76.9 million ouguiya (\$233,000) to these facilities to fund staff and psycho-social assistance—a significant increase from 35 million ouguiya (\$107,000) allocated the previous reporting period. The facilities provided only short-term protections and generally returned children to their families or the *imams* who had facilitated their exploitation. These facilities also referred victims to NGO care providers. The government did not provide financial or in-kind support to NGOs, which continued to provide the majority of protective services to trafficking victims. An NGO repatriated 26 female Mauritanian trafficking victims from among over 200 identified in Saudi Arabia, with assistance from the Mauritanian Embassy in 16 of these cases. NGOs provided legal assistance and reintegration services to some of the victims upon return. One NGO provided psycho-social care and legal assistance to three alleged slaves during the reporting period; a second NGO reported assisting at least five female trafficking victims who had returned from Saudi Arabia, including one who had suffered both labor and sexual exploitation. There are no shelters dedicated specifically to trafficking victims, nor are there shelters available for adult trafficking victims. Lack of available long-term rehabilitative care in Mauritania made many victims vulnerable to additional trafficking after identification and repatriation.

The 2015 anti-slavery law provides for comprehensive legal assistance for victims of hereditary slavery, providing information on their rights and exempting them from judicial fees; however, it is unclear whether the government applied such provisions during the reporting period. The law also mandated the creation of support centers to facilitate such assistance in each province, but no such centers had been established by the end of the reporting period. The law increased victim compensation significantly, from 250,000 to 5 million ouguiya (\$758 to \$15,150), but no victims received compensation during the reporting period. While victims may seek restitution from their traffickers, the complex and opaque legal system makes such efforts extremely difficult. The absence of measures to identify trafficking victims among vulnerable populations may have led to victims being punished for acts committed as a result of being subjected to trafficking. For example, officials often jailed women suspected of prostitution and held illegal migrants in detention until their refugee status had been resolved. In 2015, the Ministry of Interior returned 6,000 migrant workers to their countries of origin and did not screen the majority for indicators of trafficking. Mauritania does not provide legal alternatives to the removal of foreign victims to countries where they may

face hardship or retribution.

## PREVENTION

The government sustained modest efforts to prevent human trafficking. It partnered with an international organization, local NGOs, and civil society organizations to plan implementation of its 2014 national anti-trafficking strategy and committed to providing staff to implement the plan. However, it is unclear if the government made progress towards addressing any of the plan's objectives in 2015. No single government agency was responsible for leading anti-trafficking efforts, which hampered the effectiveness of such efforts; the inter-ministerial anti-trafficking committee, formed under the prime minister in 2014 and responsible for the implementation of the national anti-trafficking strategy, met twice during the reporting period. *Tadamoun*, the government agency to combat the vestiges of slavery and poverty, outlined plans to open and fund schools in *adwabas*—communities comprised of former slaves and slave descendants—to increase educational opportunities for youth at risk, including for trafficking; however, it is unclear how many of these schools were operational during the reporting period. The government did not make efforts to reduce the demand for forced labor or commercial sex acts. The government investigated one middleman allegedly involved in the fraudulent recruitment of Mauritanian women to Saudi Arabia but did not pursue a legal case. The government canceled the work exchange program and recalled the Mauritanian domestic workers from Saudi Arabia; some workers did not report being victims of trafficking and chose to stay in the country. The government did not provide anti-trafficking training for its diplomatic personnel or for 140 *gendarmes* before their deployment on an international peacekeeping mission.

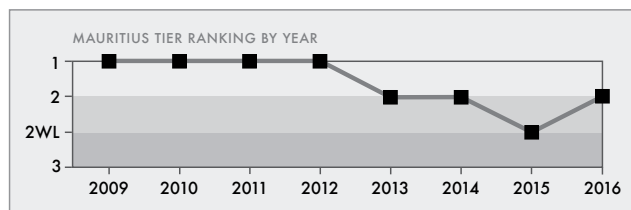
## MAURITIUS: Tier 2

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

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. During the reporting period, the government increased efforts to investigate potential trafficking crimes, including launching its first potential labor trafficking investigation. The government increased efforts to identify and provide protective services for adult and child trafficking victims, including adult migrant workers. The government established an inter-ministerial committee on human trafficking,



under the attorney general, and the police reestablished a steering committee on human trafficking. The government also continued to conduct public awareness campaigns and train front-line officers. However, coordination between law enforcement and prosecutors remained weak and the judicial process was slow. Law enforcement officers and prosecutors generally did not screen adult women in prostitution for trafficking indicators. Although the government increased the number of inspectors within the Ministry of Labor's (MOL) Special Migrant Workers Unit, the number of inspections remained severely inadequate. There were no specialized shelters for adult trafficking victims, nor was there systematic provision of medical, psychological, or financial assistance for adult victims.



## RECOMMENDATIONS FOR MAURITIUS:

Vigorously investigate and prosecute trafficking offenses, and convict and punish traffickers under the anti-trafficking law, including in cases involving labor trafficking or forced prostitution of adults; provide specific anti-trafficking training to law enforcement officials, magistrates, prosecutors, social workers, and labor inspectors to improve case investigation and victim identification and referral to appropriate care; finalize the national action plan to combat trafficking, allocate sufficient funding to its implementation, and ensure clear roles and responsibilities in its implementation; increase the number of labor inspectors responsible for monitoring the employment of migrant workers and the corresponding number of inspections; conduct a national awareness campaign on all forms of trafficking; establish procedures to guide officials in proactive victim identification among at-risk populations, including women in prostitution and migrant workers; and increase coordination among law enforcement entities, NGOs, and international organizations on cases involving foreign victims.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts during the reporting period. The Combating of Trafficking in Persons Act of 2009 prohibits all forms of trafficking of adults and children, prescribing penalties of up to 15 years' imprisonment for convicted offenders. The Child Protection Act of 2005 prohibits all forms of child trafficking and the Judicial Provisions Act of 2008 prescribes punishment for child trafficking offenses of up to 30 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, law enforcement launched six trafficking investigations but there were no prosecutions or convictions, compared with nine investigations and no prosecutions or convictions during the previous reporting period. Five of the investigations involved suspected child sex trafficking, and one involved adult sex trafficking; all remained pending at the close of the reporting period. The government has never reported any prosecutions for sex trafficking of adults. An investigation of adult sex trafficking case initiated in 2014 remained ongoing

at the close of the reporting period.

One of the investigations launched during the reporting period included the government's first investigation of a potential labor trafficking crime in Mauritius, which involved a recruitment agency suspected of fraudulent recruitment and forced labor of two Bangladeshi men in the agricultural sector. The investigation remained ongoing at the close of the reporting period. While law enforcement supported the rescue of one adult female Bangladeshi victim of domestic servitude, the government did not initiate an investigation against her alleged traffickers and permitted the traffickers to buy the victim a return ticket to Bangladesh. Historically, the MOL has addressed potential labor trafficking cases through arbitration and mediation, rather than criminal investigation and prosecution, allowing traffickers to repeatedly commit trafficking offenses and face only administrative penalties. The government has never convicted any suspected labor traffickers. The government made no efforts to investigate or prosecute any employers for passport withholding during the reporting period, although the practice is illegal; an NGO reported employers routinely confiscated migrant workers' passports.

In January 2016, the police, in collaboration with the Office of the Director of Public Prosecutions, trained senior police officers on the difference between trafficking and sexual assault. During this half-day workshop, 41 sub-divisional commanders and station commanders received a refresher course on trafficking in persons and the commercial sexual exploitation of children. The training included provisions under the law and interviewing skills. In January 2016, the government, in partnership with an international organization, conducted a two-day seminar for 27 senior government representatives, prosecutors, judges, and law enforcement officers on investigating and prosecuting trafficking crimes. During the reporting period, the police continued in-house training of mid-management level police officers on human trafficking, as well as for new recruits. Coordination between law enforcement and prosecutors remained weak. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period.

## PROTECTION

The government increased efforts to identify and protect victims of sex and labor trafficking, including adult trafficking victims. The government identified 10 child sex trafficking victims during the reporting period, an increase from two victims identified in 2014. The Minors Brigade systematically referred all identified child sex trafficking victims to the Child Development Unit of the Ministry of Gender Equality, Child Development, and Family Welfare for assistance. The government provided the 10 victims with medical and psychological assistance in public clinics and child welfare officers accompanied them to these clinics; police worked in conjunction with these officers to obtain statements from the children.

