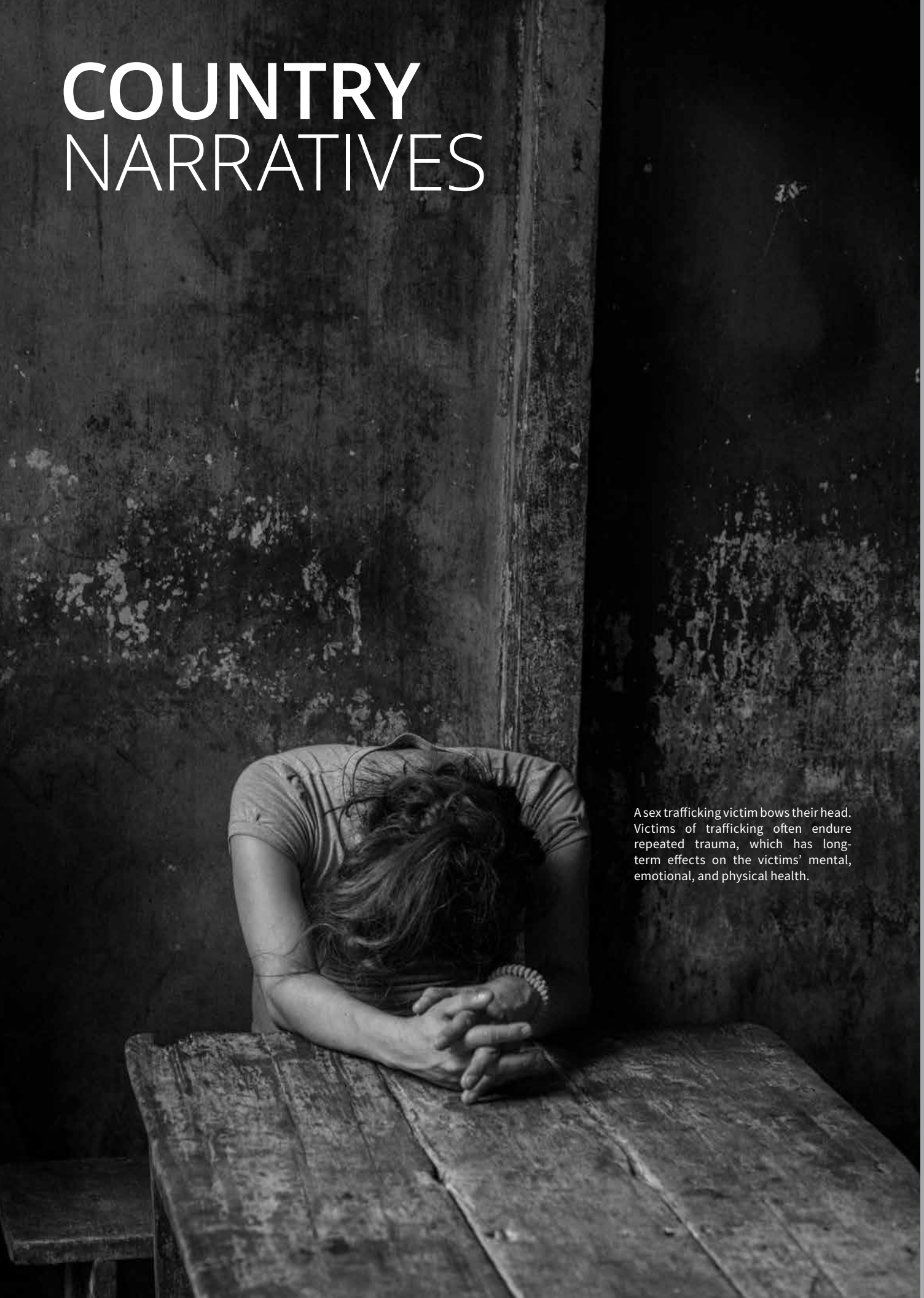
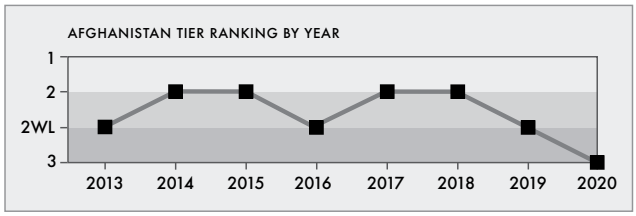
COUNTRY NARRATIVES



A sex trafficking victim bows their head. Victims of trafficking often endure repeated trauma, which has long-term effects on the victims' mental, emotional, and physical health.

AFGHANISTAN: TIER 3

The Government of Afghanistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Afghanistan was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including continuing to identify trafficking victims, prosecuting and convicting some traffickers, including two perpetrators of *bacha bazı* for kidnapping, and conducting four trainings for provincial anti-trafficking officers. The government increased the number of Child Protection Units (CPUs) at Afghan National Police (ANP) recruitment centers, which prevented the recruitment of 357 child soldiers. The government also took several broad child protection efforts, including authorizing formation of a National Child Protection Committee to address *bacha bazı* and hiring additional social workers. In response to allegations of the sexual abuse and sex trafficking of 165 boys in Logar province, an attorney general's office (AGO) investigation identified 20 perpetrators; by the end of this reporting period, the investigation had produced nine arrests and two convictions for related offenses. However, during the reporting period, there was a government policy or pattern of sexual slavery in government compounds (*bacha bazı*) and recruitment and use of child soldiers. Despite local officials' widespread acknowledgement that many police, especially commanders at remote checkpoints, recruited boys for *Bacha bazı*, some high-level and provincial authorities, including at the Ministry of Interior (MOI), categorically denied the existence of *bacha bazı* among police and would not investigate reports. Additionally, despite consistent reports of *bacha bazı* perpetrated by Afghan National Army (ANA), ANP, and Afghan Local Police (ALP) officials, the government has never prosecuted a police officer for *bacha bazı*. MOI, the Ministry of Defense (MOD), and the National Directorate of Security (NDS) denied that Afghan security forces recruited or used child soldiers, despite multiple cases during the reporting period. Some trafficking victims reported authorities forced them to have sex in exchange for pursuing their cases or raped them and sent them to detention centers when they tried to report their traffickers. Authorities continued to arrest, detain, and penalize many trafficking victims, including punishing sex trafficking victims for "moral crimes." Due to inadequate victim protection, some NGOs would not assist trafficking victims in reporting their traffickers to law enforcement.



PRIORITIZED RECOMMENDATIONS:

Drastically increase criminal investigations and prosecutions of suspected traffickers—especially law enforcement and military officials—and convict and adequately sentence perpetrators. • Cease the unlawful recruitment and use of children by Afghan security forces, including for *bacha bazı*, and demobilize children from all armed groups with adequate protection and reintegration support. • Issue a directive to law enforcement to pursue criminal investigations in cases of human trafficking, including *bacha bazı*, and protect victims during interactions with law enforcement. • Empower the National Child Protection Committee to identify and suggest the removal of public servants implicated in perpetrating or facilitating *bacha bazı*. • Cease penalization and abuse of victims for unlawful acts their traffickers forced them to commit, including "moral crimes." • Train judicial officials on the anti-trafficking provisions in the new penal code and the prohibition against mediation in sex trafficking cases per the 2009 Elimination of Violence Against Women Act. • Cease support to non-state armed groups that recruit and use child soldiers. • Provide clear guidance to security personnel on identification and protection of child trafficking victims and train them on it. • Approve, disseminate, and conduct widespread training on the standard operating procedures for victim identification and referral to services. • Strengthen law enforcement's capacity to address trafficking, including increased training and resources for the Ministry of Interior's provincial anti-trafficking/smuggling units. • Dedicate resources for trafficking victim shelters and services, including for male victims. • Amend Chapter 5 of the penal code to increase the penalties for *bacha bazı* in line with penalties prescribed for other forms of trafficking. • Raise awareness of trafficking at the local level, including its definition, law enforcement and social service resources available, and community prevention efforts. • Support the High Commission for Combating Crimes of Abduction and Human Trafficking/Smuggling (High Commission) and its data collection efforts.

PROSECUTION

The government decreased law enforcement efforts against civilian and official perpetrators of trafficking, and officials complicit in recruitment and use of child soldiers and *bacha bazı* continued to operate with impunity. The 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants criminalized sex trafficking and labor trafficking, including *bacha bazı*. The law prescribed penalties between five and eight years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes. Aggravating factors increased the maximum sentence to between 10 and 15 years' imprisonment and the imposition of the death penalty if exploitation for armed fighting resulted in the victim's death. Article 510 of the 2018 criminal code criminalized sex trafficking and labor trafficking, including *bacha bazı*. Article 511 prescribed penalties of five to 10 years' imprisonment for trafficking offenses involving adult male victims and 10 to 16 years' imprisonment if the victim was a woman or child, or exploited in *bacha bazı*. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 512 outlined aggravating factors and increased penalties to 16 to 20 years' imprisonment for sex trafficking or forced armed fighting and between 20 to 30 years' if the victim forced to fight died while subjected to trafficking. While the 2018 penal code also specifically criminalized more crimes related to *bacha bazı*, some of which would constitute trafficking offenses, it also prescribed lower penalties for certain acts constituting *bacha bazı* than those prescribed under Article 510. Most of these penalties were not sufficiently stringent, nor commensurate with the penalties prescribed for other serious crimes, such as rape. The government also used the 2009 Law on the Elimination of Violence Against Women (EVAW) to prosecute and convict sex traffickers.

The government's lack of resources and lack of political will to hold perpetrators accountable diminished enforcement of anti-trafficking laws. The judiciary remained underfunded, understaffed, undertrained, and in some cases ineffective, and judicial officials were often intimidated by perpetrators or corrupt. In urban areas, if judges or prosecutors did not assess that a clearly defined legal statute applied, or they were unaware of the statutory law, then they enforced customary law, which often resulted in outcomes that discriminated against women. While the EVAW law expressly prohibits mediation, and other Afghan laws neither permit nor prescribe mediation in criminal cases, police

and judges often referred trafficking victims to mediation. In some areas, anti-government forces, such as the Taliban, instituted their own justice systems, including for trafficking victims.

As in the previous year, ministries provided conflicting data, which called into question its validity and made it difficult to compare to previous years. Under the 2017 anti-trafficking law, MOI reported investigation and prosecution of 16 suspects in 14 trafficking-related cases. The judiciary convicted seven traffickers. Judges acquitted four suspects and continued prosecution in five cases, although it was unclear if the cases were human trafficking, kidnapping, or migrant smuggling. This was a significant decrease from the investigation of 138 alleged traffickers, prosecution of 64 suspects, and conviction of 34 traffickers under the anti-trafficking and EVAW laws in the previous reporting period. Despite laws explicitly criminalizing *bacha bazı*, the government demonstrated little political will to combat it. Most often, MOI either refused to investigate *bacha bazı* cases or investigated them as other crimes such as kidnapping. In addition to the trafficking cases filed under the 2017 anti-trafficking law, during the reporting period, the judiciary notably convicted five civilian perpetrators of *bacha bazı* in three cases and indicted four others in one ongoing case. However, the government did not use the anti-trafficking law or the *bacha bazı* law in any of the cases.

The government did not report any investigations, prosecutions, or convictions of any allegedly complicit officials for trafficking offenses. Disregard for the rule of law and widespread official complicity in trafficking, especially *bacha bazı*, overwhelmingly impeded efforts to address these crimes. Afghan security forces, in particular the ANP and ALP, recruited boys for *bacha bazı* in every province of the country. While some high-level officials and provincial authorities continued to deny the existence of *bacha bazı*, and MOI denied any police perpetrated *bacha bazı*, local authorities overwhelmingly acknowledged that many police, especially checkpoint commanders, recruited boys for sex trafficking in *bacha bazı*. Particularly in Kandahar province, local police and elder community members openly exploited boys in *bacha bazı* on a large scale without fear of reprisal. The government has never prosecuted a police officer for *bacha bazı*. In rare cases, officials sometimes issued arrest warrants for government perpetrators of *bacha bazı* but did not enforce the warrants. Some Afghan security forces and pro-government militias—some of whom may have received direct financial support from the government—recruited boys specifically for use in *bacha bazı*. In some instances, ANA officials reportedly used promises of food and money to entice boys into *bacha bazı*. International organizations verified three cases of *bacha bazı* perpetrated by the ANP and ALP during the reporting period but cautioned such figures remained an extreme underrepresentation of the problem. Police did not arrest any perpetrators reported during the reporting period, nor did it arrest any of the 10 ANP or ALP officials whom an international organization had referred to police in 2018 for *bacha bazı*. The government did not report updates on its investigations into 13 ANA officers for crimes related to *bacha bazı*, including witnessing and failure to report *bacha bazı*.

Afghan security forces, including the ANA, ANP, ALP, and NDS, continued to recruit and use children in combat and non-combat roles with impunity. An international organization verified at least three cases of recruitment by the ANP, one by the ALP, and one case by both the ALP and a pro-government militia. This is similar to previous years; however, experts stressed recruitment and use of child soldiers remained underreported, often due to safety concerns. Despite consistent identification of child soldiers among Afghan security forces for several years, MOI, MOD, and NDS denied all allegations. The government has never prosecuted any military or police official for recruitment or use of child soldiers. Pro-government militias that may have received direct financial support from the Afghan government reportedly recruited and used child soldiers, primarily in non-combat roles. The government denied and did not investigate such claims. Some officials accepted bribes to produce identity documents for boys stating they were at least 18 years old.

Widespread official complicity in human trafficking continued outside of the Afghan security forces, also with impunity. Observers noted perpetrators of *bacha bazı* often paid bribes to, or had relationships with, law enforcement, prosecutors, or judges that protected them from prosecution. A public health official who conducted forensic exams for criminal cases reported state prosecutors pressured him not to report confirmed evidence of abuse, including in cases of *bacha bazı*. In 2019, activists spent six months investigating and interviewing hundreds of boys aged 14 to 20 in Logar province across three high schools, and found evidence that at least 165 were sexually abused by teachers, principals, vice-principals, fellow students, and at least one local law enforcement official. Some youth were required to have sex in exchange for passing grades. Officials removed from his job one school manager accused of *bacha bazı* but later gave him a job at Logar's provincial Education Department. After local authorities refused to take action on the allegations of abuse, activists reported the allegations to international media in November 2019. After an international outcry, several government bodies, including the AGO, Afghanistan Independent Human Rights Commission (AIHRC), Ministry of Education, Parliament, and the Logar provincial government, investigated the allegations, but the quality and thoroughness of the investigations varied, and the results were inconsistent with victim reports. The AGO investigation identified 20 perpetrators, nine of whom authorities had arrested as of March 2020. In contradiction with victims' reports, the government did not identify a single government educator or law enforcement officer as a suspect. Although activists said victims had identified many public high school teachers and other educators as perpetrators, the AGO failed to find any link between the Logar child sexual abuse and the Logar public school system. Separately, many female sex trafficking victims alleged prosecutors and judicial officials sought sexual favors in exchange for continuing investigations and prosecutions of their cases. The government did not report an update on its investigation into two police officers accused of facilitating the sex trafficking of an adult woman. Indian authorities arrested an Afghan official for purchasing sex from two potential sex trafficking victims.

