

their children into conditions of forced labor, including involuntary domestic servitude.

Within the country, Cambodian and ethnic Vietnamese women and children are trafficked from rural areas to Phnom Penh, Siem Reap, and Sihanoukville for commercial sexual exploitation. The Svay Pak brothel area of Phnom Penh remains a hub for child prostitution, despite attempts by authorities to close it down. Children are also subjected to forced labor, including being forced to beg, scavenge refuse, work in quarries, and work in the production and processing of bricks, rubber, salt, and shrimp. Cambodia is a destination for Vietnamese women and girls trafficked for forced prostitution. The sale of virgin girls continues to be a serious problem in Cambodia, with foreign (mostly Asian) and Cambodian men paying up to \$4,000 to have sex with virgins. A significant number of Asian and other foreign men travel to Cambodia to engage in child sex tourism. Some Cambodians who migrate to Taiwan and South Korea through brokered international marriages may subsequently be subjected to forced prostitution or forced labor.

The Government of Cambodia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Law enforcement efforts stepped up significantly, resulting in a significant increase in convictions over the prior year. However, impunity, corruption, and related rent-seeking behavior continue to impede progress in combating trafficking in persons. Authorities reported one conviction of a public official for trafficking-related corruption during the year. Labor trafficking among Cambodians migrating abroad for work is a growing problem that will require greater attention from authorities in the coming year.

Recommendations for Cambodia: Conduct robust investigations and prosecutions of government officials involved in trafficking activities; hold labor recruitment companies criminally responsible for illegal acts committed during the recruitment process, such as debt bondage through exorbitant fees, detention of workers during pre-departure training, and recruitment of workers under age 18; expand efforts to proactively identify victims of trafficking among vulnerable groups, including the institution of nationwide victim identification procedures and referrals to adequate victim services; institute a law to regulate the recruitment, placement, and protection of migrant workers going abroad; engage governments of destination countries on the protection of migrant workers, as well as the safe repatriation of Cambodian trafficking victims and the prosecution of their traffickers; continue to prosecute criminal cases involving trafficking for both forced prostitution and forced labor; continue to train and sensitize law enforcement and court officials about trafficking, proactive identification of victims, victim referral procedures, and victim-sensitive handling of cases; improve interagency cooperation and coordination

between police and court officials on trafficking cases; institute procedures to ensure victims are not arrested, incarcerated, or otherwise punished for unlawful acts committed as a direct result of being trafficked; and conduct a public awareness campaign aimed at reducing demand by the local population and Asian visitors for commercial sex acts.

Prosecution

The Government of Cambodia demonstrated significant progress in law enforcement efforts against sex trafficking during the last year. The February 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation covers a wide variety of offenses, with 12 of its 30 articles explicitly addressing trafficking offenses. The law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. During the reporting period, authorities convicted 36 trafficking offenders, compared with 11 convictions in 2008; all but one of these convictions were for sex trafficking. While there were increasing reports of Cambodian migrant workers falling victim to trafficking due to exploitative conditions in destination countries, including Malaysia, the government has never criminally prosecuted or convicted any labor recruiters whose companies were involved in labor trafficking. In February 2010, the Phnom Penh municipal court convicted a woman for the forced labor of an 11-year-old girl enslaved as a domestic worker; the woman was sentenced to 20 years' imprisonment, and two related offenders were also sentenced to imprisonment.

The government partnered with NGOs to train over 4,000 police, social workers, court officials, and other employees on the 2008 law and its enforcement. There remain a large number of officials, particularly provincial-level police, who still need training. Consequently, confusion of trafficking offenses with other trafficking-related crimes such as prostitution, pornography, and child sex abuse is a sporadic occurrence, and some officials believe that enforcing laws against non-trafficking sex crimes contributed to efforts to combat trafficking. Judges and prosecutors sometimes continued to classify trafficking cases under non-trafficking articles and laws, or prosecuted non-trafficking cases using trafficking statutes. In March 2010, Cambodian police conducted raids in several cities on establishments suspected of engaging in "immoral" activities, but did not make sufficient efforts to arrest perpetrators for human trafficking offenses or identify trafficking victims, including children in prostitution. In one case, an NGO reported that military police in Sihanoukville kept the women and girls who were rounded up from multiple sites and offered them back to establishment owners for \$50 a person. The government licensed 26 companies to send laborers to Thailand, Malaysia, and Japan that frequently work with independent brokers to locate potential workers. Authorities are negotiating additional

labor agreements with other countries in Asia and the Middle East. However, Cambodia does not have a law to regulate the recruitment, placement, and protection of migrant workers, or to provide specific criminal penalties for negligent or exploitative recruitment agencies. During the year, police arrested one labor broker for the unlawful removal of nine children with the intent of selling them to work as servants in Malaysia; the broker is in pre-trial detention. A June 2009 inspection of a recruitment agency revealed that 20 of the 57 females questioned were under the age of 18, but the government did not arrest any labor export company officials during the year for such practices.

Impunity, corruption, and related rent-seeking behavior continue to impede anti-trafficking efforts. Police and judicial officials are both directly and indirectly involved in trafficking. Some local police and government officials extort money or accept bribes from brothel owners, sometimes on a daily basis, in order to allow the brothels to continue operating. Authorities prosecuted and convicted one public official who accepted \$250,000 in exchange for forging documents intended to secure the release of a convicted child sex offender. Authorities did not prosecute the former president of Cambodia's appeals court, who reportedly accepted \$30,000 in 2008 for the release of brothel owners convicted of trafficking; the official remains employed with the Cambodian government.

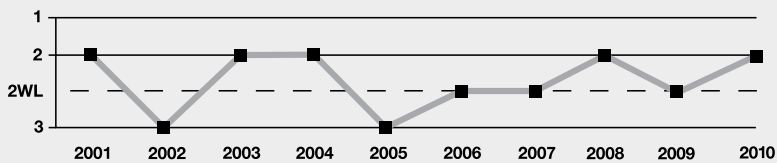
There were not enough places in NGO shelters to accommodate all trafficking victims; this was particularly true for children, and specifically boys, which negatively affected authorities' ability to carry out additional victim rescues.

MOSAVY reported that local police referred 535 victims of sex trafficking to provincial offices during the year (compared with 505 in 2008) who, in turn, referred victims to NGO shelters. Authorities worked with NGO partners to repatriate 11 female victims to Vietnam during the year. Building on technical assistance from an international organization, MOSAVY began to interview persons repatriated from Vietnam to help identify trafficking victims, and reported identifying 143 labor trafficking victims in this way. MOSAVY provided transportation assistance to return the victims to their home communities, but lacked the resources to provide further assistance. In partnership with UNICEF, MOSAVY also identified 83 Cambodian victims who had been repatriated from Thailand as trafficking victims; those victims remained briefly at a transit center jointly operated by the government and UNICEF in Poipet and were provided some reintegration assistance while officials conducted family tracing. Authorities encouraged victims to participate in investigations and prosecutions of traffickers. Cambodia's weak judicial system, the lengthy legal process, and credible fears of retaliation are factors influencing victims' decisions to seek out-of-court compensation in lieu of criminal prosecution. Victims who participate in the prosecution of their traffickers are not provided witness protection – a significant impediment to successful law enforcement efforts. Although victims legally had the option of filing civil suits to seek legal actions against their traffickers, most did not have the resources to do so, and the government did not provide assistance to victims for this purpose. In December 2009, the government signed a Memorandum of Understanding with Vietnam on victim identification and repatriation.

Prevention

The Government of Cambodia continued some efforts to prevent trafficking in persons in partnership with international organizations and NGOs. The Ministry of Women's Affairs maintained programs to prevent the trafficking of children to Vietnam for begging. The Ministry also held "Anti-Human Trafficking Day" ceremonies in December 2009 in Phnom Penh, Siem Reap, and Poipet, which brought together several thousand Cambodian officials, civil society, and the public to increase awareness of trafficking, and was widely publicized on local television stations. Authorities cooperated with several international organization partners to produce radio programs on human trafficking. The Ministry of Tourism produced billboards, magazine advertisements, and handouts targeted to reduce the demand for commercial sex acts, though these efforts should be expanded. Authorities convicted nine child sex

CAMBODIA TIER RANKING BY YEAR



Protection

The Government of Cambodia demonstrated limited efforts to protect victims of trafficking during the year. In August 2009, the Ministry of Social Affairs (MOSAVY) issued a new "Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking," which includes guidelines to improve victim treatment and protection, and began to train officials on the use of these standards. However, the effects of this policy have yet to be seen. The government lacks national procedures and sufficient resources for training to proactively identify victims of trafficking among vulnerable groups, such as foreign women and children arrested for prostitution. Raids in March 2010 against "immoral" activities were not conducted in a manner sensitive to trafficking victims and did not involve trained anti-trafficking police or anti-trafficking organizations to assist in identifying or assisting potential trafficking victims. The government continued to refer victims to NGO shelters, but did not itself offer further assistance.

tourists during the year and initiated prosecutions against at least 17 other foreigners, including a Korean karaoke bar owner and two more Japanese citizens involved in the commercial sexual exploitation of children. State-run media ran anti-child sex tourism messages, as well as several television programs in Khmer targeted at the local population to discourage demand for child sex. Cambodian military forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

CAMEROON (Tier 2 Watch List)

Cameroon is a country of origin, transit, and destination for children subjected to trafficking in persons, specifically forced labor, and a country of origin for women in forced labor. Individual trafficking operations usually involve the trafficking of two or three children at most, as when rural parents hand over their children to a seemingly benevolent middleman who may promise education and a better life in the city. A 2007 study conducted by the Cameroon government reported that 2.4 million children from the country's ten regions involuntarily work in forced domestic servitude, street vending, and child prostitution, or in hazardous settings, including mines and tea or cocoa plantations, where they are treated as adult laborers; an unknown number of these children are trafficking victims. Nigerian and Beninese children attempting to transit Cameroon *en route* to Gabon, Equatorial Guinea, or adjacent countries also fall into the hands of traffickers who force them to stay in the country and work. An unknown number of Cameroonian women are lured abroad by fraudulent proposals of marriage on the Internet or offers of work in domestic service and subsequently become victims of forced labor or forced prostitution – principally in Switzerland and France, and according to recent reports, as far away as Russia. This trafficking reportedly is facilitated by corrupt officials who accept bribes for the issuance of travel documents.

The Government of Cameroon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of increasing efforts to convict and punish trafficking offenders, including complicit officials, and to identify and protect victims of trafficking; therefore, Cameroon remains on Tier 2 Watch List for a third consecutive year. While state prosecutors coordinated efforts with Interpol to investigate suspected trafficking offenses, particularly in the Northwest Region, there have been no reports of new trafficking prosecutions or convictions. Experts consider the 2005 law against child trafficking to be well written but underused because there is no system to provide relevant judicial officials with copies of new laws. Judges, law enforcement officials, and social workers do not enforce the legislation because they are not familiar with it. The government did not take measures

to complete and enact a 2006 draft law prohibiting trafficking of adults. It failed to investigate reports of maintaining hereditary servants in involuntary servitude in the Northern Region. In August 2009, the Ministry of Social Affairs, in partnership with UNICEF and NGOs, began to develop a guide for protecting vulnerable children from exploitation, including trafficking, but did not complete a draft by the expected deadline at the end of 2009.

Recommendations for Cameroon: Increase efforts to prosecute and convict trafficking offenders; educate police, judges, lawyers, and social workers about the law against child trafficking; complete and enact a draft law criminalizing the trafficking of adults; train anti-trafficking officials in all regions to use the new human trafficking data banks developed by NGOs; and investigate reports of hereditary servitude in the Northern Region.

Prosecution

The Government of Cameroon demonstrated weak anti-trafficking law enforcement efforts over the last year. The government enacted no relevant legislation during the reporting period, and the country does not have a law prohibiting all forms of trafficking in persons, as its 2006 draft law against adult trafficking has yet to be passed and enacted. The country's existing 2005 law against child trafficking and slavery prescribes a penalty of 20 years' imprisonment for these offenses – a punishment that is sufficiently stringent and commensurate with penalties prescribed for other serious offenses. During the reporting period, authorities investigated 26 new cases of human trafficking, as well as 18 other cases of possible trafficking offenses, none of which has resulted in a prosecution. All of the 26 cases involved children, and 10 of the cases were arrests and detentions pending trials. Several factors delay these cases, including the limited number of gendarmes and police officers available in rural areas, poor understanding of trafficking issues among victims who may be illiterate, and the lack of any security units specifically assigned to anti-trafficking details. The remaining 16 cases were alleged trafficking offenders who were caught in the act and arrested, but finally released after the matter was resolved either at the level of security forces, social affairs agencies, or a human rights lawyer's chambers. To address these cases, officials used the 2005 anti-child trafficking law and the pertinent provisions of the Penal Code. The government reported no trafficking convictions during the reporting period. The government did not investigate traditional leaders in the Northern Region suspected of keeping hereditary servants in conditions of involuntary servitude. Official sources give no indication that the government facilitates or condones trafficking, though there were signs of some officials' involvement in trafficking. In November 2009, a Bamenda-based lawyer filed a complaint against a commissioner of one of the police districts for complicity in child trafficking. The lawyer claimed that

the commissioner opposed the arrest and detention of a woman caught while committing transnational trafficking. The Bamenda High Court took no action on the complaint against the police commissioner during the reporting period.

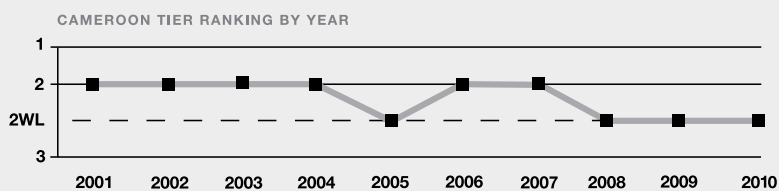
Protection

The Cameroonian government showed sustained, but weak efforts, which were limited due to financial constraints, to ensure that victims of trafficking received access to necessary assistance during the year. The government acknowledged that trafficking is a problem in Cameroon, and provided some direct assistance to victims, including temporary residency status, shelter, and medical care. Government personnel did not demonstrate systematic and proactive efforts to identify trafficking victims among vulnerable groups, such as street children, women in prostitution, and illegal migrants, or refer these victims to necessary care, though government officials did informally refer victims to service providers. The government did not discriminate on the basis of country of origin of trafficking victims; however, it did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

victim, supported by local organizations, suing an alleged trafficking offender. Through the National Commission on Human Rights and Freedoms, and national and international NGOs, the government for the first time provided specialized training on how to identify trafficking victims to some of its officials, including law enforcement officers, in four regions of the country beginning in July 2009.

Prevention

The Cameroonian government sustained weak trafficking prevention efforts over the last year. Radio and television broadcast the government's anti-trafficking message daily, sometimes wrapped in sports-star endorsements or public service announcements. The government reported that customs agents, border police, and gendarmerie units increased monitoring of the country's borders, notably at seaports and airports, but land borders continued to be rarely patrolled and individuals passed freely between Cameroon and neighbor states. The government reported no measures to reduce the demand for commercial sex acts within the country. The government did not provide members of the Cameroonian armed forces with training on human trafficking prior to their deployment abroad on international peacekeeping missions.



The informal system employed by government personnel for referring victims in need of short- and long-term shelter to government-run or NGO facilities is cumbersome. Once security officials identified individuals as trafficking victims, they addressed a report to the local administrative authority, which in turn directed victims to the appropriate government agency for appropriate action, including the provision of lodging in shelters or homes, medical care, and food. By year's end, the government had begun to renovate the few care centers it maintains for trafficking victims. In August 2009, the Ministry of Social Affairs began working with UNICEF to draft a manual that would show families respected in local communities how to create foster homes that provide shelter, food, health care, and education to trafficking victims – a new model for protection in the country, scheduled to begin in 2010.

The government encouraged victims to assist in the investigation and prosecution of trafficking cases. Victims were provided the opportunity to file civil suits against trafficking offenders, though in the case of child victims, adult family members needed to instigate proceedings. At least one such case was pending in the Northwest Region at the end of the reporting period, with an 18-year-old

CANADA (Tier 1)

Canada is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and, to a lesser extent, forced labor. Canadian women and girls, particularly from aboriginal communities, are found in conditions of commercial sexual exploitation across the country. Foreign women and children, primarily from Asia and Eastern Europe, are subjected to forced prostitution: trafficking victims are from China, Hong Kong, Taiwan, China, South Korea, the Philippines, Romania, Ukraine, and Moldova, in addition to other countries and territories. Asian victims tend to be prevalent in Vancouver and Western Canada, while Eastern European and Latin American victims are trafficked to Toronto, Montreal, and Eastern Canada. Law enforcement officials report the involvement of organized crime in sex trafficking. Canada is reportedly a destination country for foreign victims of forced labor. Most labor victims enter Canada legally but then are subjected to forced labor in agriculture, sweatshops and processing plants, or as domestic servants. NGOs report higher levels of forced labor in the provinces of Alberta and Ontario, while acknowledging the difficulty of distinguishing forced labor from labor exploitation. A considerable number of victims, particularly South Korean females, transit Canada *en route* to the United States. Canada is also a significant source country for child sex tourists, who travel abroad to engage in sex acts with children.

The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government increased prosecutions of human trafficking crimes and sustained strong victim protection and prevention efforts. Courts convicted one trafficking offender under the anti-trafficking law and achieved at least three other convictions under trafficking-related sections of the Criminal Code during the reporting period. Accurate data on human trafficking investigations was difficult to obtain, due in part to the highly decentralized nature of the government's anti-trafficking efforts.

Recommendations for Canada: Intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; increase use of proactive law enforcement techniques to investigate trafficking cases, including allegations of labor trafficking; increase efforts to investigate and prosecute Canadians suspected of committing sex crimes on children abroad; ensure that foreign trafficking victims are identified instead of deported; strengthen coordination among national and provincial governments on law enforcement and victim services; and improve data collection.

Prosecution

The Government of Canada maintained law enforcement actions against the country's human trafficking problem over the last year: a greater number of trafficking cases were prosecuted, and authorities secured at least four trafficking-related convictions during the reporting period, compared with five convictions achieved under the anti-trafficking law during the previous period. Section 279.01 of the Canadian Criminal Code prohibits most forms of human trafficking, prescribing a penalty of up to 14 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those for other serious crimes, such as sexual assault. Section 279.02 of the Criminal Code additionally prohibits a defendant from receiving a financial or material benefit from trafficking, prescribing up to 10 years' imprisonment. Withholding or destroying a victim's identification or travel documents to facilitate human trafficking is prohibited by Section 279.03 and is punishable by up to five years in prison. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as conduct which reasonably causes a victim to provide a labor or service because they believe their safety, or the safety of a person known to them, is threatened. Section 118 of Canada's Immigration and Refugee Protection Act, enacted in 2002, prohibits transnational human trafficking, prescribing a maximum penalty of life imprisonment and a \$1 million fine. A private member's bill strengthening anti-trafficking statutes and establishing a five year minimum sentence for trafficking of children is in progress in Parliament. The government reported one conviction under trafficking-specific laws during the reporting period, and convicted at least three trafficking offenders under other sections of the Criminal

Code, including provisions against living off the proceeds of prostitution and sexual assault. Sentences ranged from six to nine years' imprisonment. In addition to ongoing investigations, there were at least 32 human trafficking cases before the courts as of late February 2010, involving 40 accused trafficking offenders and 46 victims. All but one of these cases involved sex trafficking. This represents an increase in the number of prosecutions when compared with 12 anti-trafficking prosecutions in provincial courts that were pending at the same time last year and which involved 15 accused trafficking offenders. Not all cases of human trafficking are identified as such, and prosecutors may choose not to file human trafficking charges if related charges – such as sexual assault or living off the proceeds of prostitution – could guarantee longer sentences. Provinces and territories had primary responsibility for enforcing labor standards, and therefore had primary responsibility in combating forced labor. In December 2009, Ontario enacted the Employment Protection for Foreign Nationals Act, which provides employment protections for temporary foreign workers in the domestic service sector, a population which has increased significantly in the past five years. Canada's law enforcement efforts reportedly suffer from a lack of coordination between the national government and provincial and local authorities, which prosecute most human trafficking cases. Last year the Royal Canadian Mounted Police (RCMP) continued extensive anti-trafficking training efforts for law enforcement officers, border service officers, and prosecutors, and there were no reports of trafficking-related complicity by Canadian officials.

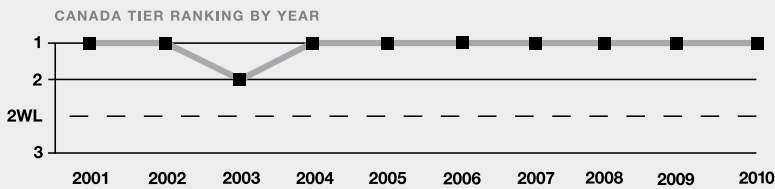
Protection

The government maintained protections for trafficking victims during the reporting period. Though law enforcement officials conduct raids at establishments where prostitution or trafficking is suspected, there were no nationwide proactive strategies for identifying trafficking victims among vulnerable populations, such as prostituted women. Victim support services in Canada are generally administered at the provincial level. While each province or territory provides services for crime victims, including trafficking victims, the range and quality of these services varied. However, most jurisdictions provided access to shelter services, short-term counseling, court assistance, and specialized services, such as child victim witness assistance, rape counseling, and initiatives targeted at aboriginal women. NGOs also provided victim services, ranging from shelter care to employment and resettlement assistance. Undocumented foreign trafficking victims in Canada may apply for a temporary resident permit (TRP) to remain in the country, and 15 trafficking victims received TRPs during the reporting period. During a 180-day reflection period, immigration officials determine whether a longer residency period of up to three years should be granted. Victims also may apply for fee-exempt work permits. TRP holders have access to essential and emergency medical care, dental

care, and trauma counseling. Some foreign trafficking victims reportedly elected to apply for refugee status instead of a TRP, claiming more secure benefits and an immigration status with which immigration officials appeared more familiar. Victims' rights are generally respected in Canada, and victims are not penalized for crimes committed as a direct result of being trafficked. Canadian authorities encourage but do not require trafficking victims to participate in investigations and prosecutions of trafficking offenders. The government provides protections to victims who choose to testify, such as use of closed circuit television testimony, and during the reporting period 22 victims participated in human trafficking cases in court. The federal government and some provincial governments offer witness protection programs, though no trafficking victims applied for the federal program over the past year. Law enforcement, immigration, and consular officials receive specialized training to identify trafficking victims. However, many foreign victims appear to enter Canada legally and would be difficult to identify when passing through immigration. Despite these training initiatives, NGOs note that little information is provided to trafficking victims about their rights under anti-trafficking laws.

Foreign Affairs distributes a publication entitled "Bon Voyage, But..." to warn Canadians traveling abroad about penalties under Canada's child sex tourism law, and every new Canadian passport issued is accompanied by a copy of the booklet. The government produced more than 4 million copies during the reporting period. The government incorporated anti-trafficking measures into plans for the 2010 Vancouver Olympics, such as enhanced interpretation services for victims of crime and human trafficking. During the reporting period, the RCMP interviewed 175 police and service agencies in 20 cities and towns to determine the nature and scope of domestic trafficking of children. The government forged partnerships with NGOs, international organizations, and foreign governments, and funded anti-trafficking initiatives around the world through the Canadian International Development Agency and the Department of Foreign Affairs. Canadian authorities provided anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions.

CENTRAL AFRICAN REPUBLIC (Tier 2 Watch List)



Prevention

The government maintained strong anti-trafficking prevention efforts over the reporting period. The RCMP continued to conduct widespread awareness-raising activities, reaching approximately 5,500 government officials and 4,500 members of civil society, in addition to distributing anti-trafficking materials to law enforcement officers. The RCMP maintained six regional human trafficking awareness coordinators across the country to facilitate these initiatives. The Canadian immigration agency provided pamphlets and information to temporary foreign workers, including live-in caregivers, to let them know where to seek assistance in case of exploitation or abuse, as well to inform them of their rights. Canada is a source country for child sex tourists, and the country prohibits its nationals from engaging in child sex tourism through Section 7(4.1) of its Criminal Code. This law has extraterritorial application, and carries penalties up to 14 years in prison. Since 1997, approximately 136 formal charges have been filed against Canadians suspected of sexually exploiting children in foreign countries. Last year the Canadian government convicted no child sex tourists, compared with two convictions achieved in 2008. Canada's Department of

The Central African Republic (CAR) is a source and destination country for children subjected to trafficking in persons, specifically various forms of forced labor and forced prostitution. Most child victims are trafficked within the country, but a smaller number move back and forth from Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo, and Sudan. Trafficking offenders, including members of expatriate communities from Nigeria, Sudan, and Chad, as well as transient merchants and herders, subject children to involuntary domestic servitude, commercial sexual exploitation, or forced labor in agriculture, diamond mines, and street vending. The groups most at risk for trafficking are children for forced labor, Ba'aka (Pygmy) minorities for forced agricultural work, and girls for the sex trade in urban centers. The Lord's Resistance Army continues to abduct and harbor enslaved Sudanese, Congolese, Central African, and Ugandan children in the CAR for use as cooks, porters, and combatants; some of these children are also taken back and forth across borders into Sudan or the Democratic Republic of the Congo.

Human rights observers reported that opposition militia groups in the north of the country continued to unlawfully conscript children as young as 12 years old in armed service. Two of the main rebel groups, however, the Union of Democratic Forces for Unity (UFDR) and the Army for the Restitution of Democracy (APRD), ceased all recruitment of children during the reporting period as a result of disarmament, demobilization, and reinsertion activities. UNICEF reported that the APRD released 711 child soldiers in 2009; approximately 30 percent were

between 10 and 14 years old, and of those, 70 percent had served in armed combat. The UFDR demobilized 180 child soldiers during the year. Though the UFDR and APRD deny the presence of additional children in their ranks, some observers believe they still harbor children between the ages of 15 and 17 years old. Village self-defense units, some of which are government-supported, used children as combatants, lookouts, and porters during the year; UNICEF estimates that children comprise one-third of the self-defense units.

The Government of the Central African Republic does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so, despite limited resources, cross-border incursions from three neighboring countries, and chronic political instability. In 2010, the government enacted an amendment to its penal code prohibiting and prescribing punishments for human trafficking offenses. The Minister of Justice, however, suspended the activities of the Inter-ministerial Committee to Fight Child Exploitation, pending a review of the draft Family Code to ensure that the legislation authorizes such a committee to exist and act effectively; this new code will determine the legal framework of the inter-ministerial committee's work. The government did not take law enforcement action against traffickers, identify or provide protective services to child trafficking victims, or adequately raise public awareness of the phenomenon during the reporting period. Therefore, Central African Republic is placed on Tier 2 Watch List for the fifth consecutive year.

Recommendations for Central African Republic:

Complete an ongoing review of the country's Family Law to ensure that its provisions will support the Inter-Ministerial Committee to Fight Child Exploitation's mission to design a national anti-trafficking policy; increase efforts to identify trafficking victim among vulnerable populations, such as females in prostitution, street children, and Pygmies; in collaboration with NGOs and the international community, provide care to children in commercial sexual exploitation and forced labor; and increase overall efforts to educate the public about the dangers of trafficking.