The government identified and provided protective services to two adult labor trafficking victims. The MOL provided shelter, food, and medical assistance for two male forced labor victims who remained under police custody. The government provided medical care to one female victim of domestic servitude and placed her in a domestic violence shelter for three months in advance of her repatriation. There was no specialized shelter for adult trafficking victims, nor was there systematic provision of medical, psychological, or financial assistance for adult victims. Due to the lack of understanding of human trafficking among

some law enforcement officers, some adult victims of forced prostitution and forced labor may have been penalized for unlawful acts committed as a direct result of being subjected to trafficking. For example, law enforcement officers generally did not screen women in prostitution for trafficking indicators. During the reporting period, immigration officials regularly turned back single Malagasy women, traveling on their own, with less than 4,200 rupees (\$132) who attempted to enter the country on tourist visas on the grounds that they might be coming to Mauritius to engage in prostitution; officials did not screen these women, some of whom might have been trafficking victims. The 2009 anti-trafficking law provides legal alternatives, including temporary residency, to removal to countries in which trafficking victims would face retribution or hardship.

## PREVENTION

The government increased prevention efforts. The government established an inter-ministerial committee on human trafficking under the attorney general, which met twice during the reporting period, and the police re-established a steering committee on human trafficking, with a “trafficking in persons desk” serving as a focal point to coordinate the investigation of all potential trafficking cases. The police’s Family Protection Unit and the Minors Brigade continued extensive public awareness campaigns on child abuse and child rights at schools and community centers that included information on the dangers and consequences of facilitating child sex trafficking. The Ministry of Tourism and External Communication distributed pamphlets warning tourism industry operators of the consequences of engaging in or facilitating child sex trafficking. The Crime Prevention Unit distributed anti-trafficking posters to police stations, high schools, and community centers.

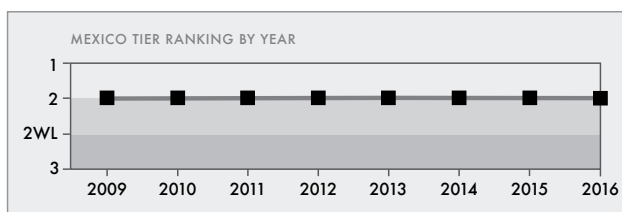
In December 2015, the government suspended the permit of a recruitment agency under investigation for potential trafficking. The government increased the number of inspectors within the MOL’s Special Migrant Workers Unit—responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites—from four to six during the reporting period; however, this number of inspectors remained severely inadequate relative to the approximately 37,000 migrant workers employed in Mauritius. The unit conducted 72 inspections, compared with 403 in the previous reporting period. Although the MOL is required to approve all employment contracts before migrant laborers enter the country, many migrant laborers reportedly entered the country with contracts that were incomplete or had not been translated into languages the workers understood. The government provided anti-trafficking training for its diplomatic personnel.

## MEXICO: Tier 2

Mexico is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, migrants, and LGBTI individuals. Mexican women and children, and to a lesser extent men and transgender individuals, are exploited in sex trafficking in Mexico and the United States. Mexican men, women, and children are exploited in forced labor in agriculture, domestic service, manufacturing, food processing, construction, forced begging, the informal economy, and street vending in Mexico and the United States. They are

typically lured by fraudulent labor recruiters, deceptive offers of romantic relationships, or extortion, including through the retention of identity documents, threats to notify immigration officials of victims’ immigration status, or threats to harm family members. NGOs report transgender Mexicans in prostitution are vulnerable to sex trafficking. Press reports state some Mexican citizens have wages systematically withheld, are held in debt bondage in agriculture, and are indebted to recruiters or to company stores. Residents at some substance addiction rehabilitation centers and women’s shelters have been subjected to forced labor and sex trafficking. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America. Victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States. Child sex tourism remains a problem, especially in tourist areas and in northern border cities. Many child sex tourists are from the United States, Canada, and Western Europe, though Mexican citizens are among those exploiting child sex trafficking victims. Organized criminal groups profit from sex trafficking and force Mexican and foreign men, women, and children to engage in illicit activities, including as assassins; lookouts; and in the production, transportation, and sale of drugs. Trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, is a significant concern. Some officials extort bribes and sexual services from adults in prostitution and child sex trafficking victims; extort irregular migrants, including trafficking victims; falsify victims’ documents; threaten victims with prosecution to compel them to file official complaints against their traffickers; accept bribes from traffickers; facilitate movement of victims across borders; operate or patronize brothels where victims are exploited; or fail to respond to trafficking crimes, including in commercial sex locations.

The Government of Mexico does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government reported convicting 86 traffickers, including some for forced labor. Data on victim identification and law enforcement efforts were sometimes unreliable, and it was unclear how many of these convictions were for trafficking as defined by international law; however, data collection improved in 2015. Official complicity continued to be a serious and largely unaddressed problem. The government provided funding for services for crime victims, including trafficking victims, and opened the country’s first public-private shelter funded by a state government and private entities. Shelters remained inadequate compared to the scale of the problem, and victim services were virtually nonexistent in much of the country, leaving many reported victims vulnerable to re-trafficking. Federal and state authorities engaged in a range of anti-trafficking prevention efforts, including new initiatives to prevent forced labor.



## RECOMMENDATIONS FOR MEXICO:

Increase government funding for the provision of specialized victim services and shelters; strengthen efforts to investigate and

prosecute trafficking offenses and convict traffickers, especially for forced labor crimes; increase efforts to hold public officials complicit in trafficking accountable through prosecutions and convictions; develop a standardized process for use by all officials to identify and refer victims for protection and assistance, and train officials on the process; amend anti-trafficking laws at the federal and state levels to mirror the international anti-trafficking law; increase the capacity of regional and state coalitions and specialized units to respond more effectively to trafficking cases, through increased funding and staff training; verify, through increased training and monitoring, that victims are not coerced into testifying against traffickers or treated as traffickers; continue to strengthen data collection efforts; provide effective protection for witnesses and victims testifying against traffickers; and continue to improve coordination mechanisms among federal, state, and local authorities.

## PROSECUTION

The government continued uneven law enforcement efforts. While authorities reported an increase in federal and state trafficking convictions, it was unclear how many of these convictions were for trafficking as defined by international law. Law enforcement efforts were undermined by significant official complicity in trafficking crimes, mainly by local police and other local authorities. The general anti-trafficking law of 2012 prohibits all forms of human trafficking, prescribing penalties ranging from five to 30 years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, in contrast to the international definition, the law establishes the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime and defines illegal adoption without the purpose of exploitation as a form of human trafficking. Cases involving individuals who may have been forced by criminal groups to engage in illicit activities were not handled as potential trafficking cases, despite indicators of force or coercion. Federal officials have jurisdiction over all international trafficking cases and all cases that take place on federally administered territory involving organized crime or involving allegations against government officials. States investigate other internal trafficking cases. Fourteen states, out of 31, have aligned their trafficking laws with the federal law, which may address inconsistencies among those states' laws and improve interstate investigations and prosecutions. During the reporting period, the legislature of Chihuahua approved a victim protection law, which provides for legal, medical, and psychological services to victims of crimes and human rights violations, including trafficking. The legislature of Baja California introduced a bill, intended to identify victims, to require law enforcement to inspect suspicious commercial establishments.

Data based on the broad definition of trafficking in the 2012 law indicated authorities initiated 250 federal and 415 state investigations and detained 674 individuals, compared with 253 federal and 196 state investigations for trafficking in 2014. Notable cases included the arrest of five alleged traffickers for the forced labor of a woman in a dry cleaning business; the arrest of five alleged traffickers from an agricultural company for forced labor of 228 adults and 78 children; the arrest of several managers of a coffee plantation involved in the forced labor of indigenous Guatemalan children; and multiple sex trafficking crimes allegedly committed by family members and criminal organizations. Authorities reported prosecuting 578 individuals in 2015—414 men and 157 women. Mexican authorities

reported convicting 86 traffickers involved in 36 cases in 2015. The government did not report the number of trafficking prosecutions or convictions in 2014. According to the press, sentences ranged from 15 years' to 58 years' imprisonment. However, it was unclear how many of these convictions were for trafficking crimes as defined by international law, and officials did not report the lengths of sentences. Approximately two percent of trafficking cases resulted in conviction, a rate consistent with conviction rates for other crimes in Mexico. NGOs reported police conducted anti-trafficking raids for the purpose of detaining people in prostitution and irregular migrants rather than identifying victims of sex trafficking or forced labor. Some public officials conflated trafficking with migrant smuggling and prostitution. Investigations and prosecutions were sometimes delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the country, to the detriment of both the criminal case and the victims. The 2012 law obligated states to have a dedicated human trafficking prosecutor, but many states lacked funding to employ one. Some officials' lack of understanding of trafficking led to their trial of cases as more minor offenses or to the acquittal of traffickers. Authorities maintained strong law enforcement cooperation with U.S. officials, partnering on six joint law enforcement operations, one of which resulted in the identification of nearly 60 victims and the arrest of 18 alleged traffickers. Mexican authorities also enhanced law enforcement cooperation with the United States and continued to exchange information on human trafficking and migrant smuggling investigations through an ongoing working group. Some federal government agencies hosted anti-trafficking training with foreign donor support and funding; foreign governments and civil society provided the majority of specialized training.