Law enforcement and judicial officials continued to have a limited understanding of trafficking. While the 2017 law used separate terms and definitions for trafficking and smuggling, Dari, the most widely spoken language in Afghanistan, historically used the same word for human trafficking and migrant smuggling, and officials conflated the two crimes. MOI organized and conducted four regional training sessions for approximately 590 provincial anti-trafficking unit officers, Afghan Border Police, and police Criminal Investigation Department officers in four provinces. MOI continued to operate dedicated trafficking/smuggling units in each of the 34 provinces and in Kabul, with two officers in each province. NDS, the ABP, and a Kabul-based INTERPOL unit also had mandates to address human trafficking. The agencies did not have a clear delineation of responsibilities, so NDS investigated most human trafficking cases. While ABP was best-positioned to identify and investigate trafficking at the borders, and some of its officers received anti-trafficking training during the reporting period, many officials still lacked anti-trafficking training. In addition, the force as a whole lacked the resources to identify and investigate trafficking. Officials acknowledged personnel, resources, and knowledge of trafficking remained inadequate across all units. Law enforcement lacked cooperation with neighboring countries, which impeded investigation of transnational trafficking cases.

PROTECTION

The government maintained inadequate protection efforts and continued to penalize and abuse trafficking victims. The High Commission reported identifying 493 potential trafficking victims in 2019, compared to 434 in 2018, although in both years NGOs expressed concern about the validity of the figures. The government did not use systematic victim identification procedures, and district and provincial-level officials continued to conflate trafficking and smuggling. An international organization continued to train officials on a victim identification manual and national referral mechanism to connect trafficking victims with care, which it had developed with the High Commission the previous year. However, implementation awaited approval from the Ministry of Justice (MOJ) for the second consecutive year. Police did not consistently refer trafficking victims to shelters, and the dearth of shelters impeded victim protection.

International donors and NGOs provided nearly all victim care. NGOs operated, and international donors funded, approximately 27 women's shelters in 20 provinces that provided protection, legal, medical, and social services to female victims of violence, including trafficking. The shelters did not report how many trafficking victims they assisted. NGOs operated two shelters for boy victims of crime that could assist male trafficking victims younger than 18. No government or NGO shelter could accommodate adult male trafficking victims. At times, the government placed child trafficking victims in orphanages, and some orphanages subjected children to trafficking. Authorities sometimes placed male and female victims in prison if they could not accommodate them in shelters. In theory, the Ministry of Women's Affairs (MOWA) would provide services for female trafficking victims and the Ministry of Labor and Social Affairs (MOLSA) would provide services for boy trafficking victims; in practice, neither MOWA nor MOLSA offered victims much support. Family guidance centers in 19 provinces provided non-residential legal and social services for women and children, including trafficking victims. The government also hired additional social workers, including those specifically trained to assist child victims of crime, bringing its total number of social workers to 250. The Child Protection Action Network (CPAN), a conglomerate of NGOs, civil society, and government entities overseen by MOLSA, was active in 170 districts—an increase from 151 districts the previous year—and could provide shelter and some services to child victims of crime. CPAN was the only entity that addressed child protection issues, including child trafficking, outside of Kabul.

The government took some steps to enhance child protection mechanisms, which could assist child trafficking victims. The President ordered several ministries to create a National Child Protection Committee to address *bacha bazı* with representatives from AGO, AIHRC, the Ministry of Education, and other bodies. The Ministry of Education developed terms of reference for its new child protection units, focused on prevention and response to sexual violence at schools. These units will operate at the central and provincial Ministry of Education departments, as well as at the school level.

Afghans continued to both voluntarily return and be deported from Iran and Pakistan, and traffickers abroad forced some Afghans into labor prior to their return or deportation. The government did not screen returnees for trafficking or refer them to services. In cases of parental complicity in child trafficking, authorities often returned children to their parents without sufficient efforts to ensure parents would not subject their children to trafficking again.

Government investigators did not always interview suspected victims of trafficking and, in some cases, did not provide adequate support or security for victims to safely speak about what had happened. Victims, especially of *bacha bazı*, feared abuse and penalization by law enforcement, threats of retaliation from traffickers and one's community, and even for their lives. The stigma associated with trafficking also prevented the vast majority of trafficking victims from bringing cases forward to law enforcement or seeking care. Multiple *bacha bazı* victims reported police sexually abused them when they tried to report their exploitation and then treated them as criminals, sometimes detaining and penalizing them. In two high-profile investigations into sex trafficking by a high-ranking sports official and Afghan school teachers and police in Logar state, victims reported widespread retaliation from alleged perpetrators and, due to a lack of victim protection, fled Afghanistan. Due to a lack of victim protection, family members and the Taliban murdered at least eight child sex trafficking victims, including some as young as 13 years old, for dishonor. Observers reported they did not recommend trafficking victims report their traffickers to law enforcement or participate in trials due to the significant risk of threats and reprisals and complete lack of protection. Afghan law allows prosecutors to seek restitution for trafficking victims, but there were no reports any prosecutors did so. Foreign victims had the same limited access to services as Afghan victims, and Afghan law allows foreign victims to remain in Afghanistan for at least six months. The High Commission did not report if it identified any foreign victims.

The penal code explicitly prohibited penalization of trafficking victims for unlawful acts their traffickers compelled them to commit. Nevertheless, the government's formal justice system, informal justice system in rural areas, and the justice system administered by the Taliban all routinely arrested, imprisoned, and penalized adult and child trafficking victims. Some female trafficking victims could not access the formal justice system because cultural norms precluded their engagement with male law enforcement and judicial officials. When female sex trafficking victims did access formal justice, officials penalized some of them for "moral crimes" such as sex outside of marriage. In rural areas, the lack of access to formal justice systems also disproportionately affected females. Male community leaders in some cases settled both criminal and civil disputes and penalized female sex trafficking victims for "moral crimes." Through its justice system, the Taliban detained and forced into labor some child and adult sex trafficking victims charged with "moral crimes." Authorities equally penalized male sex trafficking victims. Authorities prosecuted *bacha bazı* victims as equally responsible "criminals" as their adult traffickers. Authorities remanded boy sex trafficking victims to Juvenile Rehabilitation Centers (JRCs) on criminal charges and detained them for several years. Multiple organizations reported JRCs lacked adequate food and education and reported allegations of sexual violence, including against child sex trafficking victims and child soldiers. JRC authorities reportedly presumed detained children to be guilty and did not provide them with knowledge of the charges against them or access to lawyers. Officials sometimes prosecuted victims for possessing forged identity documents. The government did not demobilize child soldiers associated with governmental or non-state armed groups or refer such children to reintegration support. It arrested, detained, and prosecuted for terrorism-related crimes children younger than 12 years old that non-state armed groups had forcibly recruited.

PREVENTION

The government made inadequate efforts to prevent trafficking. The High Commission, the government's autonomous inter-ministerial anti-trafficking committee under the Ministry of Justice, did not demonstrate a strong willingness to address trafficking. Scheduled to meet quarterly, it only met once in 2019, the same as in 2018, and key ministries failed to attend. The High Commission's working-level committee lacked resources and

influence over member ministries and relied heavily on NGOs to coordinate and fund meetings. The High Commission had some provincial commissions to implement national anti-trafficking policy at the local level, although the majority did not meet. The government had an anti-trafficking national action plan that covered 2018-2021. The MOJ continued to refuse to share data with an international organization to publish an annual national report on human trafficking. The High Commission, in partnership with international organizations and NGOs, continued public awareness programs. NDS inappropriately detained and mistreated two human rights defenders who reported on official complicity in *bacha bazı*, and the defenders fled the country. In March 2020, MOD, MOI, and NDS began the process of drafting a common child-protection policy for their forces in the field. The government had some existing migrant labor agreements with Gulf countries but did not implement them during the reporting period.

The government established seven additional CPUs during the reporting period, compared to establishing five the previous reporting period. As a result, MOI operated CPUs in all 34 provinces to prevent the recruitment of children into the ANP, an increase from 27 CPUs in the previous reporting period. According to an international organization, the CPUs prevented the recruitment of 357 children during this reporting period. However, some NGOs reported CPUs were not sufficiently equipped, staffed, or trained to provide adequate oversight and noted they did not oversee ALP recruitment centers, which also recruited children. The government did not have a sufficient referral pathway for children identified by CPUs and prevented them from joining the security forces to provide shelter, services, and family reintegration; thus, the children remained highly vulnerable to recruitment and use, as well as other forms of forced labor. The government did not make efforts to reduce the demand for commercial sex acts or provide anti-trafficking training for diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Afghanistan, and traffickers exploit victims from Afghanistan abroad. Internal trafficking is more prevalent than transnational trafficking. Traffickers exploit men, women, and children in bonded labor, a form of forced labor by which traffickers offer loans and manipulate the debts to coerce workers into continued employment. Traffickers compel entire families to work in bonded labor in the brick-making industry, predominately in eastern Afghanistan and in carpet weaving countrywide. Most Afghan trafficking victims are children forced to work in carpet making, brick kilns, domestic servitude, commercial sex, begging, poppy cultivation and harvesting, salt mining, transnational drug smuggling, and truck driving. Some Afghan families force their children into labor with physical violence or knowingly sell their children into sex trafficking, including *bacha bazı*. Opium-farming families sometimes sell their children to settle debts with opium traffickers, and some drug-addicted parents subject their children to sex trafficking or force them into labor, including begging. Some orphanages run by NGOs and overseen by the government subjected children to trafficking. During the reporting period, multiple former government officials alleged high-level officials forced women to have sex in exchange for jobs and promotions. Victims alleged some law enforcement and judiciary officials requested sexual favors in exchange for pursuing cases. In 2019, 165 boys in Logar province reported widespread sexual abuse by government teachers, principals, and local law enforcement, including requiring children to have sex in exchange for passing grades and subjecting boys to sex trafficking in *bacha bazı*. Some boys who reported sexual abuse and sex trafficking to police reported police officers then raped them.

Afghan security forces and non-state armed groups continue to unlawfully recruit and use children in combat and non-combat roles. Insurgent groups, including the Taliban and the Islamic State in Khorasan Province, use children in direct hostilities, to plant and detonate improvised explosive devices (IEDs), carry weapons, spy, and guard bases. The Taliban recruits child soldiers from its *madrassa*s in Afghanistan and Pakistan that provide military training and religious indoctrination, and it sometimes provides families cash payments or protection in exchange for sending their children to these schools. Armed groups target children from impoverished and rural areas, particularly those under Taliban control. The Taliban abducted and forced adult women into labor. The Taliban maintained illegal detention facilities in which it forced detainees, including child and adult sex trafficking victims charged with "moral crimes," into labor. ANP and ALP use children in combat and non-combat roles, including to carry weapons and as personal servants, support staff, bodyguards, and sex slaves in *bacha bazı*. ANA, NDS, and ABP recruit and use children in combat and, to a lesser extent, non-combat roles. Taliban insurgents killed, wounded, and captured ANA soldiers as young as 13. Pro-government militias that may receive direct financial support from the government recruited and used child soldiers, primarily in support roles and for *bacha bazı*.

Traffickers', including government and military officials', exploitation of children as young as nine in *bacha bazı* remained pervasive nationwide. In the northern provinces, many *bacha bazı* traffickers were community elders or private citizens. In southern provinces, by contrast, *bacha bazı* perpetrators were more commonly police, military, and local government officials. Local authorities overwhelmingly acknowledged many police, especially checkpoint commanders, recruited boys for sex trafficking in *bacha bazı* nationwide but especially in Kandahar province. *Bacha bazı* survivors reported to NGOs an "overwhelming understanding that *bacha bazı* is committed by the powerful," including military commanders and community leaders. International organizations reported cases of *bacha bazı* by nearly all groups. ALP, ANA, and pro-government militias reportedly recruited some children specifically for *bacha bazı*. Perpetrators of *bacha bazı* sometimes offer bribes or use relationships with law enforcement, prosecutors, and judges to evade punishment.

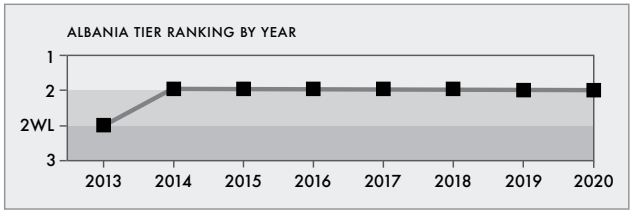
In 2019, Afghanistan received approximately 504,977 returns of undocumented Afghan migrant workers from Iran and Pakistan, including unaccompanied children. Traffickers specifically targeted returnees for forced labor in agriculture, brick kilns, and carpet weaving. In 2019, Turkey deported nearly 24,000 Afghans; while most were migrant smuggling victims, traffickers had previously forced some to work in Iran or to fight in militias in Syria. Traffickers targeted Afghans residing in Pakistan—including 1.4 million Afghan Proof of Registration card holders, 878,000 Afghan Citizen Card holders, and an unknown number of undocumented Afghans. International organizations documented cases of IDPs selling their children to local shopkeepers in servitude to repay debts. Some traffickers targeted indebted IDPs for forced labor and sex trafficking.

Afghan men, women, and children pay intermediaries to assist them in finding employment abroad, primarily in Iran, Pakistan, and Europe; some intermediaries and employers force Afghans into labor or sex trafficking. Some Afghan women and girls who are sold to husbands in Afghanistan, Pakistan, Iran, and India are exploited in sex trafficking and domestic servitude by their new husbands. Some Afghan parents forcibly send boys to Iran to work to pay for their dowry in an arranged marriage. Afghan boys and men are subjected to forced labor and debt bondage in agriculture and construction, primarily in Iran, Pakistan, Greece, Turkey, and the Gulf states. Traffickers in Iran, including Iranian criminal groups, exploit Afghan children in forced labor as beggars and street vendors and forced criminality, including

drug trafficking and smuggling of fuel and tobacco. Iranian police sometimes detain, torture, and extort Afghan child trafficking victims before deportation. The Iranian government and the Islamic Revolutionary Guards Corps continue to force and coerce Afghan migrants, including children as young as 12 years old, to fight in Iranian-led and -funded Shia militias deployed to Syria by threatening them with arrest and deportation to Afghanistan. Trafficking networks smuggle Afghan nationals living in Iran to Europe and subject them to sex trafficking and force them to work in restaurants to pay off debts incurred by smuggling fees. Some Afghan traffickers subjected Afghan boys to *bacha bazı* in Germany, Hungary, Macedonia, and Serbia. Traffickers have subjected women and girls from China, Iran, Pakistan, Philippines, Sri Lanka, and Tajikistan to sex trafficking in Afghanistan. Under the pretense of high-paying employment opportunities, some labor recruiting agencies lure foreign workers to Afghanistan from South and Central Asia and subject them to forced labor after arrival.