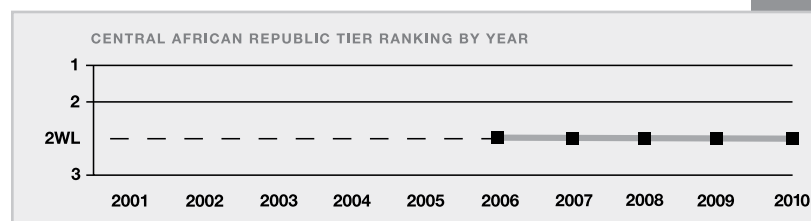
Prosecution

While the government failed to investigate, prosecute, or convict trafficking offenses during the reporting period, it made efforts to strengthen its anti-trafficking legal statutes. In September 2009, the Parliament passed a revised Penal Code containing anti-trafficking provisions; the Code was officially enacted in January 2010. Under Article 151 of the new provisions, the prescribed penalty for human trafficking ranges from five to 10 years' imprisonment; however, when a child is the victim of sex trafficking or forced labor similar to slavery, the penalty is life imprisonment with hard labor. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Articles 7 and 8 of the January 2009 Labor Code prohibit

forced and bonded labor and prescribe penalties of five to 10 years' imprisonment. These provisions, however, are rarely enforced and no cases of suspected human trafficking offenses were investigated or prosecuted during the reporting period.

Protection

The government provided minimal protective assistance to trafficking victims during the reporting period. An extreme shortage of resources leaves responsible Central African officials unable to implement many basic victim protection services. While the Ministry of Family and Social Affairs continued operation of a shelter (the Center for Mothers and Children) in Bangui for children in distress, some of whom may have been trafficking victims, the shelter often did not have space available to take on additional clients. The government did not establish a system for identifying victims of trafficking among vulnerable populations, and they lacked capacity to provide funding or in-kind support to local or foreign partners for services provided to victims. The government sustained its partnership with UNICEF and UNICEF's two program implementers for the latter's protection of demobilized child soldiers, some of whom had likely been subjected to unlawful conscription. For example, during the reporting period, the Sous Prefets of Paoua and Bocaranga facilitated communication between two international NGOs and the APRD, which enabled the effective demobilization of 623 child soldiers from the rebel group. The Ministry of Education's local representative in Bocaranga welcomed the demobilized children into the school, despite local suspicions. In September 2009, the Minister of Interior traveled to Paoua, in partnership with police, and convinced local citizens to peaceably allow the continuation of one NGO's program to demobilize and rehabilitate child soldiers, including those unlawfully conscripted, from the APRD. In January 2010, the Deputy Minister of Defense tasked a senior gendarmerie official with investigating the situation of the recruitment and use of child soldiers in government-supported self-defense militias, with an eye to ending the practice immediately; the outcome of this investigation is unknown.



The Ministry of Justice ensured that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. It claimed to encourage victims to assist in the investigation and prosecution of traffickers, and to file suits against them for damages;

these options do not appear to have been used during the reporting period. The government does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution, and does not offer assistance to its own nationals who are repatriated as victims of trafficking.

Prevention

The government acknowledged that human trafficking is a problem in the country, and undertook few anti-trafficking prevention efforts during the reporting period. Most visibly, officials launched a human trafficking awareness campaign in June 2009 to coincide with the annual Day of the African Child, though there was limited follow-up on the themes presented after the day of the event. In January 2010, the Minister of Interior spoke on national radio about the overall poor law and order situation in the country, referencing in particular problems of child trafficking. The Inter-Ministerial Committee to Fight Child Exploitation, which was suspended by the Minister of Justice in early 2008 pending a review of the draft Family Code to ensure the legislation authorized the existence of such a committee, was not reinstated in 2009. The government did not take any measures to reduce the demand for forced labor or commercial sex acts during the year.

CHAD (Tier 2 Watch List)

Chad is a source and destination country for children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The country's trafficking problem is primarily internal and frequently involves parents entrusting children to relatives or intermediaries in return for promises of education, apprenticeship, goods, or money; selling or bartering children into involuntary domestic servitude or herding is used as a means of survival by families seeking to reduce the number of mouths to feed. Child trafficking victims are primarily subjected to forced labor as herders, domestic servants, agricultural laborers, or beggars. Child cattle herders follow traditional routes for grazing cattle and at times cross ill-defined international borders into Cameroon, the Central African Republic (CAR), and Nigeria. Underage Chadian girls travel to larger towns in search of work, where some are subsequently subjected to prostitution. Some girls are compelled to marry against their will, only to be forced by their husbands into involuntary domestic servitude or agricultural labor. In past reporting periods, traffickers transported children from Cameroon and the CAR to Chad's oil producing regions for commercial sexual exploitation; it is unknown whether this practice persisted in 2009.

During the reporting period, the Government of Chad actively engaged in fighting with anti-government armed opposition groups. Each side unlawfully conscripted, including from refugee camps, and used children as combatants, guards, cooks, and look-outs. The

government's conscription of children for military service, however, decreased by the end of the reporting period, and a government-led, UNICEF-coordinated process to identify and demobilize remaining child soldiers in military installations and rebel camps began in mid-2009. A significant, but unknown number of children remain within the ranks of the Chadian National Army (ANT). Sudanese children in refugee camps in eastern Chad were forcibly recruited by Sudanese rebel groups, some of which were backed by the Chadian government during the reporting period.

The government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government took steps to investigate and address the problem of forced child labor in animal herding. It also initiated efforts to raise awareness about the illegality of conscripting child soldiers, to identify and remove children from the ranks of its national army, and to demobilize children captured from rebel groups. The government failed, however, to enact legislation prohibiting trafficking in persons and undertook minimal anti-trafficking law enforcement efforts and victim protection activities. Therefore, Chad is placed on Tier 2 Watch List. The country faces severe constraints including lack of a strong judicial system, destabilizing civil conflicts, and a heavy influx of refugees from neighboring states.

Recommendations for Chad: Pass and enact penal code revisions prohibiting child trafficking; consider drafting and enacting penal code provisions that would criminalize the trafficking of adults; increase efforts to enhance magistrates' understanding of and capability to prosecute and punish trafficking offenses under existing laws; demonstrate increased anti-trafficking law enforcement efforts, including the investigation and prosecution, where appropriate, of suspected trafficking offenders; continue taking steps to ensure the end of child conscription and the demobilization of all remaining child soldiers from the national army and rebel forces; and collaborate with NGOs and international organizations to increase the provision of protective services to all types of trafficking victims, including children forced into cattle herding, domestic servitude, or prostitution.

Prosecution

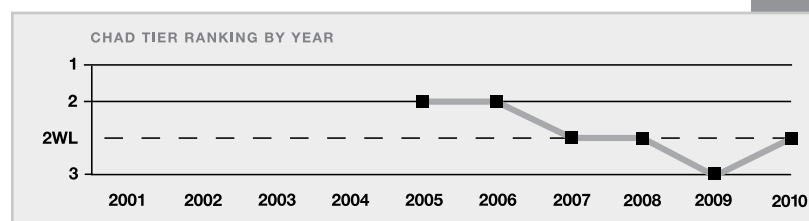
Chad's weak judicial system impeded its progress in undertaking anti-trafficking law enforcement efforts. The government failed to prosecute trafficking offenses and convict and punish trafficking offenders during the year. Existing laws do not specifically address human trafficking, though forced prostitution and many types of labor exploitation are prohibited. Title 5 of the Labor Code prohibits forced and bonded labor, prescribing fines of \$100 to \$1,000; these penalties, which are considered significant by Chadian standards, fail to prescribe a penalty of imprisonment and are not sufficiently stringent

to deter trafficking crimes. Penal Code Articles 279 and 280 prohibit the prostitution of children, prescribing punishments of 5 to 10 years' imprisonment and fines up to \$2,000 – penalties that are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. Pimping and owning brothels are also prohibited under Penal Code Articles 281 and 282. The 1991 Chadian National Army Law prohibits the Army's recruitment of individuals below the age of 18. In 2009, the Ministry of Justice, with support from UNICEF, completed drafting revisions to the penal code; several new provisions will prohibit and prescribe punishments for child trafficking and provide protection for victims. The revisions are pending approval by the Supreme Court and the secretary general of the government. The government did not make anti-trafficking law enforcement statistics available, and there is no evidence to suggest the government prosecuted trafficking offenses during the reporting period. It did not provide information on the status of pending cases reported in the previous reporting period. In past reporting periods, the government prosecuted a small number of child trafficking cases using laws against kidnapping, the sale of children, and employing children under 14 years of age, though most magistrates lack understanding of how to apply existing laws to trafficking cases. During the year, police detained an unknown number of Chadian adults suspected of using forced child labor for herding, as well as intermediaries arranging herding jobs for children, but released all suspects after they paid small fines. Some cases were dealt with by traditional forms of justice which varied depending on the religion, ethnicity, and clan affiliation of all parties involved in or affected by the exploitation. The government did not prosecute military officials for conscripting child soldiers, though it notified the ANT during the year that future infractions would be punished with the full weight of the law.

Protection

The Government of Chad did not take adequate steps to ensure that all victims of trafficking received access to protective services during the reporting period. It did, however, make progress in providing protection for child soldiers, some of whom may have been forcibly conscripted, identified within the country. In a June 2009 ceremony, the ANT transferred to UNICEF for care 84 child combatants captured from Chadian rebel groups in early May. In July 2009, representatives of the Ministries of Social Affairs, Defense, and Foreign Affairs led an inter-ministerial mission to the military camp in Moussoro, accompanied by staff from UNICEF and an international NGO, to identify child soldiers captured from rebel units; of the 88 presumed child soldiers, the team identified 51 as children and succeeded in removing 16 of them to UNICEF's care. By the end of 2009, the government and UNICEF identified and transferred to NGO-run rehabilitation and vocational training centers one child soldier from Chadian military ranks and 239

from Chadian rebel groups. The Ministry of Social Action operated a transit center located in Moussoro to screen and provide shelter to demobilized children after they are first released from armed groups. After spending between two days and two weeks at the center, the government transferred the children to rehabilitation centers operated by international NGOs. During the year, the Ministries of Social Affairs and Defense began maintaining files on rehabilitated child soldiers and other child victims of trafficking.



The government provided few services for trafficking victims other than unlawfully conscripted child soldiers during the reporting period. In 2009, the government continued its efforts to provide minimal assistance to child trafficking victims through its six technical regional committees charged with addressing the worst forms of child labor. These committees – located in N'Djamena, Abeche, and southern towns and comprised of representatives from the Ministries of Justice, Social Affairs and Family, Education, Public Works, Human Rights, and the Judicial Police – encouraged victims to file charges against and assist in the investigation and prosecution of their traffickers. They also referred cases of children forced to herd animals to the judiciary for action. The government sustained a formal system for officials to refer victims to NGOs or international organizations for care; judiciary police or other local authorities are to notify the Ministry of Justice's Child Protection Department, UNICEF, and local NGOs when there is a potential case of child trafficking. The government provided no information, however, on the number of victims it referred to such organizations during the year. Officials did not report encouraging victims to file charges or assist in the investigation and prosecution of their traffickers. The government did not arrest or detain trafficking victims, or prosecute or otherwise penalize identified child victims for unlawful acts committed as a direct result of being trafficked. Due to weak state entities and a lack of capacity, the government did not allocate any resources for training its officials regarding the identification and treatment of trafficking victims during the reporting period.

Prevention

The Chadian government made modest efforts to prevent human trafficking during the year. The government continued to conduct its trafficking efforts according to two internal documents that are annually reviewed and

revised – the “Guide for the Protection of Child Victims of Trafficking,” and the “Integrated Action Plan to Fight the Worst Forms of Child Labor, Exploitation, and Trafficking (2008-2010)” – developed by the National Committee to Fight Trafficking and the Directorate of Children in the Ministry of Justice, respectively. While neither plan was formally adopted or launched as originally intended, all relevant government entities follow the work plans outlined in each. The government focused its prevention activities principally on addressing child labor trafficking, as children are the largest group of trafficking victims in Chad. Throughout 2009, an inter-ministerial team visited southern towns to investigate suspected cases of children forced to herd animals and provided a report with recommendations for future action to the Human Rights Ministry. During the year, the government, in partnership with UNICEF and UNFPA, launched several nationwide human rights campaigns that included sensitization for the population on the dangers of giving, renting, or selling one’s children into animal herding; these campaigns involved public events, billboards, posters, and the distribution of informational materials. The government also drafted a plan to educate parents on the risks of selling their children; the plan awaits final approval from the Prime Minister and funding. In January 2010, the National School of Administration and Magistracy graduated its first class of 28 labor inspectors; they have not yet been deployed due to lack of funding. The country’s 25 existing inspectors and 59 assistance inspectors lacked the resources to fulfill their mandate and the Ministry of Labor provided no information on the number of child labor inspections carried out or the number of children, if any, removed or assisted as the result of such inspections. Beginning in August 2009, the Ministry of Foreign Affairs’ Military Coordinator led an awareness raising delegation comprised of officers from the ANT, the Nomadic Guard, Directorate General of Security Services for National Institutions, and the Gendarmerie, along with civilian government officials and representatives of UNICEF, UNDP, the UN peacekeeping operation, and diplomatic missions, to the four headquarters locations of the government’s armed forces in Abeche, N’Djamena, Moussoro, and Mongo. The Military Coordinator, a brigadier general, delivered a consistent message denouncing the use of child soldiers, outlining the government’s intolerance of the practice, and stating that the government would investigate and prosecute anyone implicated in the use of child soldiers. The government made no effort to reduce the demand for commercial sex acts or forced labor during the reporting period. In July 2009, the government ratified the 2000 UN TIP Protocol.

CHILE (Tier 2)

Chile is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Within the country, many victims are Chilean women

and girls who respond to false job offers and subsequently are subjected to forced prostitution. To a limited extent, Chilean women and girls also are trafficked for forced prostitution and forced labor to neighboring countries such as Argentina, Peru, and Bolivia, as well as Spain. Women and girls from Argentina, Bolivia, Peru, Colombia, Paraguay, and other Latin American countries, in addition to China, are lured to Chile with fraudulent job offers and subsequently coerced into prostitution or involuntary domestic servitude. Foreign victims of labor trafficking, primarily from Bolivia, Peru, Colombia, Ecuador, and China, have been identified in Chile’s mining and agricultural sectors. There are reports that children are recruited against their will as drug mules along the borders with Bolivia and Peru. Some Chinese nationals are consensually smuggled through Chile *en route* to Latin American countries and the United States; some fall victim to human trafficking.

The Government of Chile does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Last year, the government increased law enforcement efforts against sex trafficking offenders and forged partnerships with foreign governments. Chilean authorities continued to report difficulties with prosecuting labor trafficking crimes and the internal trafficking of adults due to statutory gaps in Chile’s anti-trafficking laws. This remains a considerable limitation in light of the number of labor trafficking victims identified by a prominent international organization.

Recommendations for Chile: Enact anti-trafficking legislation to prohibit all forms of human trafficking; intensify law enforcement efforts against trafficking offenders, especially labor trafficking offenders; train government officials on how to identify and respond to cases of labor trafficking and internal sex trafficking of adults; strengthen victim protection efforts, particularly for labor trafficking victims; and increase public awareness about all forms of human trafficking.

Prosecution

The Government of Chile increased law enforcement efforts against sex trafficking offenders during the reporting period. Chilean law does not prohibit all forms of human trafficking, though it criminalizes transnational movement of persons for purposes of prostitution through Article 367 of its penal code. In addition to human trafficking, this statute encompasses consensual smuggling for the purpose of prostitution, which does not fall within the international definition of human trafficking. Penalties prescribed under this statute range from three to 20 years of imprisonment, depending on whether aggravated circumstances exist. In cases of internal trafficking of children for forced prostitution, prosecutors could use sections of Article 361 of the penal code which address sexual crimes against children and prescribe penalties ranging from 10 to 20 years. Such penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. In

practice, however, because sentences of less than five years are often suspended in Chile, and the minimum penalty for rape is five years and a day, individuals convicted of rape typically receive jail time whereas trafficking offenders often do not. The government's anti-trafficking statutory framework does not criminalize labor trafficking or the internal sex trafficking of adults; law enforcement officials report difficulties with investigating and prosecuting these allegations. Draft legislation which would prohibit labor trafficking and increase the minimum sentence for human trafficking, originally proposed in 2002, is being reviewed by the Senate.

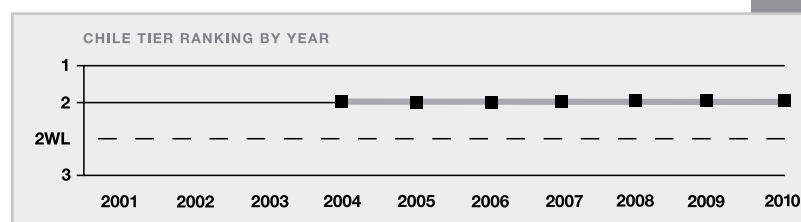
During the reporting period, the government opened 128 trafficking-related investigations: 108 for promoting or facilitating prostitution of children, and 22 for cross-border sex trafficking. Chilean courts obtained 34 convictions over the past year: eight for promoting or facilitating prostitution of children, and 26 for cross-border sex trafficking. These numbers represent an increase in both investigations and convictions compared with the previous year. During the reporting period, the government charged six active police officials with facilitating prostitution of children. The Chilean government signed partnership agreements on anti-trafficking law enforcement with Paraguay, Bolivia, and the Dominican Republic, and provided training to 250 prosecutors in those countries.

Protection

The Chilean government delivered comprehensive victim services to children who were victims of commercial sexual exploitation, and provided some services to adult trafficking victims, although there were no specialized services for labor trafficking victims. In partnership with IOM, the Government of Chile conducted eight training sessions throughout the country on trafficking victim identification and treatment; over 600 prosecutors, police, and immigration officials participated. In July 2009, the government implemented a plan to investigate high risk areas for child prostitution; prosecutors worked with the police to map the most common areas for commercial sex acts and directed increased resources to detect child prostitution. The National Service for Minors operated two residential shelters exclusively for child victims of commercial sexual exploitation, in addition to providing victim services through its national network of residential shelters and walk-in centers for at-risk youth, with a total capacity for 700 children. The National Service for Minors also provided child trafficking victims with legal services. Adult sex trafficking victims were referred to NGOs and international organizations, who also aided foreign victims in the repatriation process. Female victims were also eligible for services at one of 25 government run women's shelters as well as all public health services; however, the government did not operate any specialized shelters for adult trafficking victims. Despite credible reports of labor trafficking in the mining sector, labor

trafficking victims often were not protected because labor trafficking is not a crime in Chile.

Chilean authorities encouraged victims to assist in the investigation and prosecution of their traffickers. The government provided medical care, psychological counseling, and witness protection services to adult victims of sex trafficking assisting in trafficking investigations, and foreign victims were eligible for these services. Foreign sex trafficking victims may remain in Chile during legal proceedings against their exploiters, and can later apply for residency status. Chilean law states that these victims may face deportation to their country of origin once legal proceedings are finished, although in practice they are not deported. The Public Ministry developed an agreement with the Ministry of Interior to secure humanitarian visas for trafficking victims who wish to stay in Chile during a trial, and some foreign victims received these visas during the reporting period.



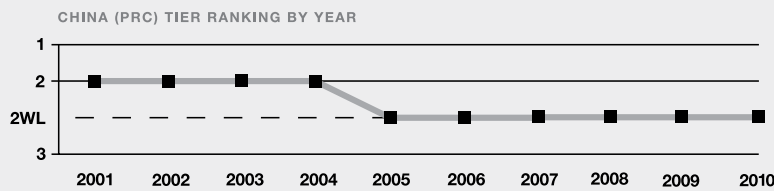
Prevention

The government sustained prevention efforts during the reporting period by conducting anti-trafficking education and outreach campaigns: almost all of these efforts, however, focused on the commercial sexual exploitation of children. The National Service for Minors continued to raise awareness about child prostitution through its "There is No Excuse" campaign, and launched an Internet campaign on the same topic. Immigration documents for travelers arriving in Chile include information about the penalties for commercial sexual exploitation of children. The government forged partnerships with NGOs, international organizations and foreign governments in implementing these prevention efforts. The government gave mandatory anti-trafficking and human rights training to Chilean troops prior to their deployment for international peacekeeping missions. In an effort to reduce the demand for commercial sex, courts prosecuted individuals for commercial sexual exploitation of children. No specific efforts to reduce demand for forced labor were reported.

CHINA (Tier 2 Watch List)

China is a source, transit, and destination country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Women and children from neighboring countries including Burma, Vietnam, Laos, Mongolia,

Russia and North Korea, and from locations as far as Romania and Zimbabwe are trafficked to China for commercial sexual exploitation and forced labor. Well-organized international criminal syndicates and local gangs play key roles in both internal and cross-border trafficking. During the year, there was a significant increase in the reported number of Vietnamese and Burmese citizens trafficked in China. Some trafficking victims are kept locked up, and many of them are subjected to debt bondage. Many North Koreans who enter into China are subjected to forced prostitution or forced labor in forced marriages or in Internet sex businesses.



While the majority of trafficking occurs within China's borders, there are reports that Chinese men, women, and children are subjected to forced prostitution and forced labor in numerous countries and territories worldwide, including the United Kingdom, United States, Germany, Malaysia, Taiwan, Angola, Uganda, Ghana, Zambia, Trinidad and Tobago, Mozambique, Tanzania, South Africa, Chile, Poland, Italy, France, the Czech Republic, Finland, Belgium, the Netherlands, Spain, the Ukraine, Azerbaijan, Bahrain, Israel, the United Arab Emirates, Afghanistan, the Maldives, Oman, and Qatar. There were reports of Chinese nationals taking on significant amounts of debt, sometimes amounting to as much as \$70,000 to migrate to foreign countries for work, making them extremely vulnerable to debt bondage and situations of trafficking. Concurrent with the increase of Chinese economic activity in Africa, there were some reports of Chinese workers trafficked to Africa by importers and construction firms. Chinese women and girls are also trafficked to Africa for forced prostitution. Experts and NGOs report that China's population planning policies, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which may contribute to the trafficking of women and children from within China, Mongolia, North Korea, Russia, Burma, Laos and Vietnam for forced marriage, leaving them vulnerable to involuntary domestic servitude or forced commercial sexual exploitation by their spouses.

Internal trafficking is most pronounced among China's migrant population, which is estimated to exceed 150 million people. Forced labor remains a serious problem, including in brick kilns, coal mines, factories, and on construction sites throughout China. There were numerous confirmed reports of involuntary servitude of children, adults, and migrant workers during the

reporting period. As an example, in May 2009, media reports exposed a forced labor case at brick kilns in Anhui province, where mentally handicapped workers were subjected to slave-like conditions. Workers participating in a government-sponsored program to transfer rural labor to jobs in the interior of China, including children, were allegedly coerced into the program through threats or fines for noncompliance, but others participating in the same program said they had not been forced. Authorities in Xinjiang reportedly imposed forced labor on some farmers in predominantly ethnic minority regions. Forced labor was a problem in some drug detention centers, according to NGO reporting. Some detainees were reportedly forced to work up to 18 hours a day without pay for private companies working in partnership with Chinese authorities. Many prisoners and detainees in re-education through labor facilities were required to work, often with no remuneration. Authorities held individuals in these institutions as a result of administrative decisions. Forced labor also remained a problem in penal institutions.

There continue to be reports that some Chinese children are forced into prostitution, and various forms of forced labor, including begging, stealing, selling flowers, and work in brick kilns and factories; the children of migrants are particularly vulnerable to trafficking. For example, there were reports child laborers were found working in brick kilns, low-skill service sectors and in small workshops and factories. These reports found that the underage laborers are in their teens, typically ranging from 13 to 15 years old, but some are as young as 10 years old. In November 2009, an explosion killed 13 primary school children working in a Guangxi workshop producing fireworks, all of whom were children of migrant workers working in factories in a neighboring province. Work-study programs in various parts of China, often with local government involvement, reportedly engaged child labor, whereby schools supply factories and farms with forced child labor under the pretext of vocational training. In Xinjiang, children were forced to pick cotton for army-based production brigades under the guise of a "work-study" program, according to foreign media reports. There are reports of some students having no say in the terms or conditions of their employment, and little protection from abusive work practices and dangerous conditions. The overall extent of forced labor and child labor in China is unclear in part because the government releases only limited information on the subject.

The Government of the People's Republic of China does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government ratified the 2000 UN TIP Protocol during the year, committing itself to bringing its domestic laws into conformity with international standards on trafficking, it did not revise anti-trafficking laws and the National Plan of Action to criminalize and address all forms of labor

and sex trafficking. The government reported an increase in the number of “trafficking” offenders prosecuted and victims assisted, however these efforts were based on China’s limited definition of “trafficking,” and the government continues to conflate human smuggling and child abduction for adoption with trafficking offenses. Authorities took steps to strengthen victim protection services and increased cooperation with local NGOs to provide victims access to services in some areas of the country and to provide anti-trafficking training to border guards. Despite these efforts, the government failed to sufficiently address China’s trafficking problem. It did not make significant efforts to investigate and prosecute labor trafficking offenses and convict offenders of labor trafficking, and it did not sufficiently address corruption in trafficking by government officials. The government lacked a formal, nationwide procedure to systematically identify victims of trafficking. It also failed to provide comprehensive victim protection services to both internal and foreign victims of trafficking throughout the country. Victims are sometimes punished for unlawful acts that were a direct result of their being trafficked – for instance, violations of prostitution or immigration and emigration controls. Chinese authorities continue to forcibly repatriate North Korean trafficking victims, who face punishment upon their return for unlawful acts that were sometimes a direct result of being trafficked. The government’s inadequate data collection system and limited transparency continued to impede progress in recording and quantifying anti-trafficking efforts. For these reasons, China is placed on Tier 2 Watch List for the sixth consecutive year.

Recommendations for China: Revise the National Action Plan and national laws to criminalize all forms of labor trafficking and bring laws into conformity with international obligations; expand proactive, formal procedures to systematically identify victims of trafficking, including labor trafficking victims and Chinese trafficked abroad, and among vulnerable groups such as migrant workers and foreign women and children arrested for prostitution; continue to train law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches focusing on the needs of the victim; cease the practice of forcibly repatriating North Korean trafficking victims; devote significantly more resources to victim protection efforts, including funding for shelters equipped to assist victims of trafficking; increase training for shelter workers; increase counseling, medical, reintegration, and other rehabilitative assistance; increase protection services available to male and female, and sex and labor trafficking victims; make efforts to provide access to services for Chinese trafficking victims abroad; increase resources to address labor trafficking, including to improve inspection of workplaces and training for officials working in sectors in which trafficking victims are likely to be found; support legal assistance programs that assist both foreign and Chinese trafficking victims;

increase the number of criminal investigations and prosecutions of cases involving trafficking for forced labor, including recruiters and employers who facilitate forced labor and debt bondage; make greater efforts to actively investigate, prosecute, and convict government officials complicit in trafficking crimes; expand upon existing campaigns to reduce the demand for forced labor and commercial sex acts; improve law enforcement data collection efforts for trafficking cases, consistent with the government’s capacity to do so and disaggregated to reflect cases that fall within the definition of trafficking; and undertake systematic research on all forms of human trafficking in China and involving Chinese nationals.