Despite persistent reports of extensive official complicity, authorities did not report any prosecutions or convictions of government employees complicit in trafficking in 2015; the government has not convicted a complicit official since 2010. Authorities apprehended a municipal employee wanted for trafficking in Oaxaca in 2014, but did not report progress on such cases or new investigations of complicit officials in 2015. The government did not report the status of the 2013 investigation of two Tijuana police officers for exploiting a sex trafficking victim or the status of the 2012 investigation of a Chihuahua state employee charged with forced labor.

## PROTECTION

The government continued to provide limited specialized services for identified trafficking victims. The government reported identifying 1,814 trafficking victims in 2015—784 for commercial sex, 470 for forced labor, 382 for forced begging, and 17 for forced criminality, and 161 were unspecified—compared with 1,842 trafficking victims in 2014. While immigration agents used a lengthy human rights questionnaire to identify potential trafficking victims, and some government institutions had informal victim referral procedures, most officials lacked clear guidelines for identifying and referring victims to services. NGOs questioned the government's ability to accurately identify trafficking victims among vulnerable populations, such as migrant workers and persons in prostitution. Anti-trafficking experts and people in prostitution reported officials often did not differentiate between sex trafficking victims and women in prostitution—due in part to the overly broad anti-trafficking law—making victim identification statistics unreliable. The Executive Commission for the Attention to Victims (CEAV)



reported it provided officials a protocol outlining provision of assistance to victims; however, NGOs reported the protocol was ineffective.

In 2015, the CEAV spent 47 million pesos (almost \$2.7 million) for assistance to crime victims, including trafficking victims. Federal and state entities offer victims emergency services, such as medical care, food, and temporary lodging, which some victims received during the year. Longer term victim services vary in scope and quality overall, but may include medical, psychological, and legal services. It was unclear how many identified victims received particular services such as shelter. Services in most parts of the country remained inadequate compared to the significant number of trafficking victims identified by NGOs and officials. A federal victim assistance protocol was drafted in 2014 but remained pending; some states also drafted victim care protocols. Government-funded services for male and forced labor victims were particularly weak. Shelters for vulnerable children younger than age 13 and for female victims of violence did not report how many trafficking victims they assisted in 2015. The Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) continued to operate a high-security shelter in Mexico City for up to 50 female victims of violence, including trafficking victims, who were participating in the legal process against their exploiters. The shelter housed an unspecified number of trafficking victims for up to three months. Women were allowed to have their children with them at the shelter. Women were not allowed to leave the shelter alone, reportedly due to safety concerns; NGOs expressed concern that this arrangement re-traumatized some victims. FEVIMTRA received 93,376,000 pesos (\$5,492,000) in 2015, compared with 10 million pesos (\$680,000) in 2014, to provide assistance to female victims of extreme violence, including trafficking. The State of Puebla opened and operated the country's first public-private shelter, funded by the state government and private entities. NGOs, many receiving foreign donor or private funding, provided the majority of specialized shelters and assistance. Some shelters relied on the prosecutor's office to identify victims and received funding based on the number of victims housed, which observers suggested creates incentive to hold victims pending the conclusion of a case and may compromise the shelter's independence and sustainability of operations. Coordination between federal, state, and local officials on victim services and case management was weak. The Mexican consular network in the United States provided support to 31 labor trafficking victims and an unknown number of sex trafficking victims in 2014.

Many victims were afraid to identify themselves as trafficking victims, and few filed complaints or assisted in investigations and prosecutions due to their fear of retribution from traffickers, the lack of specialized services, or distrust of authorities. Mexican law has provisions to protect victims from punishment for unlawful acts committed as a direct result of being subjected to trafficking, but NGOs reported that in practice some officials unlawfully detained or punished victims. 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. Women in prostitution in Mexico City alleged officials used violence during anti-trafficking operations, and also forced them to sign declarations accusing detained individuals of trafficking, which raised serious concerns about law enforcement tactics to secure witnesses. NGOs also reported officials often re-victimized trafficking victims due to lack of sensitivity. Foreign trafficking victims could receive refugee status independent of any decision

to testify against suspected traffickers, but civil society reported this legal alternative to deportation was often not provided in practice. Many foreign trafficking victims returned to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported providing food and assistance to 29 foreign trafficking victims in 2014 and issued authorization to 21 victims to remain in the country on a humanitarian basis—which could be renewable on a yearly basis depending on the victims' specific circumstances—compared with 47 victims assisted in 2013. In some cases, authorities shared victims' names and case details with the press. The national anti-trafficking law provides for restitution to be paid from a victims' fund, but it was unclear if the courts awarded any trafficking victims restitution. However, a court awarded reparations of 800,000 pesos (\$45,600) to a victim in a human rights case in January 2016, which may help to set a precedent for such remedies in future human rights and trafficking cases.

## PREVENTION

Federal and state authorities engaged in a range of anti-trafficking prevention efforts. The interagency anti-trafficking commission met twice a year to coordinate federal government efforts and released a report on 2014 national anti-trafficking efforts. The government published a national action plan for 2014-2018, but did not dedicate additional funds to implement the plan. The UN Office on Drugs and Crime in Mexico published a report—which was funded by the government—analyzing the impact of Mexico's anti-trafficking efforts, and made recommendations for improving efforts, including strengthening the national anti-trafficking law, invigorating the interagency anti-trafficking commission, providing comprehensive assistance to victims, and strengthening civil society participation in anti-trafficking efforts, among other recommendations.

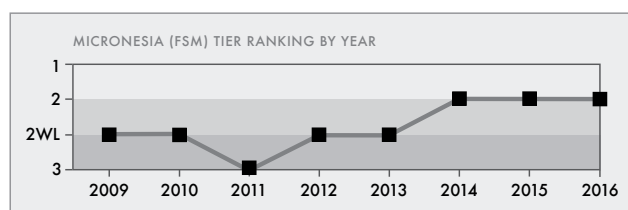
Twenty-four out of 31 states had state-level anti-trafficking committees, of which 12 were launched or reconfigured in 2014, and which varied in effectiveness. Federal and state governments engaged in a variety of awareness-raising activities, such as the distribution of educational materials—including in indigenous languages and sign language. They also publicized phone numbers to report trafficking crimes anonymously, reaching almost 350,000 people. Experts reported uneven interagency coordination at the federal and state levels. The National Human Rights Commission conducted extensive anti-trafficking training and awareness sessions for a range of audiences. The federal district government provided funding to an anti-trafficking hotline for the capital that provided referrals to appropriate Mexican agencies for victim assistance. Authorities eliminated fees for worker and visitor permits allowing Guatemalan and Belizean citizens to work along the southern border and established a center in Guatemala to register people for visitor permits. Authorities did not report efforts to regulate or hold fraudulent labor recruiters responsible. They did, however, report other efforts to prevent forced labor, including training offered to Mexican migrant workers employed by a potentially fraudulent recruiter, outreach to foreign migrant workers to inform them of their rights and responsibilities, and inspections of worksites to detect irregular activity, including underage workers who may be vulnerable to trafficking. Officials continued efforts to prevent child sex tourism through training sessions, and distributed awareness materials to reduce the demand for sexual exploitation of children in tourism destinations. While the government investigated some child sex tourism cases, it did not report prosecuting or convicting any child sex tourists; some NGOs alleged some corrupt local officials allowed child

sex tourism to occur. The government did not report efforts to reduce the demand for commercial sex acts or forced labor. The government reported that it provided anti-trafficking training for its diplomatic personnel.

## MICRONESIA, FEDERATED STATES OF: Tier 2

The Federated States of Micronesia (FSM) is a source, transit, and, to a limited extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The groups most vulnerable to trafficking in FSM include foreign migrant workers and Micronesian women in prostitution. Girls are allegedly exploited in prostitution by crew members of docked Asian fishing vessels. FSM women recruited with promises of well-paying jobs in the United States and its territories are subsequently forced into prostitution or domestic labor upon arrival. Local authorities claim many sex trafficking cases are unreported due to victims' fear of embarrassment in FSM's insular communities. Foreign migrants from Southeast Asian countries report working in conditions indicative of human trafficking on Asian fishing vessels in FSM or its territorial waters.

The Government of the Federated States of Micronesia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the FSM government convicted one Micronesian trafficker who victimized eight Micronesian victims in 2009 and initiated three new prosecutions against suspected traffickers. It also continued to coordinate efforts across four states to implement the national plan of action. The government did not, however, identify any trafficking victims, despite evidence of trafficking uncovered during investigations involving minors in commercial sexual activity. It continued to lack a formal system to identify or refer victims to appropriate services. The government did not allocate specific budgetary funding for victim protection, although it provided assistance for eight Chuukese women who testified in court.