ALBANIA: TIER 2

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Albania remained on Tier 2. These efforts included sentencing convicted traffickers to significant prison terms, identifying more victims, and providing robust training for relevant officials. The government, in cooperation with civil society, also set up the Advisory Board of Victims of Trafficking, consisting of three survivors, and increased victim assistance in criminal proceedings by establishing the Development Center for Criminal Justice for Minors and hiring additional victim assistance coordinators. However, the government did not meet the minimum standards in several key areas. The government convicted five traffickers in both 2018 and 2019, the lowest number of convictions since 2014. The government lacked screening efforts for vulnerable populations—particularly migrants, asylum-seekers, individuals in commercial sex, and children—and authorities did not consistently participate in mobile victim identification units. The government continued to delay funding for NGO-run shelters, and social services lacked resources for long-term care and reintegration efforts, particularly for child victims and victims with children.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers—including complicit officials—under Articles 110(a) and 128(b) of the criminal code. • Increase efforts to screen vulnerable populations and train police, labor inspectors, and other front-line officials on proactive identification of victims. • Institutionalize and provide training for law enforcement, prosecutors, and judicial officials, particularly district prosecutors, on investigating and prosecuting trafficking cases, including guidance on issues of consent and coercion in the context of labor and sex trafficking. • Create funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the government-run and NGO-run shelters for trafficking victims. • Expand the jurisdiction of labor inspectors to inspect businesses that are not legally registered. • Improve the sustainability of, and law enforcement participation in, mobile trafficking victim identification units. • Increase reintegration services, including access to education for child victims. • Implement victim-centered approaches and victim-witness protection measures during investigation, prosecution, and court proceedings.

PROSECUTION

The government maintained law enforcement efforts. Articles 110(a) and 128(b) of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for a trafficking offense involving an adult victim, and 10 to 20 years' imprisonment for an offense involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Albanian State Police (ASP) investigated 41 cases with 62 suspects (38 cases with 51 suspects in 2018) —34 cases with 45 suspects for adult trafficking (30 cases with 42 suspects in 2018) and seven cases with 17 suspects for child trafficking (eight cases with nine suspects in 2018). The ASP also investigated two suspects for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act (three in 2018). The General Prosecution Office (GPO) investigated 19 new cases with eight defendants for adult trafficking (17 new cases with five defendants in 2018) and six new cases for child trafficking (12 cases in 2018). GPO prosecuted three cases with three defendants (two cases with six defendants in 2018), one defendant for adult trafficking (three in 2018) and two defendants for child trafficking (three in 2018). Courts convicted five traffickers (five in 2018), three for adult trafficking (one in 2018) and two for child trafficking (four in 2018). Judges sentenced three traffickers convicted of adult trafficking to seven years and six months' imprisonment, 10 years' imprisonment, and 17 years' imprisonment, respectively; two child traffickers were sentenced to 15 years' imprisonment. In 2018, one trafficker received two years and eight months' imprisonment for adult trafficking, and four traffickers received sentences from six years and eight months to 18 years for child trafficking. The appeals court reviewed and confirmed decisions on three traffickers (five in 2018).

ASP maintained an Anti-Trafficking Unit, which investigated trafficking in persons in addition to drug and contraband trafficking. The government continued judicial reforms that changed prosecutorial jurisdiction for trafficking cases; the Special Anticorruption Prosecution (SPAK) and the Special Court of Appeals on Corruption and Organized Crime acquired jurisdiction over trafficking cases related to organized crime, while district courts prosecuted trafficking cases without an organized crime nexus. However, prosecutors and observers reported district prosecutors did not have the specialized experience and capacity to prosecute trafficking cases successfully. Authorities reported confusion between overlapping elements of exploitation of prostitution and trafficking and at times applied the lesser charge, because it required less specialization and time, or due to the false belief that trafficking crimes required a transnational element. Limited resources and constant turnover within law enforcement created additional obstacles to maintaining capacity to investigate trafficking. The government, at times in cooperation with NGOs and international organizations, trained police officers, judges, district prosecutors, and victim coordinators on various anti-trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, NGOs reported some instances of official complicity and corruption. ASP arrested 12 suspected sex traffickers on the behalf of French, German, Greek, and Italian authorities. The government received four suspects extradited

from Germany, Greece, Italy, and the Netherlands and continued a joint investigation with Italian authorities.

PROTECTION

The government increased victim protection efforts. The government and NGOs identified 96 potential victims and seven officially recognized victims (93 potential victims and two officially recognized victims in 2018). Of these, 36 were adults and 67 were minors (28 adults and 67 minors in 2018); 80 were female and 23 were male (60 females and 35 males in 2018); six were foreign victims (one in 2018); and 65 were victims of sex trafficking, 37 of forced labor, and one of forced marriage for the purpose of domestic servitude. In 2018, the government did not provide details about the type of exploitation for all officially recognized and potential victims, but at least 36 were subjected to sex trafficking, 25 to forced labor, 27 to forced begging, and three to forced marriage for the purpose of domestic servitude in 2018. The government maintained a multidisciplinary national referral mechanism (NRM) and updated standard operating procedures (SOPs) for identifying and referring victims to services. First responders referred potential victims to law enforcement and state social services, which conducted joint interviews to determine officially recognized victim status. The law provided equal services for both potential and officially recognized victims. NGOs identified the majority of victims; the government identified 43 of the 103 officially recognized and potential victims (33 in 2018), including 42 identified by officials participating in mobile identification units. NGOs, with the support of the government, maintained mobile victim identification units consisting of social workers and police in three regions, but the units' sustainability was uncertain due to the lack of permanent staff, formalization, and resources. Mobile victim identification units identified 42 potential victims (51 potential victims in 2018). Experts reported police did not participate consistently in the mobile victim identification units despite signing a memorandum of understanding that formalized their participation. Experts also stated that law enforcement rarely initiated cases when civil society identified a potential victim, but ASP noted that definitional differences with civil society on what constituted trafficking caused obstacles in identification. Observers continued to report that authorities did not consistently screen or implement SOPs for migrants and asylum-seekers and that police did not screen individuals in commercial sex for indicators of trafficking during raids and investigations of commercial sex establishments. The Labor Inspectorate lacked the training to identify victims of forced labor, and identification of forced begging remained inadequate, particularly among unaccompanied children, street children, and children crossing borders for begging.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 21.5 million leks ($184,630) to NGO-run shelters to support 29 staff salaries, compared with 21.6 million leks ($185,490) to support 29 staff salaries in 2018. The government provided an additional 6.8 million leks ($58,390) for food support to NGO-run shelters, compared with 5.2 million leks ($44,650) in 2018. The government allocated 20.9 million leks ($179,480) to the government-run shelter, compared with 22.5 million leks ($193,220) in 2018. The government did not transfer resources to a fund of seized criminal assets for victim support services in 2018 or 2019. Funding for NGO-run shelters steadily increased over the past four years, but NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. Additionally, funding delays hindered shelter operations, and the government decentralized funding mechanisms for all social programs to municipal governments in 2019. Municipality grants prioritized NGOs that provided local assistance rather than the national scope needed for trafficking shelters, and experts alleged solicitation and bidding procedures at the municipal level were rife with corruption. The four shelters constituted the National Coalition of Anti-Trafficking Shelters (NCATS); victims who required services not available in one shelter were referred to another shelter within the coalition. NCATS and the government provided assistance to 115 officially recognized and potential victims (78 in 2018), including food, mental health counseling, legal assistance, health care, educational services, employment services, assistance to victims' children, financial support, long-term accommodation, social activities, vocational training, and post-reintegration follow-up. The government provided vocational training for 45 officially recognized and potential victims; however, experts reported a lack of resources for long-term care and reintegration efforts, particularly for child victims and victims with children. For example, the Ministry of Health and Social Protection did not approve funds for the government-run shelter to hire a part-time teacher for victims unable to attend school. Similarly, the government provided free textbooks to children in "social economic difficulties," but the definition of that phrase did not explicitly include trafficking victims, and some regional directorates of the Ministry of Education used that omission to exclude child victims from receiving free textbooks. NGO-run shelters allowed adult victims to leave the shelter voluntarily; the state-run shelter required victims to receive permission from the shelter director for their security. One NGO-run shelter provided specialized services for victims under the age of 18 and rented apartments for male victims, where they received assistance from NGOs. Observers reported the shelters in the NCATS had professional staff and good quality of care. Experts reported first responders referred some individuals who were not trafficking victims to the government-run shelter, including individuals with mental health issues, migrants, and victims of other crimes. Foreign victims had access to the same services as domestic victims; the law provided foreign victims a three-month "reflection period" with temporary residency status and authorization to work for up to two years. The government granted or renewed residency to one foreign victim (seven in 2018).

Unlike previous years, the government did not knowingly penalize victims, but it may have penalized some trafficking victims unknowingly due to inadequate identification efforts. Fourteen victims cooperated with law enforcement in investigations and prosecutions (five in 2017); however, the government did not consistently apply a victim-centered approach in investigations and prosecutions. In previous years, law enforcement did not consistently offer sufficient security and support, and victims and their families received threats during court proceedings. SPAK possessed equipment that allowed testimony via video conferences, which was used in one case (the Serious Crimes Court used one in 2018). Victims who testified against traffickers had access to the witness protection program; one victim participated in the program (none in 2018). The government established the Development Center for Criminal Justice for Minors with four part-time prosecutors and a judicial police officer responsible for child protection in criminal proceedings. The government hired an additional 19 victim assistance coordinators for a total of 24, who provided legal assistance and guided victims in accessing services. Prosecutors did not seek restitution in criminal cases; no victims received restitution. Applicable law allowed victims to pursue compensation through civil suits. Authorities assisted in the voluntary repatriation of six Albanian victims (three in 2018). The government also repatriated a foreign victim to Kosovo (two in 2018).

PREVENTION

The government increased efforts to prevent trafficking. The government continued implementation of the 2018-2020 national action plan and allocated 488.9 million leks ($4.2 million) for

its implementation. The government allocated 9.5 million leks ($81,580) to the Office of the National Anti-Trafficking Coordinator (ONAC), compared with 11.9 million leks ($102,190) in 2018. ONAC, in cooperation with an international organization, produced a report assessing anti-trafficking efforts in Albania and published periodic reports on its website. The government maintained a multidisciplinary working group and a separate task force to develop and monitor anti-trafficking policies. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on prevention and victim assistance. NCATS and ONAC signed a memorandum of understanding, which set up the Advisory Board of Victims of Trafficking consisting of three survivors; the board met twice in 2019. ONAC held four meetings with stakeholders involved in the NRM but, as in previous years, observers reported prosecutors rarely attended NRM meetings.

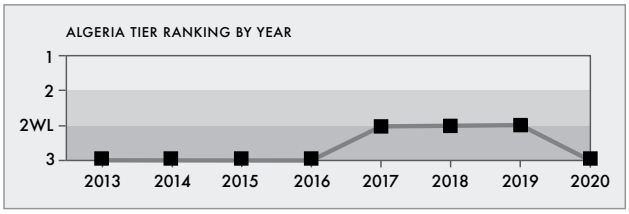
ONAC, in cooperation with civil society, conducted awareness campaigns for students, teachers, and the general public. The government also conducted informational meetings with representatives from the Romani and Balkan Egyptian communities. The government did not make efforts to regulate or punish labor recruiters for illegal practices that increased migrants' vulnerability to exploitation abroad. Labor inspectors did not have authority to inspect informal work activities, including unregistered businesses. The government drafted amendments to the law on public procurement to disqualify companies—including administrative personnel, leadership, or supervisory bodies—convicted of trafficking or exploitation of children from the competition for public contracts. The State Police Directorate's hotline received 11 calls but none were trafficking-related calls (three trafficking-related calls in 2018). The government did not take steps to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Albania, and traffickers exploit victims from Albania abroad. Traffickers exploit Albanian women and children in sex trafficking and forced labor within the country, especially during tourist season. Traffickers use false promises such as marriage or employment offers to force victims into sex trafficking. Children are commonly forced to beg or perform other types of compelled labor, such as selling small items. Traffickers exploit Albanian children, mainly from the Romani and Balkan-Egyptian communities, for seasonal work and forced begging. Isolated reports stated that traffickers exploit children through forced labor in cannabis fields in Albania, and some traffickers are likely involved in drug trafficking. Traffickers exploit Albanian victims in sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, Belgium, Germany, Switzerland, North Macedonia, Norway, the Netherlands, and the UK. Albanian migrants who seek employment in Western Europe face forced labor and forced criminality, particularly in the UK. Foreign victims from European countries and the Philippines are exploited in sex trafficking and forced labor in Albania. Irregular migrants from Asia are employed as domestic workers by wealthy families and are vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking.

ALGERIA: TIER 3

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Algeria was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including prosecuting some traffickers, identifying some victims, and continuing to implement its 2019-2021 national anti-trafficking action plan. The government also cooperated with an international organization to develop a draft anti-trafficking law and a draft national victim referral mechanism. However, the government prosecuted and convicted fewer traffickers and identified fewer victims in comparison to last year. The government remained without effective procedures and mechanisms to appropriately and proactively screen for, identify, and refer potential victims to protection services. Due to the government's ineffective screening measures for trafficking victims among vulnerable populations, such as African migrants, refugees, asylum-seekers, and individuals in commercial sex, authorities continued to punish some victims for unlawful acts traffickers compelled them to commit. The government's ongoing measures to deport undocumented migrants deterred some victims among this population from reporting trafficking crimes to the police or seeking much-needed assistance. Furthermore, the government did not provide protection services appropriate for the needs of trafficking victims, and it did not report how many victims received assistance.



PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of sex and labor trafficking offenders and punish them with adequate penalties, which should involve significant prison terms. • Amend the trafficking provision of the penal code to remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses. • Finalize and implement standardized procedures for victim identification and screening for use by border, security, and law enforcement officials who come in contact with vulnerable populations, such as undocumented foreign migrants, asylum-seekers, refugees, and persons in commercial sex. • Finalize and implement a formal national victim referral mechanism to refer victims to appropriate care. • Train law enforcement, judicial, labor inspectorate, health care officials, and social workers on victim identification and referral procedures. • Create a mechanism to identify trafficking victims among vulnerable populations for unlawful acts traffickers compelled them to commit before arresting, prosecuting, deporting, or otherwise punishing them. • Ensure victims of all forms of trafficking are referred to and receive protection services, including shelter appropriate for the needs of trafficking victims, adequate medical and psycho-social care, legal aid, and repatriation assistance. • Ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship. • Continue efforts to raise public awareness on the indicators and risks of trafficking. • Dedicate sufficient resources to and carry out implementation of the national anti-trafficking action plan.