Prosecution

The Government of the People’s Republic of China made uneven progress in its efforts to combat trafficking in persons during the reporting period, based on China’s limited definition of “trafficking.” The legal definition of trafficking under Chinese law remained discordant with international standards during the year. China’s definition of trafficking does include the use of non-physical forms of coercion, fraud, debt bondage, involuntary servitude, forced labor, or offenses committed against men, although many aspects of these crimes are addressed in other articles of China’s criminal law. China’s legal definition of trafficking does not automatically regard children over the age of 14 who are subjected to the commercial sex trade as trafficking victims. It is unclear whether Chinese laws recognize forms of coercion other than abduction, such as threats of physical harm or non-physical harm, as constituting a means of trafficking. Article 244 of the Chinese Criminal Law criminalizes forced labor, but prescribes punishments of a fine or no more than three years’ imprisonment, and only if the circumstances are found to be “serious” - penalties which are not sufficiently stringent. Additionally, the current law applies only to legally recognized employers and does not apply to informal employers or illegal workplaces. China’s legal definition of trafficking does not recognize male victims of trafficking or adult victims of labor trafficking. The government did not take steps to enact legislation to prohibit all forms of trafficking during the year, though it ratified the 2000 UN TIP Protocol in December 2009, which obligates China to prohibit all forms of trafficking and bring its domestic laws into conformity with international standards within 24 months. Based on the government’s limited definition of “trafficking” and the government’s continued conflation of human smuggling and child abduction for adoption with trafficking offenses, the Ministry of Public Security (MPS) in 2009 reported convicting 2,413 defendants in trafficking cases, an increase from the previous year, and resolving more than 7,000 trafficking cases involving more than 7,300 women and 3,400 children. The government reported the arrest of 19 of the country’s 20 most wanted traffickers and pursuit of criminal networks and organized crime syndicates involved in trafficking. Police conducted “population surveys” to look for trafficking victims and

open files on suspected traffickers; however, the impact of these efforts was unclear. In 2009, Chinese government officials noted that current statistical methods used to monitor trafficking were not consistent with international standards and sought to revise them. In April 2009, Chinese officials collaborated with Costa Rican authorities to arrest members of an international ring that trafficked Chinese children to Costa Rica for forced labor. However, as China's expatriate population continues to expand, it has not sufficiently developed the capacity to institutionalize its international law enforcement cooperation on trafficking. In May 2009, authorities reported arresting 10 men for buying, enslaving, and abusing 32 mentally handicapped individuals and forcing them to work in brick kilns in Anhui Province. Local authorities in Hangzhou offered cash rewards for information leading to the arrest of gang leaders that force children and handicapped people to beg. Jiangxi provincial authorities in April launched a campaign to crack down on criminal organizations involved in forced child labor. Guizhou provincial authorities in May launched a campaign to crack down on the forced prostitution of underage girls and the forced labor of children.

There were continued indications of local officials' complicity in trafficking. Local corruption remains an obstacle to prosecution; however, China in 2009 evaluated government officials' performance against regulations prohibiting complicity in trafficking crimes. During the year, there were reports that local officials in Xinjiang used coercion and threats to get adults and children to participate in government-sponsored labor transfer programs, and used fraudulent methods to make children appear to meet the legal working age of factories. There were reports that some Chinese border guards worked in collusion with traffickers and North Korean border guards to procure young North Korean women for forced prostitution in Chinese brothels. During the year, there were three reported instances of Chinese nationals arrested for selling North Korean women, with one national sentenced to prison for over five years. The Chinese government did not sufficiently report efforts to investigate, prosecute, and punish government officials for complicity in human trafficking offenses.

Protection

The Chinese government made efforts to improve protection during the reporting period; however, efforts to identify and protect victims of trafficking remained inadequate. Authorities continued to focus protection efforts on women and children. The government's efforts to proactively identify male trafficking victims and victims of labor trafficking were inadequate. In July, Fujian officials strengthened efforts, including working with village committees, to identify trafficking victims and at-risk populations. Chinese trafficking victims abroad had little access to resources or protection by Chinese authorities. Chinese authorities worked with

IOM to expand their capacity to provide support to Chinese trafficking victims in foreign countries, although the programs are at the nascent stage. The Ministry of Foreign Affairs has begun to explore options for dealing with Chinese victims overseas, but has not fully expanded its capabilities. While reports state there are an estimated 1,400 shelters in the country that can offer some assistance to victims, there are only five nationwide dedicated to trafficking victims, one of which was operated by the government. While authorities reported shelters across the country assisted 12,000 women and children trafficking victims, the government's statistics were based on the country's definition of trafficking, which is inconsistent with international norms. Most shelters are not specifically staffed and trained to assist trafficking victims, though the government is working with international organizations to address shortcomings. NGOs along the southern border reported some improvements in 2009 in Chinese official rescue and rehabilitation support to trafficking victims. All these efforts, however, need to be strengthened significantly.

Due to an inadequate number of dedicated shelters to assist trafficking victims, trafficking victims generally return to their homes without access to counseling or psychological care. Victims nationwide did not have access to long-term care. Provincial governments in the southern border provinces, lacking resources, often relied upon NGOs to help provide services to victims. In Yunnan province, the All-China Women's Federation, with the assistance of NGOs, provided some victims with medical care, counseling, and vocational training. During the year, authorities worked with foreign governments, NGOs, and international organizations to train law enforcement, immigration, and social services personnel on victim identification. All of the government's victim protection efforts, however, need to be strengthened and standardized nationwide. The government partnered with NGOs to conduct training workshops for border liaison offices with Burma to increase police force capacity to identify and protect trafficking victims. The Ministry of Civil Affairs began training managers of China's shelters on victim identification, protection, and reintegration. Over the course of the year, local Chinese public security officials increased cooperation with the Mongolian consulate in Erlian and NGO representatives to identify and rescue Mongolian sex trafficking victims in China. Ministry of Foreign Affairs consular affairs staff received training to spot trafficking victims abroad.

Foreign victims were generally repatriated, sometimes involuntarily. They were provided little access to rehabilitative, financial, or legal assistance. The government did not provide foreign victims with legal alternatives to removal to their native countries, even if they might face hardship or retribution. Some foreign women and children identified as trafficking victims and repatriated to foreign countries were not in fact trafficking victims, but were deported under mechanisms meant for trafficking victims due to their status as illegal migrants.

While government regulations stipulate that repatriated Chinese and foreign victims of trafficking no longer face fines or other punishments upon return, authorities acknowledged that some victims continued to be assigned criminal penalties or fined because of provisions allowing for the imposition of fines on persons traveling without documentation. Additionally, the lack of effective victim identification measures and police corruption in China in some cases cause victims to be punished for crimes committed as a direct result of being trafficked. In localities where officials have received training on human trafficking, there were reports victims were not punished or fined.

Chinese authorities continued efforts begun ahead of the 2008 Beijing Olympic Games to forcibly repatriate North Korean refugees in China, including trafficking victims, in violation of their commitments to the 1951 UN Convention related to the Status of Refugees and the victim protection principles of the 2000 UN TIP Protocol. China continued to treat North Korean trafficking victims solely as illegal economic migrants, deporting them to North Korea, where they may face severe punishment. The Chinese government refused to provide North Korean trafficking victims with legal alternatives to repatriation. Chinese authorities prosecute citizens who assist North Korean refugees and trafficking victims. The government continued to bar UNHCR from access to North Korean populations in Northeast China. The lack of access to UNHCR assistance and constant fear of forced repatriation by Chinese authorities leaves North Korean refugees more vulnerable to human traffickers.

Prevention

The Chinese government expanded efforts in some areas to prevent trafficking in persons with assistance from international organizations and NGOs. Authorities, including those at the ministerial level, worked to increase public awareness among groups most at risk. In April 2009, MPS launched a nine-month anti-trafficking campaign targeting the trafficking of women and children. The All-China Women's Federation worked in partnership with the ILO to continue anti-trafficking prevention campaigns reaching almost three million people. The government reported organizing and taking part in anti-trafficking training provided by partner international organizations for officials in Beijing, Anhui, Hunan, Yunnan, Guizhou, and Shaanxi provinces. MPS carried out programs to educate and monitor populations at-risk for trafficking; a pilot project was launched in Guangzhou and Yunnan Province to offer free classes to migrant workers on protecting children from trafficking. The central government reported it changed local security officials' promotion criteria to include counter-trafficking work. The government reported it launched an initiative to crack down on illegal activities by employment agencies, some of which may have been involved in human trafficking. The central government issued a document clarifying government agency responsibilities

in combating child labor and imposed obligations on government officials as part of an enlarged effort to combat child trafficking.

The government did not provide information on monitoring immigration and emigration patterns for evidence of trafficking. The central government did not address the birth limitation policy, which contributes to a gender imbalance that some believe has led to trafficking of women into involuntary servitude through forced marriage in the Chinese population. During the reporting period, the Chinese government undertook reforms of the *hukou* household registration system; however, it may remain a factor contributing to the vulnerability of internal migrants to forced labor. Authorities did not take adequate measures to prevent internal trafficking for sexual exploitation or forced labor, despite the prevalence of such trafficking across the country. The government did not take sufficient measures during the year to reduce the demand for forced labor, commercial sex acts, or child sex tourism. In 2009, authorities signed a Memorandum of Understanding with Burma to cooperate on anti-trafficking efforts, and together with Laos established an anti-trafficking liaison office in Yunnan Province, similar to offices operating at border crossings with Burma and Vietnam. Chinese forces participating in peacekeeping initiatives abroad did not receive training on trafficking in persons prior to deployment. However, there have been no allegations of trafficking acts committed by Chinese peacekeepers.

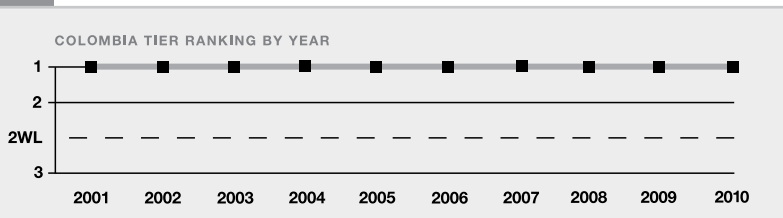
COLOMBIA (Tier 1)

Colombia is a major source country for women and girls subjected to trafficking in persons, specifically forced prostitution in Latin America, the Caribbean, Western Europe, Asia, and North America, including the United States. Within Colombia, some men are found in conditions of forced labor, but the forced prostitution of women and children from rural areas in urban areas remains a larger problem. Individual cases of forced marriage – a risk factor for trafficking – involuntary domestic servitude, and forced begging have been reported. Some children are subjected to forced labor in mines and quarries or as domestic servants. Groups at high risk for internal trafficking include displaced persons, poor women in rural areas, and relatives of members of criminal organizations. Continued armed violence in Colombia has displaced many communities, making them vulnerable to human trafficking. Guerillas and new illegal armed groups forcibly recruit children to join their ranks; the government estimates thousands of children are exploited under such conditions. Members of gangs and organized criminal networks force their relatives and acquaintances, and displaced persons – typically women and children – into conditions of forced prostitution and forced labor, including forced work in the illegal drug trade. Colombia also is a destination for foreign child sex tourists, particularly coastal cities such

as Cartagena and Barranquilla. Migrants from South America, Africa, and China transit Colombia *en route* to the United States and Europe; some may fall victim to traffickers.

The Government of Colombia fully complies with the minimum standards for the elimination of trafficking in persons. During the reporting period, the government increased law enforcement actions against trafficking offenders, enhanced prevention efforts, and continued to offer victim services through an interagency trafficking operations center and through partnerships with NGOs and international organizations. The significant number of Colombians trafficked abroad, however, reflects the need for increased prevention efforts and victim services.

Recommendations for Colombia: Dedicate more resources for victim services provided directly by the government; increase efforts to encourage victims to assist with the prosecution of their traffickers; enhance efforts to assist and repatriate the large number of Colombians trafficked overseas; institute formal measures to identify trafficking victims among vulnerable populations; and continue to raise public awareness about the dangers of human trafficking, particularly among young women seeking jobs abroad.



Prosecution

The Government of Colombia increased its anti-human trafficking law enforcement efforts during the reporting period. Colombia prohibits all forms of trafficking through its anti-trafficking statute, Law 985, which prescribes minimum punishments of 13 to 23 years' imprisonment. Such punishments are sufficiently stringent and commensurate with other serious crimes, such as rape. In 2009, Colombian authorities initiated 215 anti-trafficking investigations, reported 200 trafficking prosecutions, and achieved 14 convictions, sentencing trafficking offenders to periods of imprisonment ranging from 7 to 27 years. Such results compare to 159 investigations and 16 convictions reported for 2008. Investigations of labor trafficking increased dramatically over the reporting period: in 2009, there were 80 reports of potential forced labor offenses; whereas in 2008, there were two. The government maintained partnerships with foreign governments to repatriate trafficking victims and investigate trafficking cases in Argentina, Bolivia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Trinidad and Tobago, and the United States. There were no corroborated reports of trafficking-related corruption during the reporting period and the

government did not convict any officials for trafficking-related offenses. Public prosecutors received training on trafficking issues from an international organization.

Protection

The government maintained victim protection efforts, both through direct provision of assistance and in partnership with NGOs and international organizations. The government did not appear to employ formal procedures for identifying trafficking victims among vulnerable populations within the country, such as displaced persons or prostituted women. Authorities ran an interagency anti-trafficking operations center to refer victims to providers of protective services, as well as to coordinate and track criminal investigation and prosecution of their cases, and collect nationwide information and statistics about trafficking crimes. The government did not operate shelters dedicated to trafficking victims, but referred victims to local NGOs to provide these services. Authorities provided medical and psychological care, access to financial and employment assistance, and information and legal support for judicial processes. The government identified 155 victims of transnational trafficking during 2009, who consisted of near equal numbers of forced labor and sex trafficking victims, in addition to 14 victims who were trafficked within Colombia. The majority of these victims were adults, and the center provided 78 of these victims with services in collaboration with an NGO. Many victims only requested assistance in returning to their homes, and the government provided safe passage for victims returning home. The government encouraged victims to assist in trafficking investigations and prosecutions, and provided housing to victims participating in these efforts through its witness protection program. However, most victims were reluctant to testify against their traffickers due to fear of reprisals or lack of awareness of their status as victims of a serious crime; four victims participated in prosecutions during the reporting period. Consular officials assisted 110 Colombians trafficked overseas during the reporting period: this represents a significant increase in repatriation assistance when compared with the 22 trafficking victims assisted by Colombian consular officers abroad in 2008. The government contracted legal advisors and social workers to help support Colombians abroad. However, victim services overseas are limited to consular districts with at least 10,000 Colombian residents, and are not likely to be available to victims trafficked to isolated locations. At home, Colombian law enforcement authorities encourage victims to assist with the investigation and prosecution of their traffickers. There were no reports of victims being jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. While there was no specialized legal mechanism whereby the government offered a visa or temporary residence status to foreign trafficking victims, the government could provide trafficking victims with temporary permission to remain in the country on a

case-by-case basis; these victims were eligible to receive humanitarian assistance from the government.

Prevention

The government continued substantial prevention efforts against human trafficking. In partnership with international organizations, the government launched a new national trafficking prevention campaign targeting young, low-income Colombians, and concluded a campaign from the previous year; both campaigns included TV commercials, radio spots, and print ads. In collaboration with an international organization, the government also launched a pilot program to combat sex trafficking in two high-risk neighborhoods through public awareness events and training sessions for community leaders. Authorities trained 171 journalists in Medellin, Cartagena, and Cali to improve awareness and increase accurate media coverage of trafficking in persons issues. The Ministry of Education introduced a trafficking in persons component into its sexual education curriculum. Through its anti-trafficking operations center, the government operated a national call center, which received 7,801 calls during the reporting period. Most calls were citizen requests for information relating to job offers overseas, though 133 suspected trafficking cases from the call center were referred to police for investigation. The government encouraged more active anti-trafficking efforts at the local level, and two departments implemented anti-trafficking work plans during the reporting period, for a total of 15 departments with such plans. In 2009, the government hosted a national workshop for these departmental committees to share challenges and best practices. Colombian authorities hosted visiting delegations from Trinidad and Tobago, Chile, and Panama, and shared best practices from the anti-trafficking center with these delegations. Article 219 of the Colombian criminal code prohibits organizing or facilitating sexual tourism and provides penalties of 3 to 8 years' imprisonment, but there were no reported prosecutions or convictions of child sex tourists. No other government campaigns to reduce demand for commercial sex acts were visible during the reporting period, but the government reduced demand for child labor through public awareness and training efforts, often in partnership with international organizations.

CONGO, DEMOCRATIC REPUBLIC OF THE (Tier 3)

The Democratic Republic of the Congo (DRC) is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The majority of this trafficking is internal, and much of it is perpetrated by armed groups and government forces outside government control within the country's unstable eastern provinces. A significant number of unlicensed Congolese artisanal miners – men and boys – are exploited in

situations of debt bondage by businessmen and supply dealers from whom they acquire cash advances, tools, food, and other provisions at inflated prices, and to whom they must sell the mined minerals at prices below the market value. The miners are forced to continue to work to repay constantly accumulating debts that are virtually impossible to repay. In North Kivu, South Kivu, and Katanga Provinces, armed groups and Congolese national army (FARDC) troops reportedly use threats and coercion to force men and children to mine for minerals. A number of policemen in eastern DRC reportedly arrested people arbitrarily in order to extort money from them; those who could not pay were forced to work until they had "earned" their freedom. Congolese girls are forcibly prostituted in tent- or hut-based brothels or informal camps – including in markets and mining areas – by loosely organized networks, gangs, and madams. Congolese women and children are exploited internally in conditions of involuntary domestic servitude and taken, in smaller numbers, to Angola, South Africa, Republic of the Congo, and European nations for commercial sexual exploitation. Some members of Batwa, or pygmy groups, are subjected to conditions of involuntary servitude in agriculture, mining, and domestic work in eastern DRC.

Indigenous and foreign armed militia groups, notably, the Democratic Forces for the Liberation of Rwanda (FDLR), Patriotes Resistants Congolais (PARECO), various local militia (Mai-Mai), the *Alliance des patriots pour un Congo libre et souverain* (APCLS), and the Lord's Resistance Army (LRA), continued to abduct and forcibly recruit Congolese men, women, and children to serve as laborers, porters, domestics, combatants, and in sexual servitude. In 2009, the LRA continued operations in areas in and near the DRC's Orientale Province, violently abducting more than 1,700 Congolese citizens, including children; some of these abductees were later taken to southern Sudan or Central African Republic. Likewise, abducted Sudanese and Central African citizens experienced conditions of forced labor and sexual servitude at the hands of the LRA after being forcibly taken to the DRC.

In 2009, the FARDC resumed recruitment, at times through force, of children for use as combatants, escorts, and porters, a practice which observers believed to have ended by 2008. From November 2008 to October 2009, 623 confirmed cases of unlawful child soldier recruitment were attributed to the FARDC, 75 percent of which were attributable to ex-CNDP (National Congress for the Defense of the People, a former Congolese rebel group) elements absorbed into the FARDC in 2009. In April 2009, for example, 100 children, ages 13 to 15, were recruited by the FARDC along the Bunyakiri-Hombo axis. An unspecified number of children recruited by the CNDP during past reporting periods remain within integrated FARDC units. In addition, FARDC elements pressed hundreds of civilians, including children, into forced labor to carry ammunition, supplies, and looted goods, to fetch water and firewood, to serve as guides, or to construct military facilities and temporary huts. Those

who resisted were sometimes killed; others died under the weight of their heavy loads.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not show evidence of progress in prosecuting and punishing labor or sex trafficking offenders, including members of its own armed forces; providing protective services for the vast majority of trafficking victims; or raising public awareness of human trafficking. In addition, the government's anti-trafficking law enforcement efforts decreased during the reporting period. Elements of the national army perpetrated severe human trafficking abuses during the year, including forcibly recruiting hundreds of children and using local populations to perform forced labor; some army commanders blocked efforts to remove children from their units. Furthermore, a number of FARDC commanders accused of child soldiering and forced labor abuses in previous reporting periods remained in leadership positions within the army and were not investigated, disciplined in any way, or brought to trial. Therefore, the Democratic Republic of the Congo is placed on Tier 3. The government continued to lack sufficient financial, technical, and human resources to effectively address trafficking crimes and provide basic levels of security and social services in most parts of the country. The military lacked the capacity to demobilize armed groups or adequately prevent the trafficking violations committed by members of its own forces. The country's criminal and military justice systems, including the police, courts, and prisons were practically nonexistent; there were few functioning courts or secure prisons in the country. Some advances, however, were noted during the reporting period in demobilizing children from fighting factions, including from the national army, and in sensitizing military officials about the illegality of committing forced labor abuses.

the FARDC's ranks; develop a legislative proposal to comprehensively address all forms of human trafficking, including labor trafficking; in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims; and take steps to raise awareness about human trafficking among the general population.

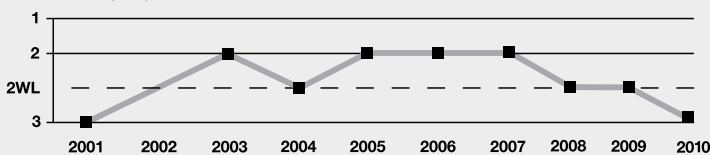
Prosecution

The government made little progress in investigating or prosecuting suspected trafficking offenders during the reporting period. The government's judicial writ did not cover many areas of the country where human trafficking occurs, and it remained hamstrung by a critical shortage of magistrates, clerks, and lawyers. Corrupt officials allegedly embezzled meager financial resources from government agencies responsible for combating human trafficking, further disabling the government from pursuing training, capacity building, or victim assistance. In February and March 2010, the government recruited 2,000 new magistrates, who will be appointed and receive training during the upcoming reporting period. Existing laws do not prohibit all forms of labor trafficking; however, the July 2006 sexual violence statute, Law 6/018, specifically prohibits sexual slavery, sex trafficking, child and forced prostitution, and pimping, prescribing penalties for these offenses of 10 to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for rape. The Child Protection Code (Law 09/001) which criminalizes and prescribes penalties of five to 20 years' imprisonment for child slavery and trafficking, child commercial sexual exploitation, and the enlistment of children into the armed forces – was published in May 2009. However, it remains unimplemented and without the necessary budget.

During the reporting period, child protection police in Bukavu arrested a Congolese woman for allegedly tricking a 13-year-old Congolese girl into accompanying her to Burundi, where she intended to force the girl into prostitution; police transmitted her dossier to the Bukavu court for prosecution in February 2010. The status of the March 2009 case involving the arrest of a Bukavu nightclub owner for allegedly prostituting 10 girls and seven boys in his facility is unknown; the nightclub has reopened. In June 2009, a military tribunal in Kisangani convicted five Mai-Mai members of, among other things, crimes against humanity; these defendants were also initially charged with, but not convicted of, perpetrating acts of forced labor against local populations. Bedi Mubuli Engangela (a.k.a. *Colonel 106*), a former Mai-Mai commander suspected of insurrection and war crimes, including the conscription of children, appeared before a military tribunal in early 2010 and remains in detention at Malaka Prison in Kinshasa; the court awaits the conclusion of the investigation before setting a trial date.

Unlike in previous reporting periods, the government neither brought charges against nor prosecuted any

CONGO (DRC) TIER RANKING BY YEAR



Recommendations for the Democratic Republic of the Congo: Investigate and punish military and other law enforcement personnel accused of unlawfully conscripting child soldiers or using local populations to perform forced labor, including for mining of minerals; increase efforts to prosecute and punish, as appropriate, non-military trafficking offenders, particularly those who conscript child soldiers, utilize forced labor, or control children in prostitution; cease the FARDC's conscription of child soldiers and demobilize all children from

individual suspected of conscripting or using child soldiers. In November 2009, the UN Group of Experts on the DRC published the names of 21 current FARDC commanders alleged to have committed human rights abuses; 13 are implicated in the unlawful recruitment and use of child soldiers and three are alleged to have obtained or maintained the forced labor of local populations. Lieutenant Colonel Jean-Pierre Biyoyo, formerly of the Mudundu-40 armed group and the first person convicted by Congolese courts of conscripting children, has not been re-apprehended since his escape from prison in June 2006 and is currently serving as the Commander of FARDC's Sector 3 of the *Amani Leo* campaign in Walungu, South Kivu. "Captain Gaston," an armed group commander allegedly responsible for the mid-2006 murder of an NGO child protection advocate, remained at large in Kitshanga, North Kivu during the reporting period; his January 2007 arrest warrant has not been executed and, after being promoted by the FARDC to the rank of Major, he is leading a FARDC battalion between Ngungu and Karuba.

Protection

The government assisted in the identification and demobilization of child soldiers during the reporting period, but offered minimal protection to other types of trafficking victims; NGOs provided nearly all of the shelter, legal, medical, and psychological services available to trafficking victims. The government lacked procedures for proactively identifying victims of trafficking among vulnerable groups or referring victims to protective services. Under the National Disarmament, Demobilization, and Reintegration Plan, all ex-combatants, including child soldiers, pass through a common process during which they disarm and receive information about military and civilian reintegration options. During this process, the National Demobilization Agency (UEPN-DDR), in cooperation with the UN Mission to the DRC (MONUC), separated and transported any identified children to NGO-run centers for temporary housing and vocational training; 2,816 children were demobilized from armed groups, including the FARDC, through this process in 2009. With the assistance of FARDC commanders, a local NGO demobilized 119 children from FARDC units in South Kivu during the first quarter of 2010; while some of these child soldiers were part of FARDC forces that were fighting in North Kivu in 2008, most of the children originated from former armed groups that had integrated into the FARDC. While the FARDC high command was generally supportive of MONUC's efforts to remove children from its forces during the reporting period, it lacked sufficient command and control to compel many FARDC commanders to comply with standing orders to release their child soldiers, or to prevent ground troops from recruiting additional children or subjecting local populations to forced labor. Certain FARDC commanders actively blocked efforts by MONUC to separate children from their ranks and some FARDC elements continued to

harass, arrest, and physically mistreat children formerly associated with armed groups, including potential trafficking victims. In March 2010, a local NGO trained over 200 FARDC officers on the rights and protection of children in South Kivu; they also educated police, local authorities, and local youth throughout the province on child rights and international and national legislation related to trafficking between January and April 2010.

Although the national government did not address forced labor in the mining sector, provincial Ministries of Education in Orientale, Kasai Oriental, and Katanga coordinated with NGOs to reintegrate children working in mines into the formal education system. Katanga's provincial Ministry of Interior continued to provide funding for the *Kasapa* residential "welcome center" in Lubumbashi to provide street children, including trafficking victims, with protective services and educational programming; it is unknown whether this center provided protective services to trafficking victims in 2009. Government officials recognized the growing problem of child prostitution in the DRC, though authorities have yet to take concrete action against it. The government did not show evidence of encouraging victims to assist in investigations against their traffickers. It offered no legal alternatives to the removal of foreign victims to countries in which they may face hardship or retribution; there are, however, few foreign trafficking victims within the DRC and the government has consistently allowed for the safe repatriation of foreign child soldiers in cooperation with MONUC.