### RECOMMENDATIONS FOR THE FEDERATED STATES OF MICRONESIA:

Develop and implement procedures for the proactive identification of trafficking victims among vulnerable populations; increase efforts to investigate and prosecute trafficking offenses that lead to the conviction and punishment of traffickers; impose adequate sentences on convicted traffickers; develop and implement a victim referral system and establish specialized protective services for trafficking victims; continue to implement the national plan of action; and continue to collaborate with traditional leaders to raise awareness of trafficking and to break away from customary practices that exacerbate vulnerabilities to trafficking.

### PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The national anti-trafficking law prohibits all forms of trafficking, and the four states have laws that implement the national law. National and state laws allow for sufficiently stringent prison sentences but allow convicted offenders to pay a fine in lieu of prison time—a penalty that is not proportionate to the severity of the crime committed and not sufficiently stringent. The national law prescribes penalties of up to 15 years' imprisonment for adult trafficking and 30 years' imprisonment for child trafficking, or fines up to \$50,000. Pohnpei State's law prohibits sex trafficking of children and forced labor of adults, but not sex trafficking of adults; it prescribes penalties for these crimes of up to 10 years' imprisonment or fines up to \$10,000, or both. Chuuk State's law includes the same prohibitions, but prescribes penalties of up to 15 years' imprisonment for forced labor, 25 years' imprisonment for child trafficking, or fines up to \$10,000, or both. Kosrae State's law prohibits all forms of trafficking and prescribes penalties of 10 years' imprisonment or fines up to \$20,000, or both. Yap State's law prohibits all form of trafficking and prescribes penalties of up to 15 years' imprisonment or fines up to \$1,000,000, or both.

The government convicted a Micronesian man for the sexual exploitation of eight Chuukese females in a case that originated in 2009. He was convicted under criminal civil rights provisions, as the crimes occurred before passage of the national anti-trafficking law, and was sentenced to 10 years' imprisonment to be served under probationary house arrest, due to the trafficker's need for special accommodations not available in the correctional facility. The government initiated five new investigations of suspected child sex trafficking, compared with two in 2014. Three of those investigations, involving a total of seven suspected sex traffickers, were filed with the FSM Supreme Court and are pending a trial date. The government conducted anti-trafficking training for 30 law enforcement officials and executive and legislative branch officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government demonstrated inadequate efforts to identify and protect trafficking victims. It did not identify any trafficking victims during the year, even in cases under investigation for child sex trafficking, and did not develop or implement a system to identify trafficking victims among vulnerable groups. The government made no efforts to refer potential trafficking victims to specialized services or allocate resources to provide such services. The government continued to provide hotel accommodation, food, security, and flights between Chuuk and Pohnpei for the eight Chuukese victims identified in a 2009 trafficking case. The government reported any identified trafficking victims would have access to limited social services, such as the mental health program at a hospital in Kosrae state and legal assistance provided to victims of general crime through the public defenders offices at the national and state level. FSM officials did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution or incentives to participate in trials. There were no reports of potential trafficking victims being punished for crimes committed as victims of trafficking; however, due to a lack of formal victim identification procedures in use during the reporting period, some victims went unidentified in the law enforcement system.

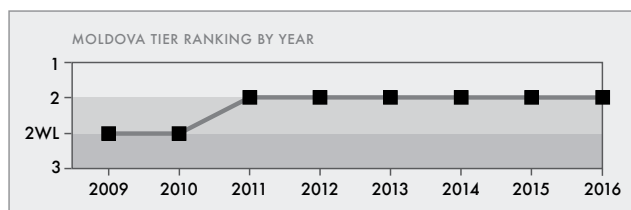
## PREVENTION

The government maintained efforts to prevent trafficking. As part of its National Trafficking Day in January 2016, the government carried out a trafficking awareness campaign in all four states, including remarks by the Pohnpei lieutenant governor, members of civil society, and youth groups. The government spent \$75,000 for its anti-trafficking efforts in 2015, a decrease from \$92,500 in 2014. With part of these resources, the government continued to fund two migrant resource centers in Pohnpei and Chuuk, which provided pre-departure training, including anti-trafficking awareness training, to Micronesians who intend to emigrate. The government did not develop campaigns or disseminate informational materials aimed at reducing the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

## MOLDOVA: Tier 2

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

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. The judiciary often imposed sentences on convicted traffickers that did not correspond with the severity of the crime, including fines alone, and at times reversed convictions on appeal. Legal and organizational obstacles, including changes in the national anti-trafficking investigative body, hampered law enforcement efforts. Authorities identified and assisted more victims, but victims continued to suffer from intimidation. Prosecutors charged some victims with crimes committed as a direct result of their trafficking.



## RECOMMENDATIONS FOR MOLDOVA:

Vigorously investigate, prosecute, and convict traffickers and impose sufficiently stringent sentences; increase efforts to convict government officials complicit in human trafficking; implement measures to address corruption in the judicial sector; exempt trafficking victims from the requirement of in-person confrontations with their accused traffickers before

an investigation can begin; shield trafficking investigators and prosecutors from external influence and internal corruption; pass legal amendments to exempt victims from prosecution for crimes committed as a direct result of being subjected to human trafficking; improve protection of victims and witnesses during court proceedings, including prosecutions for witness tampering and intimidation; amend the criminal procedure code to permit wiretapping of suspected traffickers without prior notification and investigation of suspected traffickers' finances to avoid an overreliance on victim testimony as evidence; train police, judges, and prosecutors on a victim-centered approach to investigations prosecutions; facilitate compensation for damages suffered by victims; improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations; and fund and maintain data for the hotline on child abuse and exploitation .

## PROSECUTION

The government demonstrated mixed law enforcement efforts during the reporting period. Articles 165 (trafficking in persons) and 206 (trafficking of children) of the criminal code prohibit all forms of trafficking and prescribe penalties of five to 20 years' imprisonment, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Corruption in the judicial system posed an acute challenge for bringing traffickers to justice. Courts have frequently reversed convictions on appeal, sometimes without any explanation or on weak grounds, although comprehensive statistics on the rate of appeal were not available. Criminal cases against public officials for complicity have rarely resulted in conviction, likely due to corruption and weaknesses in the judicial system; all such cases initiated in 2014 were dismissed or remain pending. Prosecutions against the head of a human rights agency for forcing children to beg in Russia and a bailiff for compelling two persons into prostitution remained ongoing at the close of the reporting period. A 2014 trafficking conviction against a public official and his accomplices remained pending appeal. A court acquitted the former head of the Biathlon Federation of Moldova of child trafficking charges in 2014 and applied a 3,000 lei (\$164) fine for organizing illegal migration; an appeal remained pending. A court still had not issued a verdict in a 2013 case against a police officer who allegedly accepted a bribe to convince his colleagues to close the investigation of a trafficking case. A case against the former head of the interior ministry's division to combat organized crime for involvement in human trafficking remained ongoing. In January 2015, however, a court sentenced a police officer to seven years' imprisonment for trafficking. There were allegations of corruption by officers assigned to the interior affairs ministry's investigatory Center for Combating Trafficking in Persons (CCTIP).

Law enforcement efforts also faced institutional obstacles in 2015. CCTIP did not have a director for six months in 2015 following a delay in the appointment of a new director; the unit was again without a director at the close of the reporting period following this director's transfer in early 2016. Cooperation between CCTIP and some civil society actors and international partners deteriorated in 2015 hampering the center's ability to cement previous gains or improve their operations. Observers reported CCTIP switched its focus from complex cases of international sex and labor trafficking to simpler cases related to domestic prostitution, potentially in order to boost the center's statistics. This focus on statistics moved CCTIP away from its traditional strength of victim-centered investigations. CCTIP continued to lack sufficient resources, particularly



investigative staff, although the government assigned two additional prosecutors to CCTIP. Prosecutors' heavy reliance on victims' testimony hindered successful prosecutions and often resulted in acquittals; victim testimony is an unreliable foundation for prosecution as victims may decide not to testify in open court due to intimidation or be too traumatized to give consistent testimony. Investigators cannot legally wiretap trafficking suspects without notifying them they are under investigation. Starting in 2014, prosecutors began charging traffickers and defense attorneys with obstruction of justice when victims were threatened or intimidated. A February 2016 Constitutional Court decision limited the time suspects may be detained to 12 months. Because it often takes years before a final verdict is issued in trafficking cases, this ruling may allow suspected traffickers to be released before trials conclude, enabling them to flee the country, return to crime, or take retribution against witnesses. Beginning in 2015, the National Investigative Inspectorate (INI) required CCTIP to regularly inform the INI of the suspects in CCTIP's investigations, to include subjects of search warrants before searches are executed, which increased the risk of corrupt officers warning suspects ahead of raids or intervening in ongoing investigations.