PROSECUTION

The government prosecuted and convicted fewer traffickers compared to the previous year. Algeria criminalized most forms of sex trafficking and all forms of labor trafficking under Section 5 of its penal code and prescribed penalties of three to 10 years' imprisonment and fines of 300,000 to one million Algerian dinar

($2,530-$8,420). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 5 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Article 143 of Law 12-15 stated that crimes committed against children, including those involving sexual exploitation, would be vigorously penalized; it generally referenced other penal code provisions that could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. Law No.14-01, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of three to 20 years' imprisonment for individuals and groups convicted of committing or attempting to commit this crime; however, this law could be interpreted to include such non-trafficking crimes as migrant smuggling or illegal adoption.

The General Directorate of National Security (DGSN) maintained ten police brigades to combat human trafficking and illegal immigration. The DGSN and Gendarmerie also maintained special brigades dedicated to managing children's issues, including child trafficking. In 2019, the Gendarmerie and the DGSN dismantled more than 100 human smuggling groups and networks, but the ministries reported there were no incidents of human trafficking crimes allegedly committed by these groups. Furthermore, the government did not report how many alleged trafficking cases it investigated during the reporting period. In 2019, the government reported it prosecuted three cases involving 13 alleged traffickers; of these cases, two involved sexual exploitation and one involved both sexual exploitation and forced labor. The government did not convict any traffickers. This represented a decrease in comparison to 2018 when the government investigated and prosecuted 16 alleged perpetrators and convicted two traffickers. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during this reporting period. The government maintained four courts—based in Algiers, Constantine, Oran, and Ouargla—dedicated to cases involving transnational organized crime, under which trafficking was classified within the Algerian judicial system; however, the government did not report if any trafficking cases were tried in these courts during the reporting period. Government officials acknowledged that the biggest challenges for investigators and prosecutors were lack of highly qualified and well-trained investigators; difficulty understanding and identifying a trafficking crime; and inability to obtain victim statements, especially among African migrants.

The government reported it conducted two anti-trafficking trainings for judicial officials during the reporting period. Government officials also participated in several international and multilateral training sessions on human trafficking. The government continued to contribute to INTERPOL's databases on organized crime and human trafficking. The government also reportedly prioritized building police-to-police cooperation with other countries in Africa, including through AFRIPOL, to combat all crimes including human trafficking.

PROTECTION

The government identified fewer trafficking victims. Authorities continued to penalize unidentified victims and protection services specifically catered to the needs of trafficking victims remained lacking. Government officials and civil society partners acknowledged that authorities' lack of understanding about the crime of trafficking continued to be a challenge for victim identification efforts throughout the reporting period. Authorities did not consistently distinguish trafficking victims from irregular migrants and identifying trafficking victims among ethnically cohesive migrant communities. While NGOs and international organizations reported identifying several potential trafficking victims during the reporting period, the government did not report proactively identifying any victims other than those involved in active court cases. Fourteen victims were involved in cases in 2019, including one Algerian and three foreign children, and two Algerian and six foreign adults, compared with 34 victims the government identified in 2018. Likewise, the government did not report systematically screening for trafficking among vulnerable migrants, including those that it deported throughout the year, nor among individuals in commercial sex, refugees, or asylum-seekers—populations highly vulnerable to trafficking. The government did not have standard operating procedures (SOPs) or a formal mechanism to identify and refer victims to protection services. The government reported that judicial police, ministries, and local governors used an informal referral system to ensure victims received access to medical and psychological services and shelter; however, the government did not report how often relevant authorities used this system during the reporting period. Recognizing this deficiency, the government cooperated with an international organization to develop a formal national victim referral mechanism and, in June 2019, created an inter-ministerial working group dedicated to creating this mechanism. Separately, the DGSN reported that it drafted victim identification and referral SOPs for police officers. The government did not finalize the referral mechanism or the SOPs at the end of the reporting period.

Unidentified victims continued to face punishment—such as arrest, detention, prosecution, and deportation—for illegal migration, prostitution, and other unlawful acts traffickers compelled them to commit. For example, border and other security authorities continued to regularly deport African migrants—a highly vulnerable population to trafficking—and they lacked the manpower and capability to systematically screen each migrant for trafficking indicators. According to an international organization, authorities also deported some refugees and asylum-seekers, some of whom were trafficking victims, due to a lack of effective screening measures. Officials continued to rely on victims to report abuses to authorities, yet civil society groups observed that most trafficking victims in Algeria were undocumented migrants who typically did not report trafficking crimes to the police or file lawsuits against their traffickers. Although public services, such as healthcare and education, were available and free for foreigners in Algeria, many undocumented migrants avoided seeking public services out of fear of deportation. The government's deportation operations further discouraged foreign trafficking victims from making their presence known to authorities.

Victim protection services remained inadequate. The government did not provide shelter or other protection services specifically tailored to the needs of trafficking victims, nor did it track the specific resources it allocated to protection services during the reporting period. However, the government continued to report the Ministries of Health and Solidarity, as well as other ministries, could provide foreign and domestic trafficking victims with free services as needed, to include shelter, food, medical services, interpretation services, legal consultations, psychological counseling, and repatriation assistance. The government did not report how many victims received these services, nor did it report if any of the 14 identified victims, who were involved in court cases during the year, received services. The government reported it allowed relief from deportation for identified trafficking victims for an indefinite period of time and allowed all foreign victims to stay in Algeria temporarily; however, it did not grant work permits to trafficking victims while under temporary residency status. The government did not report encouraging victims to participate in the investigation and prosecution of traffickers; however, it

reported it could provide victims with access to a lawyer, police protection, and video testimony during trial. Trafficking victims were legally entitled to file civil suits against their offenders, but the government did not report cases in which victims did so during the reporting period. The government reported it would provide restitution to victims if the courts found the perpetrator guilty, but it did not provide an instance in which this occurred during the reporting period. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship during the reporting period.

PREVENTION

The government maintained efforts to prevent human trafficking. Popular protests that began in February 2019 and lasted throughout the reporting period stalled government progress on a range of governance initiatives, including anti-trafficking efforts. Nevertheless, the government continued to implement its national anti-trafficking action plan for 2019-2021, but it did not provide a breakdown of resource allocation for implementation of the plan. Since 2018, and throughout this reporting period, the national inter-ministerial anti-trafficking committee cooperated with an international organization to develop a stand-alone anti-trafficking law; however, the draft legislation was not finalized by the end of the reporting period. The presidential decree that formally institutionalized the committee required it to submit a report to the president on the situation of trafficking in Algeria; however, it did not provide a report in 2019. Throughout the reporting period, the government initiated several awareness-raising initiatives, and the anti-trafficking committee launched a website dedicated to human trafficking issues in July 2019. The National Council on Human Rights, which monitored and evaluated human rights issues in Algeria, continued to lead a sub-committee dedicated to human trafficking issues. The government continued to operate three hotlines, which were operational 24 hours a day, and a public website to report abuse and other crimes, including potential trafficking crimes; none of the hotlines reported receiving trafficking allegations in 2019. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Algeria. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Burkina Faso, Cameroon, Guinea, Liberia, and Nigeria are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and in some cases language barriers. Unaccompanied women and women traveling with children are also particularly vulnerable to sex trafficking and forced domestic work. Refugees and asylum-seekers are also vulnerable to trafficking either before or during their migration to Algeria. In some instances, traffickers use false promises of work, such as that in a beauty salon or restaurant, to recruit migrants to Algeria where they ultimately exploit them in sex trafficking or forced labor. More often, Sub-Saharan African men and women, often en route to Europe or in search of employment, enter Algeria voluntarily but illegally, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria until they can continue their journey and work in Algeria's informal job market. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in commercial sex acts to earn money to pay for their onward journey to Europe, which puts them at high risk of sex trafficking and debt bondage. Traffickers often use restaurants, houses, or informal worksites to exploit victims, making it difficult for authorities to locate traffickers and their victims. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, some employers reportedly force adult male and child migrants to work in the construction sector to pay for smuggling fees for onward migration, where employers restrict migrants' movement and withhold their salaries; some migrants on these construction sites report being afraid to seek medical assistance for fear of arrest by Algerian authorities. Female migrants in the southern city of Tamanrasset—the main transit point into Algeria for migrants—are exploited in debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and sex trafficking. Some migrants also fall into debt to fellow nationals who control segregated ethnic neighborhoods in Tamanrasset; these individuals pay migrants' debts to smugglers and then force the migrants into bonded labor or commercial sex. Tuareg and Maure smugglers and traffickers in northern Mali and southern Algeria force or coerce men to work as masons or mechanics; women to wash dishes, clothes, and cars; and children to draw water from wells in southern Algeria. Victims also report experiencing physical and sexual abuse at the hands of smugglers and traffickers. Civil society and international organizations reported in 2019 that migrant women pay smuggling networks to transport them internally within the country from Tamanrasset to Algiers where they sometimes experience sexual violence during the journey; in some cases, once arriving in Algiers, the networks force the women into domestic servitude or commercial sex in informal brothels in order to pay the smuggling fees.

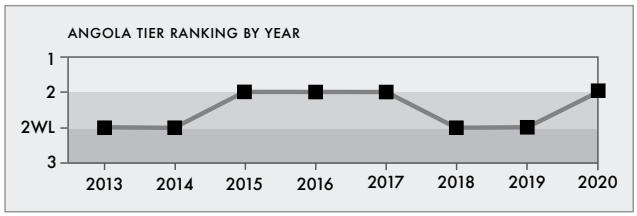
Foreign women and girls, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities nationwide, including in cities such as Tamanrasset and Algiers. In 2019, civil society organizations reported anecdotal reports that criminal networks exploit young adult women from sub-Saharan Africa, aged 18-19, in sex trafficking in Algeria. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to provide basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances of women prevented from leaving the home and raped by their "partner." In 2019, an NGO reported that Algerian women and girls are also vulnerable to sex trafficking rings, often as a result of financial difficulties or after running away from their homes; these incidents are reportedly clandestine in nature and therefore difficult for authorities and civil society actors to identify.

Criminal begging rings are common and were reportedly increasing in Algeria over the past several years. Media sources suggest leaders of begging networks coerce or force Sub-Saharan African migrant children to beg through the use of punishment. Local leaders suggest migrant children may also be coerced into work by their parents as a result of extreme economic pressures. According to credible sources in 2017, Nigerien female migrants begging in Algeria, who often carry children—sometimes rented from their mothers in Niger—may be forced labor victims. Furthermore, according to observers in 2017, Nigerien children, ranging from four- to eight-years-old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger.

ANGOLA: TIER 2

The government of Angola does not fully meet the minimum standards for the elimination of trafficking but is making significant

efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Angola was upgraded to Tier 2. These efforts included prosecuting more than four times the number of traffickers, taking law enforcement action against one official allegedly complicit in trafficking crimes and investigating another, and significantly increasing cross-border law enforcement cooperation. Law enforcement and social services implemented the standardized mechanism for victim identification and referred all victims to protective services—a notable increase from referring only half of identified victims to care last year. The government also passed a law expanding protective services, including immigration relief, for foreign victims and victim witnesses. The anti-trafficking commission finalized and launched a five-year national action plan and devoted resources to its implementation, including creating new line items in the national budget. However, the government did not meet the minimum standards in several key areas. Social services officials did not screen vulnerable populations, especially migrants along the border with the Democratic Republic of Congo (DRC) and individuals in commercial sex in Luanda. In addition, the government did not have procedures in place to oversee and regulate labor recruitment beyond periodic labor inspections.



PRIORITIZED RECOMMENDATIONS:

Implement and train front-line officials on standardized procedures for the proactive identification of victims among vulnerable groups, including foreign nationals such as Congolese, Namibians, and North Koreans, and refer victims to appropriate services. • Sentence convicted traffickers to significant prison terms. • Increase efforts to investigate and prosecute trafficking crimes, especially sex trafficking and labor trafficking in the construction sector and in animal herding. • Utilize the Southern African Development Community (SADC) data collection tool to improve efforts to collect, synthesize, and analyze nationwide law enforcement and victim protection data. • Increase efforts to provide shelter, counseling, and medical care for trafficking victims either directly or in partnership with NGOs. • Increase proactive engagement of the inter-ministerial commission to engage on anti-trafficking efforts. • Train law enforcement officials on the 2014 money laundering law's anti trafficking provisions.

PROSECUTION

The government increased law enforcement efforts. The 2014 Law on the Criminalization of Infractions Surrounding Money Laundering criminalized sex trafficking and labor trafficking. Article 18 criminalized slavery and servitude, as well as the buying and selling of a child under 14 years of age for adoption or for slavery, with a penalty of seven to 15 years' imprisonment. Article 19 criminalized the trafficking of adults and children for the purpose of sexual exploitation, forced labor, or trafficking in organs and prescribed penalties of eight to 12 years' imprisonment. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with the penalties for other serious crimes, such as rape. Additional provisions in the law also criminalized forms of sex trafficking. Article 20 criminalized enticing or forcing a person to practice prostitution in a foreign country, with a penalty of two to 10 years' imprisonment. Article 21 criminalized pimping using force, fraud, or coercion of adults and prescribed penalties of one to 6 years' imprisonment. Article 22 criminalized "pimping of minors" under the age of 18 and prescribed penalties of two to 10 years' imprisonment; if force, fraud or coercion was used or the child was less than 14 years old, the penalties were increased to five to 12 years' imprisonment. Article 23 made it a crime to entice children to engage in prostitution in a foreign country, with sentences of three to 12 years' imprisonment; with force, fraud or coercion, the sentence was increased to three to 15 years' imprisonment.

The government investigated 15 potential trafficking cases, 13 for forced labor, one for sex trafficking, and one for an unknown type of trafficking, compared with 23 investigations in the previous reporting period. Eleven of the cases originated in Cunene Province, which borders Namibia, two cases were in Zaire province, and the provinces of Huila and Luanda each had one case. The investigations involved at least 70 potential child and adult victims, primarily Angolan, and at least 21 perpetrators, primarily from Angola, Namibia, or the DRC. The government prosecuted 27 potential traffickers, a significant increase compared with prosecuting five alleged traffickers in the previous reporting period. The government convicted 10 traffickers—one more than during the previous reporting period. Nine of the 10 convictions were for an unknown type of trafficking that occurred in Cunene province and one conviction was for child sex trafficking in Luanda; sentences ranged from nine months to three years' imprisonment. In one child sex trafficking case involving a 16-year-old girl, the court sentenced the trafficker to only one year. The government charged an Angolan border guard in Cunene province for allegedly conspiring with a citizen of Namibia to force a woman and five boys into exploitative labor. In February, the government charged an Angolan army officer with smuggling and an investigation into a potential trafficking nexus was ongoing at the close of the reporting period. In March, the government charged five police officers with trafficking in persons, forced labor, organized crime, and falsification of documents for allegedly conspiring to force six Angolan minors to beg in Portugal, Italy, and France. The Angolan government cooperated with European authorities to share evidence and in order to locate one victim. The other five children were in protective care in Angola.