Prevention

While the government initiated awareness raising efforts against human rights abuses, including forced labor, committed by its own forces during the year, it made no significant efforts to prevent other forms of human trafficking. The Ministry of Human Rights drafted, but did not disseminate, a document on the country's current trafficking situation, including challenges to addressing it and recommendations for action. In July 2009, the FARDC's Goma headquarters issued a press statement reminding all soldiers and commanders of their duty to protect the civilian population and noted "zero tolerance" for human rights abuses, specifically citing the crime of forced labor, among others. The notice warned commanders that they would be held accountable for actions committed by troops under their command; this notice was not enforced with concrete law enforcement action. In April 2010, Major Andoga, of the 1331st Battalion, conducted a sensitization campaign on human rights violations and the military's zero tolerance policy in both Kinshasa and the eastern provinces. Although the National Ministry of Labor is responsible for investigating forced child labor and it employs 150 inspectors nationwide, the ministry did not conduct any forced child labor investigations in 2009; inspectors often lacked means of transport or resources to carry out their work. The provincial Ministry of Labor in Katanga

participated in a tripartite dialogue with unions and mining companies on the effect of the financial crisis on youth labor; the dialogue achieved no meaningful outcomes. Newly established provisional Worst Forms of Child Labor Committees in Katanga, Kasai Orientale, and Orientale (Ituri District) Provinces – comprised of staff from various provincial ministries and community members – developed annual work plans for 2010. With UNICEF funding, the members of the Katanga committee researched, drafted, and printed a brochure on its mandate that was distributed to local authorities, religious and traditional leaders, and community organizations as part of an awareness raising campaign. The Kasai Orientale committee met with the governor and provincial assembly, after which the governor committed the provincial government to fighting child labor and establishing secondary schools. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts.

CONGO, REPUBLIC OF THE (Tier 2 Watch List)

The Republic of the Congo (ROC) is a destination and transit country for children subjected to trafficking in persons, specifically forced labor and, to a lesser extent, forced prostitution. Most sources agree that up to 80 percent of all trafficked children originate from Benin, with girls comprising 90 percent of that group. Togo, Mali, Guinea, Cameroon, the Democratic Republic of the Congo, and Senegal are also sources of victims found in the Congolese republic. Internally trafficked children represent 10 percent of all child victims, the majority of which originate from the Pool region. Many child victims are subjected to forced labor, including in domestic work, market vending and fishing; girls are also exploited in the sex trade. Child victims generally experience harsh treatment, long work hours, and almost no access to education or health services; they receive little or no remuneration for their work. Other village children, however, live voluntarily with extended relatives in cities, attend school, and do housework in exchange for food, in a traditional cultural and familial pattern that does not entail abuse.

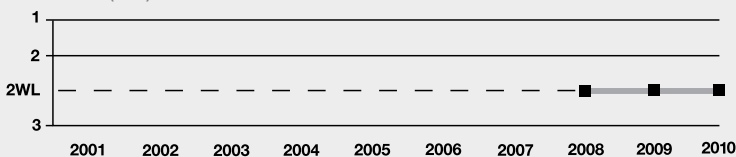
the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The Senate passed the Child Protection Code in August 2009, which prescribes penalties for trafficking offenders; this law is pending Presidential signature. The government also developed and began implementation of a national anti-trafficking action plan, and the Ministry of Labor investigated nine new cases of child trafficking in 2009. However, eight prosecutions based on child trafficking charges filed one or two years ago remained pending and did not come to conclusion or result in convictions. The government did not identify any trafficking victims in 2009. Therefore, the ROC is placed on Tier 2 Watch List for the third consecutive year. Most of the government’s anti-trafficking activities remain dependent on international donor funding.

Recommendations for the Republic of the Congo: Enact the Child Protection Code passed in August 2009; train law enforcement officials to identify suspected traffickers, detain them under relevant laws, and conduct thorough investigations; provide training for social workers and law enforcement officials on the identification of trafficking victims among vulnerable populations, such as people in prostitution, street children, or illegal immigrants; and refer victims to foreign government consulates, foster families, international organizations, faith-based groups, or NGOs for care.

Prosecution

The Government of the ROC demonstrated minimal law enforcement efforts to combat trafficking during the reporting period. The government neither prosecuted trafficking offenses nor convicted trafficking offenders in 2009. The Child Protection Law, which prohibits and prescribes punishment for child trafficking, was passed by the Senate in August 2009, but is still pending Presidential signature. Chapter 2 Article 60 of this law prohibits the trafficking, sale, trading, and exploitation of children and Article 115 prescribes penalties of hard labor and a fine of between approximately \$1,978 and \$19,790. Pimping of children is punishable under Penal Code Article 344, but its weak prescribed penalty of up to two years’ imprisonment and a fine is neither sufficiently stringent nor commensurate with penalties prescribed by Congolese law for other serious crimes, such as rape. The trafficking of adults is not covered under Congolese law. The Ministry of Labor investigated, but did not prosecute, nine new cases of child trafficking in 2009. Eight prosecutions based on child trafficking charges filed one or two years ago remained pending, and none resulted in a conviction. The Ministry of Social Affairs sustained partnerships with local NGOs and UNICEF to provide training to 40 of the ministry’s investigators on recognizing victims of trafficking and to support judicial clinics. In addition, the government partnered with UNICEF to provide training to an unknown number of police officers during the year to recognize cases of

CONGO (ROC) TIER RANKING BY YEAR



The Government of the Republic of the Congo does not fully comply with the minimum standards for

trafficking. The government showed no evidence of involvement in or tolerance of trafficking on any level.

Protection

The ROC government provided minimal protection services to trafficking victims and did not identify any victims during the reporting period. Investigators employed by the Ministry of Social Affairs reportedly utilized a formal identification and registration process to assist victims of trafficking. The government did not ensure that victims were provided access to care facilities, except through funding of the shelter, *Espace Jarot*, which provided care for a small number of at-risk children, including trafficking victims; in practice, few victims had access to care facilities. In partnership with representatives of the consulates of Benin, Togo, and the Democratic Republic of the Congo, police and other law enforcement officials formed a working group to identify trafficking patterns and to facilitate the return of trafficked children to their home countries, but have not yet utilized the group to repatriate any child victims. Foreign victims had the same access to the center as Congolese nationals, though there was no access to legal, medical, or psychological services. Some legal services were available to trafficking victims through six child judicial clinics hosted by staff from the Ministries of Social Affairs, Justice, and Health; trafficking victims may file administrative claims against their alleged traffickers at these clinics. Though there is at least one clinic located in each region run by government civil servants and lawyers, they are neither open on a regular basis nor operate with regular business hours; it is unknown whether these clinics provided legal services to child trafficking victims during the year. The government offers foreign trafficking victims temporary residency status as an alternative to immediate repatriation, but is not known to have used these provisions in 2009. Trafficking victims were not usually jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Some victims, however, were detained, arrested, or held in protective custody, and did not benefit from any formal referral process to institutions offering short or long-term care. The government encouraged victims to assist in the investigation and prosecution of their traffickers, but many elected not to participate in these law enforcement actions due to fear of possible retribution from traffickers or because they did not consider their offenders as guilty. The government did not provide services for repatriated Congolese victims of trafficking.

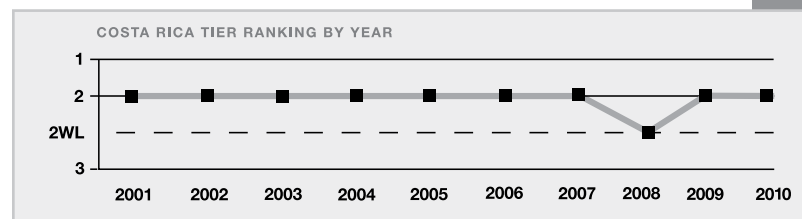
Prevention

The government maintained its efforts begun in 2008 to raise awareness and build support for combating human trafficking in the Brazzaville and Pointe Noire areas. In 2009, the Ministry of Health (MOH), in partnership with UNICEF, launched an anti-trafficking public awareness campaign in Pointe Noire involving not only government officials, but also security and diplomatic staff from the

consulates of neighboring countries and leaders from local Muslim and Christian communities. Organizers made full use of banners – the most common advertising medium – to stress the point that human trafficking is illegal and will be punished. In April 2010, the Minister of Social Affairs and Humanitarian Action co-hosted with UNICEF a conference in Pointe Noire to highlight the problem of trafficking in children. Also during the reporting period, the MOH, with support from UNICEF, also began implementation of the government's 2009 – 2010 National Plan of Action. Under this plan, UNICEF trained MOH representatives to serve as trainers; these trainers then presented anti-trafficking workshops to local NGOs. The government did not monitor migration patterns for trafficking, and it did not take measures to reduce the demand for commercial sex acts during the reporting period. The ROC is not a party to the 2000 UN TIP Protocol.

COSTA RICA (Tier 2)

Costa Rica is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically forced prostitution. To a lesser but increasing extent, Costa Rica is a source, transit, and destination country for men, women, and children subjected to conditions of forced labor, particularly in the agriculture, construction, fishing, and domestic service sectors. Costa Rican women and children are forced into commercial sexual exploitation within the country, and to a limited extent, in Nicaragua and Mexico. Women and girls from Nicaragua, the Dominican Republic, Guatemala, Colombia, and Panama have been identified in Costa Rica as victims of forced prostitution. Child sex tourism is a serious problem, particularly in the provinces of Guanacaste, Limon, Puntarenas, and San Jose. Child sex tourists arrive mostly from the United States, Germany, Sweden, and Italy. Young men from Nicaragua, Vietnam, China and other Asian countries, are subjected to conditions of forced labor in Costa Rica: during the reporting period, nine Vietnamese men were found in conditions of forced labor in the fishing industry. Costa Rica serves as a transit point for foreign nationals trafficked to Mexico, Canada, the United States, and Europe.



The Government of Costa Rica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to

do so. During the past year, the Government of Costa Rica continued to raise public awareness about human trafficking and trained many government officials, in addition to maintaining limited victim services. However, the government's law enforcement efforts lagged with respect to holding trafficking offenders accountable for their crimes and in adequately addressing domestic cases of human trafficking.

Recommendations for Costa Rica: Vigorously implement existing anti-trafficking statutes; amend trafficking legislation to include human trafficking cases not involving movement; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, particularly in regard to forced labor and forced prostitution crimes occurring wholly within the country; provide greater assistance for victims, particularly adult victims of trafficking, possibly through the establishment of a shelter specifically for trafficking victims; increase efforts to reduce consumer demand for commercial sex acts with children; and improve data collection for trafficking crimes.

Prosecution

The Government of Costa Rica sustained law enforcement efforts against human trafficking during the reporting period. Article 172 of the penal code, which was amended in April 2009 prescribes penalties of six to 10 years' imprisonment for the movement of persons both across borders and within the country for the purposes of prostitution, sexual or labor servitude, slavery, forced work or services, servile marriage, forced begging, or other forms of compelled service. This statute also prohibits illegal adoption, which does not fall within the international definition of human trafficking. Sentences may be increased to eight to 16 years' imprisonment under aggravated circumstances, such as the victimization of a child or a trafficker's use of deception, violence, intimidation, or coercion. The penalties set forth in amended Article 172 are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Articles 376 and 377 of the penal code additionally prohibit child sex trafficking, prescribing penalties of two to four years' imprisonment. Law 8754, passed in July 2009, authorized the use of expanded law enforcement and investigative measures, such as wiretapping and the use of anticipated testimonies, when undertaking human trafficking cases. Insufficient familiarity with the new legislation, however, hindered the enforcement of these laws, and the government continued to use other statutes to prosecute trafficking offenders involved in the commercial sexual exploitation of children. During 2008, the latest period for which official statistics are available, the government investigated 18 potential cases of human trafficking and achieved five convictions for trafficking in persons crimes, compared with two convictions in 2007. The government operated a six-person smuggling and trafficking law enforcement unit, and worked closely with foreign governments in cases of transnational human trafficking.

No government officials were prosecuted or convicted of trafficking-related corruption, although during the reporting period one government official was suspended and ultimately fired for his involvement in an alleged forced labor scheme involving Chinese youths; authorities were still investigating the case.

Protection

The Costa Rican government continued to ensure trafficking victims received access to a basic level of victim assistance during the reporting period. The government provided some officials with training on how to identify and treat trafficking victims; however, it reported no proactive efforts to search for trafficking victims among vulnerable populations, such as prostituted women or children. Although there were no government-provided shelter services dedicated to human trafficking victims, the government referred some victims to basic care at short-term government shelters for women and children. The government often relied on NGOs and religious organizations to provide specialized care for trafficking victims, and the only shelter available to adult male victims was the migration detention center. The government did provide services to some male victims, however, including the nine Vietnamese men found in conditions of forced labor in the fishing industry. Foreign victims were eligible for the same services as Costa Rican citizens. The government's "immediate attention" protocol defined the steps for different government institutions to take to detect, identify, protect and provide integrated assistance to a victim, and the Immediate Action Team provided services to two potential trafficking victims during the reporting period. The government provided some limited legal and psychological assistance, though NGOs noted the need for greater government efforts to reintegrate victims into their communities. The government generally did not penalize victims for unlawful acts committed as a direct result of being trafficked. Officials treated some adult migrants as illegal migrants, however, and deported them without taking adequate measures to determine if they were trafficking victims, and the majority of trafficking victims reported by the government were foreign citizens. Foreign nationals were eligible for work permits or refugee status, and the government had provisions in place to issue a special visa to foreign trafficking victims, though no victims received any of the above during the reporting period. A new immigration law, effective March 2010, authorizes temporary residency status specifically for foreign trafficking victims. Costa Rican authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, and the government created an enhanced witness protection program last year for victims of crime, though it was not yet fully operational.

Prevention

The government sustained strong prevention efforts during the reporting year, training officials and employing partnerships with NGOs, international

organizations, and foreign governments to increase public awareness about human trafficking. The government, in partnership with UNICEF and other international organizations, continued the “Don’t Let Them Lie to You” anti-trafficking prevention campaign, which reached a projected fifty percent of the adult and adolescent population between October 2008 and June 2009. The campaign “No More Trafficking in Persons,” launched in partnership with IOM in July 2009, used media spots and a radio soap opera to highlight the realities of trafficking in persons. The government established an anti-trafficking directorate to coordinate its efforts to combat human trafficking. During the reporting period the government, in collaboration with NGOs and international organizations, trained almost 1,000 public officials about human trafficking, including police officers, immigration agents, and health workers. In addition to adding an anti-trafficking component to the police academy curriculum, the government instructed education officials on how to detect situations of commercial sexual exploitation of children in schools. Although public awareness of human trafficking crimes appeared to increase in Costa Rica, many officials continued to view it as a transnational, and not a domestic, phenomenon. The government reported no efforts to reduce the demand for commercial sex or forced labor during the reporting period.

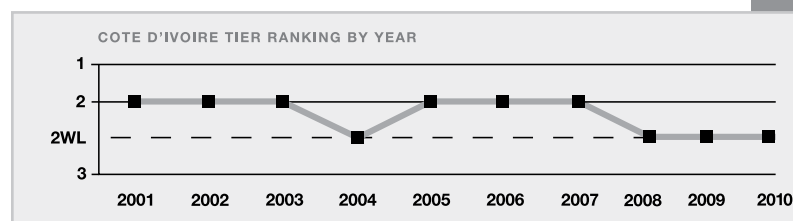
COTE D’IVOIRE (Tier 2 Watch List)

Cote d’Ivoire is primarily a country of destination for children and women subjected to trafficking in persons, specifically forced labor and forced prostitution, though it also serves as a country of transit and origin. Trafficking within the country’s borders is more prevalent, with victims primarily trafficked from the north of the country to the more economically prosperous south. Boys from Ghana, Mali, and Burkina Faso are subjected to forced labor in the agricultural sector, including on cocoa, coffee, pineapple, and rubber plantations; boys from Ghana are forced to labor in the mining sector; boys from Togo are forced to work in construction; and boys from Benin are forced to work in carpentry and construction. Girls recruited from Ghana, Togo, and Benin to work as domestic servants and street vendors often are subjected to conditions of forced labor. Women and girls are also recruited from Ghana and Nigeria to work as waitresses in restaurants and bars and are subsequently subjected to forced prostitution. Trafficked children often face harsh treatment and extreme working conditions.

The Government of Cote d’Ivoire does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant efforts, such as the conviction of one sex trafficker, the government’s overall efforts to combat trafficking were limited and ineffective; therefore, Cote d’Ivoire is placed on Tier 2 Watch List for a third consecutive year. The government remained

hampered by the absence of a cohesive government, limited resources, and insufficient knowledge of the human trafficking phenomenon among law enforcement officials and judges. The country has never reported a prosecution of forced child labor in the agricultural sector. Police demonstrated a weak understanding of human trafficking by characterizing children found in a brothel raid as “voluntary prostitutes,” rather than presumptive victims of human trafficking. Cote d’Ivoire also failed to investigate for a third consecutive year NGO reports that police harass undocumented foreign women in prostitution by demanding sex in exchange for not arresting them.

Recommendations for Cote d’Ivoire: Increase efforts to investigate, prosecute, and convict trafficking offenders, particularly those who exploit children in the commercial sex trade or in forced labor, including in the agricultural sector; develop a formal procedure through which law enforcement and other government officials identify trafficking victims among women and girls in prostitution; train law enforcement officials to follow established procedures to identify potential trafficking victims and refer them to protective services; and investigate reports that police harass undocumented foreign women in prostitution, rather than screening for trafficking victims, and prosecute and punish those police officers involved, as appropriate.



Prosecution

The Government of Cote d’Ivoire’s legal statutes do not prohibit all forms of trafficking and there is no specific law punishing such offenses. However, Penal Code Article 378 prohibits forced labor, prescribing a sufficiently stringent penalty of one to five years’ imprisonment and a fine of approximately \$800 to \$2,200. Penal Code Article 376 criminalizes entering into contracts that deny freedom to a third person, prescribing a sufficiently stringent punishment of five to 10 years’ imprisonment and a fine. Penal Code Articles 335 to 337 prohibit recruiting or offering children for prostitution, prescribing penalties of one to 10 years’ imprisonment and a fine; these penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious offenses, such as rape. Ivoirian law does not criminalize the trafficking of adults for commercial sexual exploitation. During the reporting period, the government convicted one trafficking offender. A Nigerian woman promised two girls from Nigeria a trip to the United States, but instead transported them to Cote d’Ivoire and forced them to engage in prostitution

in Vavoua. In May 2009, a court in Daloa convicted and sentenced the trafficker to three years' imprisonment and a \$2,000 fine, and the Nigerian Embassy in Abidjan assisted the victims in returning home. The following child trafficking cases were also identified and investigated by law enforcement agencies during the reporting period.

In February 2009, Nigerian traffickers promised jobs in Germany to four Nigerian girls ages 16 to 19, but transported them to Cote d'Ivoire and forced them into prostitution in Vaou; the traffickers evaded capture. In June 2009, police in Soubre intercepted 15 Burkinabe children who were being transported by bus to Cote d'Ivoire for the purpose of labor exploitation and returned them to their parents; the traffickers eluded capture. In September 2009, a female restaurant owner lured two girls, ages 13 and 17, to Odienne with a promise of jobs, but forced them into prostitution. Gendarmes arrested the restaurant owner, but later released her after she paid a fine of about \$100 to the victims' families.

Protection

The Ivoirian government made inadequate efforts to protect victims of trafficking during the last year. Law enforcement authorities did not demonstrate adequate efforts to proactively identify trafficking victims among vulnerable groups, such as foreign children entering the country without their parents, though some victims were identified during the year. During the reporting period, the government did not offer any specialized training to law enforcement and immigration personnel on identifying and treating victims of trafficking. However, in partnership with the ILO, the Ministry of Family held a workshop for 25 families who volunteered to take in trafficking victims intercepted in their communities. The government had no care facilities for foreign or domestic trafficking victims. There was no witness protection or restitution program for trafficking victims. The government neither encouraged nor discouraged victims from assisting in the investigation and prosecution of trafficking offenses. The Ministry of Family identified some existing government structures that could be converted to shelters, and in the meantime referred victims to NGOs that offered suitable lodging. While the Ministry of Family and the National Police employed a small team of social workers to assist trafficking victims after they were identified, the government relied on NGOs for medical and psychological assistance to victims, giving the organizations no financial or material support in return. The Ministry of Family had responsibility for seeking temporary residency status in Cote d'Ivoire for victims who did not want to return home. During the reporting period, the ministry assisted in the repatriation of 20 trafficked children, including nine from Cote d'Ivoire, two from Burkina Faso, three from Benin, three from Ghana, and three from Togo. All of the children had been forced to work in the informal sector. In June 2009, Ivoirian police participated in a foreign law enforcement

agency-funded raid on farms growing cocoa and palms in the Aboisso area, discovering more than 50 children working on the premises. Ivoirian officials determined that four of these children were trafficking victims and returned three to their families, while transferring the fourth to the Ministry of Family for care. Following raids on brothels and bars, police vice squad members asked women in prostitution if they were victims of traffickers, but did not investigate further if the answer was negative. Regulations protected child victims by not permitting police to interview suspected child victims without a case worker present. Child victims were assigned a Ministry of Family case worker with responsibility for informing victims about judicial proceedings, and these case workers allowed children to decide whether they wished to testify against their alleged traffickers.

Prevention

The Government of Cote d'Ivoire demonstrated sustained and modest efforts to prevent trafficking during the reporting period, primarily through public awareness campaigns, which the Ministry of Family estimated reached 11,000 residents of the country. The Ministry of Interior disseminated anti-trafficking awareness materials to police and gendarmes at border points, along with guidance on investigating those who were attempting to bring children into Cote d'Ivoire. In an effort to reduce demand for commercial sex acts, police continued periodic raids on brothels and bars suspected of exploiting children in the sex trade. Cote d'Ivoire is not a party to the 2000 UN TIP Protocol.

CROATIA (Tier 1)

Croatia is a destination, source, and transit country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Croatian women and girls fall victim to sex trafficking within the country, and women and girls from Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are subjected to forced prostitution in Croatia and in Western Europe. Men reportedly are subjected to forced labor in agricultural sectors, and children, including Roma, are subjected to conditions of forced begging and theft.

The Government of Croatia fully complies with the minimum standards for the elimination of trafficking. In 2009, the government continued to investigate and prosecute trafficking offenders, increased the minimum imposed penalty for convicted traffickers, and for the first time, ordered a trafficker to pay compensation to a victim. Croatia provided significant funding to NGOs providing assistance and shelter to trafficking victims during the reporting period and continued proactive training and outreach on victim identification. However, the government identified very few trafficking victims in 2009 and failed to protect some victim witnesses.

Recommendations for Croatia: Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly women in prostitution and migrant men in the agricultural sector; strengthen partnerships with NGOs to enlist their help in identifying victims during authorities' initial contact with potential victims among women detained for prostitution offenses; intensify investigations of trafficking crimes in high tourism sectors and other areas with prostitution; aggressively prosecute traffickers and continue to toughen sentences imposed on convicted traffickers; ensure the responsible repatriation of foreign victims; improve courtroom treatment and protections for victims who testify against their traffickers; ensure trafficking victims are not inadvertently punished for committing unlawful acts as a direct result of being trafficked; expand awareness efforts to educate clients of the sex trade about the demand for commercial sex acts and forced labor; and educate the larger public about prostitution and its links to trafficking.

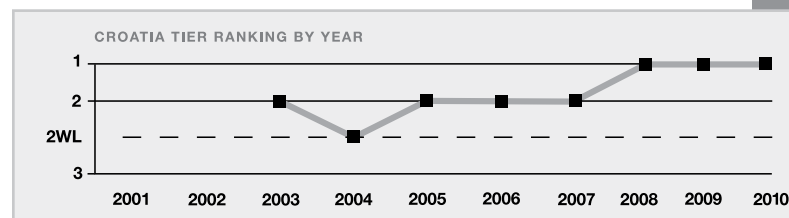
Prosecution

The Government of Croatia generally sustained its anti-trafficking law enforcement efforts in 2009, though it prosecuted only half as many traffickers as it did the previous year. It continued to exclusively use its trafficking law to prosecute and convict sex and forced labor trafficking during the reporting period. Croatia criminally prohibits trafficking for forced labor and commercial sexual exploitation through Criminal Provision 175 of its penal code. Provision 175 prescribes penalties for all forms of trafficking of one to 10 years' imprisonment; these penalties are sufficiently stringent and are commensurate with those prescribed for rape. In 2009, the government investigated 13 suspected trafficking offenders, compared with 15 in 2008. It prosecuted six traffickers in 2009, a decrease from 12 prosecuted in 2008. Six trafficking offenders were convicted and given sentences ranging from two to eight years, compared with nine convictions obtained in 2008; however, one conviction was out on appeal and awaited a final verdict. Two of these convictions involved forced labor. The government increased its minimum imposed sentence for all trafficking convictions from one to two years during the reporting period. In the first civil trafficking case, the court ordered the trafficker to pay \$28,466 in compensation to the victim. The government continued to provide general anti-trafficking training to police officers, and continued its "train-the-trainer" program involving 26 police officers training counterparts on ways to recognize and assist trafficking victims. There were no specific reports of trafficking-related complicity during the reporting period.

Protection

The Government of Croatia sustained significant efforts to ensure that victims of trafficking received access to necessary care. It continued to fund NGOs as well as its two specialized shelters for adult women and

children trafficking victims, totaling \$96,461 in 2009. It also provided \$45,937 to NGOs to support and assist trafficking victims. Four victims used shelter facilities in 2009. While the government continued to emphasize a victim-centered approach, it identified only eight victims during the reporting period, one more than 2008, but lower than the 15 victims identified in 2007. The government amended its Law on Foreigners in March 2009 to extend the "reflection period" from 30 to 90 days; children continue to be eligible for a stay of 90 days. The government actively encouraged victim participation in trafficking cases and reported that all eight identified victims assisted in the investigation and prosecution of their traffickers in 2009. According to preliminary findings released in a January 2010 research project on trafficking and prostitution conducted between December 2008 and November 2009, the Croatian government did not provide adequate protections for some trafficking victims who testified against their traffickers. Researchers reported victims were required to testify repeatedly during trafficking trials; victim's testimony can be arranged via video-conference system. The government initiated a pilot assistance program for victim witnesses in four courts in 2009 to improve protections for these victims. Researchers also recommended that the government should intensify efforts to identify adequately all potential victims of forced prostitution. Although victims could be both witness and defendant in some court cases, researchers reported that the government made efforts to ensure that recognized trafficking victims were not penalized for unlawful acts committed as a direct result of their being trafficked. In response to continued concerns about prostitution and potential trafficking during the high tourist season along the Adriatic coast, the government reported training over 250 police officers in coastal cities during 2009. Although police reported conducting 10 anti-trafficking operations along the coast in 2009, the government did not identify any trafficking victims as a result of these operations. The government provided foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution. Out of the four foreign trafficking victims identified in 2009, the government repatriated one female to Bosnia and Herzegovina and three to Serbia.