Authorities increased investigations in 2015, carrying out 189 trafficking cases, compared to 175 in 2014. The government increased prosecutions, completing 76 cases in 2015, compared to 49 in 2014. The government obtained fewer convictions in 2015, convicting 39 traffickers in 2015, compared to 43 in 2014. Of the 39 convicted traffickers, 36 were sentenced in 2015, and all received prison terms. The average jail sentence was 7.3 years for trafficking in persons and 16.3 years for trafficking of children. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government trained police, border guards, prosecutors, and judges in 2015. Candidates for judges and prosecutors were required to complete a 40-hour course on trafficking.

## PROTECTION

The government demonstrated mixed efforts in victim protection. The government identified 310 trafficking victims in 2015, compared with 264 in 2014. Of these identified victims, 68 were children, an increase from 26 in 2014. Inaction by some law enforcement officials reportedly led to some potential investigations not being pursued and potential victims being left undiscovered. The law requires adult trafficking victims confront their alleged traffickers in person at a police station to begin an investigation, and sometimes on multiple occasions over the course of an investigation and trial; this requirement likely deters victims from reporting crimes and can re-traumatize victims.

The government provided approximately 8.38 million lei (\$446,000) to seven shelters for victims of crime and family violence, an increase from 7.26 million lei (\$385,970) provided in 2014. One of these shelters, the Chisinau Assistance and Protection Center, specialized in receiving trafficking victims and individuals at high risk of trafficking; the government provided approximately 2.0 million lei (\$106,000), a decrease from 2.9 million lei (\$154,000) in 2014. The government allocated 600,000 lei (\$31,914) for the repatriation of victims in 2015; the government did not disburse all of the funds, in part due to bureaucratic obstacles to accessing the funds. The government assisted 132 victims with public repatriation assistance or shelter care, compared with 85 in 2014. Teams of local officials and NGOs in all regions of Moldova coordinated

victim identification and assistance; observers noted some teams were less effective in assisting identified victims. Through the Chisinau and regional centers, victims could receive shelter and medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. Psychological assistance, legal aid, and long-term reintegration support were insufficient, however, and victims were unable to obtain the free medical insurance that is afforded under Moldovan law. The weak capacity of social workers in outlying regions led to inefficient and poor quality services offered to victims. These deficiencies contributed to the continued vulnerability of trafficking victims to being re-trafficked. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Victims 14 years old or younger were interviewed in specialized hearing rooms with recording equipment with the assistance of a psychologist. Although shelters were designed for female victims, adult male victims were entitled to all forms of assistance. 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. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. Some victims experienced intimidation in the courtroom and were pressured by traffickers to change their testimony. Victims had the right to sue traffickers for damages, but most did not due to threats from perpetrators, inability to present proof required by courts, and perceived corruption in the judiciary. There were no civil actions against traffickers in 2015, despite prosecutors freezing suspected traffickers' assets in seven cases. While it is possible for a prosecutor to request restitution on behalf of the victims, such awards were rare. The criminal code exempts trafficking victims of criminal liability for committing offenses related to their exploitation. In 2015, there were cases of trafficking victims who acted as recruiters and were exempted from liability based on this provision. However, when authorities classified cases under related statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. The government punished trafficking victims for unlawful acts committed as a direct result of being subject to trafficking. The courts finalized a conviction against a trafficking victim for theft, despite the victim being forced to commit the crime. Similarly, when authorities reclassify sex trafficking cases to pimping cases, victims were no longer exempted from punishment and could be charged with prostitution offenses. Victims can be fined or imprisoned for making false statements if they change their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the traumatization experienced; at least two victims were charged with making false statements in 2015. Observers reported some cases of authorities charging child sex trafficking victims with prostitution offenses, in violation of Moldovan and international law.

## PREVENTION

The government maintained efforts to prevent human trafficking. The national anti-trafficking committee (NCCTIP) and its secretariat coordinated the government's anti-trafficking response. As prescribed in the national action plan for 2014-2016, NCCTIP implemented programs to raise awareness among students and Moldovan citizens abroad, as well as the general public through radio broadcasts, a website, and a national anti-trafficking week. In 2015, the government temporarily

ceased state funding to the specialists running a hotline on child abuse and exploitation. The government provided anti-trafficking training for its diplomatic personnel on identifying trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

## MONGOLIA: Tier 2

Mongolia is a source and, to a lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Mongolian men, women, and children are subjected to forced labor in Turkey, Kazakhstan, and Israel and to sex trafficking in South Korea, Japan, China, Hong Kong, Malaysia, Germany, Sweden, and the United States. Mongolian girls employed as contortionists—often under contractual agreements signed by their parents—are subjected to forced labor primarily in Mongolia and Turkey and less so in Hong Kong and Singapore. Women are subjected to domestic servitude or forced prostitution after entering into commercially brokered marriages to Chinese men and, with decreased frequency, South Korean men.

Women and girls are subjected to sex trafficking in Mongolia in massage parlors, hotels, bars, and karaoke clubs. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. NGOs report a significant number of Mongolian victims from rural and poor economic areas are subjected to sexual exploitation in Ulaanbaatar and border areas. Reports in past years alleged Japanese tourists engage in child sex tourism in Mongolia, but police authorities state such instances no longer occur. Some Mongolian children are forced to beg, steal, or work in the informal sectors of the economy, such as horse racing, mining, herding, and construction, and are sometimes subjected to sex trafficking—often with familial complicity. North Korean and Chinese workers employed in Mongolia are vulnerable to trafficking as contract laborers in construction, production, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining. Purportedly, North Korean laborers do not have freedom of movement or choice of employment and are allowed to keep only a small portion of their wages while being subjected to harsh working and living conditions. Chinese workers have reported non-payment of wages. Previous reports allege corruption among Mongolian officials impedes the government's anti-trafficking efforts.

The Government of Mongolia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government prosecuted nine cases and convicted eight traffickers, an increase from the one prosecution and one conviction it achieved in 2014. It funded and facilitated numerous anti-trafficking trainings for various government entities and key stakeholders. Government authorities referred 13 potential trafficking victims to an anti-trafficking NGO for assistance and continued dissemination of anti-trafficking awareness messaging on social media and television networks. The government adopted the last of six required implementing regulations for the Law on Victim and Witness Protection, although one of six required implementing regulations for the 2012 anti-trafficking law remained outstanding. The government reduced its already limited victim protection efforts in 2015. It did not report funding victim shelters during the year and remained without formal identification or referral procedures for officials' use.

Although the government revised its national action plan to combat trafficking, the plan remained unimplemented for the third consecutive year.



### RECOMMENDATIONS FOR MONGOLIA:

Establish formal procedures to guide government officials in victim identification and referral to protective services; cease penalizing trafficking victims for offenses committed as a result of being subjected to trafficking; allocate funding to support both government- and NGO-run shelters and other forms of victim assistance and protection; monitor working conditions and investigate claims of labor exploitation of foreign contractors employed in Mongolia; enact the remaining regulation needed to fully implement the 2012 anti-trafficking law and train officials on effective implementation; increase efforts to investigate and prosecute all trafficking offenses using article 113 of the criminal code; implement the national action plans to combat trafficking and protect victims; and reduce demand for commercial sex acts, particularly throughout major transportation hubs.

### PROSECUTION

The government increased its anti-trafficking law enforcement efforts. In December 2015, Parliament adopted a revised criminal code that reportedly incorporated amendments stipulated by the Law on Combating Trafficking in Persons; the revised code awaited pro forma publication at the close of the reporting period. Article 113 of the criminal code prohibits all forms of human trafficking, defines trafficking in accordance with international law, and prescribes penalties of up to 15 years' imprisonment for trafficking offenses—sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 124—inducing others into and organizing prostitution—is a more commonly used statute to prosecute suspected sex trafficking cases, although it does not require the element of force, fraud, or coercion; it prescribes less severe penalties of up to five years' imprisonment. Due to the misconception among many government officials that only girls can be sex trafficking victims, authorities rarely use article 113 or article 124 to prosecute cases in which boys are the victims, but instead use provisions with less stringent penalties. Jurisdiction for anti-trafficking law enforcement remained unclear due to ongoing political tumult and institutional reforms, which strained government capacity and impeded interagency coordination.

In 2015, the National Police Agency (NPA) investigated 14 potential trafficking cases under article 113, one of which it dismissed, compared with eight investigated in 2014. Under article 124, the NPA investigated 16 suspected trafficking cases, two of which it dismissed and 14 of which it recommended for prosecution. The government initiated nine prosecutions and convicted eight traffickers under article 113, an increase from one prosecution and one conviction obtained in 2014; three perpetrators were sentenced to up to 10 years in prison. Under article 124, the government initiated 27 prosecutions and

convicted nine defendants, compared with seven prosecutions and four convictions in 2014. During the reporting period, justice officials funded the Gender Equality Center (GEC) to conduct anti-trafficking training courses for 252 law enforcement officers in five provinces; the government also funded and facilitated training for an unknown number of law enforcement, security, and prosecutorial personnel across the country. Justice officials provided a venue and in-kind support for an externally funded training for approximately 55 investigators, prosecutors, judges, and other stakeholders to improve their general understanding of trafficking and their capacity to effectively investigate and prosecute trafficking crimes. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking.