In coordination with international organizations, the government led training for front-line responders on all aspects of combating human trafficking, including for border guard and migration officers, investigative police, prosecutors, judges, and NGO legal counsel. In partnership with an international organization, the government trained 157 officials on the SADC data collection tool, which resulted in more comprehensive reporting of law enforcement data during the reporting period. The Ministry of Justice and Human Rights (MJHR) conducted three workshops on victim identification for Ministry of Interior (MOI) officers. The MJHR also trained 298 police officers at the police institute, and the National Police Academy continued to train officers on human trafficking provisions in the anti-trafficking law. In partnership with an international organization, MOI conducted a workshop for 25 interagency participants for the harmonization of the national referral mechanism. The MJHR trained 50 officials at the international airport in Luanda. The government increased joint law enforcement cooperation during the reporting period, actively engaging with authorities in Brazil, DRC, France, Namibia, Portugal, South Africa, and Zambia on investigations of potential trafficking cases. Angolan and Portuguese officials used their judicial cooperation agreement to facilitate the return of three Angolan children from Portugal; a second investigation was ongoing at the close of the reporting period. The government worked with international experts to improve law enforcement cooperation with regard to transnational criminal networks.

PROTECTION

The government increased protection efforts. The government identified and referred to care 36 trafficking victims, compared to 35 victims during the previous reporting period. Of those identified, 34 were children, including 17 girls and 17 boys, and two were sex trafficking victims of unknown age and gender. The government provided protective services for all victims, including foster care and family tracing services, an increase compared with providing only half of identified victims with care during the previous reporting period. The government increased funding across the national budget, including creating a separate line item for anti-trafficking activities. The government continued to widely distribute and use anti-trafficking manuals for law enforcement and civil society on the proactive identification of victims, which included procedures and best practices for interviewing potential victims, screening vulnerable groups, assessing risk, referring victims to protective services, and victim-centered protection guidelines. The government continued to report it had formal guidelines in six of Angola's 18 provinces to refer trafficking victims to care.

The National Institute of Children (INAC) received referrals of child victims and managed child support centers in all 18 provinces that provided food, shelter, basic education, and family reunification for crime victims younger than age 18. The Ministry of Social Action, Family and the Promotion of Women managed a national network of safe houses for women, counseling centers, and children's centers, which trafficking victims could access. The anti-trafficking commission completed a rapid assessment of protection resources available for trafficking victims, including the mapping of 114 counseling centers and residential shelters for child and adult trafficking victims throughout the country, and worked closely with civil society actors to strengthen cooperation. The government coordinated with the government of the DRC and partially funded the repatriation of a Congolese child trafficking victim. The government also cooperated with the government of Portugal to facilitate the return of three Angolan children to Angola. Upon their arrival, the government placed the children in a shelter while MJHR and INAC officials assessed the possibility of family reunification, ultimately placing them with their families and carrying out regular home visits to ensure the children received proper care. The government increased protections for foreign victims and witnesses by passing a law providing both groups, regardless of nationality, with access to immigration relief including residency, the right to seek asylum, government-provided legal representation, immunity from trafficking crimes, medical and mental health services, as well as financial support. The law provided child victims with family tracing assistance and access to education while in Angola. It also ensured that victims were only repatriated when their safety could be assured and allowed victims the choice to return to their home country independent of court proceedings. The government encouraged victim cooperation in the investigation and prosecution of trafficking cases and the new law admitted live teleconference testimony in court, providing victims the option to testify remotely in order to avoid interacting with their traffickers. In the absence of screening for indicators of trafficking, particularly on Angola's border with the DRC, authorities may have penalized victims for unlawful acts traffickers compelled them to commit.

PREVENTION

The government increased efforts to prevent human trafficking. The inter-ministerial commission—established in 2014 under the direction of the MJHR and the Ministry of Social Assistance and Reintegration—finalized and launched a comprehensive five-year national action plan to prevent and combat trafficking in persons and secured funding to implement activities within the plan. The Inter-Ministerial Commission to Combat Trafficking in Persons met internally. The MJHR organized four lectures to raise awareness among students and civil society of the dangers of trafficking. INAC conducted several trainings to raise awareness about child trafficking and distributed thousands of brochures in schools, children's shelters, and bus stations. The national police service sent text messages to citizens to raise awareness of the risk and vulnerabilities of traffickers utilizing telephonic messaging services. The MJHR gave an anti-trafficking lecture to 153 university students, spoke about trafficking in a radio broadcast and trained members of the community at youth community centers throughout the country. In February, following a speech by the Secretary of State for Human Rights, a state-owned newspaper published an article highlighting trafficking cases that had occurred within Angolan borders, raising awareness of widely-accepted exploitative practices like non- or under-payment of agricultural workers and the exploitation of rural youth in domestic servitude and alerting readers to the dangers of sex trafficking. The government entered its first three cases into the SADC regional data collection tool, which was launched during the previous reporting period, and coordinated closely with an international organization to report and resolve technical issues. In coordination with international organizations, the government continued to implement the Blue Heart Campaign to raise awareness about trafficking among the general public. The government did not have procedures in place to oversee and regulate labor recruitment beyond periodic labor inspections and reported it conducted 5,461 general labor inspections during the reporting period. The government closed informal diamond trading houses and unlicensed artisanal mine operations, and continued to implement new regulations to license artisanal mines where individuals were vulnerable to trafficking. The government opened civil registry offices in maternity hospitals throughout Angola's 18 provinces to facilitate issuance of temporary identification documents and launched a mobile campaign to rapidly issue identification documents in specific pilot areas. The MJHR operated a hotline for potential victims and for the public to report suspected trafficking cases, but it did not report how many calls it received or whether the government identified any victims via the hotline. The government did not report any efforts to reduce the demand for commercial sex. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

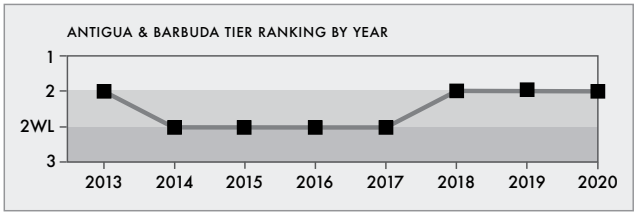
As reported over the past five years, human traffickers exploit domestic and foreign victims in Angola, and traffickers exploit victims from Angola abroad. Traffickers exploit Angolans, including minors, in forced labor in the brick-making, domestic service, construction, agriculture, and artisanal diamond mining sectors within the country. Angolan girls as young as 13 years old are victims of sex trafficking. Angolan adults use children younger than age 12 for forced criminal activity, because children cannot be criminally prosecuted. The provinces of Luanda, Benguela, and the border provinces of Cunene, Lunda Norte, Namibe, Uige, and Zaire are the most high-threat areas for trafficking activities. Traffickers take some Angolan boys to Namibia for forced labor in cattle herding, and force others to serve as couriers to transport illicit goods as part of a scheme to skirt import fees in cross-border trade with Namibia. Traffickers exploit Angolan women and children in forced labor in domestic service and sex trafficking in South Africa, Namibia, and European countries, including the Netherlands and Portugal.

Women from Brazil, Cuba, DRC, Namibia, and Vietnam engaged in commercial sex in Angola may be victims of sex trafficking. Traffickers exploit Brazilian, Chinese, Kenyan, Namibian, Southeast Asian, and possibly Congolese migrants in forced labor in Angola's construction industry; traffickers may withhold passports, threaten violence, deny food, and confine victims. Traffickers

coerce workers to continue work in unsafe conditions, which at times reportedly resulted in death. Chinese companies that have large construction or mining contracts bring Chinese workers to Angola; some companies do not disclose the terms and conditions of the work at the time of recruitment. North Koreans and Cubans working in Angola may have been forced to work by the North Korean and Cuban governments respectively. Undocumented Congolese migrants, including children, enter Angola for work in diamond-mining districts, where traffickers exploit some in forced labor or sex trafficking in mining camps. Trafficking networks recruit and transport Congolese girls as young as 12 years old from Kasai Occidental in the DRC to Angola for labor and sex trafficking.

ANTIGUA AND BARBUDA: TIER 2

The Government of Antigua and Barbuda does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Antigua and Barbuda remained on Tier 2. These efforts included increasing investigations and prosecutions, stronger international cooperation on trafficking case investigations, dedicating funding to victim protection, and increasing anti-trafficking law enforcement training and awareness raising. However, the government did not meet the minimum standards in key areas. The government identified and protected fewer victims, and the government has never convicted a trafficker.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, convict, and punish traffickers, including complicit officials. • Increase efforts to identify victims through proactive screening of vulnerable populations, such as migrants and individuals in commercial sex. • Implement standard operating procedures government-wide on proactive identification and referral of victims and train front-line agencies in indicators of forced labor and sex trafficking. • Increase trauma-informed training on trafficking for NGO, shelter, and social services staff to improve their ability to care for potential trafficking victims. • Target police, prosecutor, and judicial training on improved trafficking case evidence collection that is acceptable in court and police hearings. • Provide adequate funding to implement the national action plan across all agencies. • Develop formal agreements with international organizations and countries for cooperation and information sharing, including on evidence and data collection, as well as victim assistance. • Conduct and publish analysis of government anti-trafficking efforts and accomplishments.

PROSECUTION

The government increased prosecution efforts. The 2010 Trafficking In Persons (Prevention) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment and a fine of up to 400,000 Eastern Caribbean dollars ($148,150) for offenses involving an adult victim and up to 25 years' imprisonment and a fine of up to 600,000 Eastern Caribbean dollars ($222,220) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

Authorities investigated 10 cases of potential trafficking during the reporting period, compared with seven cases in 2018 and eight in 2017. Prosecutors determined two of the original 10 cases were trafficking, one sex trafficking, and the other domestic servitude. Out of the eight remaining cases, the police prevented a third potential labor trafficking case at the airport and referred the other seven cases to other authorities. The government did not report whether investigations for children reported to be at risk in the domestic service and retail sectors took place during the reporting period. Prosecutors charged three suspected traffickers from 2018 investigations during the reporting period. The government reported one trafficking prosecution is assigned to the high court, but the trial date will be delayed during a high court suspension of all trials due to the COVID-19 pandemic; the second trafficking prosecution was delayed while the government worked with INTERPOL to locate a repatriated victim. The government has never reported any trafficking convictions. In December 2019, the government amended the Trafficking In Persons Act to formally establish the Trafficking In Persons Prevention Committee (TPPC) under the Ministry of Public Safety and Labor with enforcement, research and victim advocacy functions, as well as staff accountability. The enforcement unit includes officers from police, immigration, Coast Guard, and the Office of National Drug Control Policy offices and reports to the TPPC. TPPC conducted a number of anti-trafficking trainings during the reporting year, reaching 92 police recruits and officers at the police academy and 25 police stationed at the dockyard in trafficking indicators. The task force also conducted trafficking awareness sessions for 118 customs officers, 18 taxi drivers, and 23 new airport staff.

The government reported the outcome of a 2018 police standards committee hearing with three police officers suspected of indirect involvement in a 2015 trafficking crimes case; the officers were found to be not guilty due to lack of sufficient evidence to prove the case. The police force typically chose administrative sanctions for officers suspected or implicated in trafficking rather than charging them with a crime under the country's trafficking laws. The government did not report any other investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The government is cooperating with the Governments of Guyana and Jamaica to investigate both current trafficking cases initiated in the reporting period.

PROTECTION

The government maintained minimal protection efforts. The government identified two victims, both adult females, one from Guyana for domestic servitude, and the other from Jamaica for sex trafficking, compared with five victims identified in 2018 and nine in 2017. There were anecdotal reports of parents and caregivers exploiting children in sex trafficking, but the government did not report investigating them. The government had formal written procedures to guide law enforcement, immigration, and social services officials in screening and identification of potential victims, although observers noted these were used inconsistently with forced labor victims. The Cases Task Force under the TPPC was responsible for screening and identifying victims of human trafficking and referring victims to an assigned victim care officer for care and protection. Both victims received medical care, lodging, clothing, and repatriation assistance and had the option of participating in an international agency reintegration program. The government provided 78,610 Eastern Caribbean dollars ($29,110) to the gender affairs department for victim care and support;

each victim also received contributions donated from businesses.

TPPC provided an on-call consultant physician to provide medical care to victims; the gender affairs division coordinated shelter on an ad-hoc basis. The victim care infrastructure consists of a network of providers coordinated by the gender affairs division under the TPPC. The government has a crisis center for trafficking victims, which includes victims of domestic violence and has a long-term shelter through an informal network organized by the Ministry of Public Safety. Both identified victims cooperated with law enforcement investigations. The government could provide temporary residency status as an alternative to their removal to countries where they may face hardship or retribution by traffickers; this assistance was not contingent on assisting law enforcement. The government allowed testimony via video or written statement, although it had not reported using these methods in court to date. In December 2019, child protection officers participated in a Caribbean conference to enhance professional knowledge and skills in child protection, including child trafficking.

PREVENTION

The government increased prevention efforts. The Permanent Secretary of the Ministry of National Security and Labor chaired the TPPC, which is the coordinating body for anti-trafficking efforts. The TPPC, which included representatives from various government agencies and one NGO, continued implementing the 2019-2021 national action plan. The government increased the total 2019 budget for anti-trafficking efforts to 452,150 Eastern Caribbean dollars ($167,460), including designated broadcasting funds, compared with the 2018 budget of 424,370 Eastern Caribbean dollars ($157,180). Although government agencies cited lack of funding as a key deficiency in increasing anti-trafficking efforts, the TPPC noted they had adequate funding during the reporting period.