Prevention

In 2009, the government continued its progressive national-level outreach and anti-trafficking training efforts to raise awareness and prevent trafficking.

During the reporting period, it implemented numerous anti-trafficking education workshops and seminars for Croatian authorities, including social workers, diplomatic and consular staff, judges, prosecutors, police, and students, including members of mobile teams responsible for assisting trafficking victims. In November 2009, it organized a seminar for leaders in the tourism industry on ways to identify victims of trafficking. It continued to conduct anti-trafficking training for Croatian soldiers prior to their deployment to Afghanistan as international peacekeepers.

CUBA (Tier 3)

Cuba is principally a source country for children subjected to trafficking in persons, specifically commercial sexual exploitation within the country. Some Cuban medical professionals have stated that postings abroad are voluntary and well paid; however, others have claimed that their services “repaid” Cuban government debts to other countries and their passports were withheld as they performed their services. The scope of trafficking within Cuba is difficult to gauge due to the closed nature of the government and sparse non-governmental or independent reporting.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In a positive step, the Government of Cuba shared information about human trafficking and its efforts to address the issue. However, the government did not prohibit all forms of trafficking during the reporting period, nor did it provide specific evidence that it prosecuted and punished trafficking offenders, protected victims of all forms of trafficking, or implemented victim protection policies or programs to prevent human trafficking.

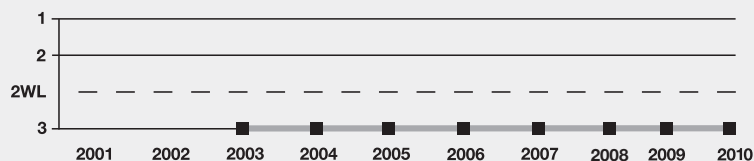
Prosecution

The Government of Cuba did not report discernible progress on prosecuting trafficking offenders during the reporting period. Cuba appears to prohibit most forms of trafficking activity through various provisions of its penal code, but the usage of these provisions could not be verified. Title III, Section First Article 310 provides that using children under 16 in prostitution, corruption, pornographic acts or other illegal conduct may be punishable by from seven to 30 years’ imprisonment or death. Prostitution of children over the age of 16 is legal. Article 316, on the selling of children, bans internal and transnational trafficking in children under the age of 16 for forced labor, prostitution, trade in organs, and pornography, and prescribes penalties of between four and 20 years’ imprisonment. Articles 302 and 87 prohibit inducing an adult into prostitution and prescribe penalties of up to 20 years’ imprisonment. All these penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. The government did not share official data relating to Cuban investigations, prosecutions, and convictions of trafficking offenders in 2009 or any other year. Reports continued of individual police officers profiting from the commercial sex trade, though the practice is officially discouraged. No investigations or prosecutions of public officials have been confirmed. The government did not report any anti-trafficking training provided to officials. However, UNICEF reported that police and workers in the tourist industry received this kind of training. The government also participated in UNICEF sponsored regional programs aimed at combating trafficking and providing treatment to victims.

Protection

The government did not provide substantive evidence of protection of trafficking victims during the reporting period. The government restricted the ability of international and domestic NGOs to operate in Cuba. In partnership with one NGO and another government, Cuba continued to fund the operation of two centers treating sexually abused children, but the government did not provide information about who received treatment in these centers. The government also provided funding for women’s shelters where victims could access care, though the government did not provide information about who received treatment at the shelters. According to UNICEF, both the centers for children and the women’s shelters are used by trafficking victims, and the staff is trained specifically on how to identify and treat trafficking victims. The government did not report that police and other officials employed procedures to proactively identify trafficking victims, such as people in prostitution, and guide them to services, but a UNICEF representative indicated that the police receive specific training on identifying trafficking victims and information about how to refer them to available services. The government provided no evidence that it encouraged trafficking

CUBA TIER RANKING BY YEAR



Recommendations for Cuba: Enact legislation criminalizing all forms of human trafficking; establish legal provisions to ensure sex and labor trafficking victims are not punished for unlawful acts, such as prostitution violations, committed as a direct result of being trafficked; in partnership with trafficking victim specialists, ensure adults and children have access to adequate victim protection and assistance; and allow Cubans who work outside of Cuba to maintain possession of their passports.

victims to assist in the investigation and prosecution of trafficking offenders.

Prevention

To date the government has made limited efforts in anti-trafficking prevention efforts. The government generally did not discuss publically human trafficking issues. The government did not implement any known public awareness campaigns to prevent forced labor or forced prostitution. The government did not report the existence of an anti-trafficking task force, monitoring mechanism, or action plan. However, the National Action Plan for Children and Adolescents sets specific goals and provides implementation guidance on protecting the rights of children and preventing child labor, prostitution, and trafficking. During the reporting period, the official press produced several articles on Cuban citizens who reportedly were subjected to forced labor and forced prostitution in Mexico while awaiting passage to the United States. The government made no known efforts to reduce the demand for commercial sex. The government denied it had a child sex tourism problem but it banned children under 16 from nightclubs, and according to Cuban government documents, the government provided training to hotel workers and others in the tourism industry on how to identify and report potential sex tourists. Cuba is not a party to the 2000 UN TIP Protocol.

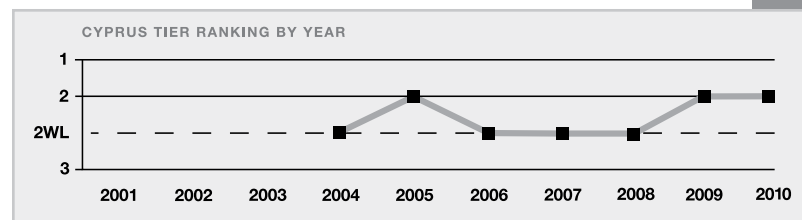
CYPRUS (Tier 2)

Cyprus is a destination country for women who are subjected to trafficking in persons, specifically forced prostitution as well as women and men who are in forced labor. Women identified as sex trafficking victims in Cyprus originated from Moldova, Ukraine, Bulgaria, the Philippines, Morocco, and Hungary. A large number of Romanian nationals were subjected to forced labor in the country in 2009. Sex trafficking occurs within venues used by Cyprus' commercial sex industry, including cabarets, bars, pubs, and massage parlors disguised as private apartments located throughout the country. Groups vulnerable to forced labor include domestic workers, asylum seekers, and foreign migrants working in the farming and agricultural sectors. According to a 2008 EU Thematic Study on Child Trafficking for Cyprus, some children within migrant and Roma communities may be vulnerable to trafficking.

The Government of Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted and passed a new National Action Plan and convicted an increased number of traffickers in 2009. However, during the reporting period, the government identified fewer sex trafficking victims, failed to consistently provide financial and social support services to trafficking victims and did not effectively address trafficking-related complicity, which local

observers report is hampering the government's anti-trafficking efforts.

Recommendations for Cyprus: Take steps to strictly review and monitor the "barmaid" work permits and the new "performing artist" and "creative artist" work permits in order to prevent their use to contribute to widespread nonconsensual exploitation of foreign women in the sex trade; aggressively prosecute and seek convictions of trafficking offenders and officials complicit in trafficking; implement a practical guide for all front-line responders outlining identification, referral, and protection procedures for potential trafficking victims; demonstrate greater consistency in providing financial support to victims; expand the critical role NGOs play in victim protection and assistance; ensure for the responsible return and repatriation of victims; proactively implement and ensure funding for the recently passed National Action Plan; and launch a demand reduction campaign specifically aimed at Cypriot clients of prostitution to educate them about the link between prostitution and trafficking.



Prosecution

Cyprus made some progress in its anti-trafficking law enforcement efforts in 2009 by convicting an increased number of traffickers; however, overall sentences for trafficking-related offenses remained inadequate. Cyprus prohibits both sex and labor trafficking through Law 87 (I)/2007, which also contains protection measures for victims. Although the penalties prescribed for sex trafficking range up to 20 years' imprisonment, these penalties are not commensurate with those prescribed for other serious crimes, such as rape, for which the maximum sentence is life in prison. During the reporting period, police investigated 57 persons in 17 suspected trafficking cases, compared with 70 persons in 29 suspected trafficking cases in 2008. Of the 17 trafficking cases, eight were sent to court, seven are still under investigation, and two were "otherwise disposed of." The government convicted ten sex trafficking offenders in 2009, compared with one in 2008, and courts handed down harsher penalties for some traffickers. Sentences ranged from a \$4,400 fine to four years in prison. Local observers reported, however, that the Attorney General's Office downgraded trafficking cases and sometimes tried anti-trafficking cases in lower courts, which are less equipped to deal with serious offenses.

In November 2009, police arrested and charged three suspects for subjecting 110 Romanians to forced labor

conditions, mostly in the construction sector; the ringleader reportedly used debt bondage and hired enforcers to control the workers who were forced to live in converted shipping containers in an isolated industrial area near Nicosia. Cypriot police actively investigated the case with law enforcement counterparts in Romania; however, a district court released the main suspect after rejecting a fourth request by police for his detention. In 2009, police conducted 95 anti-trafficking raids and 20 undercover operations on establishments suspected of trafficking. Stakeholders reported that police inspected significantly fewer cabarets in 2009. The Department of Labor (DOL) is responsible for inspecting work premises associated with the new “performing artist” work permits; however, no DOL inspectors work after-hours, when “performing artists” are most subject to exploitation in cabarets.

The government in 2009 added an additional member to its four-person police anti-trafficking unit; NGOs, however, report that the police still lack sufficient investigative resources to vigorously combat trafficking throughout the island. In 2008, the police presented a report to the House Human Rights Committee stating, according to local media, that traffickers “have influence on government officials, which makes the arrest and prosecution of traffickers more difficult.”

A pending complicity investigation from 2008 involving four police officers who allegedly patronized a cabaret has yet to be concluded. In 2007, the government transferred a police officer out of his unit for allegedly raping a trafficking victim; the court determined that the main witnesses in the case were unreliable, and then the prosecution against the officer was dropped.

Protection

The Government of Cyprus made limited but inconsistent progress in ensuring that trafficking victims received necessary protective services over the last year. It continued to fund its own shelter dedicated for trafficking victims, allocating \$280,000 for its operation in 2009. The government cared for a total of 47 trafficking victims in the shelter in 2009, compared with 59 victims assisted in 2008. In 2009, the government allocated \$235,000 in funding for additional victim assistance, and the Department of Social Welfare Services reported assisting 66 female victims of commercial sexual exploitation and 163 male and female victims of labor exploitation.

Although Cyprus’ anti-trafficking law mandates referral of trafficking victims to the government’s social welfare services and to the government shelter, it did not employ procedures for front-line responders to proactively identify potential victims during the year, sustaining a long-standing deficiency. NGOs report that the government’s failure to recognize their critical role in protection negatively impacted on the government’s ability to provide meaningful protection to trafficking victims. In 2009, the government identified a total of 114 new victims of trafficking, the majority of whom were

from a forced labor ring involving Romanian nationals; it identified 21 sex trafficking victims in 2009, compared with 41 victims the government identified last year, the majority of whom were sex trafficking victims. The government reported it repatriated 50 of the Romanian labor trafficking victims; the other identified victims reportedly received 45 days of financial support from the government as well as job placement assistance and vocational training.

During the year, the government allowed some victims to stay at the shelter longer than the four weeks prescribed by law. NGOs reported, however, that social services and psychological treatment at the shelter were inadequate, particularly for trafficking victims who do not speak the local languages. Although the government reported that all victims are entitled to long-term housing and welfare benefits, NGOs reported that several victims did not receive their full allowances on a consistent and timely basis. While the government provided some protections to a key prosecution witness from the Dominican Republic and allowed her to stay in the government shelter longer than four weeks, in comments to the media she reported overall inadequate treatment by the government. The government lacks a systematic procedure for the repatriation and safe return of trafficking victims. The government encouraged victims to participate in investigations of trafficking offenders and reported that all identified trafficking victims cooperated with law enforcement in 2009. However, cabaret owners and agents reportedly used attorneys to bribe potential witnesses and pressured women to withdraw complaints or not follow through with testifying in court. In January 2010, the European Court of Human Rights found that Cyprus failed to adequately protect a trafficking victim from Russia who died in 2001 under suspicious circumstances.

Prevention

The government did not implement any comprehensive campaigns to specifically address demand within the context of Cyprus, to educate clients about the realities of forced prostitution inherent to the island’s sex industry, a long-standing deficiency. The government recently approved a 2010-2012 National Action Plan to combat human trafficking that calls for demand-focused public awareness campaigns and cooperation with NGOs to conduct outreach at universities, army camps and other venues. The government also provided over \$8,000 to a radio station for programming throughout the year that specifically addressed human trafficking in Cyprus.

Although the government reported it adopted a new policy to screen applications for foreign “performing artists,” the work permit category that replaced the previous “artiste visa,” some NGOs indicated that the revised policy had little actual impact on reducing trafficking in Cyprus’ commercial sex industry. However, the government reported a nearly 40 percent decrease in the number of cabarets operating during the reporting period. During the reporting period, the government reported it issued 1,225 “performing artist” work permits

and 20 “creative artist” permits; these numbers include renewals and changes of employer. The government reported that, as of February 2010, there were 331 performing artists in Cyprus. One NGO reported a sharp increase in the issuance of “barmaid” work permits in 2009; the government reported it issued 467 such permits in 2009, up from 422 issued during the previous reporting period. Another NGO questioned the government’s official statistics on trafficking, speculating that a number of trafficking victims were intentionally left out of the statistics to indicate a smaller problem.

Area Administered by Turkish Cypriots

The northern area of Cyprus is administered by Turkish Cypriots; the area has declared itself the “Turkish Republic of Northern Cyprus” (“TRNC”). The United States does not recognize the “TRNC,” nor does any other country except Turkey. The area administered by Turkish Cypriots is a destination for women originating from Eastern European countries and subjected to conditions of forced prostitution. Men and women are also reportedly subjected to conditions of forced labor. During the reporting period, the majority of the women who received “hostess” or “barmaid” work permits in the “TRNC” were from Moldova, and to a lesser extent Ukraine. A smaller number included women from Kyrgyzstan, Russia, Georgia, Belarus, Uzbekistan, Tajikistan, Kazakhstan, the Philippines, Kenya, Romania, Brazil, and Nigeria. In 2008, the local press reported the findings of an independent researcher who interviewed “hostesses” at nightclubs and learned these women came to the “TRNC” with the assistance of employment agencies purportedly seeking models, dancers, babysitters, or caretakers for the elderly. There are also some reports of foreign women who entered the “TRNC” via Turkey as tourists and students who are working in the prostitution sector in Nicosia, Kyrenia, and Famagusta and may be vulnerable to trafficking.

Authorities in the “TRNC” overwhelmingly deny that trafficking is a significant problem in the area, posing a significant challenge to assuring any protection for women from trafficking or the prosecution of their traffickers. “TRNC” authorities identified no trafficking victims during the reporting period.

Although the area administered by Turkish Cypriots drafted an anti-trafficking “bill” in 2007, it has yet to make any progress on this “legislation.” “TRNC” authorities provided no specialized training on trafficking; authorities continued to confuse trafficking with prostitution and smuggling. Trafficking crimes can potentially be prosecuted on charges of “living off the earnings of prostitution” or “encouraging prostitution.” Persons convicted under these “laws” can receive up to two years’ imprisonment. These penalties are not commensurate with those prescribed for other serious crimes in the area administered by Turkish Cypriots, such as rape. “TRNC” authorities reportedly prosecuted nightclub owners and pimps on prostitution-related charges, but provided no statistics on these efforts. Although there are no specific reports of local authorities’

complicity in trafficking, authorities likely tolerate such corruption due to the lack of any anti-trafficking “legislation.” Authorities hold the travel documents of foreign women working in nightclubs in the “TRNC.”

The “government” does not have specialized procedures in place to identify trafficking victims among vulnerable groups or refer victims to service providers, nor did it allocate any funding to anti-trafficking efforts or provide any specialized care or shelter for victims. Although prostitution is illegal in the “TRNC,” nightclub employees are required to submit to weekly health checks for STD screening, suggesting tacit “government” approval of its prostitution industry. If arrested on prostitution charges, a victim is usually deported within 24 hours.

The “TRNC” reported issuing 961 “hostess” work permits, including renewals, and 14 “barmaid” permits in 2009. There are 42 nightclubs and 2 pubs operating in the “TRNC,” with two more under construction.

“TRNC” authorities did not conduct any anti-trafficking awareness campaigns during the reporting period.

The “TRNC” does not fully comply with the minimum standards for the elimination of trafficking, and does not appear to be making significant efforts to do so. If the “TRNC” were assigned a formal ranking in this report, it would likely be Tier 3.

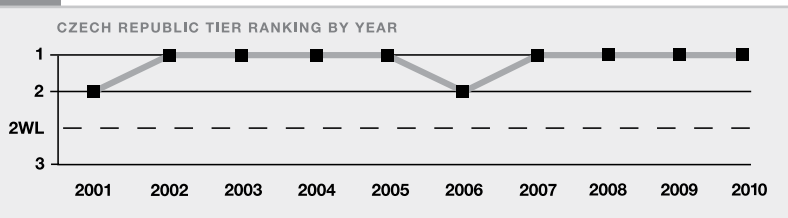
Recommendations for Turkish Cypriot authorities: Pass “legislation” specifically prohibiting all forms of human trafficking; provide training for “law enforcement” and other front-line responders on victim identification techniques; establish specialized protection and assistance services and a shelter; and educate clients and the larger public about trafficking that generally takes place within nightclubs.

CZECH REPUBLIC (Tier 1)

The Czech Republic is a source, transit, and destination country for women who are subjected to trafficking in persons, specifically forced prostitution and a source, transit, and destination country for men and women who are in conditions of forced labor. Women from the Czech Republic, Slovakia, Ukraine, Russia, Romania, Bulgaria, Vietnam, Mongolia, and Brazil are subjected to forced prostitution in the Czech Republic and also travel through the Czech Republic *en route* to other European countries, including Austria, Germany, Switzerland, and Serbia where they are subjected to forced prostitution. Many Roma women from the Czech Republic are subjected to forced prostitution domestically and also in other destination countries. Men and women from Russia, Ukraine, Kyrgyzstan, Uzbekistan, Romania, Vietnam, Mongolia, Thailand, and Belarus are subjected to conditions of forced labor in the construction, forestry, agricultural, and service sector industries and are exploited within and transited through the Czech Republic to other countries within the European Union.

Men and women from the Czech Republic are subjected to conditions of forced labor in the United Kingdom.

The Government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking. The government amended its criminal code to increase the maximum penalty for trafficking from 15 to 16 years' imprisonment and continued to provide excellent protection and assistance to victims of trafficking both within the Czech Republic and also in source countries. In 2009, the government provided approximately \$456,000 in funding for its domestic anti-trafficking programs, including \$213,000 for victim assistance.



Recommendations for the Czech Republic: Increase the number of convicted trafficking offenders serving some time in prison; ensure trafficking offenses are prosecuted and convicted using Section 232a or Section 166 of the criminal code – thereby increasing the number of convicted offenders sentenced to time in prison; demonstrate increased efforts to investigate and prosecute forced labor offenses and convict and punish forced labor offenders; ensure that trafficking offenses investigated and prosecuted under Section 166 of the criminal code are disaggregated from non-trafficking offenses; improve efforts to disaggregate labor trafficking from sex trafficking statistics; and increase the number of victims referred for assistance by law enforcement personnel.

Prosecution

The government demonstrated mixed law enforcement efforts over the previous year. During most of the reporting period, the Czech Republic prohibited trafficking for commercial sexual exploitation and labor exploitation through Sections 232a and 204 of its criminal code, and punishments prescribed under these statutes ranged from two to 15 years' imprisonment. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2010, a new section of the criminal code – Section 166 – came into effect and increased the maximum penalty prescribed for trafficking to 16 years; however, Section 166 of the criminal code includes elements beyond the scope of trafficking as defined in US law, including forced military service. During the reporting period, police conducted 47 investigations – including three labor trafficking investigations – a decrease from 81 investigations conducted in 2008. Authorities prosecuted 115 persons for trafficking offenses compared with 110 individuals

prosecuted in 2008. The government convicted 83 trafficking offenders during the reporting period, an increase from 64 convicted offenders in 2008. Only those offenders convicted under Section 204 – the pimping law – were sentenced to time in prison during the reporting period. The number of convicted traffickers sentenced to imprisonment decreased during the reporting period. In 2009, only 23 percent – 19 out of 83 – trafficking offenders convicted served time in prison, down from 28 percent – 18 out of 64 – offenders convicted in 2008 who subsequently served time in prison. In 2009, one trafficking offender was sentenced up to one year imprisonment, 16 offenders were sentenced to one to five years' imprisonment, and two traffickers were sentenced to 15 to 25 years' imprisonment. The police provided 12 training seminars to 431 seasoned officers and cadets focused on investigation techniques as well as victim identification for both sex and labor trafficking offenses in 2009.

Protection

The government sustained strong efforts to protect and assist victims over the reporting period. The government employed formal victim identification procedures and a victim referral mechanism in 2009. Authorities identified and referred 13 victims – eight victims of forced labor and five victims of forced prostitution – to NGOs for assistance during the reporting period, compared with 13 victims identified and referred in 2008. The government continued to fund its comprehensive "Program of Support and Protection of Victims of Trafficking in Human Beings," which was available for both foreign and Czech victims and provided for both short-term and longer-term assistance. In 2009, the government allocated \$213,000 to NGOs to provide victim assistance and rehabilitative care, down from approximately \$283,000 funded in 2008. Government-funded NGOs provided comprehensive assistance and shelter to approximately 76 victims; it assisted the same number of victims in 2008. The government also allocated \$1,200 for the repatriation of one foreign victim and one Czech victim compared with the repatriation of nine foreign victims and one Czech national in 2008. Both foreign and Czech victims were offered an automatic 60-day period of reflection, during which time they received government-funded assistance through NGO providers while they decided whether to cooperate with law enforcement in the criminal investigation. Victims were encouraged to assist in investigations and prosecutions. Foreign victims who cooperated with investigators after the initial 60-day reflection period were granted temporary residence and work visas for the duration of the relevant legal proceedings; one victim was granted a temporary residency permit in 2009, compared with 19 victims in 2008. Upon conclusion of the court proceedings, qualifying victims had the opportunity to apply for permanent residency; six victims were granted permanent residency in 2009, compared with one victim granted permanent residency in 2008. Victims were not fined or

otherwise penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

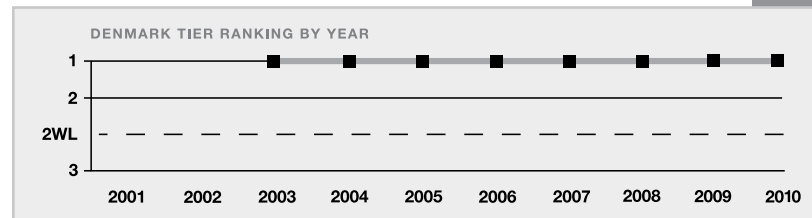
The government demonstrated sustained, strong efforts to prevent trafficking domestically and it continued to dedicate significant resources to prevent trafficking in designated foreign countries during the reporting period. Through its partnership with IOM, the Ministry of Foreign Affairs allocated approximately \$132,500 from January 2008 through April 2010 to NGOs to raise awareness of trafficking among the Mongolian labor migrant population and also to protect Mongolian victims of both forced sex and forced labor exploitation within the Czech Republic and those who were repatriated to Mongolia. Domestically, the Ministry of Interior funded an NGO to conduct a campaign to raise awareness of forced labor among foreign workers in factories, with an emphasis on the Vietnamese community. The government also funded NGOs to conduct general trafficking awareness campaigns in schools and in asylum and migration centers. The government continued funding the "Say it for Her" campaign aimed at reducing the demand for commercial sex acts among foreign tourists visiting the Czech Republic. The Czech Republic is not a party to the 2000 UN TIP Protocol.

DENMARK (Tier 1)

Denmark is primarily a transit and destination country for women and children from Baltic countries, East and Central Europe, Nigeria, Thailand, and South America subjected to trafficking in persons, specifically forced prostitution. There was one report last year of a male teenager from Nigeria rescued from the commercial sex trade in Denmark. The government did not report any cases of forced labor during the reporting period, though the Danish Anti-Trafficking Center highlighted that workers in domestic service, restaurants, hotels, factories, and agriculture, may be vulnerable to forced labor in Denmark. There were unconfirmed reports of foreign children being forced to engage in organized street crime. The government released a report in 2010 about increasing evidence that "au-pair" organizations could be used as front companies for human trafficking. The hundreds of unaccompanied foreign minors who arrive in Denmark every year are particularly vulnerable to human trafficking.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. The government sustained overall trafficking efforts from the previous reporting period, though the numbers of trafficking prosecutions and convictions were significantly lower than those of previous years. The number of victims served declined from previous year, despite the existence of a government supported structure of victim services and relief from deportation.

Recommendations for Denmark: Vigorously prosecute, convict, and sentence sex and labor trafficking offenders; ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; explore ways to enhance the effectiveness of training for police and other officials in victim identification and treatment of victims using approaches that focus on the needs of victims; ensure specialized protection and assistance services are available for male, child, and labor trafficking victims; consider ways to facilitate longer term alternatives to deportation for foreign victims to enhance victim protection and encourage victims to cooperate in prosecutions of trafficking offenders; ensure victims are not penalized for unlawful acts committed as a direct result of being trafficked; fund a broad, nationwide public awareness campaign relevant to Danish society; and consider ways to enhance monitoring of anti-trafficking efforts to identify weaknesses and improve the government's response to trafficking.



Prosecution

The government made some progress in prosecuting sex trafficking offenders, but did not prosecute any labor trafficking offenders during the reporting period. Denmark prohibits both sex and labor trafficking through Section 262 of its criminal code. Punishments prescribed for trafficking under section 262 extend up to eight years' imprisonment, are sufficiently stringent, and are commensurate with penalties prescribed for other serious crimes, such as rape. Police reported conducting a total of 44 human trafficking investigations during the reporting period. Using Section 262, the government prosecuted 25 people for sex trafficking and convicted 11 sex trafficking offenders in 2009. The government prosecuted additional alleged sex trafficking offenders under other statutes, such as prostitution procurement. All 11 trafficking offenders convicted in 2009 served some time in prison; none received suspended sentences. Sentences for convicted trafficking offenders ranged from 5 to 42 months' imprisonment. The Danish national police provided anti-trafficking training to all police precincts and new police recruits during the reporting period, and police leadership has taken a strategic approach to addressing the crime; however, the effectiveness of this training is still undetermined.

Protection

Denmark sustained its victim assistance and protection efforts over the year. In addition to employing formal

victim identification procedures, the government conducted a proactive victim identification outreach program, interviewing people in prostitution, as well as in prisons and asylum centers, in an attempt to identify and rescue trafficking victims. The government identified 54 victims during the reporting period, down from 72 identified the previous year. The government offered medical, dental, psychological, and legal services, and in certain cases a stipend, to victims of trafficking during a 100-day reflection period – a time for victims to receive immediate care and assistance while they considered whether to assist law enforcement. There were two government-funded crisis centers for female victims of violence, which accommodated women trafficking victims. There were no specific shelter facilities for male victims, but at least one government-funded NGO offered assistance to men. The government offered child trafficking victims additional social services and placement in shelters or foster care. No support is provided to adult or child foreign victims of trafficking in Denmark beyond the reflection period if asylum or residency is not granted.