## PROTECTION

The government reduced efforts to protect victims, further weakening its institutional capacity to provide adequate services to trafficking victims. Victims' services continued to be available principally at two ordinarily government-funded shelters run by the GEC—the only two trafficking-specific shelters in the country. However, during the reporting period, the government did not report funding the GEC facilities, thereby continuing its downward trend in financial support for victim services; it provided 7.90 million tugrik (\$4,000) in 2013 and 5 million tugrik (\$2,500) in 2014. NGOs provided the vast majority of protection services for victims, including long-term resources, without support from the government. In 2015, the GEC assisted a total of 36 potential sex and labor trafficking victims, compared with 49 potential sex trafficking victims the previous year; 13 referrals originated from law enforcement agencies, while others came from family or friends. In cooperation with the GEC, investigators from the NPA's Organized Crime Division utilized an 11-question trafficking risk assessment checklist to identify victims proactively among vulnerable populations. However, most government entities remained without systematic procedures for proactive victim identification or referral, which left many victims unidentified and some vulnerable to being punished.

Justice officials adopted the last of six required implementing regulations for the Law on Victim and Witness Protection during the reporting period to provide incentives for victims and witnesses to assist in criminal proceedings against traffickers. However, one of six required implementing regulations for the 2012 anti-trafficking law remained outstanding. Of the 36 potential victims assisted by the GEC, 16 chose to refer their cases for prosecution; some victims were reluctant to do so due to fear of being punished for unlawful acts committed as a direct result of being subjected to trafficking, including immigration and prostitution violations. Mongolian officials maintained operation of a private victim and witness room at the First District First Instance Criminal Court in Ulaanbaatar; the impact of this feature on prosecutions in 2015 requires further evaluation. Although the government did not identify foreign victims during the reporting period, Mongolian law does not provide legal alternatives to their removal to countries in which they could face retribution or hardship.

## PREVENTION

The government maintained modest efforts to prevent trafficking. In 2015, the Anti-Trafficking Sub-Council—the official coordinating body for anti-trafficking efforts—expanded its civil society representation and held periodic meetings. During the year, justice officials drafted a new

national action plan to span 2016-2021 and supersede the draft plan that remained under review the previous two years. The government approved a separate national action plan for the protection and assistance of victims and witnesses for 2016-2024, although the degree to which authorities implemented it during the reporting period was unknown. For the second consecutive year, the government continued work with an international organization to establish an integrated statistical database. Officials continued to disseminate on social media and television networks a daily public service announcement (PSA) on labor trafficking, in addition to distributing a PSA to police stations in all provinces. Authorities, with assistance from an international organization, funded and distributed passport inserts to Mongolian citizens traveling abroad that provided emergency information for trafficking situations at major transportation hubs and in areas with high population density. Although the government had in place an intergovernmental agreement with North Korea to regulate the annual number of imported North Korean workers and their salaries, the government made no tangible efforts to investigate the labor conditions of foreign contract laborers in Mongolia. The government did not take measures to reduce the demand for forced labor or commercial sex acts. In 2015, the government provided anti-trafficking training for all peacekeepers in advance of their deployment abroad and required its diplomatic personnel to be familiar with anti-trafficking laws prior to assignment abroad.

## MONTENEGRO: Tier 2

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

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained strong prevention efforts, enacting a 2015 action plan for the implementation of its 2012-2018 anti-trafficking strategy. Law enforcement efforts were limited; the government initiated four new investigations, and continued to prosecute and convict traffickers for the lesser crime of brokering in prostitution. The government provided victim services and identified an increased number of victims. The 2014 Foreigners Act went into effect in April 2015, allowing foreign trafficking victims to obtain three- to 12-month residence permits, and requiring police to work with NGOs and social workers to determine if a minor is a trafficking victim and eligible to receive healthcare, education, and social services.





## RECOMMENDATIONS FOR MONTENEGRO:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, under article 444 of the criminal code; increase proactive screening of potential victims, especially for children in forced begging and women in forced prostitution; develop a multi-disciplinary approach to proactive victim identification and include NGOs in the national referral mechanism; continue to train law enforcement, border police, judiciary, and public officials working with vulnerable populations on victim identification and referral procedures and prosecution of traffickers; make efforts to ensure raids to free trafficking victims minimize harm to victims and include arrangements to segregate traffickers from victims, conduct victim-centered interviews, cross-reference victims' accounts, and quickly transition identified victims to post-rescue care and shelter; and encourage trafficking victims' participation in prosecutions in a manner that protects victims.

## PROSECUTION

The government continued to make inadequate law enforcement efforts to address human trafficking. Article 444 of the criminal code prohibits sex and labor trafficking and prescribes penalties of up to 12 years' imprisonment, with longer sentences possible for cases involving the trafficking of minors, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2015, the government launched four investigations of suspected trafficking cases, compared with five in 2014. The investigations led to the arrests and prosecution of six suspects for brokering in prostitution, not trafficking, for the sexual exploitation of 16 female victims, some of whom were minors. The government did not initiate any new prosecutions under article 444 in 2015, compared with one prosecution in 2014. However, in one case involving brokering in prostitution, the defendant faces a two- to 10-year sentence, similar to the sentence he would have faced under article 444, and the government has recognized and treated the victims as trafficking victims. The government did not secure any new convictions under article 444 in 2015, the same as in 2014. It did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government established a specialized trafficking in persons police unit within the organized crime division to focus on investigations and prosecutions in trafficking cases. The government also established a new office of the special state prosecutor to expand its capacity to prosecute cases of organized crime, including trafficking. Authorities increased efforts to train officials and offered specialized training for 489 police officers, prosecutors, border officers, labor inspectors, municipal employees, and other officials on victim identification and protection.

## PROTECTION

The government made mixed efforts on protection. Although it continued to fund victim services, efforts to proactively identify victims were lacking, particularly among children in forced

begging, and the government did not report providing care to any victims in 2015. The government identified 16 possible sex trafficking victims, some of whom were minors, compared to two in 2014. The government referred these victims to care, although none elected to use government-run shelter services. The government did not identify any labor trafficking victims, despite its acknowledgment of the need for greater efforts to prevent and protect child victims of forced labor, especially child victims of forced begging. Police identified 156 child beggars in 2014 and 122 in 2015, but did not identify any of them as trafficking victims. No victims participated in the prosecution of their traffickers in 2015. The police's organized crime unit responsible for investigating trafficking cases regularly conducted raids in commercial sex sites, escort agencies, and bars; however, police did not identify any victims through raids in 2015. In cooperation with international organizations, the government disseminated a victim identification checklist containing trafficking indicators in the form of business cards to all law enforcement agencies, including border police and prosecutors, health and social workers, and school directors.

The government allocated 151,185 euros (\$139,000) to the anti-trafficking coordinator's office, compared to 152,422 euros (\$184,000) allocated in 2014. A portion of this budget funded a shelter for trafficking victims that the government jointly operated with a Montenegrin NGO. The amount allocated to the shelter in 2015 decreased by 14 percent compared to 2014, due to the reduction of one staff member at this shelter, with funds reallocated to other anti-trafficking efforts. The shelter was open to both domestic and foreign victims; male victims were accommodated in separate living quarters in the shelter, as were children from adults. Victims could leave the shelter after an assessment made by police, or by the social welfare centers in the cases of children. Authorities offered victims medical, psychological, legal, and social assistance.

In June 2015, the government adopted a Law on Compensation of Victims, which is intended to provide financial assistance to victims of intentional violent crimes leading to severe physical injuries or emotional distress, for the purpose of obtaining treatment prior to court proceedings. However, the law will not go into effect until Montenegro becomes a member of the EU. Montenegrin law provides for the possibility for victim restitution, although there were no cases in which a victim requested or obtained restitution. In December 2014, Parliament passed the new Foreigners Act, which took effect in April 2015, providing foreign trafficking victims additional protections and clarifying their right to receive a temporary residence permit, lasting from three months to one year, and work authorization. No victims applied for residency in 2015. The act also requires police to work with NGOs and social workers to determine if a minor is a trafficking victim and therefore eligible to receive healthcare, education, and social services. The Foreigners Act also provides that child victims will receive witness protection, if necessary, and will not be returned to their country of origin if doing so would endanger their well-being. Montenegrin law prohibits the detention or arrest of persons believed to be human trafficking victims for crimes related to the trafficking. However, in October 2014, the high court confirmed the guilty verdict of a Moldovan trafficking victim and sentenced her in absentia to one year in prison for perjury for her testimony in a high profile 2002 trafficking case in which she accused high-level officials of being involved in human trafficking. NGO representatives strongly condemned the verdict for its weak legal reasoning and its chilling effect on possible future cases.