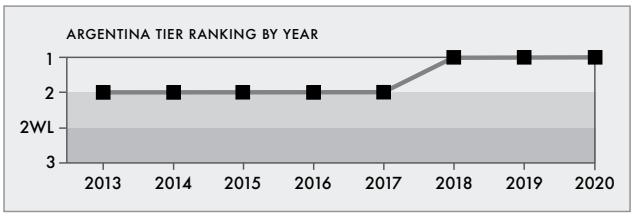
The working-level anti-trafficking unit within the Ministry of National Security worked under the TPPC on the coordination of anti-trafficking training and hosted a variety of anti-trafficking activities around the country. The TPPC made awareness presentations to schools, reaching more than 800 school and work-life students, teachers, and parents. For the third year, the government held a weeklong anti-trafficking fair and awareness walk, including more than 400 church members, hosted online chats on social media, produced public service announcements on four radio stations and a television station, and placed billboards around the country. The government also conducted anti-trafficking training with labor inspectors and immigration officials. The government disseminated a report from an internationally funded project to build capacity for anti-trafficking training and awareness activities and for strengthening regional cooperation. The government did not report any trafficking calls to the hotline, explaining that people prefer to call other emergency numbers or individual members of the TPPC with whom they are familiar; no calls of this nature were reported. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Antigua and Barbuda, and traffickers exploit victims from Antigua and Barbuda abroad. Documented and undocumented immigrants from the Caribbean region, notably Jamaica, Guyana, and the Dominican Republic, were identified as victims of sex trafficking and forced labor. Authorities reported an increased number of trafficking victims in multiple-destination trafficking, arriving in Antigua and Barbuda for a few months before their traffickers exploited them in other Caribbean countries, such as St. Kitts and Nevis and Barbados. Sex trafficking occurs in bars, taverns, and brothels, including with minor girls. There are anecdotal reports of parents and caregivers subjecting children to sex trafficking. Forced labor, including of children, occurs in domestic service and the retail sector, particularly in family-owned businesses. There were reports of trafficking-related complicity by police officers who tend to receive administrative sanctions instead of being tried under the trafficking law.

ARGENTINA: TIER 1

The Government of Argentina fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Argentina remained on Tier 1. These efforts included passing a new law to mandate and fund victim restitution in criminal cases and expanding a trafficking investigations database to include provincial data. Although the government meets the minimum standards, it investigated, prosecuted, and convicted fewer traffickers in 2019. Official complicity in trafficking crimes remained a concern, including within the witness protection program serving trafficking victims. The government did not allocate a dedicated budget to anti-trafficking efforts or provide dedicated housing for male victims, and the national anti-trafficking law considered force, fraud, or coercion to be aggravating factors rather than essential elements of the crime.



PRIORITIZED RECOMMENDATIONS:

Strengthen efforts to investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Document and address official complicity in trafficking through prosecution and conviction. • Revive efforts to address labor trafficking, including holding labor traffickers accountable and proactively identifying victims. • Revise the human trafficking law to make force, fraud, or coercion essential elements of the crime, rather than aggravating factors, as established under the 2000 UN TIP Protocol. • Provide dedicated and adequate funding to fully implement the national action plan. • Restructure the witness protection program to prevent abuse by agents and encompass trafficking victims' needs. • Improve victim assistance to include more specialized shelters and dedicated shelters for male victims. • Increase availability of mid- to long-term assistance for victims, including legal, medical, and employment services. • Increase the number of labor inspections and ensure that inspections are conducted in informal sectors and rural areas. • Strengthen coordination among the federal and provincial governments and NGOs. • Consistently implement victim restitution procedures. • Improve efforts to collect and integrate data on law enforcement statistics and victim assistance.

PROSECUTION

The government decreased law enforcement efforts. Law 26.842 of 2012 criminalized labor trafficking and sex trafficking and

prescribed punishments of four to eight years' imprisonment for offenses involving an adult victim, and 10 to 15 years for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime; penalties were increased to five to 10 years' imprisonment if such factors were involved. The law also defined trafficking broadly to include facilitating or profiting from the prostitution of others and the illegal sale of organs without the use of force, fraud, or coercion. Due to these inclusions, it was unknown how many of the cases prosecuted under Law 26.842 involved trafficking offenses as defined by international law.

Argentina's federal and provincial governments continued to compile law enforcement statistics separately, making it difficult to obtain comprehensive data and analyze trends across reporting periods. The Ministry of Security cooperated with judicial authorities on preliminary trafficking investigations. The special prosecutor's Human Trafficking and Exploitation Unit (PROTEX) opened 252 preliminary trafficking investigations in 2019. The government prosecuted 78 suspected traffickers in 41 cases (32 for sex trafficking, eight for labor trafficking, and one for both sex and labor trafficking) under the trafficking law, compared with 106 traffickers prosecuted in 2018 and 63 in 2017. The government convicted 53 traffickers in 29 cases (23 cases for sex trafficking, and four for labor trafficking), compared with 71 traffickers in 48 cases (30 cases for sex trafficking, 18 cases for labor trafficking) in 2018 and 38 traffickers in 32 cases in 2017. Half of mandatory prison terms exceeded five years. Nine convicted individuals did not serve time in prison or received suspended sentences during the reporting period. In some of these cases, the courts applied lesser penalties in sentencing defendants who committed trafficking crimes before the passage of the 2012 trafficking law. Other traffickers' sentences reflected accessory convictions or reductions through appeal. The federal government expanded its Federal Criminal Information System for the Crime of Trafficking in Persons, also referred to as SISTRATA, a trafficking investigations database, to include input from 92 percent of provincial governments. The government hosted one training session to familiarize provincial security forces with the system.

Corruption and official complicity in trafficking crimes remained significant obstacles to anti-trafficking efforts; although prosecutors opened at least four new trafficking cases involving current or former public officials, the government did not report any convictions. Courts in Buenos Aires province convicted two public officials accused of trafficking as accessories to related charges. In one case, the Federal Prosecutor's office requested the trial of a former police chief accused of exploiting women and transgender women in sex trafficking at brothels along a provincial route within his jurisdiction. In a second case, a Federal Lower Court indicted a First Sergeant for sex trafficking. In a third case, prosecutors initiated a criminal probe for seven accused traffickers who benefitted from police protection and political connections in the management of two Buenos Aires brothels. A fourth case, the result of investigations dating to 2010, centered on trafficking charges brought against two public officials connected to the commercial sexual exploitation of victims in private residences. Only a small share of cases involving complicity in trafficking received media coverage or resulted in prosecution and conviction. The government provided numerous anti-trafficking trainings to law enforcement, prosecutors, and judicial officials, among others. PROTEX cooperated in 18 international trafficking investigations during the year and requested the extradition of one trafficker facing multiple criminal charges, including sex trafficking.

PROTECTION

The government maintained protection efforts. The Rescue Program was the government office responsible for coordinating short-term emergency victim services; a separate entity, the National Secretariat for Childhood, Adolescence, and Family (SENAF), assisted foreign victims and victims identified in the autonomous city of Buenos Aires. In 2019, the Rescue Program reported assisting 1,438 victims compared to 1,501 victims in 2018 and 1,107 victims in 2017. The government did not report how many were victims of sex trafficking as opposed to labor trafficking, how many were foreign nationals, which agencies identified these victims, or whether this victim count was comprehensive. The government did not report whether SENAF coordinated any repatriations of foreign victims during the reporting period. During the reporting period, the government announced the development of a new virtual platform to compile victim assistance data from both the national and provincial levels; the database recorded victims' biographical information and their use of applicable services.

Federal officials had formal procedures for victim identification and assistance; however, in practice, the procedures to identify victims among vulnerable populations varied by province. Some front-line responders had limited understanding of trafficking. Law 27.362 provided a legal framework and more public defenders to secure rights and guarantees for victims of crimes, but victims and prosecutors did not utilize this law in any trafficking cases in the reporting period. SENAF and each provincial government were responsible for mid- and long-term assistance for foreign and domestic victims; experts noted the need for more integrated and comprehensive victim assistance. Regional governments in 10 provinces operated anti-trafficking centers that provided psychological, social, medical, and judicial assistance to trafficking victims. The government reportedly had 10 shelters spread across various provinces that trafficking victims could access; however, only two were specialized shelters. SENAF reported operating one shelter specifically for foreign victims, regardless of gender or age. The government did not operate or fund specialized trafficking shelters for male victims; consequently, the government often placed male victims in other government-funded shelters or in hotels for temporary housing. NGOs reported a need for specialized shelters, long-term housing, skills training and employment, childcare, legal assistance, and financial assistance for victims after testifying in court cases. NGOs also emphasized the need for improved implementation of a witness protection program that provided for victims' security and safety during trials. Some government officials acknowledged that the witness protection program, which was primarily designed for witnesses of drug trafficking, terrorism, and extortive kidnapping, was ill-suited to the needs of human trafficking victims. According to media, PROTEX was investigating a witness protection program agent accused of harassing program participants and forcing a participant's child into commercial sex. Foreign victims had the same access to care as Argentine nationals; however, foreign victims were sometimes unaware of available services. The government did not report funding allocations to support victim assistance.

The government encouraged victim participation in trafficking trials through an assistance framework whereby victims had access to psychological and legal support while preparing to testify. The Rescue Program provided tribunals with reports on the psychological state of victims and what requirements they might have to assist in the prosecution of their traffickers. Other support for victim testimony included the possibility of video testimony and the use of recorded testimony. Victims had limited success in securing compensation through civil suits against their traffickers. In July 2019, Law 27.508 established a trust fund for trafficking victims comprised of traffickers' forfeited assets and

began requiring criminal courts to award victim restitution at the time of traffickers' convictions. Under the new law, victims could also file civil suits to receive additional restitution. Courts applied Law 27.508 to grant victim restitution in seven cases in 2019.

PREVENTION

The government maintained prevention efforts. The Federal Council for Human Trafficking and the Executive Committee oversaw the implementation of the 2018-2020 national action plan. The government reported it had implemented 59 percent of the national anti-trafficking action plan. However, the government did not allocate a specific budget for the plan and observers remained concerned about the government's ability to fund its anti-trafficking programs. Observers noted the required steps to join the Federal Council limited NGO participation in the government's anti-trafficking efforts. In contrast with previous reporting periods, the government did not report efforts to combat labor trafficking in 2019. Authorities had the ability to penalize foreign labor recruiters for fraudulent recruiting, but it was not clear whether any penalties were assessed during the reporting period.

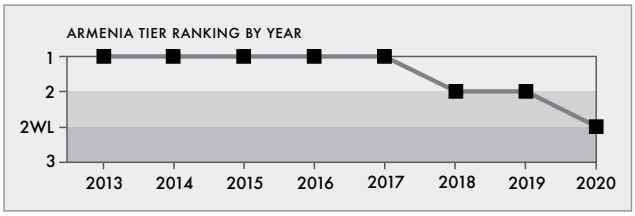
The government produced several new trafficking awareness campaigns at the federal, provincial, and municipal level, which it distributed to NGOs, civil society groups, and high school and university students. NGOs and experts continued to express concern about child sex tourism, although there were no reported investigations or prosecutions in the reporting period related to this crime. The Secretariat of Tourism hosted specialized workshops and distributed flyers amongst tourism professionals to increase awareness and prevent child sex trafficking. The Ministry of Justice and Human Rights operated the nationwide 1-4-5 trafficking hotline with response assistance from the Rescue Program. There were 1,809 trafficking-related calls during the year; of these, authorities referred 376 to the federal courts and 295 to the provincial courts. In November 2019, the Federal Council for Human Trafficking released the second edition of its Annual Report, which assessed the country's progress based on indicators laid out in the national action plan. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Argentina and, to a more limited extent, Argentine men, women, and children are victims of sex and labor trafficking in other countries. Traffickers exploit victims from other Latin American countries in Argentina, particularly the Dominican Republic, Paraguay, Peru, Bolivia, Uruguay, Venezuela, and Brazil. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Men, women, and children from Argentina, particularly the northern provinces; Bolivia; Paraguay; Peru; and other countries are exploited in forced labor in a variety of sectors, including the garment sector, agriculture, street vending, charcoal and brick production, domestic work, and small businesses. Traffickers exploit minors participating in domestic youth sports clubs in sex trafficking. Traffickers exploit Chinese citizens working in supermarkets to debt bondage. Traffickers compel trafficking victims to transport drugs through the country's borders. Official complicity, mainly at the sub-national level, is pervasive and continues to hinder the government's efforts to combat trafficking. Revelations in 2018 of an active child sex trafficking ring in Argentina's soccer minor league that victimized youth athletes raised concerns about child sex trafficking in domestic sports and athletic clubs.

ARMENIA: TIER 2 WATCH LIST

The Government of Armenia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made legislative amendments and regulations to strengthen the health and labor inspection body (HLIB) and provided training to law enforcement officials. Authorities increased the number of investigations and prosecutions and the Victim Identification Commission continued to function well with participants reporting good cooperation between government and civil society. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government had no convictions for the second year and has not had a forced labor conviction since 2014. The government identified eight victims, the fewest since 2012, and first responders continued to rely on victims to self-identify due to a lack of proactive identification efforts, such as standard indicators to screen vulnerable populations. Trafficking victims, like victims of other crimes, faced low access to justice, including an absence of victim-centered procedures and formal victim-witness protection measures. Therefore Armenia was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Articles 132 and 132-2. • Increase proactive identification efforts, such as developing standard operating procedures for screening trafficking victims and training officials on screening for trafficking among individuals in commercial sex, migrants, refugees, and other at-risk populations. • Provide advanced training on trafficking investigations and prosecutions. • Establish and implement preventative measures for child labor and potential child trafficking in state childcare institutions. • Adopt a national action plan and monitor and evaluate the implementation of anti-trafficking efforts. • Train investigators, prosecutors, and judges on victim-centered approaches, including for children. • Implement legal authorities for labor inspectors to conduct regular inspections and identify victims through unannounced visits. • Increase resources for reintegration services for victims. • Establish formal procedures for repatriating trafficking victims from abroad, including measures to cover logistical costs. • License, regulate, and educate local employment agencies and agents so they can help prevent the forced labor of Armenians abroad.

PROSECUTION

The government maintained law enforcement efforts. Articles 132 and 132-2 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government investigated 11 cases (nine in 2018). Of these, eight were forced labor cases and three were sex trafficking (five cases of forced labor and one case of both sex trafficking and forced labor in 2018). The government prosecuted three defendants for forced labor and one defendant for sex trafficking (one for forced labor in 2018). Courts did not

issue any convictions for sex trafficking in 2019 or 2018 and have not issued a forced labor conviction since 2014.

The Armenian police maintained an Anti-Trafficking Unit (ATU) that conducted an initial investigation and referred cases to the Investigative Committee (IC) for an in-depth investigation. Local police units continued to designate an officer as the main point of contact for trafficking within their jurisdiction. Civil society reported good cooperation with ATU and IC investigators; however, law enforcement authorities did not conduct proactive investigations and relied on victims to self-identify. The government reorganized ATU from the Organized Crime Department to the Department of Crimes against Human Beings and Property, which some experts feared may reduce ATU's time for proactive investigations, if they were called to assist in non-trafficking cases. Observers continued to report an absence of victim-centered approaches within law enforcement. Although the IC maintained 20 child-friendly interview rooms in five regional divisions, local investigators lacked the skills to properly interview victims, including children, resulting in inadmissible evidence and dropped prosecutions. Guidelines restricted interviews to four hours for adults and two hours for children, but observers reported cases in previous years where police repeatedly interrogated victims for long hours, including children up to 10 hours, increasing the risk of re-victimization. Additionally, investigations did not incorporate gender-sensitive approaches, such as the use of female medical professionals for invasive examinations on female victims. The IC or Prosecutor General's Office often dropped or reclassified cases categorized as trafficking by local police due to initial police incorrect categorization or lack of evidence. In 2019, one sex trafficking case was reclassified, four labor cases were dropped due to lack of evidence, and one was suspended due to the failure to identify the alleged traffickers; authorities referred the other six cases for prosecution (two cases were dropped and one reclassified in 2018).