The government encouraged victims to assist in investigations of their traffickers, including by offering support of trained counselors during police interviews; however, many victims did not cooperate. It has been Danish NGOs' experience that 100 days is often not enough time for victims to develop sufficient trust in local authorities to disclose details of their trafficking experience. In addition, after the reflection period and trial process, victims of trafficking are most often deported to their country of origin, where authorities may not be able to provide protection. Trafficking victims were eligible to apply for asylum as an alternative to their removal to countries in which they would face retribution or hardship. This year, six people were determined by the Danish Immigration Service to be victims of trafficking and had asylum cases pending during the reporting period; one victim from 2008 was granted asylum in 2009. Police acknowledged factors preventing victims' cooperation with police, including fear of reprisal from traffickers and the knowledge they were going back to their home country. Denmark sustained partnerships with IOM and NGOs in victims' countries of origin to facilitate safe repatriation. The government provided foreign unaccompanied minors, regardless of whether or not they were suspected victims of trafficking, with a representative to assist with asylum applications or repatriation; however, it was documented that some children were placed in police custody for arriving with forged documents, a crime often occurring as a direct result of being trafficked. Danish victim advocates reported that Danish police generally respected the rights of victims, but claimed victims have been prosecuted for crimes committed as a direct result of being trafficked.

Prevention

Denmark made some progress in advancing its trafficking prevention efforts during the reporting period. While there is currently no nationwide government-sponsored anti-trafficking awareness campaign focused on all forms of trafficking, the government continued a campaign begun in 2008 called "Who Pays the Price?" to reduce the demand for commercial sex acts, which may be linked to sex trafficking. The government had an anti-trafficking action plan, and the government produced an annual status report monitoring the previous year's developments related to the plan. The government forged anti-trafficking partnerships through its funding of anti-trafficking programs in Ukraine, Belarus, and Moldova. Danish authorities sustained partnerships with Scandinavian Airlines, the Association of Danish Travel Agents, and Save the Children to disseminate public service announcements against child sex tourism. Denmark established a hotline for trafficking victims and one for information about suspected child sex tourism overseas. The government did not report any prosecutions of its citizens for child sex tourism during the reporting period. The Ministry of Defense provided training on human trafficking to all soldiers prior to their deployment abroad on international peacekeeping missions.

DJIBOUTI (Tier 2)

Djibouti is a transit and, to a lesser extent, a source and destination country for men, women, and children who are subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. There is little verifiable data on the human trafficking situation in Djibouti. Large numbers of voluntary economic migrants from Ethiopia and Somalia pass illegally through Djibouti *en route* to Yemen and other locations in the Middle East; among this group, a small number of women and girls may fall victim to involuntary domestic servitude or forced commercial sexual exploitation after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor. An unknown number of migrants – men, women, and children – are subjected to conditions of forced labor and forced prostitution after reaching Yemen and other destinations in the Middle East. Djibouti's large refugee population – comprised of Somalis, Ethiopians, and Eritreans – as well as foreign street children remain vulnerable to various forms of exploitation within the country, including human trafficking. Older street children reportedly act, at times, as pimps for younger children. A small number of girls from impoverished Djiboutian families may engage in prostitution with the encouragement of family members or other persons in prostitution. Members of foreign militaries stationed in Djibouti contribute to the demand for women and girls in prostitution, including trafficking victims.

The Government of Djibouti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to

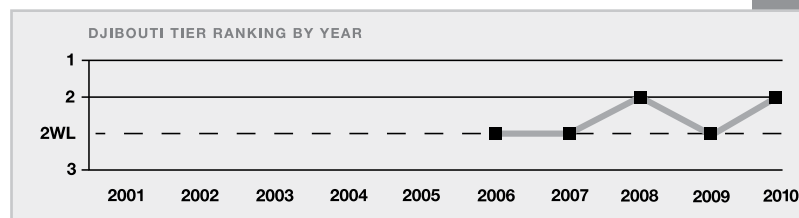
do so. Senior officials have identified combating human trafficking as an important priority, sought increased partnerships with other governments and international organizations over the past year, and demonstrated a growing awareness of the distinction between human trafficking and smuggling. The government, however, remains unable to effectively implement all of the protection, prevention, and prosecution components of its anti-trafficking law given its lack of resources. Addressing migrant smuggling and daunting refugee flows remained a main concern, diverting government attention and limited law enforcement resources that might otherwise have been devoted to detecting and responding to forms of trafficking occurring within the country's borders. It is believed, however, that the government's efforts to reduce migrant smuggling to Yemen will ultimately serve to reduce the overall number of such migrants who are vulnerable to situations of human trafficking in the Middle East.

Recommendations for Djibouti: Launch a nationwide campaign to educate government officials and the general public on human trafficking, highlighting the appropriate treatment of domestic workers under Djiboutian law; work with judges, prosecutors, and police to clarify the difference between cases of human trafficking and alien smuggling, particularly regarding the improper application in courtrooms of Law 210 to cases of alien smuggling; form partnerships with local religious leaders, building their capacity and encouraging them to educate their congregations about trafficking; enforce the anti-trafficking statute through investigation and prosecution of trafficking offenders who facilitate child prostitution, abuse domestic workers, or perpetrate other forced labor offenses; institute a module on human trafficking as a standard part of the mandatory training program for new police and border guards; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; ensure police and relevant social welfare workers receive clear instructions regarding their specific roles and responsibilities in combating trafficking and protecting victims; and establish mechanisms for providing protective services to victims, possibly through the forging of partnerships with or civil society or international organizations.

Prosecution

The government made significant efforts to bring migrant smugglers to justice during the reporting period, but failed to take law enforcement action against forced labor or sex trafficking offenders. Law 210, "Regarding the Fight Against Human Trafficking," enacted in December 2007, prohibits both labor and sex trafficking. The law also provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to 30 years' imprisonment for convicted trafficking offenders. These penalties are sufficiently stringent and commensurate with those prescribed for

other serious crimes, such as rape. During the reporting period, the Djiboutian military regularly buried the remains of shipwrecked migrants who drowned after failed smuggling attempts. The smugglers of these migrants, when captured by Djiboutian authorities, were transferred to the judicial system for prosecution. The Ministry of Justice reported its use of Law 210 in the past year to prosecute, convict, and sentenced well over 100 illegal migrant smugglers and their accomplices, including Djiboutian citizens. It is unclear whether any of these cases involved human trafficking. The Ministry of Justice reported no investigations or prosecutions of offenses involving forced labor or commercial sexual exploitation. The Brigade des Moeurs (Vice Police) conducted regular nighttime sweeps of the capital's bars and streets and preventatively detained Ethiopian, Somali, and Djiboutian children suspected to be engaged in prostitution. In 2009, police apprehended, but did not charge, 408 girls between the ages of 10 and 18 years in such sweeps; the brigade did not indicate whether it detained the exploiters of these girls. In November 2009, the government requested human trafficking be added to the agenda for regular Djibouti-Ethiopia bilateral talks and proposed a draft memorandum of understanding on the subject. The 15-article agreement commits specific government entities to liaise on trafficking issues, proposes regular meetings, and provides a framework for partnership with Ethiopia on judicial cooperation.



Protection

With few resources itself and a very small pool of tiny, underfunded NGOs, the government had little means with which to address the needs of trafficking victims during the year. The Council of Ministers took no action in 2009 to ensure comprehensive care for victims as mandated under Article 18 of Law 210. After detaining children on suspicion of engaging in prostitution, police indicated that they attempted to locate and meet with parents or other family members to discuss appropriate child protection; children were then released to the care of family members without being charged. When family members could not be found, foreign children may have been deported to their country of origin; the government did not report data on such deportations. Police worked with the Ministry of Health's clinic and hospitals, and with NGOs, to provide some medical care to victims of child prostitution. No charges were filed against children detained on suspicion of engaging in prostitution in

2009. The government continued providing protection and accommodation to asylum-seeking defectors from the Eritrean military, some of whom may be trafficking victims. The government has not yet developed a system for proactively identifying victims of trafficking among vulnerable populations or a referral process to transfer such trafficking victims for care. Authorities did not encourage victims to participate in the investigations or prosecutions of their traffickers. Djibouti hosted a meeting of the Somalia Mixed Migration Task Force in July 2009, during which representatives from the Government of Yemen, the Somaliland and Puntland administrations, and international organizations discussed efforts to improve protection for migrants crossing from Somali and Djibouti to Yemen.

Prevention

The government's efforts to prevent trafficking increased during the reporting period. Beginning in May 2009, the government provided IOM office space within the Ministry of Labor as part of an overall effort to prevent unsafe migration, including human trafficking. Addressing concerns for migrants who depart Djiboutian shores illegally for Yemen, the government forged a partnership with IOM to erect billboards throughout the country warning migrants of the dangers of irregular migration, including the risk of becoming a victim of trafficking or labor exploitation. In 2009, the National Office for Refugees and Disaster Stricken People (ONARS) and UNHCR completed a census of refugees at the Ali Adde camp and issued identification cards to adults. These entities also jointly conducted twice-weekly screenings of asylum seekers at the Loyada border crossing before transporting eligible refugees to UNHCR's reception center. The government worked to reduce the demand for commercial sex acts by continuing to investigate child sexual exploitation cases and deploying a regular police vice squad. The government did not take any known measures to reduce the demand for forced labor.

DOMINICAN REPUBLIC (Tier 3)

The Dominican Republic is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Dominican women and children are subjected to forced prostitution in the Dominican Republic, throughout the Caribbean, Europe, South America, and the United States. The UN has reported on forced prostitution of Dominican women in

brothels in Haiti frequented by MINUSTAH Peacekeepers. Dominican men and women have been subjected to forced labor in the United States and Argentina. Women from various countries were reportedly brought to the Dominican Republic for prostitution, and an unknown number may have subsequently become trafficking victims, even if they came voluntarily at first. While the Ministry of Labor reported that sugar plantations no longer use child labor, the sugar industry has been cited as vulnerable for possible use of forced labor. A 2009 NGO study found of some 500 male Haitian construction workers interviewed, 21 percent reported experiencing forced labor in the Dominican Republic at some point, although not in their current jobs as construction workers. Street children and undocumented or stateless Haitian people – including the Dominican-born children and grandchildren of Haitian migrants – were vulnerable groups to trafficking. Child sex tourism is a problem, particularly in coastal resort areas, with child sex tourists arriving year-round from various countries.

The Government of the Dominican Republic does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government has not convicted any trafficking offenders, including officials possibly complicit in trafficking, since 2007. Results in the areas of victim protection, and trafficking prevention were also limited.

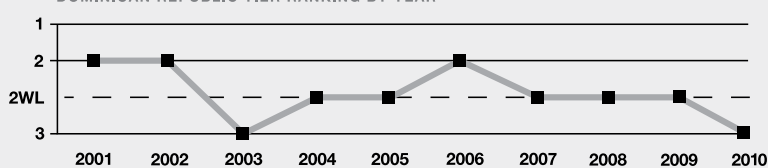
Recommendations for the Dominican Republic:

Increase efforts to investigate, prosecute, and punish trafficking offenders, especially public officials complicit in human trafficking; separate and track data on prosecutions, convictions, and sentences involving forced prostitution and forced labor as opposed to human smuggling, and consider prosecution of forced prostitution cases under the comprehensive anti-trafficking law rather than under the lesser offense of pimping; encourage the identification of more victims by working with NGOs to establish formal procedures to guide police and other officials in identifying trafficking victims and referring them to available services; institute formal, ongoing training for police, border officials, labor inspectors, and health officials on the difference between smuggling and trafficking, and in identifying and assisting victims of forced prostitution and forced labor; ensure adequate shelter and services are available to adult and child victims; ensure victims are not penalized for unlawful acts committed as a direct result of being trafficked; establish formal legal alternatives to removal for foreign victims to countries where they would face retribution or hardship; and increase prevention and demand-reduction efforts.

Prosecution

The government made no discernible progress in prosecuting or punishing trafficking offenders during the reporting period. Dominican law prohibits all forms of trafficking through its comprehensive anti-trafficking Law 137-03, which prescribes penalties of up to 20 years' imprisonment. Such penalties are sufficiently stringent

DOMINICAN REPUBLIC TIER RANKING BY YEAR



and commensurate with those prescribed for other serious offenses, such as rape. Authorities confirmed only one new trafficking investigation during the reporting period and did not confirm any new prosecutions or convictions of forced labor or forced prostitution during the reporting period. The government reported 36 persons “currently in preventive detention” under Law 137-03, but these data conflate trafficking and smuggling, as Law 137-03 covers both. Authorities reported the government may prosecute trafficking offenders under other statutes; NGO observers have said corruption on the part of authorities is a problem. The government worked in partnership with other countries to extradite two wanted alleged trafficking offenders. The government reported it provided training for officials posted abroad on identifying and assisting trafficking victims, and each year, judges take an on-line course on trafficking, available through the National Magistrates School.

Protection

The government claimed it made several efforts to identify and protect trafficking victims, but results were limited. The government did not clarify whether it has a formal mechanism to guide officials in proactively identifying victims among vulnerable groups and refer them to available services offered by NGOs. The government provided \$13,500 in support for an NGO-run shelter and religious order that assisted adult, female victims, and the Office of the First Lady continued to work on the establishment of a shelter dedicated to trafficking victims, but the number of victims the government reported assisting during the rating period remained small. A government agency, which is reportedly underfunded, managed shelters for children that assisted child trafficking victims during the reporting period. While the government did not provide formal long-term reintegration assistance programs for trafficking victims, the First Lady’s office facilitated victims’ access to psychological and financial support, and another government agency offered skills training to some victims during the reporting period. The government did not have in place formal legal alternatives to deportation for foreign victims to countries in which they would face retribution or hardship, but no victims were deported in practice. The government claimed to have encouraged victims to assist with the investigation and prosecution of their traffickers, but few elected to do so. One NGO reported migrants who were subjected to forced labor rarely went to authorities due to fears of Dominican officials’ complicity with human traffickers. Another NGO reported an instance where several victims were willing to assist with a prosecution but claimed there had been no progress in four years. Some officials and an NGO reported some alleged trafficking offenders made deals to compensate victims in lieu of criminal prosecution.

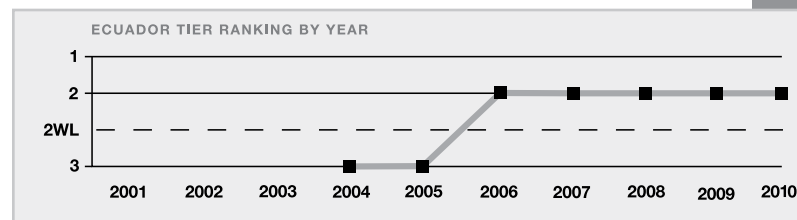
Prevention

The government made no discernible progress on measures to prevent human trafficking during the

reporting period. The government did not implement a national public awareness campaign during the reporting period, though there were several campaigns on raising anti-trafficking awareness targeted toward at-risk populations and tourist areas. A national interagency anti-trafficking commission chaired by the Ministry of Foreign Affairs facilitated interagency cooperation and oversaw implementation of a national action plan, which remained reliant on donor funding but was hampered by lack of participation of the prosecution service. The government did not undertake efforts to reduce the demand for commercial sex acts during the reporting period.

ECUADOR (Tier 2)

Ecuador is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The majority of trafficking victims are believed to be women and children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation, as well as for involuntary domestic servitude, forced begging, and forced labor in mines and other hazardous work. There have also been reports of Ecuadorian children being forced to engage in criminal activity, such as drug trafficking and robbery. Many parents send their children to neighboring countries in order to earn money, and Ecuadorian children are found in conditions of forced labor in Colombia, Venezuela, Chile, and the Dominican Republic, particularly as domestic servants, forced vendors, and beggars. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, Venezuela, and Western Europe. To a lesser extent, Ecuador is a destination country for Colombian, Peruvian, and Chinese women and girls in forced prostitution. Indigenous Ecuadorians are vulnerable to forced labor in domestic servitude. Child sex tourism occurs mostly in urban areas, and in tourist destinations, such as Tena and the Galapagos Islands. Ecuador is a transit country for Chinese nationals smuggled to destinations elsewhere in the Western Hemisphere; some of these migrants are trafficked.



The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained law enforcement measures against trafficking offenders, in addition to providing

comprehensive victim services through partnerships with local NGOs and raising public awareness through multiple media campaigns. The government's law enforcement efforts however, did not sufficiently address forced labor and sex trafficking crimes involving adults, or trafficking-related complicity of some local government officials.

Recommendations for Ecuador: Vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including public officials complicit in trafficking crimes; take steps to address the low number of convictions in comparison with the high number of trafficking investigations; increase anti-trafficking training for law enforcement and other government officials; enhance data collection and coordination; increase public awareness of trafficking involving adult victims; and develop formal procedures for identifying trafficking victims among vulnerable populations, such as adult women in prostitution.

Prosecution

The government sustained law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking in Article 190 of its penal code, amended in 2005; trafficking for the purpose of labor exploitation carries a punishment of six to nine years' imprisonment, and trafficking for sexual exploitation carries a penalty of eight to 12 years' imprisonment. Penalties for human trafficking may be increased, by aggravating circumstances, to a maximum of 35 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Other statutes, such as Article 528.13, which prohibits the commercial sexual exploitation of children, are also used to prosecute human trafficking crimes.

During the reporting period, Ecuadorian authorities investigated 78 cases of human trafficking and 154 cases of child commercial sexual exploitation. Despite robust law enforcement efforts, conviction rates remain low; the government prosecuted 32 cases, and achieved two convictions for commercial sexual exploitation of minors in addition to one conviction for human trafficking under Article 190, securing a sentence of eight years. In one case involving 14 children subjected to commercial sexual exploitation, who were found during a brothel raid in 2006, an appeals court in 2009 absolved three trafficking offenders of all charges, despite an earlier court's conviction and sentencing of three to six years' imprisonment; government officials and NGOs complained of serious procedural errors in this case. Despite reports of trafficking-related corruption, particularly related to civil registry officials issuing false identity documents to children, no investigations, prosecutions, or convictions of potentially complicit officials took place last year. According to Ecuadorian police, brothel owners commonly use false identity documents to exploit children in prostitution, and to

avoid criminal liability for immigration and trafficking violations in the event of a police raid.

Most cases of human trafficking investigated in Ecuador during the reporting period involved forced prostitution, particularly of children. A growing number of investigations are related to labor exploitation of children and adults, but do not appear commensurate to the incidence of forced labor in the country, particularly the large number of children exploited for forced begging and forced domestic work. The government continued to provide police specializing in crimes against children with specific training on trafficking in persons. Ecuadorian authorities formed partnerships with Colombian, Venezuelan, U.S., and Chinese officials to jointly investigate several trafficking cases.

Protection

The Ecuadorian government maintained its provision of comprehensive victim services last year. The government ensured trafficking victims' access to legal, medical, psychological, and shelter services, in large part through its partnership with a network of NGOs that received funding from the government and international organizations. Women and girls were eligible for shelter services, while the government provided boys and men with victim services on an *ad hoc* basis, though shelters for trafficking victims remained lacking in parts of the country. Foreign victims were eligible for the same services as Ecuadorian trafficking victims. In addition to these short-term services, the government provided victims with counseling, protection, job training, and educational training, and ensured the child victims received long-term care as needed. Through its Victim and Witness Protection Program, the Ecuadorian government operated specialized police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services toward identified trafficking victims, and assistance for victim witnesses during court proceedings. The government encouraged victims to assist with the investigation and prosecution of trafficking offenders. While Ecuadorian authorities conducted several raids on establishments to rescue children in prostitution, they did not demonstrate adequate efforts to identify adult trafficking victims among women exploited in brothels and other vulnerable populations. Police removed 33 children from commercial sexual exploitation and five from conditions of forced labor. Authorities did not penalize identified trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, though foreign victims were not typically deported from the country. The government provided victim services to repatriated Ecuadorian trafficking victims. Ecuadorian authorities developed trafficking in persons protocols for consular officers

abroad and began training its diplomatic corps in these procedures.

Prevention

The Government of Ecuador increased trafficking prevention efforts last year, particularly through vigorous public awareness campaigns against child forced labor and prostitution. The government forged partnerships with private telecommunications companies and a bank to combat child labor, in part through a network of schools for former child laborers. During the holidays, the government launched a national campaign against child begging and a radio soap opera series about the dangers of forced labor, which was broadcast on provincial radio stations in Spanish and Kichwa, a local language. State-owned radio stations also donated airtime to an NGO in the highlands to broadcast messages on how to identify and avoid human trafficking situations. The Ministry of Tourism launched a nationwide campaign to prevent the commercial sexual exploitation of children in the tourism industry, and the government continued a multimedia campaign in 20 departments to encourage citizens to identify and report trafficking cases. The government, however, did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor of adults during the reporting period.

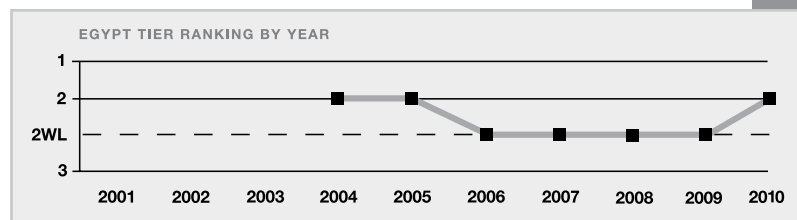
EGYPT (Tier 2)

Egypt is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Some of Egypt's estimated two hundred thousand to one million street children – both boys and girls – are exploited in prostitution and forced begging. Local gangs are, at times, involved in this exploitation. Egyptian children are recruited for domestic and agricultural labor; some of these children face conditions indicative of involuntary servitude, such as restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. In addition, wealthy men from the Gulf reportedly travel to Egypt to purchase “temporary” or “summer marriages” with Egyptian females, including girls who are under the age of 18; these arrangements are often facilitated by the females’ parents and marriage brokers and are a form of commercial sexual exploitation of children. Child sex tourism occurs in Cairo, Alexandria, and Luxor. Egypt is a transit country for women trafficked from Uzbekistan, Moldova, Ukraine, Russia, and other Eastern European countries to Israel for commercial sexual exploitation; organized crime groups are involved in these movements. During the reporting period, an international NGO released a report about alleged forced marriages of Coptic Christian females in Egypt, including an allegation of forced prostitution, though the allegations have not been confirmed.

Men and women from South and Southeast Asia may be subjected to forced labor in Egypt. There was a report

during the year that the management of one factory in Egypt's Qualified Industrial Zone (QIZ) held workers' passports – a possible indication of forced labor. Ethiopians, Eritreans, Sudanese, Indonesians, Filipino, and possible Sri Lankan females migrate willingly to Egypt but may be subjected to forced domestic work. Some conditions they face include no time off; sexual, physical, and emotional abuse; withholding of wages; and restrictions of movement. Employers may use the domestic workers' illegal status and lack of employment contracts as a coercive tool. Some of the migrants and refugees who engage in prostitution may have been coerced to do so. Young female Sudanese refugees, including those under 18, may be coerced into prostitution in Cairo's nightclubs by family or Sudanese gang members. NGO and media reports indicate some Egyptians are forced to work in Jordan and experience the withholding of passports, forced overtime, non-payment of wages, and restrictions of movement.

The Government of Egypt does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government approved new legislation criminalizing trafficking in persons for labor and sexual exploitation.



The new law represents an important step in eliminating severe forms of trafficking in persons, though its implementation is as yet untested. During the reporting period, the government made its first two convictions under the 2008 anti-trafficking amendments to the Child Law, and has raised awareness on “summer marriages,” which are often used to facilitate commercial sexual exploitation. Nevertheless, the government did not show overall adequate efforts to investigate, prosecute, and convict labor trafficking offenders, and did not make progress in protecting victims of trafficking over the reporting period. The government continued to lack formal victim identification procedures and protection services; therefore, unidentified victims of trafficking may be punished for unlawful acts committed as a direct result of being trafficked. The government took minimal steps to combat the serious issue of involuntary domestic servitude.

Recommendations for Egypt: Substantially increase law enforcement activity against trafficking, including against involuntary domestic servitude and child sex trafficking; begin enforcement of the passed anti-trafficking law; institute and apply formal victim identification procedures to offer protective services to victims found

among vulnerable populations, such as street children, women in prostitution, and undocumented migrants; ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked; implement a comprehensive public information campaign to educate the public on the definition and dangers of trafficking; assess the potential for forced labor and related offenses among migrant workers in Egyptian factories, including those located in special export zones and those with QIZ program status; and improve coordination of government anti-trafficking efforts through effective use of an inter-ministerial committee on human trafficking.

Prosecution

The Government of Egypt made progress in law enforcement efforts during the reporting period. Egypt's parliament passed legislation criminalizing all forms of human trafficking and prescribing penalties from three to 15 years' imprisonment – and up to life imprisonment if aggravating circumstances are present – with fines ranging from \$9,000 to \$36,000 for offenses. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. As of this report's writing, the government had not used the new law to prosecute, convict, or punish any individual for trafficking offenses. Amendments to the Child Law (No. 126 of 2008) include provisions prohibiting the trafficking of children for commercial sexual exploitation and forced labor. These amendments prescribe sentences of at least five years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes.

In May 2009, an Alexandria court, using the 2008 amendment to Egypt's Child Law and other penal code provisions, convicted two men of forcing eight street children into prostitution with wealthy Egyptians and tourists from the Gulf. The court sentenced one trafficker to life in prison and the other to fifteen years' imprisonment. A court in October 2009 convicted two marriage registrars under the anti-trafficking provisions of the country's Child Law. Each was sentenced to two years' imprisonment. The two had illegally registered commercial short-term marriages of girls under the age of 18. In February 2010, the public prosecutor investigated and then began the prosecution of five suspects for facilitating the marriage of an under-age girl to an older man from Saudi Arabia. The five suspects were subsequently charged with various offenses, including violations of Egypt's Child Law. The defendants include the victims' parents, the Saudi "husband," a marriage "broker," and a lawyer who facilitated the marriage. Police arrested an additional 27 marriage registrars for registering the commercial marriage of underage girls. In 2009, the quasi-governmental National Council of Childhood and Motherhood (NCCM) continued to train approximately 500 prosecutors, judges, police officers, Ministry of Tourism employees, labor inspectors, and social workers on human trafficking. In 2009, IOM and

the Ministry of Interior collaborated to provide anti-trafficking training to police officials; in addition to providing the training facility, government officials led a few training modules.