## PREVENTION

The government maintained strong prevention efforts. The government adopted a 2015 action plan to implement its 2012-2018 anti-trafficking strategy, and drafted an action plan for 2016. The government produced semiannual reports of the progress made on the strategy and action plan. The anti-trafficking office had the overall lead on anti-trafficking efforts, and the office's head was the national coordinator for the anti-trafficking taskforce, comprised of government officials, a government-funded NGO, and the international community. The taskforce continued to consult NGOs during the planning process. Taskforce members met six times for regular meetings and to coordinate assistance to potential trafficking victims. The government organized workshops in primary and secondary schools and continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims; neither hotline reported receiving trafficking-related reports during the reporting period. In addition, the government conducted a national awareness campaign that included a video shown on television stations; and increased cooperation with media outlets, advertising the SOS hotline, and placing posters at all border crossings. Authorities provided specialized training to labor inspectors; however, inspectors did not identify any cases of forced labor during the reporting period. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## MOROCCO: Tier 2

Morocco is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. According to a November 2015 study conducted by the Moroccan government, with support by an international organization, children are exploited in Morocco for labor, domestic work, begging, and prostitution. Although the incidence of child domestic work has reportedly decreased since 2005, girls are recruited from rural areas for work in domestic service in cities and become victims of forced labor. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal and construction industries and in mechanic shops. The 2015 study also found that some women are forced into prostitution in Morocco by members of their families or other intermediaries. Some female undocumented migrants, primarily from sub-Saharan Africa and South Asia, are coerced into prostitution. 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 and local NGOs report unaccompanied children and women from Cote d'Ivoire, Democratic Republic of the Congo, Senegal, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports suggest Cameroonian and Nigerian networks force women into prostitution, while Nigerian networks also force women to beg in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia are recruited for employment as domestic workers in Morocco; upon arrival, some are subjected to forced labor, experiencing non-payment of wages, withholding of passports, and physical abuse at the hands of their employers. Moroccan men, women, and

children abroad are exploited in forced labor and sex trafficking, primarily in Europe and the Middle East. Moroccan women who are forced into prostitution abroad experience restrictions on movement, threats, and emotional and physical abuse. Recruiters reportedly offer Moroccan men jobs in the Persian Gulf, but seize the victims' passports and subject them to debt bondage after arrival. Some Moroccan men and boys, initially lured to Europe by fraudulent job offers, are forced to sell drugs. Some foreigners, primarily from France and Spain, engage in child sex tourism in major Moroccan cities.

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued efforts to prevent human trafficking, including child sexual exploitation. Moroccan law does not prohibit all forms of human trafficking and its lack of clarity frequently led officials to conflate human trafficking, human smuggling, and illegal migration. To address this challenge, the government provided anti-trafficking training to prosecutors and judges. The government reported minimal efforts to investigate potential trafficking crimes under existing laws and did not provide the details of such cases to determine if they included trafficking offenses. The lack of prosecutions and convictions for trafficking crimes was not commensurate with the scope of the known problem. The government did not proactively identify trafficking victims among vulnerable populations, especially among migrants. As a result, unidentified victims among vulnerable populations remained at risk of penalization and re-trafficking. The government, however, funded protective services, particularly for migrants, and maintained cooperation with NGOs and international organizations in referring vulnerable populations, including potential unidentified trafficking victims, to social services on a limited ad-hoc basis.



## RECOMMENDATIONS FOR MOROCCO:

Enact and implement legislation, in line with international standards, that prohibits all forms of trafficking, distinct from human smuggling, and prescribes sufficiently stringent penalties; significantly increase investigations, prosecutions, and convictions of traffickers, and ensure stringent sentencing; proactively identify trafficking victims, especially among the foreign migrant community; develop and implement formal procedures for victim identification and referral to care using a victim-centered approach; ensure victims are not punished for crimes, such as immigration violations, committed as a direct result of being subjected to human trafficking; increase funding or in-kind support to NGOs that provide specialized services for trafficking victims, including foreign victims; significantly improve law enforcement data collection and reporting, including the disaggregation of data between human trafficking and human smuggling crimes; enact and implement legislation that provides protection for foreign and Moroccan domestic workers, including victims of domestic servitude; and enhance public awareness campaigns addressing all forms of trafficking of men, women, and children.

## PROSECUTION

The government made negligible anti-trafficking law enforcement efforts. Morocco lacks an anti-trafficking law, which remained a serious obstacle to prosecuting human trafficking crimes and contributed to confusion among officials in differentiating human trafficking, human smuggling, and illegal migration. Existing laws prohibit some, but not all, forms of trafficking; penalties under these laws are generally not sufficiently stringent. Morocco's penal code prohibits forced child labor through article 467-2, which prescribes punishments of one to three years' imprisonment, which are not sufficiently stringent. The penal code also prohibits forced prostitution and child prostitution through articles 497-499, which prescribe punishments of up to 10 years' or life imprisonment for crimes found to have occurred with aggravated circumstances; these penalties are sufficiently stringent and commensurate with other serious crimes such as rape. The penal code does not specifically define and penalize sex trafficking. Article 10 of Morocco's labor code prohibits forced labor of a worker; this offense is punishable by a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties are not sufficiently stringent.

In 2015, the government reported 34 cases involving suspects allegedly engaged in the abduction and illegal confinement of children; however, the status of these cases was unclear, and it was unknown whether they included trafficking offenses. The government also reported disbanding 105 human smuggling and trafficking networks in 2014, but it did not provide statistics for 2015 nor details about efforts to investigate and prosecute criminal actions by such groups. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The media and an international organization reported allegations that a Moroccan peacekeeper deployed in the Central African Republic (CAR) was involved in sexual exploitation of a woman in February 2016; although the media reported the government would initiate an investigation of these allegations, the outcome of this case was unclear at the end of the reporting period. Additionally, the media reported some Moroccan troops were allegedly involved in a child sex trafficking ring in CAR during the reporting period; the government and an international organization investigated these claims and found them to be unsubstantiated. The government, in partnership with international organizations, provided regular anti-trafficking trainings to judicial and law enforcement officials on distinguishing trafficking from human smuggling. In September 2015, the government cooperated with international organizations to establish standard procedures for identifying and assisting trafficking victims; it also created training materials for national and local law enforcement officials to identify trafficking victims.

## PROTECTION

The government sustained minimal efforts to identify and protect trafficking victims. As in past years, the government did not report proactively identifying trafficking victims, including those within vulnerable populations, such as irregular migrants and refugees, that officials encountered through the government's migrant regularization program. International organizations and NGOs reported some local law enforcement officials referred cases of vulnerable women, children, and migrants to them for social services; NGO service providers identified potential trafficking victims among these referrals in 2015. The government did not provide protection services to trafficking victims in 2015, and there were no other government services designed or funded specifically to

assist trafficking victims. Civil society organizations and some foreign embassies continued to be the primary providers of protection services, including shelter, for trafficking victims; the government provided limited funding or in-kind support. Although the government drastically decreased forced deportations of migrants in 2015, it occasionally conducted forced internal relocations of foreign migrants, particularly in Oujda, Nador, and Tangier. The government did not make efforts to identify potential trafficking victims among this vulnerable population, and therefore some unidentified victims may have been penalized for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration violations. Despite these actions, international organizations and NGOs reported authorities were more sensitive to the plight of migrants and have shown greater willingness to allow civil society organizations to protect these populations. In October 2015, the government officially broadened its criteria to regularize migrants, which may include the regularization of potential trafficking victims and provision of benefits to victims under this program. The government did not make efforts to identify trafficking victims among those whose stay was regularized through the migrant regularization program.