The government trained 146 police officers, 54 judges, 86 investigators, 96 prosecutors, and 540 employees from penitentiary institutions on trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government did not conduct any international investigations or extraditions in 2019. Prosecution of forced labor cases involving Russia, where Armenian investigators continued to face difficulties collaborating with law enforcement, remained limited. Similarly, the absence of diplomatic relations with Turkey continued to hinder law enforcement and victim protection efforts for cases involving Turkey.

PROTECTION

The government maintained weak protection efforts. The government identified eight victims (nine in 2018). Of these, five were subjected to forced labor and three to sex trafficking (eight were subjected to forced labor and one to both sex trafficking and forced labor in 2018); two were children in both 2019 and 2018; four were male and four female (eight were males and one female in 2018); two victims were from Tajikistan and one from Iran (four foreign victims from India in 2018). The 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation prescribed identification, referral, and assistance procedures for relevant actors; however, experts continued to report a lack of proactive identification efforts and a reliance on victims to self-identify. The government did not provide standard indicators, and first responders did not screen vulnerable populations for trafficking indicators, including individuals in commercial sex and foreign migrant workers. The government provided temporary shelter, emergency medical aid, and psychological aid to potential trafficking victims during the "pre-identification stage," a stage where the government collected information on a potential victim within a maximum of 10 days. The Victim Identification Commission, which consisted of representatives from the Ministry of Labor and Social Affairs (MOLSA), the Prosecutor General's office, police, and NGOs, officially recognized victims based on information collected during the "pre-identification stage." Civil society continued to report the referral procedures functioned well, and they had positive cooperation with the government.

The government allocated 19 million drams ($40,000) in both 2019 and 2018 for victim protection efforts, including operational costs for an NGO-run shelter. The government and local NGOs jointly provided legal, medical, and psychological assistance; housing; a one-time monetary compensation of 250,000 drams ($530); and access to social, educational, and employment projects. The government offered free health care but relied on NGOs to provide legal assistance, including the cost for attorneys. Three victims received health care (three in 2018), and six victims received the one-time monetary compensation (six in 2018). The government amended the law to allow legal guardians of child victims to receive the one-time monetary compensation. The government maintained a cooperation agreement and partially funded one specialized NGO-run shelter to provide services to victims; the NGO-run shelter assisted four newly identified victims (three in 2018). The NGO-run shelter required adult victims to notify staff when they left shelters unescorted, but victims were free to leave if they no longer wanted assistance. Authorities afforded foreign victims the same rights and services as Armenian citizens. Male victims had access to the shelter and NGOs rented apartments; no male victims required accommodation (four in 2018). The government provided vocational training classes to victims, but civil society continued to provide the bulk of reintegration and long-term support services without government funding. Additionally, the government did not include trafficking victims in the list of vulnerable people eligible for state housing. The NGO-run shelter and childcare institutions accommodated child victims, but experts reported a shortage in accommodation and foster families for children, which resulted in some cases where authorities returned children to family members who were involved in their exploitation. GRETA and OSCE reported in 2017 cases of child labor and child abuse in state childcare institutions. The government did not provide training to social workers, compared to training 64 social workers on trafficking issues in 2018. The law designated the Ministry of Foreign Affairs (MFA) to coordinate repatriation of Armenian victims from abroad, but there was an absence of established procedures or funds to cover logistical costs; no victims required repatriation in 2019 or 2018. The law entitled foreign victims to a 30-day reflection period in which victims can recover before deciding whether to cooperate with law enforcement. The law also entitled foreign victims to receive a permanent residence permit, but applications required evidence of employment; one foreign victim received a permit.

In previous years, observers reported authorities may have penalized some sex trafficking victims with administrative fines due to inadequate identification. According to some non-governmental experts, law enforcement officers in some remote areas may lack information and training to inform victims of their rights to protection or assistance. Victims hesitated to assist in prosecutions due to a lack of confidentiality in public testimonies creating a fear of retaliation from traffickers and stigmatization from their family and community. Authorities did not fully protect victims' rights during court proceedings and victims, including children, appeared in front of their traffickers in court, risking re-traumatization. The government continued to lack a formal victim-witness protection program. The criminal procedure code and a 2016 decree mandated some victim-witness protection measures but none were used in 2019 and 2018. Victims were legally entitled to obtain restitution during criminal proceedings or through a separate civil suit. In previous years, judges had

not issued damages in civil suits, asserting that victims did not substantiate the financial damages they had suffered. The law allowed investigators to place defendants' property in custody to fund potential civil claims, but this rarely occurred in practice.

PREVENTION

The government decreased prevention efforts during the year. The Anti-trafficking Ministerial Council and the Inter-Agency Working Group against Trafficking in Persons (IWGTP) did not monitor or carry out anti-trafficking efforts during the reporting period as the government reorganized, absorbed, or eliminated entities previously responsible for many of the relevant actions. The MFA transferred the mandate of coordinating the IWGTP to MOLSA. The government drafted a 2019-2021 national action plan (NAP), but did not adopt the NAP and observers reported it did not assess the impact and outcomes of the 2016-2018 NAP. The Ministry of Education, Science, Culture, and Sports funded an anti-trafficking website and hosted an annual award ceremony for journalists publishing trafficking stories. Military and law enforcement officials conducted awareness campaigns for staff and students. MOLSA also allocated 786,000 drams ($1,650) to produce a public service announcement on trafficking.

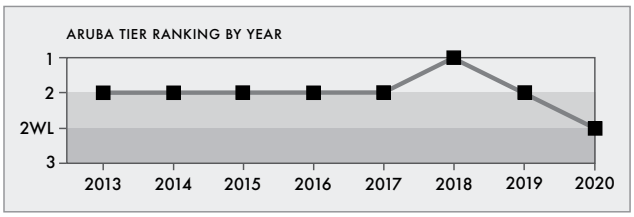
There was no mechanism for oversight and regulation of labor recruitment agencies. The Ministry of Health formed the Health Inspection Body (HIB) in 2017, but its mandate was limited to workplace health and safety inspections and it did not have authority to conduct unannounced inspections. However, the government passed legislative amendments in December 2019 to reform the HIB as the HLIB with a strengthened authority and mandate, including the authority to conduct labor inspections with risk assessment methodologies and inspection checklists. Government agencies posted trafficking information on their websites, including information on hotlines operated by police and NGOs; the government did not report the number of calls. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Armenia, as well as victims from Armenia abroad. Some of the Armenian migrants who seek employment in Russia, the United Arab Emirates (UAE), and Turkey face forced labor, often following recruitment fraud and exorbitant recruitment fees charged by labor brokers; Armenian women and children may also be exploited in sex trafficking in the UAE and Turkey. Armenian women and children may be exploited in sex and labor trafficking and forced begging within the country. Some children work in agriculture, construction, and service provision within the country, where they are vulnerable to labor trafficking. Ukrainian, Belarusian, and Russian women working as dancers in nightclubs are vulnerable to sex trafficking. Traffickers may target an increasing number of Indian migrants who willingly seek employment in the informal sector and face forced labor. Men in rural areas with little education and children staying in childcare institutions remain highly vulnerable to trafficking.

ARUBA: TIER 2 WATCH LIST

The Government of Aruba does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included providing anti-trafficking training for officials and continuing an awareness campaign. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Officials investigated fewer trafficking cases, did not report identifying any victims, and did not report prosecuting or convicting any trafficking cases in 2019. Authorities reported the influx of Venezuelan migrants and refugees continued to impact Aruba's efforts to combat trafficking; however, Venezuelans were also particularly vulnerable to trafficking, and authorities did not identify any victims and did not investigate trafficking crimes against them. In addition, officials conflated trafficking in persons with migrant smuggling, hindering the effectiveness of prosecution, prevention, and protection efforts. Therefore Aruba was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to significant prison terms. • Amend existing legislation to ensure penalties prescribed for sex trafficking offenses are commensurate with those prescribed for other serious crimes, such as rape. • Proactively identify victims among all vulnerable groups, including women in commercial sex, those who hold "adult entertainment" visas, domestic workers, and migrants working in construction, supermarkets, and retail. • Implement guidelines for proactive victim identification and increase referral of possible trafficking victims among Venezuelan migrants and refugees. • Train law enforcement officials, coast guard, labor inspectors, prosecutors, and judges on victim-centered approaches to trafficking cases. • Provide information to all migrant workers and tourists arriving in Aruba on their rights and resources for assistance, including Venezuelans. • Formalize agreements with local NGOs and private sector accommodations to shelter adult and child victims. • Implement the strategy for the construction of the multifaceted shelter for victims of crimes, including trafficking.

PROSECUTION

The government decreased prosecution efforts. Article 2:239 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment or a fine for offenses involving a victim 16 years of age or older and up to 12 years' imprisonment or a fine for those involving a victim under the age of 16. These penalties were sufficiently stringent and, with respect to sex trafficking of victims under the age of 16, commensurate with those prescribed for other serious crimes, such as rape. However, for sex trafficking offenses involving victims 16 years of age or older, these penalties were not commensurate with those prescribed for other serious crimes, such as rape.

Officials reported Venezuelan-related smuggling cases overwhelmed the country's ability to investigate trafficking crimes commensurate with the likely scale of the phenomenon. Authorities reported investigating one potential trafficking case, compared to three investigations in 2018 and seven in 2017. Officials did not report prosecuting or convicting any trafficking

• Aruba is an autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, Aruba is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Aruba would be assessed if it were a separate, independent country.

cases in 2019, compared with one prosecution and one conviction under smuggling charges in 2018. The government did not report investigating, prosecuting, or convicting any government employees complicit in trafficking offenses.

The government provided anti-trafficking training to an unknown number of law enforcement officials through the Academy for Justice and Security. Following the training's conclusion, officials issued graduates "Quick Reference Cards" (QRCs) that included relevant criminal articles; a list of trafficking indicators; standard operating procedures to use following identification of a potential trafficking case; and contact information to use when referring victims.

PROTECTION

The government decreased protection efforts. Multi-disciplinary teams consisting of police, labor, and immigration officials continued to operate; however, the government did not report identifying any victims in 2019, compared with two in 2018, 71 in 2017, and nine in 2016. The anti-trafficking task force continued to provide law enforcement and social services officials with a checklist of the most common signs of trafficking, which was used in concert with the government's QRCs. Authorities reported the influx of Venezuelan migrants and refugees overstaying their visas and working illegally—beginning in 2018—continued to impact Aruba's efforts to combat trafficking. Although authorities reported screening illegal migrants for trafficking indicators ahead of deportation, some members of civil society claimed to have seen an increase of trafficking victims seeking assistance. The government had a formal victim referral mechanism to guide officials; however, the government did not report referring victims using this mechanism.

The government maintained informal verbal agreements with local NGOs and private sector accommodations to shelter adult and child victims of trafficking. Authorities placed unaccompanied child victims in foster care centers, foster homes, or local churches. Officials conducted risk assessments before deciding whether victims could leave shelters unchaperoned; authorities restricted victims' movement if their lives were threatened. The government reported finalizing a plan for the development of a multifunctional shelter with the capacity to house 20 victims in the Dutch Caribbean; officials stated the government will implement the plan in 2020. Authorities did not report whether any victims assisted the government in the prosecution of their traffickers during the reporting period.

Although foreign victims were entitled to the same rights and protection as Arubans, the government did not report how many received benefits. The law authorized the extension of temporary immigration relief for foreign victims for three to six months on a case-by-case basis and allowed foreign victims to change employers if they were suspected of exploiting workers. Authorities did not report whether any victims received these benefits. The criminal code enabled victims to file civil suits against traffickers and if the trial resulted from a criminal investigation, the victim could seek compensation not to exceed 50,000 florin ($28,090) for financial and emotional damages. The Bureau of Victim Assistance operated a hotline for potential victims of all crimes, including trafficking; however, the government did not identify any victims using the hotline for the second consecutive year.

PREVENTION

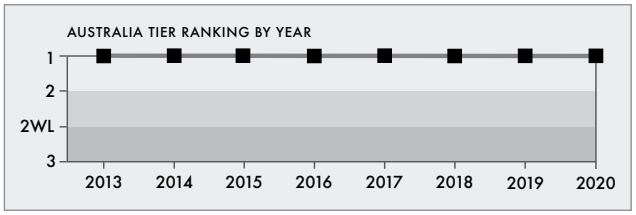
The government maintained minimal prevention efforts. Authorities continued to implement the 2018-2022 national action plan and made a request to parliament for an annual budget. Officials continued to raise awareness of trafficking and the hotline via social media, posters, and flyers in four languages. Authorities disseminated a 2018 documentary on trafficking, which was produced and financed by a local TV station. The government reported using the content of the video to train local officials; however, authorities did not report how many officials were trained. Officials continued procedures to screen and inform adult entertainers from Colombia, who were required to meet with consular officers to ensure the applicants knew their rights and work agreement before picking up their in-flight letter at the Kingdom of the Netherlands embassy in Colombia. Upon arrival, such visa recipients received information about their rights, risks, and resources. The government did not report efforts to reduce the demand for commercial sex. In 2019, the Netherlands reportedly revoked its administrative support for the Counter Trafficking and Smuggling Taskforce and the National Counter Trafficking and Smuggling Coordinator.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Aruba. Traffickers exploit Venezuelan women in sex trafficking and foreign men and women in forced labor in Aruba's service and construction industries. Due to the deteriorating situation in Venezuela, the number of Venezuelans overstaying their visas continued to increase, leaving many with expired documentation and a corresponding increased risk for trafficking. Families, business owners, and criminals exploit some of these Venezuelans in forced labor in domestic service, construction, and commercial sex, respectively. Supermarket managers subject Chinese men and women to forced labor in grocery stores; business owners and families subject Indian men to forced labor in the retail sector and domestic service, respectively; and Arubans force Caribbean and South American women into domestic servitude. Women in regulated and unregulated commercial sex, domestic workers, and employees of small retail shops are most at risk of trafficking. Managers of Chinese-owned supermarkets and restaurants may subject children to sex trafficking and forced labor. There were reports foreigners visited Aruba to exploit minors in sex tourism.