Protection

Egypt made minimal progress in protecting victims of trafficking over the reporting period. Despite receiving training in victim identification, government officials did not employ formal procedures to identify victims of trafficking and refer them to providers of care; as a result, trafficking victims, including many street children and women arrested for prostitution, were often treated as criminals rather than victims. Some children may be sent to juvenile detention centers, which are in bad condition. Others may be subject to incarceration with adults, despite the Child Law which prohibits this practice. Border security personnel in the Sinai continued efforts to interdict undocumented migrants, occasionally killing some of them, while showing no evidence of efforts to identify possible trafficking victims among this vulnerable population. The Ministry of Social Solidarity continued to operate 19 drop-in centers for street children, women, and the disabled that may have provided care to trafficking victims in 2009; these centers, however, are only open during the day and do not provide comprehensive services for trafficking victims. The Ministry for Family and Population established a center where an NGO began rehabilitating victims of child trafficking in Cairo's Dar El Salaam area in August 2009. The NCCM, in partnership with an international NGO, continued to run a day center in Cairo to rehabilitate abused street boys involved in forced begging or petty crime; NCCM provided counseling, medical care, and literacy and computer classes, while the NGO operated the facility. The Ministry of Health (MOH) entered into an agreement with the IOM to establish a trafficking victims' care center in a Cairo public hospital, staffed with MOH employees trained in identifying and assisting trafficking victims. The center was due to open in March 2010; however the center did not open during the reporting period.

The NCCM continued to operate a 24-hour hotline to respond to complaints of child abuse, and between August 2009 and February 2010 it received 144 calls related to child marriages, some of which may have been related to commercial short-term marriages. Specialized care for adults or foreign victims was not provided. In prisons or detention centers, law enforcement officers may have further mistreated these victims through verbal, physical, and sexual abuse. Foreign victims are not offered legal alternatives to removal to countries in which they may face hardship or retribution. The government does not actively encourage victims to assist in investigations against their traffickers.

Prevention

The government made progress in preventing "summer marriages" in the reporting period, but did not otherwise

undertake efforts to prevent human trafficking. The government was mandated by the newly passed law to create an inter-ministerial committee to coordinate anti-trafficking enforcement activities, victim protection, and programs. In 2010, the NCCM conducted a study on “summer marriages,” which concluded that economic forces were responsible for driving the phenomena; the NCCM study called for an integrated public policy response. The NCCM established a hotline for reporting instances of the practice and for counseling victims; it is not clear how many reports the hotline has received since its launch in August 2009. In August 2009, the NCCM also launched a campaign against underage marriages to Arab tourists in villages in the 6th of October Governorate, where commercial short-term marriages of underage girls are rife. The government did not institute any other public campaigns to raise awareness on trafficking, including any on involuntary domestic servitude. The government made no efforts to reduce the demand for commercial sex acts or to raise awareness of sex tourism. The government has a well-developed birth registration and national identity card system. There were no reports of Egyptian government’s efforts to provide anti-trafficking training for its troops before deploying them to international peacekeeping missions.

EL SALVADOR (Tier 2)

El Salvador is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution and forced labor. Most victims are Salvadoran women and girls from rural areas who are forced into commercial sexual exploitation in urban areas, though some adults and children are subjected to forced labor as agricultural workers and domestic workers. The majority of foreign victims are women and children from neighboring countries, such as Honduras, Nicaragua, and the Dominican Republic, who migrate to El Salvador in response to job offers, but are subsequently forced into prostitution or domestic servitude. Trafficking offenders use fraudulent documentation to facilitate the movement of foreign victims. Salvadorans have been subjected to forced prostitution in Guatemala, Mexico, Belize, the United States, Spain, and Italy.

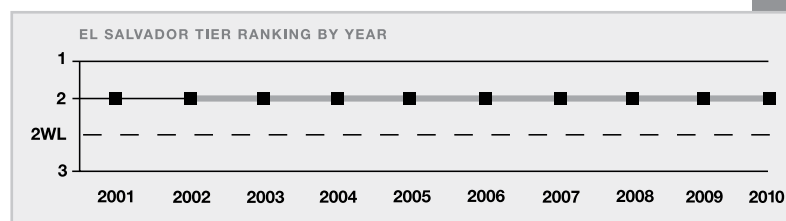
The Government of El Salvador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government sustained anti-trafficking law enforcement efforts and continued to provide services to children who were trafficked for sexual exploitation. It did not vigorously investigate or prosecute incidents of forced labor, and it did not take adequate measures to ensure that adult trafficking victims received access to necessary services.

Recommendations for El Salvador: Strengthen law enforcement efforts against trafficking offenders; investigate and prosecute cases of forced labor and

involuntary domestic servitude; maintain efforts to investigate, convict, and sentence public officials involved in human trafficking; strengthen statutory penalties for trafficking in persons crimes; increase victim services and assistance, particularly for adults; enhance mechanisms for identifying victims among vulnerable populations; and increase public awareness of human trafficking, possibly in partnership with civil society, the media, and the private sector.

Prosecution

The Government of El Salvador sustained law enforcement efforts against trafficking offenders during the reporting period. Article 367B of the Salvadoran Penal Code prohibits all forms of human trafficking and prescribes penalties of four to eight years’ imprisonment. Sentences may be increased by one-third when the offense is accompanied by aggravated circumstances, such as when the offense is committed against a child or the defendant is a public official. Such penalties are sufficiently stringent, but are not commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years’ imprisonment. Since passage of El Salvador’s anti-trafficking statute in 2004, some prosecutors prefer to charge trafficking-related crimes under the country’s rape statute to secure heavier mandatory sentences against offenders. In 2009, the government’s dedicated anti-trafficking police and prosecutorial units investigated 70 cases of human trafficking, prosecuted seven cases, and obtained seven convictions with imposed sentences ranging from 4 to 10 years’ imprisonment. While the government secured a number of convictions equal to the previous year, they prosecuted fewer cases than in 2008, when prosecutors brought charges in 15 cases of human trafficking. The majority of law enforcement efforts focused on sex trafficking. The government sustained partnerships with neighboring foreign governments in pursuing joint anti-trafficking investigations. During the reporting period, the government investigated three public officials for trafficking-related offenses, including the former anti-trafficking coordinator in the Attorney General’s Office; charges have not yet been filed. In conjunction with an NGO, government officials drafted and distributed guidelines for criminal judges and prosecutors on procedures for human trafficking cases.



Protection

The Salvadoran government sustained modest victim assistance last year. Immigration officials screened for

possible trafficking victims in border regions, notifying the police and referring victims to care facilities; in general, however, the Salvadoran government did not proactively identify trafficking victims among other vulnerable populations, such as prostituted women or child laborers. The government maintained a shelter dedicated to underage girls who had been victims of sex trafficking; this shelter offered victims psychological and medical care. Most government assistance and services were directed to child trafficking victims and were not readily accessible to adult or male trafficking victims, although the government operated a women's shelter serving at least one victim of human trafficking and provided some adult victims with legal and medical services. Adult trafficking victims were also referred to a government-run shelter for undocumented aliens. Further services were provided by NGOs and international organizations. Authorities identified 51 victims of human trafficking in 2009; all but three of these victims were girls, and all but one victim was subjected to forced prostitution. The government trained personnel, including consular officers, on identifying Salvadoran trafficking victims abroad; consular officials identified 21 such trafficking victims during the reporting period. Domestically, Salvadoran authorities encouraged identified victims to assist with law enforcement efforts; 55 victims participated in investigations or prosecutions of their traffickers during the reporting period, though others chose not to assist law enforcement efforts due to social stigma or fear of reprisals from their traffickers. Victims generally were not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked; however, not all government officials recognized cases of forced labor or forced prostitution as human trafficking. Law enforcement and social service officials may request residency status for a victim on a case-by-case basis, though they reported no trafficking victims requested this status over the last year.

Prevention

The Salvadoran government sustained anti-trafficking prevention efforts during the reporting period. The government forged or continued partnerships with NGOs, international organizations, and foreign governments on anti-trafficking initiatives. In May 2009, the government collaborated with an NGO to launch a campaign aimed specifically at increasing awareness of the commercial sexual exploitation of children; the campaign reached approximately 4,500 children and adults. The government included anti-trafficking information in the training it gives to military forces prior to their deployment for international peacekeeping missions. No specific government efforts to reduce demand for commercial sex acts or forced labor were reported over the last year.

EQUATORIAL GUINEA (Tier 2 Watch List)

Equatorial Guinea is principally a destination for children subjected to trafficking in persons, specifically conditions of forced labor and possibly commercial sexual exploitation. Children are believed to be recruited and transported from nearby countries, primarily Nigeria, Benin, Cameroon, and Gabon, and forced to work in domestic servitude, market labor, ambulant vending, and other forms of forced labor, such as carrying water and washing laundry. Most victims are believed to be exploited in Malabo and Bata, where a burgeoning oil industry creates demand for labor and commercial sexual exploitation. Women may also have been recruited and transported to Equatorial Guinea from Cameroon, Benin, other neighboring countries, and from China for forced labor or forced prostitution. In October 2009, the vessel *Sharon* was detained in Gabon with 285 immigrants aboard, including 34 children identified as trafficking victims destined for Equatorial Guinea. Reports that women of Equatoguinean extraction were trafficked to Iceland for commercial sexual exploitation during the last reporting period have not reappeared.

The Government of Equatorial Guinea does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, such as anti-trafficking training for law enforcement personnel, the government did not prosecute any trafficking offenses during the reporting period. It routinely deported trafficking victims without recognizing their victim status or referring them to assistance services. It continued to provide anti-trafficking training to law enforcement officials, and police monitoring of possible child labor exploitation in open air markets, though for another consecutive year, this training failed to lead to tangible anti-trafficking actions. Moreover, the government made no apparent efforts to fulfill the recommendations made in the 2009 Report. Given the government's substantial financial resources, it could greatly increase its response to Equatorial Guinea's human trafficking problem. For these reasons, Equatorial Guinea is placed on Tier 2 Watch List for the third consecutive year.

Recommendations for Equatorial Guinea: Establish as a policy priority the successful prosecution of at least one trafficking case under the country's 2004 anti-trafficking law; publicly recognize the work of law enforcement and judicial personnel who investigate, prosecute, and convict trafficking offenders; train additional law enforcement officials and Conciliation Delegates to follow formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; establish a formal system for providing trafficking victims with assistance; and cease summary deportation of any foreign trafficking victims from Equatoguinean territory without providing them with care and safe, voluntary repatriation.

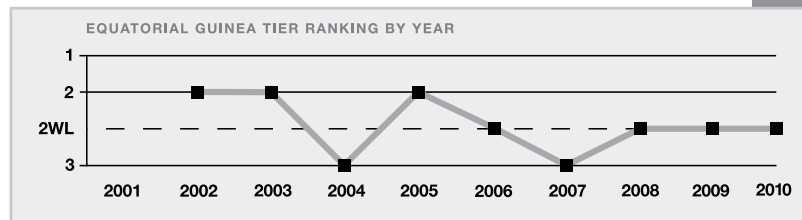
Prosecution

The Government of Equatorial Guinea demonstrated minimal law enforcement efforts to combat trafficking during the reporting period; the few measures taken were incidental to efforts to tighten border security and to control more closely immigration, emigration, and the issuance of work and travel permits to foreign migrants. Equatorial Guinea prohibits all forms of trafficking through its 2004 Law on the Smuggling of Migrants and Trafficking in Persons, which prescribes penalties of 10 to 15 years' imprisonment, punishments which are sufficiently stringent. To date, no human trafficking cases were prosecuted under the relevant portion of this law. The government demonstrated no evidence of its forging partnerships with other governments in the region to investigate and prosecute trafficking cases. There was no evidence, however, of government officials' involvement in or tolerance of trafficking. Under a government-funded contract with a foreign security training company, instructors conducted courses to improve the awareness of military and police officials on human trafficking issues. Two government officials – one from the Ministry of Defense and a sitting Supreme Court justice – assisted in the training. In December 2009, the government signed a new five-year contract with the foreign company that will address maritime security and include instruction on human rights and human trafficking issues.

Protection

The Government of Equatorial Guinea demonstrated no effective measures to protect trafficking victims during the reporting period. The government has no law to provide benefits or services to victims and witnesses; and it did not provide funding or support to any victim care facilities, though provision of such services are called for in the government's National Plan Against Human Trafficking. Law enforcement authorities did not employ procedures to identify victims of trafficking among foreign women and children in prostitution or foreign children in exploitative labor conditions. The government also did not make efforts – in either a systematic or *ad hoc* way – to refer victims to organizations that provide short- or long-term care. The provision of care for child trafficking victims was the responsibility of the Ministry of Social Affairs and the Catholic Church. In practice, only Equatoguinean children were placed in a church- or NGO-run orphanage for care; foreign children were usually deported summarily. The government did not provide foreign trafficking victims with access to legal, medical, or psychological services, and the government made little effort to assist them with temporary or permanent resident status, or any other relief from deportation. The government did not keep records on the total number of trafficking victims identified during this reporting period. The government continued to provide specialized training for law enforcement and immigration officials on identifying and assisting victims of trafficking during the reporting period, and these trained officials were issued wallet-sized instruction cards showing the

steps to take when a trafficking situation or victim is identified. Social workers received no such training. The government deported foreign trafficking victims without care or assistance after a brief detention, and seldom notified the victims' embassies. Officials did not appear to fine victims, but frequently confiscated their possessions and money. No victims were penalized for unlawful acts committed as a directed result of being trafficked during the reporting period. The government gave little to no assistance – such as medical aid, shelter, or financial help – to its nationals who were repatriated as victims of trafficking.



Prevention

The government of Equatorial Guinea undertook limited trafficking prevention efforts during the year. In partnership with UNICEF and a foreign contractor, the government provided anti-trafficking information and educational campaigns during the reporting period – principally nationally broadcast radio and television spots to familiarize the general population with human trafficking. The Prime Minister's Office directed activities of the Interagency Commission for Trafficking in Persons, which is chaired by the Ministry of Justice. The Commission also includes the Attorney General, and the Ministries of Health, Interior, National Security, and Women's Affairs. It is not clear how often the committee met during the year. The government did not undertake any discernible measures to reduce the demand for forced labor or commercial sex acts during the year.

ERITREA (Tier 3)

Eritrea is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and, to a lesser extent, forced prostitution. During the reporting period, acts of forced labor occurred in Eritrea, particularly in connection with the implementation of the country's national service program. Under the parameters set forth in Proclamation of National Service (No. 82/1995), men aged 18 to 54 and women aged 18 to 47 are required to provide 18 months of military and non-military public works and services in any location or capacity chosen by the government. Some national service conscripts, however, are required to continue their service indefinitely, beyond the duration specified by law, with many required to serve in their positions for over 10 years under the threat of inhuman treatment, torture, or punishment of their families. There

have been reports that some Eritrean conscripts are forced to build private homes for army officers, as well as to perform agricultural labor on farms and construction activities for firms owned by the state, the ruling party, senior army officers, and private investors, functions outside the scope of the proclamation. The military's four command zones reportedly undertake diversified economic activities, including trading, farming, property development, and infrastructure construction, for the enrichment of the government, the ruling party, and high-ranking army officers using conscripted labor. National service conscripts could not resign from their jobs or take new employment, received no promotions or salary increases, and could not leave the country, as those under national service were often denied passports or exit visas. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the government or the economy; these individuals continued to receive only their national service salary and were required to forfeit to the government any money they earned above and beyond that salary.

prohibitions against forced labor; launch a campaign to increase the general public's awareness of human trafficking at the local, regional, and national levels; institute trafficking awareness training for diplomats posted overseas; provide training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; and in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims.

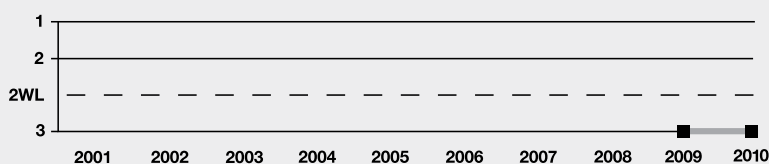
Prosecution

The Government of Eritrea made no known progress in prosecuting and punishing trafficking crimes over the reporting period. Article 605 of the Eritrean Transitional Criminal Code prohibits trafficking in women and young persons for sexual exploitation, which is punishable by up to five years' imprisonment, or from three to 10 years' imprisonment if aggravating circumstances are present; these penalties are not commensurate with punishments prescribed for other serious crimes, such as rape. Article 565 prohibits enslavement and prescribes punishment of five to 20 years' imprisonment, penalties which are sufficiently stringent. Forced labor and slavery are prohibited, except where authorized by law under Article 16 of the ratified, but suspended, Eritrean Constitution. Proclamation 11/199 prohibits the recruitment of children under 18 years of age into the armed forces. Nevertheless, the government has never used these statutes to prosecute cases of human trafficking. The government did not publish information on investigations or prosecutions, if any, of human trafficking offenses during the reporting period.

Protection

The government did not appear to provide any significant assistance to victims of trafficking during the reporting period. During the reporting period, the government reportedly operated a program to identify children involved in commercial sexual exploitation and reintegrate them with their families. The government did not make available information on the program's accomplishments in 2009. The Ministry of Labor and Human Welfare oversees the government's trafficking portfolio, but individual cases of transnational human trafficking are reportedly handled by the Eritrean embassy in the country of destination; information regarding embassy efforts to assist trafficking victims was not provided. The government has no known facilities dedicated to trafficking victims and does not provide funding or other forms of support to NGOs for services to trafficking victims. The government severely limited the number of foreign NGOs permitted to operate in the country; of the few remaining NGOs, none operated anti-trafficking programs. It is not known whether the government encouraged victims' assistance in the investigation and prosecution of trafficking crimes or whether it provided legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. The government did not

ERITREA TIER RANKING BY YEAR



Eritrean children work in various economic sectors, including domestic service, street vending, small-scale factories, and agriculture; child laborers frequently suffer abuse from their employers and some may be subjected to conditions of forced labor. Some children in prostitution are likely exploited through third party involvement.

Each year, large numbers of Eritrean workers migrate in search of work, particularly to the Gulf States and Egypt, where some become victims of forced labor, primarily in domestic servitude. Smaller numbers are subjected to forced prostitution. In 2009, for example, five Eritrean trafficking victims were identified in the United Kingdom and one in Israel. In addition, thousands of Eritreans flee the country illegally, mostly to Sudan, Ethiopia, and Kenya, where their illegal status makes them vulnerable to situations of human trafficking.

The Government of Eritrea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Eritrean government does not operate with transparency and published neither data nor statistics regarding its efforts to combat human trafficking; it did not respond to requests to provide information for this report.

Recommendations for Eritrea: Pass and enforce a comprehensive anti-trafficking statute that includes

ensure that identified victims were not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The government made no known efforts to prevent future incidences of trafficking during the reporting period. Eritrean media, all state-owned, made neither public announcements nor media presentations regarding human trafficking during the reporting period. There were no anti-trafficking education campaigns. The government reportedly warned students at Sawa military school and Mai Nefi, a local college, of the dangers of leaving the country, including the prospects of being sold into slave labor or sexual servitude. Although the government does not publicly acknowledge human trafficking as a problem, an office exists within the Ministry of Labor to handle labor cases, including human trafficking; the accomplishments of this office during 2009 are unknown. Limited resources and a small number of inspectors impeded the ministry's ability to conduct investigations; the government did not provide information on the number of child labor inspections it carried out in 2009. The government continued implementing a national plan of action on child labor that primarily focused on integrating or reintegrating children with families, communities, and schools as a means of preventing child labor, or rehabilitating children engaged in child labor; the government did not provide information regarding its progress in implementing this plan during the year. The Ministry of Labor and Human Welfare's community child well-being committees supported 4,426 street children with educational materials and cash stipends for uniforms and vocational training. The Ministry of Labor reportedly reviewed all applications for permits to grant passports and exit visas to legal migrant workers, and immigration agents closely monitored anyone entering or leaving the country. Eritrea is not a party to the 2000 UN TIP Protocol.

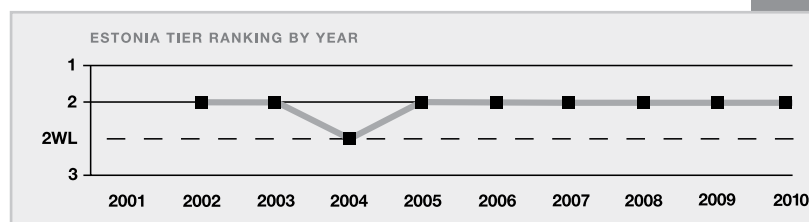
ESTONIA (Tier 2)

Estonia is a source country and, to a lesser extent, a destination country for women subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Women from Estonia are found in sex trafficking situations in Finland, the Netherlands, the United Kingdom, Italy, and within Estonia. Latvian women are subjected to forced prostitution in Estonia. Men and women from Estonia are subjected to conditions of forced labor in Spain, Norway, and Finland.

The Government of Estonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the Estonian government took a number of important steps to bolster its anti-trafficking response. It provided training for government officials on

the victim identification model adopted in January 2009 and increased its anti-trafficking budget from \$200,000 to \$242,000 – a significant amount of which was devoted to victim assistance. Estonia continued, however, to lack a trafficking-specific law, and existing laws do not adequately prohibit and punish all forms of human trafficking, including the transportation, harboring, obtaining, or recruitment of a trafficking victim and the use of coercion as a means to traffic a person.

Recommendations for Estonia: Draft a trafficking-specific criminal statute that incorporates a comprehensive definition of trafficking in persons, including the transportation, harboring, obtaining, or recruitment of a trafficking victim and the use of coercion as a prohibited means; increase efforts to investigate, prosecute, convict, and punish trafficking offenders; and continue to provide necessary funding for victim assistance.



Prosecution

The Government of Estonia demonstrated modest law enforcement efforts during the reporting period. Estonian law does not prohibit all forms of trafficking, though its criminal code prohibits some elements of human trafficking under Articles 133, 175, and 176 of the criminal code. The penalties prescribed for such acts range up to 12 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as sexual assault. During the reporting period, authorities conducted 73 trafficking investigations under Articles 133, 175, and 176, compared with two investigations reported in 2008. Estonian authorities prosecuted 18 individuals and convicted three trafficking offenders in 2009, compared with two prosecutions and two convictions in 2008. One offender was sentenced to 53 months' imprisonment in 2009, and two convicted trafficking offenders were not sentenced to time in prison. The Estonian government extradited one trafficking suspect during the reporting period. Law enforcement authorities continued their important information exchange with counterparts in several European countries.

Protection

Estonia demonstrated strong victim assistance efforts during the reporting period. The government strengthened partnerships with anti-trafficking NGOs through which it conducted 40 training sessions and trained a total of 600 prosecutors, judges, social workers, and other officials on the victim identification model the

government adopted in January 2009. The government allocated \$100,000 for two trafficking shelters and one victim rehabilitation center operated by NGOs; 78 trafficking victims received government-funded assistance from these NGOs – including some victims who were identified during previous reporting periods, compared with 55 victims assisted in 2008. At least six victims were also identified in 2009 through a government-funded hotline. In total, the government allocated \$181,500 for victim assistance during the reporting period, up from approximately \$150,000 provided for victim assistance in 2008. Although foreign victims are eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings in which they participate, no victims applied for residency in 2009. Estonian authorities did not penalize victims for unlawful acts committed as a direct result of their being trafficked. The government encouraged trafficking victims to participate in trafficking investigations and prosecutions, though no victims chose to assist in the investigation and prosecution of their traffickers in 2009.

Prevention

The Government of Estonia demonstrated some trafficking prevention efforts in 2009. The government distributed trafficking awareness materials at the Tallinn airport and ship harbors. The Ministry of Foreign Affairs continued its dissemination of trafficking awareness materials to participants at Estonia's annual tourism fair, attended by more than 23,000 people. The government did not conduct any activities to reduce the demand for commercial sex acts. In October 2009, the Government of Estonia signed the Council of Europe's Convention on Action against Trafficking in Human Beings.

ETHIOPIA (Tier 2)

Ethiopia is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Girls from Ethiopia's rural areas are forced into domestic servitude and, less frequently, commercial sexual exploitation, while boys are subjected to forced labor in traditional weaving, agriculture, herding, and street vending. Small numbers of Ethiopian girls are forced into domestic servitude outside of Ethiopia, primarily in Djibouti and Sudan, while Ethiopian boys are subjected to forced labor in Djibouti as shop assistants and errand boys. Women from all parts of Ethiopia are subjected to involuntary domestic servitude throughout the

Middle East and in Sudan, and many transit Djibouti, Egypt, Libya, Somalia, or Yemen as they migrate to labor destinations. Ethiopian women in the Middle East face severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, confinement, incarceration, and murder. Many are driven to despair and mental illness, some commit suicide. Some women are exploited in the sex trade after arriving at their destinations, particularly in brothels and near oil fields in Sudan. Small numbers of low-skilled Ethiopian men migrate to Saudi Arabia, the Gulf States, and other African nations, where they are subjected to forced labor. During the year, the Somali Regional Security and Administration Office increased recruitment for Special Police Forces and local militias; it was reported that both government-supported forces and insurgent groups in the Degeharbur and Fik zones unlawfully recruited children, though these allegations could not be conclusively verified.

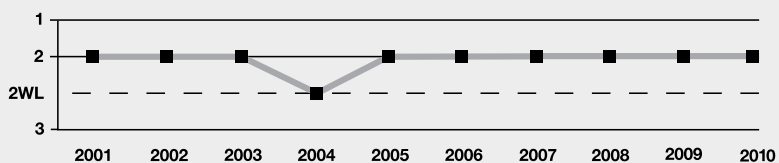
The Government of Ethiopia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made progress over the past year in addressing transnational trafficking through significantly increased law enforcement efforts. Due in part to the establishment of the Human Trafficking and Narcotics Section in the Organized Crime Investigation Unit of the Federal Police, there was an increased emphasis on investigation and prosecution of international trafficking crimes, although the continued lack of investigations and prosecutions of internal trafficking crimes remained a concern. The government maintained its efforts to provide assistance to child trafficking victims identified in the capital region.

Recommendations for Ethiopia: Improve the investigative capacity of police and enhance judicial understanding of trafficking to allow for more prosecutions of trafficking offenders, particularly perpetrators of internal child trafficking; use Articles 596, 597, and 635 of Ethiopia's Penal Code to prosecute cases of labor and sex trafficking; strengthen criminal code penalties for sex trafficking and amend Articles 597 and 635 to include men; institute trafficking awareness training for diplomats posted overseas; appropriate funding for the deployment of labor attachés to overseas diplomatic missions; engage Middle Eastern governments on improving protections for Ethiopian workers; partner with local NGOs to increase the level of services available to trafficking victims returning from overseas; and launch a campaign to increase awareness of internal trafficking at the local and regional levels.

Prosecution

While the Ethiopian government increased its efforts to prosecute and punish transnational trafficking offenders during the reporting period, prosecution of internal trafficking cases remained nonexistent. In addition, local law enforcement entities continued to exhibit an inability to properly distinguish human trafficking

ETHIOPIA TIER RANKING BY YEAR



from other crimes and they lacked capacity to collect and organize human trafficking data. Article 635 of Ethiopia's Criminal Code (Trafficking in Women and Minors) criminalizes sex trafficking and prescribes punishments not exceeding five years' imprisonment, penalties sufficiently stringent, though not commensurate with penalties prescribed for other serious crimes, such as rape. Articles 596 (Enslavement) and 597 (Trafficking in Women and Children) outlaw slavery and labor trafficking and prescribe punishments of five to 20 years' rigorous imprisonment, penalties which are sufficiently stringent. These articles, however, have rarely been used to prosecute trafficking offenses; instead, Articles 598 (Unlawful Sending of Ethiopians to Work Abroad) and 571 (Endangering the Life of Another) were regularly used to prosecute cases of transnational labor trafficking during the year. The Federal High Court's 11th Criminal Bench heard all cases of transnational trafficking, as well as internal trafficking cases discovered in the Addis Ababa jurisdiction. Between March and October 2009, the bench heard 15 cases related to transnational labor trafficking, resulting in five convictions, nine acquittals, and one withdrawal due to missing witnesses. Of the five convictions, three offenders received suspended sentences of five years' imprisonment, two co-defendants were fined, and one offender is serving a sentence of five years' imprisonment.