The government provided repatriation assistance to an unknown number of female Moroccan trafficking victims exploited in the Middle East, sub-Saharan Africa, and Asia, but it did not provide specialized care to these victims once they returned home. While the government provided some services, including medical and housing services, to foreign and Moroccan women and child victims of violence through the Ministries of Justice and Solidarity and its child reception centers, it did not report if trafficking victims received such services in 2015. In 2015, the Ministry of Moroccans Resident Abroad and Migration Affairs expanded a partnership program, signed with 70 civil society organizations, to provide urgent humanitarian services, as well as education and vocational training to vulnerable migrant populations, including potential trafficking victims. The government reportedly encouraged victims to cooperate in the investigations against their traffickers, yet the government did not provide evidence that any victims testified in 2015. Decree No. 1-11-164 provides some protections to victims and witnesses who testify against traffickers. The government provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

## PREVENTION

The government continued to make efforts to prevent human trafficking. In November 2015, with support of an international organization, the government published a study on the trafficking of women and children in Morocco. In 2015, with assistance from an intergovernmental organization, the government supported local NGOs' efforts to implement informational campaigns to prevent child labor and promote the rights of migrants and refugees, populations vulnerable to trafficking. The government continued to take some measures to reduce the demand for commercial sex acts and child sex tourism. In June 2015, the government formally adopted its Integrated Public Policy for the Protection of Children. The policy aims to improve the legal framework on child protection to include implementing criminal penalties for the sexual solicitation of children online and sex tourism, as well as advocating for involvement of the private sector to fight against child sex tourism, coordinating with internet providers to prevent sexual exploitation of children online, and developing awareness campaigns on children's rights. In addition, the



government continued to work with the tourism industry to prevent sexual exploitation of children. The government took efforts to reduce the demand for forced labor. In the first half of 2015, the Ministry of Employment and Social Affairs conducted 247 labor inspections, identified 292 child laborers, and removed more than 180 children from work sites; however, inspectors did not identify trafficking victims among these children. As in previous years, inspectors continued to be hindered by inadequate staffing and did not have the legal authority to enter homes, preventing them from identifying children or adults in domestic servitude. The government reported it continued to conduct an unknown number of inspections of private employment agencies that failed to follow employment regulations, and in December 2015, it blocked six Moroccan employment agencies from granting work contracts to foreign domestic workers who were considered to be at risk of trafficking. The government provided its diplomatic personnel human rights training, which included background on human trafficking issues. Moroccan peacekeeping forces continued to operate under a “no tolerance” policy, and the government provided training on the issue of sexual exploitation, but not specifically of human trafficking, to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions.

## MOZAMBIQUE: Tier 2 Watch List

Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. Women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and sex trafficking, in addition to voluntary migrants from neighboring countries. Mozambican girls are exploited in prostitution in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Swaziland and South Africa. Children exploited in prostitution is of growing concern in Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, they increase the demand for sexual services, potentially including child prostitution. Mozambican men and boys are subjected to forced labor on South African farms and mines, or as street vendors, where they often labor for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Swaziland to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Mozambican adults and girls are subjected to forced labor and sex trafficking in Angola, Italy, and Portugal. Persons with albinism (PWA), including children, are increasingly vulnerable to trafficking for the purpose of organ removal. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports allege traffickers bribe officials to move victims within the country and across national borders to South Africa and Swaziland, and prison officials force women to provide sex acts in exchange for provisions.

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government launched a national reference group to coordinate inter-ministerial anti-trafficking efforts with civil society stakeholders and sustained nationwide coverage of its regional “reference groups.” It also published four guides to assist police officers in the identification of potential trafficking victims and disseminated trafficking awareness materials across social media channels. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Mozambique is placed on Tier 2 Watch List. Although the government increased investigations of potential trafficking cases, it prosecuted 35 suspected traffickers and convicted 11 offenders compared with 44 prosecutions and 32 convictions in 2014. It did not finalize its national action plan or the implementing regulations for the 2008 anti-trafficking law. The government did not report identifying or protecting victims during the year, and the government’s funding for and provision of protective services remained inadequate.



### RECOMMENDATIONS FOR MOZAMBIQUE:

Increase efforts to prosecute and convict suspected trafficking offenders; finalize and implement the national action plan, and issue regulations necessary to implement the protection and prevention provisions of the 2008 anti-trafficking law; build the capacity of the police anti-trafficking unit, the labor inspectorate, and the Women and Children’s Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims; develop a formal system to identify proactively trafficking victims among vulnerable populations; institute a unified system for collecting trafficking case data; investigate reports of official complicity in trafficking crimes and vigorously prosecute cases against those implicated in trafficking offenses; monitor the reported growth of commercial sex and train officials to investigate and prosecute those facilitating child or forced prostitution; expand the availability of protective services for victims via increased funding to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons; continue training law enforcement officers in victim identification, particularly at border points; and expand anti-trafficking awareness campaigns.

### PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years’ imprisonment for these offenses, which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The 2014 penal code prohibits involuntary commercial sexual exploitation and forced labor of men and women. The government continued to manually compile anti-trafficking law enforcement data; however, it did not provide case-specific details. In 2015, the

government initiated investigations of 95 suspected trafficking cases, a three-fold increase from 2014, and prosecutions of 35, compared with 44 prosecutions initiated the previous year. It convicted 11 offenders under the 2008 anti-trafficking law, all of whom received prison terms, ranging from one to 22 years' imprisonment; the number of convictions represents a decrease from 32 offenders convicted in 2014 and 24 in 2013. As the 2008 anti-trafficking law criminalizes trafficking for the purpose of organ removal, law enforcement statistics likely included those cases, in addition to sex and labor trafficking cases. The government arrested 50 people nationwide for engaging in trafficking PWA for the purpose of removing their organs and other body parts and courts applied substantial prison sentences to the convicted defendants. In one such case, a court in Cabo Delgado province sentenced two individuals convicted of trafficking in persons for the purpose of organ removal to 35 years in prison for murdering a child with albinism to sell his body parts.

The government, in partnership with international organizations, sponsored trafficking-related trainings for an unknown number of immigration officers posted at heavily traversed border crossings with Swaziland and South Africa. It also sponsored, in conjunction with an international organization, anti-trafficking legislation training for 30 magistrates and published four guides to assist police officers in identifying trafficking victims. During the year, Mozambican and South African authorities cooperated on one case, originating from the previous year, involving five children subjected to trafficking in South Africa. NGO reports allege traffickers commonly bribe 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.

## PROTECTION

The government's efforts to protect trafficking victims remained inadequate. Although the government lacked formal victim identification procedures and did not report the number of victims identified and assisted during the year, an international organization stated that it assisted four trafficking victims in 2015. Officials continued to rely on technical and financial support from NGOs and international organizations to provide the majority of protection and rehabilitation services for victims and offered limited shelter, medical, and psychological assistance, which was sporadic nationwide. During the previous reporting period, the government assumed direct budget responsibility for the country's only permanent shelter for child trafficking victims and staffed psychologists to coordinate family reunification; however, officials did not disclose details of its funding allocation for victim protection measures over the current reporting period.

Officials continued to operate facilities in more than 215 police stations and 22 "Victims of Violence" centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime; however, it remained unclear whether trafficking victims benefited from these services in 2015. The anti-trafficking law requires police protection for victims who participate as witnesses in criminal proceedings against trafficking offenders; however, no such provisions were utilized during the year. The Ministry of Justice's 2013 draft action plan to guide victim protection efforts and outline implementation of the 2012 witness protection law—including trafficking victims who cooperate with law enforcement—remained unfinished and

unimplemented for the third consecutive year. The multi-sectoral care mechanism, which coordinates referrals and protective provisions for female victims of violence, remained inadequate and inoperative in 2015. Although the law provides for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution, the government did not use this provision during the reporting period. The government did not repatriate the five Mozambican children subjected to trafficking in South Africa, during the previous year, due to an ongoing investigation of the vulnerabilities to their being re-victimized in Mozambique. During the year, the government summarily detained and deported 36 foreign nationals who arrived in Maputo with forged visas; the lack of proactive screening procedures precluded the government from ensuring these potential trafficking victims were not inadvertently penalized for unlawful acts committed as a result of potentially being subjected to trafficking.

## PREVENTION

The government made uneven efforts to prevent trafficking. It did not demonstrate progress toward implementation of the national anti-trafficking action plan or finalize implementing regulations for the second consecutive year. In 2015, the attorney general's office continued to demonstrate leadership in overseeing anti-trafficking efforts by launching a national reference group for the protection of children and sustaining provincial-level "reference groups" throughout the country. Consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations, the "reference groups" served to coordinate regional efforts to address trafficking and other crimes. In 2015, the government, in conjunction with local NGOs and an international organization, proactively launched an unknown number of educational media campaigns using celebrities and former high-ranking government officials to target the trafficking of PWA for the purpose of organ removal and emphasize the importance of protection by local communities. In 2014, the government hosted seven anti-trafficking lectures and facilitated an awareness campaign for approximately 750 government and civil sector personnel. The labor ministry employed an inadequate number of labor inspectors who lacked training and resources to effectively monitor for child trafficking and other labor violations, especially on farms in rural areas. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts during the year. It did not provide anti-trafficking training for its diplomatic personnel.

## NAMIBIA: Tier 2

Namibia is a source and destination country for children, and to a lesser extent women, subjected to forced labor and sex trafficking. Some victims are initially offered legitimate work for adequate wages, but are then subjected to forced labor in urban centers and on commercial farms. Domestically, Namibian children are subjected to forced labor in agriculture, cattle herding, and domestic service, and to sex trafficking in Windhoek and Walvis Bay. A media report alleged that foreign sex tourists from southern Africa and Europe exploit child sex trafficking victims. Namibians commonly house and care for children of distant relatives to provide expanded educational opportunities; however, in some instances, these children are