In November 2009, the Federal Police established a Human Trafficking and Narcotics Section in its Organized Crime Investigation Unit, resulting in increased investigations and prosecutions of trafficking offenses at the national level, and improvements in data collection, statistical reporting, and cooperation with the Prosecutor's office to move cases through the judicial system. In four months' time, this unit investigated 63 cases and referred 39 to the prosecutor's office; 31 cases remained pending before the court at the end of the reporting period, including one involving alleged internal trafficking. The court successfully concluded the other eight cases, securing eight convictions under Articles 598 and 571 and ordering punishments ranging from five to 12 years' imprisonment, with no suspended sentences. In 2009, the Supreme Court's Justice Professionals Training Center incorporated anti-trafficking training into its routine training programs.

Protection

Although the government lacked the resources to provide direct assistance to trafficking victims or to fund NGOs to provide victim care, police employed victim identification and referral procedures in the capital, regularly referring identified child victims to NGOs for care. During the year, Child Protection Units (CPUs) – joint police-NGO identification and referral teams operating in each of the 10 Addis Ababa police stations – rescued and referred children to the eleventh CPU in the central bus terminal, which is dedicated exclusively to identifying and obtaining care for trafficked children. In 2009, this unit identified 1,134 trafficked children, an

increase of 235 victims over the previous year. It referred 116 trafficked children to NGO shelters for care and family tracing and reunified 757 children with parents or relatives in Addis Ababa and outlying regions. Local police and officials in the regional administrations assisted in the return of the children to their home areas; the Ethiopian Telecommunications Corporation provided free long-distance telephone service and the assistance of its employees across the country to enable the CPU to make contact with local officials. The Addis Ababa City Administration's Social and Civil Affairs Department reunified 26 trafficked children with their families in the regions and placed five in foster care. While police encouraged victims' participation in investigations and prosecutions, resource constraints prevented them from covering travel costs or providing other material resources to enable such testimony. There were no reports of trafficking victims detained, jailed, or prosecuted in 2009.

Limited consular services provided to Ethiopian workers abroad continued to be a weakness in the government's efforts. It did, however, increase the number of officers at some of its missions by as much as 300 percent in 2009, and its consulate in Beirut resumed limited victim services, including the operation of a small safe house, mediation with domestic workers' employers, and visitation of workers held in the detention center. In July and December 2009, the Ethiopian Consulate General secured the release and repatriation of 42 and 75 victims, respectively, who were being held in Lebanon for immigration violations. The government, however, showed only nascent signs of engaging destination country governments in an effort to improve protections for Ethiopian workers and obtain protective services for victims. Trafficked women returning to Ethiopia relied heavily on the few NGOs working with adult victims and psychological services provided by the government's Emmanuel Mental Health Hospital. In 2009, the Addis Ababa City Administration provided land for use by 10 female victims repatriated from Djibouti as a site for a self-help project. In addition, the Ministries of Foreign Affairs and Women's and Children's Affairs provided assistance to 75 victims repatriated from Lebanon in 2009, and assisted 12 victims repatriated from Israel with starting a cleaning business. The January 2009 Charities and Societies Proclamation prohibits, among other things, foreign-funded NGOs from informing victims of their rights under Ethiopian law or advocating on their behalf; these restrictions had a negative impact on the ability of NGOs to adequately provide protective services.

Prevention

Ethiopia's efforts to prevent international trafficking increased, while measures to heighten awareness of internal trafficking remained negligible. In November 2009, the Ministry of Labor and Social Affairs (MOLSA) convened the Inter-Ministerial Task Force on Trafficking for the first time in more than two years. As a result, MOLSA and the Ministry of Foreign Affairs hosted a "National Conference on Human Trafficking and

Illegal Migration” in March 2010, which undertook the drafting of a national action plan. The government continued to ban its citizens from traveling to Lebanon, Syria, and Qatar for labor purposes. In July 2009, the government signed a bilateral labor agreement with the Government of Kuwait, which included provisions for increased anti-trafficking law enforcement cooperation; the agreement will become binding once it is passed by the House of People’s Representatives, signed by the President, and published in the Gazette. Between July and December 2009, MOLSA’s two full-time counselors provided 5,355 migrating workers with three-hour pre-departure orientation sessions on the risks of labor migration and the conditions in receiving countries; data was not available for the first half of the year. MOLSA also partnered with IOM to establish a database to track employment agencies authorized to send workers abroad, as well as worker complaints. Private Employment Agency Proclamation 104/1998, which governs the work of labor recruitment agencies and protects migrant workers from fraudulent recruitment or excessive debt situations, which could contribute to forced labor, prescribes punishments of five to 10 years’ imprisonment. In August 2009, the government passed an amendment to this proclamation, Employment Exchange Services Proclamation No. 632/2009, outlawing extraneous commission fees, requiring agencies or their local affiliates to maintain a shelter for abused workers in each destination country, increasing agencies’ cash and bond deposits as collateral in the event the worker’s contract is broken, and mandating the establishment of labor attaché positions in diplomatic missions abroad. To date, Parliament has not appropriated funds for MOLSA to establish these positions. During the year, the Southern Nations, Nationalities, and People’s Region (SNNPR) regional government provided free radio time to a local NGO to air anti-trafficking outreach programming. The country’s primary school textbooks include instruction on child labor and trafficking. The government did not undertake efforts to reduce demand for commercial sex acts or forced labor during the reporting period. Before deploying soldiers on international peacekeeping missions, the government trained them on human rights issues, including human trafficking. Ethiopia is not a party to the 2000 UN TIP Protocol.

FIJI (Tier 2 Watch List)

Fiji is a source country for children subjected to trafficking in persons, specifically forced prostitution within the country, as well as a destination country for women from China in forced prostitution. Family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels participate in the commercial sexual exploitation of Fijian children. Staff at smaller, local hotels procure underage girls and boys for commercial sexual exploitation by foreign guests, while taxi drivers, nightclub employees, and relatives frequently act as

prostitution facilitators. NGOs report caring for child victims of prostitution who claim facilitators took them to private boats anchored offshore near Fiji where they were sexually abused or raped by foreign adult men. Reports indicate that some transnational traffickers are members of Chinese organized crime groups that recruit women from China and arrange for them to enter Fiji on tourist or student visas. After their arrival, brothel owners confiscate their passports and force the women to engage in prostitution. Some Fijian children whose families follow a traditional practice of sending children to live with and do light work for relatives or families living in cities or near schools become trafficking victims. These children are subjected to involuntary domestic servitude or are coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the last year, the Fijian government enacted a comprehensive anti-trafficking law, the Crimes Decree, which defines trafficking as a crime of compelled service which does not necessarily involve crossing a border or otherwise moving a victim, and includes several innovative provisions to protect both adult and child trafficking victims. The government conducted anti-trafficking conferences and training for law enforcement personnel, where high-level officials spoke out strongly against trafficking and committed themselves to fighting this crime in Fiji. It also actively engaged with the media to raise public awareness and is in the process of developing procedural guidelines for suspected trafficking cases. Despite these significant efforts, no trafficking offenders have ever been investigated or convicted under any relevant laws in Fiji, and the government has not proactively identified trafficking victims or developed a formal system for referring victims to NGOs for assistance; therefore, Fiji is placed on Tier 2 Watch List.

Recommendations for Fiji: Prosecute, convict, and sentence trafficking offenders under the provisions of the new Crimes Decree; develop a long-term, national anti-trafficking action plan; use existing partnerships with civil society and relevant organizations to combat the sex trafficking of children; increase training for law enforcement officers on victim identification and protection; develop and institute a formal procedure to proactively identify victims of trafficking, especially among vulnerable groups such as prostituted or homeless children and women; implement a visible anti-trafficking awareness campaign directed at clients of children in commercial sexual exploitation; develop internal procedures to routinely evaluate and improve upon government anti-trafficking efforts; and expand partnerships with international law enforcement entities to identify and prosecute Fijian residents, foreign visitors, and travel industry personnel involved in child sex trafficking and child sex tourism.

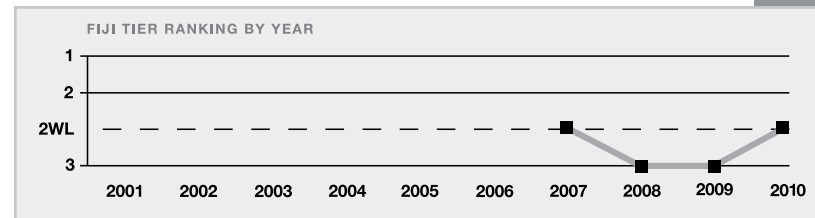
Prosecution

The Government of Fiji increased its anti-trafficking law enforcement efforts during the year. The government was limited in its ability to focus on combating trafficking in persons by an ongoing political and economic crisis. While no trafficking offenders were investigated, arrested, prosecuted, or convicted during the reporting period, the government took some steps to strengthen its capacity for future law enforcement action. On February 1, 2010, the government enacted a new Crimes Decree, which repealed the archaic Penal Code. Comprehensive anti-trafficking provisions in the Crimes Decree fill anti-trafficking gaps in the Immigration Act of 2003 which prohibited transnational human trafficking, but did not differentiate between labor and sex trafficking. The prescribed penalties of up to 25 years' imprisonment and in some cases fines of over \$400,000 under the new Crimes Decree are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. A new Sentencing and Penalties Decree designed to bring about more uniform judgments in the courts may ensure that minimum sentences for convicted trafficking offenders are also sufficiently stringent. The Crimes Decree also prohibits actions not previously covered by earlier laws, and prohibits using threats or fraud, or administering drugs to procure prostitution, and holds householders or landlords liable for permitting the defilement of a child under 16 on their premises. Law enforcement officials began to receive training from the government on the new Crimes Decree, including the new trafficking offenses, in January 2010. A Combined Law Agencies Group (CLAG) continued to meet monthly to address law enforcement issues, including trafficking in persons. There is no evidence of government officials' complicity in trafficking.

Protection

The Government of Fiji began to improve its efforts to protect trafficking victims over the last year. Due to severe resource constraints, the government primarily relied on NGOs or international organizations to provide most protective services to victims. The government did not identify any trafficking victims during the year. Law enforcement, immigration, and social service agencies did not develop or use formal procedures to proactively identify victims of trafficking among vulnerable populations with which they had contact, such as women and girls in prostitution and undocumented migrants. The government did not operate any victim care facilities specifically for trafficking victims, but provided limited services to child sex trafficking victims at shelters for child victims of any crime or abuse. Courts granted custody of child victims to the Department of Social Welfare, which operates four homes, with separate facilities for boys and girls. At present, however, both child victims of sexual abuse and accused child offenders are placed in the home for boys.

The government provided no shelter facilities for adult trafficking victims, and it did not refer possible adult trafficking victims to shelters and drop-in centers run by NGOs for assistance. One NGO provided assistance to seven victims of human trafficking. Authorities undertook no investigation into the circumstances of suspected victims of trafficking and deported five Chinese women arrested for engaging in prostitution in August 2009. Anti-trafficking laws include provisions to ensure that sex trafficking victims are not penalized for unlawful acts committed as a direct result of their being trafficked. The new Crimes Decree contains significant protection provisions for children, making it an offense to buy, hire, or otherwise obtain possession of any child under the age of 18 years with the intent that the minor shall at any age be employed or used for the purpose of exploitation, and authorizing the court to divest authority from a parent or guardian over a minor under 21 years if the court believes the parent or guardian is responsible for the seduction, prostitution or unlawful detention of that minor.



Prevention

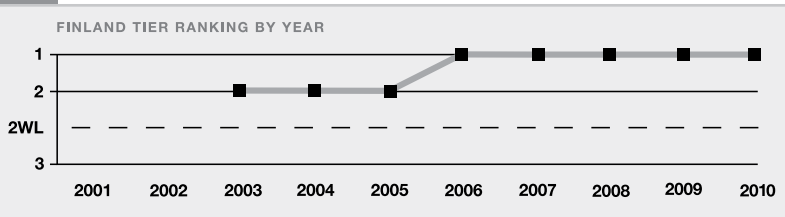
The Government of Fiji increased its efforts to raise awareness about trafficking during the year, although it had no national plan of action to address trafficking during the reporting period. The government acted to raise both public and official awareness of trafficking. It developed and provided internal training for police and court personnel on the new Crimes Decree's trafficking provisions. The government worked with the media to raise awareness of trafficking. High-level officials condemned trafficking and announced their commitment to fight this crime during press conferences. Relevant ministries and agencies provided information to media outlets and encouraged them to release news stories on trafficking. The CLAG, the National Coordinating Committee on Children (NCCC), and representatives from various ministries met regularly to discuss legislative and policy issues concerning children, including child sexual abuse which may be linked to trafficking. The new Crimes Decree nullified earlier law, which allowed for sex trafficking victims to be treated as criminals. The Crimes Decree criminalizes the clients of prostituted persons, whereas the older Penal Code had criminalized only prostituted persons and pimps. In addition, Fiji's new sexual abuse laws have extraterritorial coverage to allow the prosecution of suspected Fijian sex tourists for crimes committed abroad. Anti-trafficking laws apply to Fijians

deployed abroad as part of peacekeeping missions, and the Fijian government provided anti-trafficking training for troops prior to their deployment on international peacekeeping missions. Fiji is not a party to the 2000 UN TIP Protocol.

FINLAND (Tier 1)

Finland is a transit and destination for women and girls from Russia, the Baltic countries, the Caucasus, Asia, Africa and the Caribbean subjected to trafficking in persons, specifically forced prostitution, as well as Indian, Chinese, Pakistani and Bangladeshi men and women in forced labor. Forced labor victims are exploited in the construction industry, restaurants, agriculture and as cleaners and domestic servants. There were indications that forced begging was also a problem. Officials believed that most labor trafficking was tied to non-Finnish businesses and speculated there are likely small numbers of trafficked workers in most Finnish cities. NGOs suspected foreign wives involved in arranged marriages were vulnerable to trafficking. Finnish teenagers in prostitution may also be vulnerable to human trafficking. The government estimates that there may be hundreds of trafficking victims in Finland every year.

The Government of Finland fully complies with the minimum standards for the elimination of trafficking. Although victim identification numbers remained low, the government initiated new forced labor prosecutions and drafted an in-depth assessment of the government's anti-trafficking efforts, which will be made public later in 2010. The government's efforts to monitor and scrutinize its anti-trafficking actions reflected a high level of political will to address human trafficking.



Recommendations for Finland: Encourage prosecutors to make greater use of the trafficking statute; ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; consider establishment of a specialized anti-trafficking police unit; encourage officials to proactively identify potential sex and labor trafficking victims and refer them to services to which they are entitled under Finnish law; expand victim identification and referral training to judges, labor inspectors, and other officials with investigative authority; and explore ways to streamline government funding and other support for anti-trafficking NGOs.

Prosecution

The Government of Finland made limited progress in prosecuting and punishing trafficking offenders

during the reporting period. Law 1889-39 of the Finnish penal code prohibits all severe forms of trafficking and prescribes up to 10 years' imprisonment for convicted offenders, penalties sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Other criminal statutes – such as pandering, which prescribe lower penalties – were exclusively used to prosecute sex trafficking offenders; one official suggested amending the pandering provision to encourage prosecutors to use the penal code's trafficking statute for sex trafficking. Police reported conducting 59 human trafficking investigations during 2009. In 2009, authorities prosecuted at least five people for sex trafficking offenses and two for labor trafficking compared with nine prosecutions for sex trafficking in 2008. In 2009, two people were convicted for trafficking offenses, down from nine in 2008. Since 2006, sentences have ranged from 1.5 to 5.5 years imprisonment; there were no reports of suspended sentences. There were no known reports of government complicity in trafficking during the reporting period. Although the government does not have a specialized anti-trafficking law enforcement unit, it integrated formal anti-trafficking awareness into police and border guard training curricula for new recruits and in-service personnel. The government has also provided anti-trafficking training to its prosecutors for the past four years.

Protection

The Finnish government sustained victim assistance efforts during the reporting period. It continued to provide direct shelter, trafficking-specific rehabilitative assistance, and medical care to adult and child victims in addition to its provision of funding for NGO-run shelters. Police and border guard officials used a series of written guidelines on victim referral and treatment developed by the Finnish Immigration Service to proactively identify victims of trafficking; however, one official raised concerns that the threshold for referral to services was too high. During the reporting period, officials referred 13 victims to service providers, raising concerns about the low number of potential victims identified and the effectiveness of victim identification procedures. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. Under the Act on Compensation for Crime Damage, victims of crime could receive government compensation for personal injury, damage to property, or other financial loss caused by a crime. Finnish authorities provided identified trafficking victims with a six-month reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement. There were no indications, however, that the reflection period was used extensively. Victims of trafficking wishing to stay longer than six months were eligible to apply for an extended residence permit or asylum as an alternative to deportation. The government granted permanent residence permits to seven victims during the reporting period. The government made some effort to ensure victims were not penalized for unlawful

acts committed as a direct result of being trafficked. The government provided anti-trafficking awareness training for labor inspectors, diplomatic personnel, public health workers, immigration adjudication staff and Finnair flight attendants.

Prevention

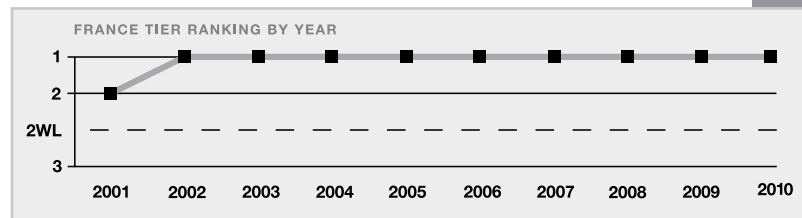
The government made progress in its efforts to prevent human trafficking. The national anti-trafficking rapporteur, an independent entity within the government, drafted an extensive assessment of the government's anti-trafficking efforts and included recommendations for improvement applicable to a global audience; the report will be made public later in 2010. The government's efforts to monitor and scrutinize its anti-trafficking actions reflected a high level of political will to address human trafficking. Officials targeted women in Finland's commercial sex trade for distribution of pamphlets on trafficking indicators and their rights in source country languages. Through ongoing partnerships with civil society, the government funded a series of NGO-operated hotlines servicing victims of trafficking and domestic violence. In an effort to reduce the demand for commercial sex, the government prosecuted 35 people for buying sexual services from a victim of human trafficking. The Finnish government bolstered an anti-trafficking partnership with the Government of Nigeria by providing approximately \$1.1 million toward Nigeria's anti-trafficking agency. For another consecutive year, the government distributed brochures to thousands of visitors at a major annual travel fair warning that child sex tourism is a crime. Finland's laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by Finnish nationals. The government did not prosecute any persons for suspected child sex tourism offenses in 2009. The Ministry of Defense provided Finnish troops assigned to international peacekeeping missions with intensive anti-trafficking training aimed at providing deployed forces with the ability to identify potential trafficking victims; there were no trafficking-related cases involving Finnish troops or government personnel deployed overseas in 2009.

FRANCE (Tier 1)

France is a destination country for men, women, and children from Eastern Europe, West Africa, and Asia, as well as the Caribbean and Brazil, subjected to trafficking in persons, specifically forced prostitution and forced labor. Women and children, many from Africa, continued to be subjected to forced domestic servitude. Often their "employers" are diplomats who enjoy diplomatic immunity from prosecution, including those from Saudi Arabia. Reportedly men from North Africa are subjected to forced labor in the agricultural and construction sectors in southern France. The Government of France estimates that the majority of the 18,000 women in France's commercial sex trade are likely forced into prostitution. It also estimates a significant number of children in

France are victims of forced prostitution, primarily from Romania, West Africa, and North Africa. Romani and other unaccompanied minors in France continued to be vulnerable to forced begging. There were reportedly six French women subjected to forced prostitution in Luxembourg in 2009.

Women and children from Brazil were subjected to forced labor and forced prostitution in the French overseas territory of French Guiana. There are also a number of young women in prostitution from Haiti, Suriname, and the Dominican Republic in French Guiana, some of whom may be vulnerable to trafficking. The French government investigated the existence of forced labor and forced prostitution occurring in gold mining sites in French Guiana in 2009, initiating 17 legal proceedings and arresting two trafficking offenders in French Guiana during the reporting period.



The Government of France fully complies with the minimum standards for the elimination of trafficking. The government continued to train prosecutors and judges to make better use of France's anti-trafficking law, continued to prosecute forced prostitution and forced labor offenders, and increased public-private partnerships to prevent trafficking. The government reported identifying a significant number of trafficking victims in 2009. While the government concluded that all identified victims were referred for care and assistance, it reported it did not officially collect or monitor this data in 2009.

Recommendations for France: Increase implementation of France's anti-trafficking statute; improve protections for all unaccompanied minors in France who are potentially victims of trafficking; improve implementation of proactive identification procedures and referral for potential trafficking victims; enhance collection and compilation of law enforcement and victim assistance data, including a breakdown of types of involuntary servitude and prosecutions for forced labor trafficking; ensure trafficking victims are not inappropriately penalized solely for unlawful acts committed as a result of being trafficked; continue to establish a more victim-centered approach to trafficking in France, including measures to ensure victims who denounce their traffickers are provided with adequate safety and support; and report on assistance provided to identified victims of trafficking in mainland France and in French Guiana.

Prosecution

The Government of France sustained progress in its law enforcement efforts to combat trafficking. France

prohibits trafficking for sexual exploitation through Article 225 of its penal code, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for rape. In January 2009, the government amended its anti-trafficking law to include a specific definition of forced labor. The government reported convicting 19 trafficking offenders under its anti-trafficking statute in 2008, the most recent year for which data was available, compared with 33 convicted trafficking offenders in 2007. The government did not provide an average sentence for these 19 traffickers, but reported the maximum sentence was up to seven years imprisonment. In addition, the government reported convicting an additional 26 trafficking offenders for the forced prostitution of children, with sentences up to seven years. French officials continued to rely largely on anti-pimping provisions of the country's penal code to prosecute suspected sex trafficking offenses. The government reported 523 prosecutions under its anti-pimping statute in 2008; approximately 16 percent of the original arrests were for trafficking-specific offenses. The Government of France successfully dismantled 40 trafficking rings in France in 2009 and cooperated to dismantle 14 international networks with bilateral partners through joint investigation teams aimed at investigating and prosecuting cases across borders.

Protection

The national government and city of Paris continued to partner with NGOs in order to provide trafficking victims with a network of services and shelters during the reporting period. The government provided some indirect funding for victims' care in 2009; however, it did not report overall funding allocations to NGOs for victims of trafficking. One NGO reported it received 20 percent of its budget from the government in 2009 but had to seek private funding in order to provide temporary housing for trafficking victims. Another NGO reported it worked with pro-bono medical and social service providers in order to assist victims of forced labor. A third NGO working with unaccompanied minors who are at risk of becoming victims of trafficking in France reported that it received 98 percent of its budget from the government in 2009. The government reported police and other authorities identified and referred 799 trafficking victims to NGOs for assistance in 2009; however, it reported that it did not officially collect or track data on the actual number or percentage of these identified victims that it referred for shelter and assistance. The NGO Committee Against Modern Slavery (CCEM) reported 216 cases of forced labor in France in 2008; 120 of these victims were reportedly placed in protective custody. The government increased its partnership with the Romanian government in order to improve the protection, return, and reintegration of Romani unaccompanied minors. The French government provided witness protection services and issued one-year residency permits, which can be renewed every six months, to victims of trafficking who cooperated with authorities in the investigation and prosecution

of traffickers; the government also provided identified victims with assistance and a 30-day reflection period to decide whether to cooperate with law enforcement. A trafficking victim may receive a permanent residency card though only if the defendant is successfully convicted by the government. The government did not report the number of victims that received residence permits or cards in 2009. One NGO continued to express frustration with the fees required for the residency permit and renewal of the permit. NGOs continued to provide monthly stipends to trafficking victims, with some of these stipends provided by the government. The government formally assists trafficking victims seeking return to their countries of origin, though fewer than five percent usually decide to do so. Although the border police reportedly used indicator cards to proactively identify victims, French border police do not have any systematic procedures in place to identify trafficking victims, according to a 2009 report by Human Rights Watch. Some local observers continued to criticize the government's lack of a proactive approach to identifying trafficking victims and reported that some women in prostitution are arrested and fined for solicitation without being screened to determine if they are trafficking victims. To address this deficiency, the government reported it continued to provide mandatory training to all law enforcement personnel to increase their identification and awareness of potential trafficking victims in 2009.

A 2009 Human Rights Watch Report cited the French government for alleged abusive police treatment and the forced removal of unaccompanied minors from Roissy Charles de Gaulle Airport. The report described French authorities' policy of detaining unaccompanied minors, including potential trafficking victims, in a designated "transit zone" at the airport. French authorities failed to screen these children for indications of trafficking, treating them as irregular migrants, which resulted in their deportation and which could make them vulnerable to re-trafficking or persecution in their home countries. The report documented two cases in which the government failed to adequately identify two children from Nigeria and Guinea as trafficking victims, in one case the victim's trafficker visited her in detention to collect money. Reportedly, the French Red Cross regularly alerts French authorities about the need to improve the response to children who appear to be trafficking victims.

Prevention

The Government of France sustained strong prevention efforts in 2009 and led European efforts to prevent human trafficking on the Internet. Its multi-disciplinary group met throughout 2009 to improve national coordination and ensure a victim-centered approach. The government launched a national campaign in 2010 combating violence against women in all forms; the campaign highlighted trafficking in persons as part of this broader campaign. In January 2010, the government sponsored a nationwide conference that brought together law enforcement, magistrates, and NGOs to improve partnerships in order to better protect victims and

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

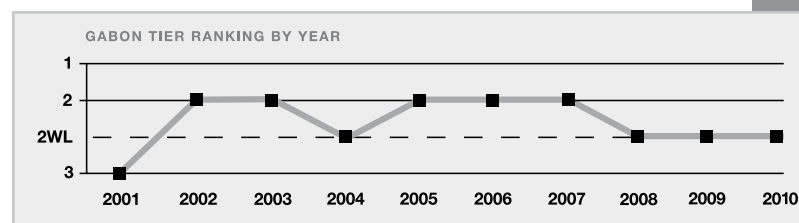
In March 2009, the government convicted two French nationals for aggravated sex tourism offenses they committed in Southeast Asia; both received the maximum sentences of seven years. In September 2009, French Police dismantled a makeshift camp for undocumented migrants near the port of Calais, known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

GABON (Tier 2 Watch List)

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

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

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



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

Prosecution

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