AUSTRALIA: TIER 1

The Government of Australia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Australia remained on Tier 1. These efforts included increasing investigations, prosecutions, and convictions for trafficking offenses, increasing staffing and funding levels in the Witness Assistance Service to provide support to victims of trafficking testifying against their traffickers, and increasing efforts to combat child sex trafficking by Australians overseas. Although the government meets the minimum standards, it did not adequately screen several vulnerable groups traffickers may target, including domestic workers and migrant workers, which at times possibly resulted in the penalization of unidentified victims. The government also did not publish its annual assessment of progress implementing the National Action Plan for a second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Significantly strengthen efforts to investigate and prosecute trafficking offenses pursuant to trafficking laws, with increased focus on pursuing labor trafficking crimes instead of labor or employment violations, and sentence convicted traffickers to significant prison terms. • Significantly strengthen efforts to proactively identify trafficking victims among vulnerable groups, such as undocumented migrants, agricultural and hospitality industry workers, and domestic workers, and to refer those victims to appropriate government authorities. • De-link the provision of services from participation in the criminal justice process and increase services available to victims who are unable or unwilling to participate in the criminal justice process. • Ensure that the statutory definition of trafficking under the criminal code does not require movement of the victim as an element of the crime. • Increase efforts to train police, immigration officials, and other front-line officers, both offshore and onshore, to recognize indicators of trafficking and respond to suspected cases of both sex and labor trafficking. • Establish the National Labour Hire Registration Scheme with sufficient compliance tools. • Increase training for prosecutors and judges on Australian trafficking laws. • Conduct initial screening interviews with potential victims in a safe and neutral location and in the presence of a social service professional. • Consider establishing a national compensation scheme for trafficking victims. • Implement or fund awareness campaigns, particularly among rural communities and migrant populations, including international students, vulnerable to forced labor. • Strengthen efforts to prosecute and convict Australian child sex tourists. • Increase efforts to investigate and hold accountable foreign diplomats posted in Australia suspected of complicity in trafficking. • Resume publication of the government's annual assessment of progress implementing its National Action Plan.

PROSECUTION

The government increased law enforcement efforts. Divisions 270 and 271 of the Commonwealth Criminal Code, when read together, criminalized sex trafficking and labor trafficking. Inconsistent with international law, the definition of "trafficking" under Division 271 required the element of movement of a victim. However, Division 270, which criminalized "slavery," "servitude," and "forced labor" offenses, could be utilized to prosecute trafficking offenses that did not involve victim movement. Division 271 prescribed penalties of up to 12 years' imprisonment for offenses involving an adult victim and up to 25 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Division 270 prescribed penalties of up to 25 years' imprisonment for slavery, up to 15 years' imprisonment for servitude, and up to nine years' imprisonment for forced labor. These penalties were all sufficiently stringent.

In 2019, the government referred 213 suspected cases of trafficking for possible investigation, an increase compared with 179 in 2018 and 166 in 2017, and initiated prosecutions against nine defendants, also an increase compared with two in 2018 and six in 2017. Authorities continued prosecutions from previous reporting periods against 12 defendants. The government secured convictions in two cases against three defendants under the trafficking provisions of the criminal code, compared with zero convictions in 2018 and five in 2017. One case involved two defendants for forced labor of a Fijian domestic worker; courts sentenced the traffickers to five and six years' imprisonment. Courts convicted the other defendant for sex trafficking of two Thai migrants and sentenced her to eight years' imprisonment. The government also prosecuted 30 defendants for engaging in, or planning, sexual activity with children overseas (some of these cases were initiated in the previous reporting period); efforts led to 10 convictions (11 prosecutions with no convictions reported in 2018, four prosecutions in 2017). Authorities often opted to pursue labor or employment violations in lieu of trafficking charges, resulting in potential labor traffickers receiving only fines and other civil penalties that were inadequate to deter trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The government funded and facilitated training on trafficking investigations, legal provisions, and victim support for approximately 170 Australian Federal Police (AFP), prosecutors, and other law enforcement officers and approximately 400 immigration officials. In September 2019, the government enacted new amendments to combat further child sex trafficking within Australia, overseas, and online, and initiated prosecutions for the new offense of possessing child sex abuse material sourced by a communications carriage service.

PROTECTION

The government increased efforts to protect victims. Authorities identified 84 potential victims, including 54 for sex trafficking and/or forced labor—an increase compared with 41 sex trafficking and/or forced labor victims identified in 2018 and 38 in 2017; for the remainder of victims, the form of exploitation was unclear. Seventeen of the potential victims were younger than 18 years old. Authorities referred all 84 potential victims to the Australian government's NGO-implemented Support for Trafficked People Program (support program). The government also assisted 17 potential Australian trafficking victims abroad (25 in 2018 and 21 in 2017); however, it was not clear how many of these individuals were victims of trafficking compared to victims of forced marriage or individuals vulnerable to forced marriage. Authorities identified most victims through the efforts of joint agencies, task forces, and cooperative action with foreign governments. Authorities utilized a list of indicators to identify trafficking victims and refer them to services; however, authorities did not routinely screen for indicators of trafficking among offshore migrants and onshore agricultural, hospitality industry, and domestic workers, and authorities often linked trafficking to migration. The government did not report screening for trafficking indicators among individuals smuggled via sea before forcing intercepted boats back outside of Australian territorial waters, or among refugees and asylum-seekers held in offshore detention centers. Due to a lack of formal identification procedures for this offshore population, some victims may have remained unidentified. Immigration authorities forcibly deported some asylum-seekers who may have been vulnerable to traffickers upon their return to their home countries. Government policy sought to prevent victims from being held in immigration detention or otherwise penalized for actions taken solely as a result of their exploitation, and the government provided temporary visas to identified and eligible victims. Civil society previously reported some victims may have been reluctant to communicate with law enforcement officers due to fear of detainment and deportation.

Authorities provided formally identified trafficking victims with accommodation, living expenses, legal advice, health services, vocational training, and counseling through the support program. The government allocated 2.25 million Australian dollars ($1.58 million) to the support program in the 2019-2020 funding year (2.22 million Australian dollars ($1.56 million) during the 2018-2019 funding year). Only the AFP had the legal authority to refer victims to the support program; experts reported this requirement prevented some victims from accessing needed support services. The government expanded the support program to include a fifth support stream; however, the new stream targeted victims of forced marriage who may or may not have been victims of trafficking. The assessment and intensive support stream assisted victims for up to 45 days irrespective of whether they were willing or able to assist with the investigation or prosecution of a human

trafficking or slavery-related offense. The extended intensive support stream allowed for an additional 45 days of access to the program on a case-by-case basis for victims willing to assist with investigation or prosecution but not yet able to do so due to age, ill health, trauma, or a practical impediment. Minors were automatically entitled to the extended support program, if in their best interests. The justice support stream aided victims until the finalization of their case investigation and/or prosecution. The temporary trial support stream assisted victims giving evidence pertaining to a human trafficking-related prosecution. The new forced marriage support stream provided those in or at risk of forced marriage—who may or may not have been trafficking victims—with up to 200 days of support without being required to participate in a criminal investigation or prosecution against perpetrators. NGOs previously reported the government denied access to or ceased provision of services to some victims who were unable or unwilling to participate in law enforcement investigations, or when investigation of their case ended. The government did not report on how it provided services to adults unable or unwilling to participate in law enforcement investigations. In 2019, the government provided 75 temporary stay visas to an unspecified number of foreign trafficking victims, and several victims received more than one visa (12 victims in 2018, 13 in 2017). It also granted permanent "referred stay" visas to fewer than five individuals (fewer than five in 2018, eight in 2017), including victims and their immediate family members, although some of these cases may have been forced marriage rather than trafficking. The government increased funding and staffing levels within the Commonwealth Director of Public Prosecutions' (CDPP) Witness Assistance Service, which provided support to victims of human trafficking during the court process. The government did not report whether prosecutors requested or courts provided restitution for victims. The government did not have a centralized victim compensation system, and victims relied on civil proceedings to access compensation.

PREVENTION

The government maintained efforts to prevent trafficking. The Australian Interdepartmental Committee on Human Trafficking and Slavery coordinated the government's anti-trafficking efforts. The government continued implementation of its five-year national action plan to combat trafficking. Launched in 2014, the plan funded research projects and facilitated awareness sessions for government agencies and civil society groups. The government also submitted its annual report to Parliament (but did not publicize the report for a second consecutive year) on progress implementing the action plan and invited public consultation on development of its next five-year action plan. The government established a Modern Slavery and Human Trafficking Branch within the Australian Border Force to lead the government's response to trafficking domestically within Australia. In July 2019, the government announced availability of almost 400,000 Australian dollars ($280,700) for NGOs to implement a community prevention program in Australia, a reduction from the prior period (500,000 Australian dollars ($350,880) for 2018-2019). NGOs implementing this program in 2019 focused on forced labor and forced marriage. The government, through the AFP, continued to operate a national hotline to report victims of trafficking.

The Modern Slavery Act, which required businesses and entities with annual revenue of 100 million Australian dollars ($70.18 million) or greater to publish an annual modern slavery statement detailing their efforts to combat modern slavery in their supply chains and operations, among other provisions, entered into force in January 2019. The government published final, detailed guidance to assist businesses with implementation of the act's requirements in September 2019. The Fair Work Ombudsman continued to prioritize prevention of potential labor exploitation—including human trafficking—amongst migrant workers, focusing on awareness in the horticulture and hospitality industries and among international students. An NGO reported that traffickers threatened to report to authorities some international students working hours in excess of mandatory limits as a means to exploit the students in forced labor. The government established a Migrant Workers' Interagency Group to implement recommendations from the February 2019 Migrant Workers Taskforce Report. One recommendation was to create a national Labour Hire Registration Scheme to require recruitment agencies in designated high-risk industries to register with the government and employers to use only these registered agencies. While this recommendation had not been implemented nationally at the close of the reporting period, similar registration schemes had been implemented in Queensland and South Australia in 2018 and in Victoria in 2019. An NGO reported severe lack of monitoring and enforcement of labor laws in rural parts of Australia, heightening risks of forced labor. Domestic workers within Australia, especially in the state of Western Australia, those lacking a contract, or residing within diplomatic households remained extremely vulnerable to exploitation due to the lack of clear protective oversight mechanisms relevant to these populations. However, an NGO reported that Western Australia authorities began reviewing its industrial relations framework to consider including domestic work in the definition of "employee" to bring such work under state regulation.

The government made efforts to reduce the demand for participation in international sex tourism of its citizens. It did so by continuing to publish materials for passport applicants outlining the application of Australian child sex trafficking laws to Australians overseas. The government cancelled 180 passports and denied 20 to registered child sex offenders during the reporting period (88 cancelled and 2,028 denied during the last reporting period, the first year these authorities were implemented) and provided 347 notifications to foreign law enforcement regarding traveling Australian child sex offenders (723 notifications last reporting period). The government did not make efforts to reduce the demand for commercial sex within Australia. The Department of Foreign Affairs and Trade conditioned the departure of diplomatic personnel to overseas posts on compliance with Australia's anti-trafficking legislation, and Home Affairs distributed a training package to its overseas staff and visa service providers. The government also trained peacekeepers on human trafficking prior to their deployments, although it provided few details on the content or results of such trainings.

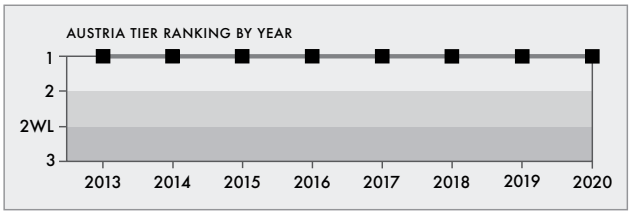
TRAFFICKING PROFILE

As reported over the last five years, human traffickers exploit domestic and foreign victims in every state and territory in Australia. Traffickers primarily exploit women and men in forced labor, and to a lesser extent, women and girls in sex trafficking. Traffickers exploit a small number of children, primarily teenage Australian and foreign girls, in sex trafficking within the country. Some women from Asia and, to a lesser extent, Eastern Europe and Africa, migrate to Australia to work legally or illegally in a number of sectors, including commercial sex. After their arrival, traffickers compel some of these women to enter or remain in commercial sex in both legal and illegal brothels, as well as massage parlors and private apartments. Traffickers hold some foreign women—and sometimes girls—in captivity, subject them to physical and sexual violence and intimidation, manipulate them through illegal drugs, and force them to pay off unexpected or inflated debts. Traffickers attempt to evade authorities by allowing victims to carry their passports while in brothels and frequently move the victims to different locations to prevent them from establishing relationships with civil society or other victims. Some victims of sex trafficking and some women who migrate to Australia for arranged or forced

marriages are exploited by their husbands or families in domestic servitude. Unscrupulous employers and labor agencies subject some men and women from Asia and several Pacific Islands who are recruited to work temporarily in Australia to forced labor in agriculture, cleaning, construction, hospitality and tourism, and domestic service. An investigation by the Fair Work Ombudsman found some fraudulent foreign contracting companies exploit farm workers in bonded labor. There are reported cases of forced labor and other forms of exploitation in the agriculture and horticulture sectors, where victims (often foreign migrants and often from Asia) are threatened against leaving their jobs or seeking help. Traffickers may exploit temporary migrants and international students in forced labor, especially when based in remote regions with limited access to support. Some identified victims are foreign citizens on student visas who pay significant placement and academic fees. Unscrupulous employers coerce students to work in excess of the terms of their visas, making them vulnerable to trafficking by exploiting fears of deportation for immigration violations. Some foreign diplomats allegedly subject domestic workers to forced labor in Australia. Recent changes to entitlements for diplomats in Australia may reduce slightly the overall number of foreign domestic workers in the country; however, instances of forced labor in domestic service are frequently undetected or unacknowledged by authorities and thus not captured in official statistics. Victims of domestic servitude in Australia work in extremely isolated circumstances with little to no oversight or regulation.

AUSTRIA: TIER 1

The Government of Austria fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Austria remained on Tier 1. These efforts included prosecuting and convicting more traffickers and sentencing more traffickers to significant prison terms. The government continued to implement a national referral mechanism and trained judges and prosecutors on victim restitution in criminal cases. Although the government meets the minimum standards, there were some gaps in the assistance referral process for potential victims of trafficking among migrants and asylum-seekers. The government identified relatively few child and labor trafficking victims and has not identified any Austrian trafficking victims in recent years.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify victims among vulnerable groups—including children, asylum-seekers, and individuals in commercial sex—and ensure all victims have access to services. • Increase efforts to identify victims of labor trafficking, such as by training front-line responders to recognize indicators of labor trafficking, including subtle means of fraud or coercion. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms, consistent with those imposed for other serious crimes, such as rape. • Continue to strengthen cooperation with source country governments to promote awareness of trafficking among potential victims and to prosecute transnational trafficking rings. • Increase efforts to identify potential victims among Austrian citizens. • Increase the level of detail contained in the government law enforcement database on investigations, prosecutions, convictions, and sentencing to include all cases of trafficking and disaggregate information on convictions and sentencing where defendants have committed multiple crimes. • Appoint an independent national anti-trafficking rapporteur.

PROSECUTION

The government modestly increased law enforcement efforts. Article 104a of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of six months' to five years' imprisonment for offenses involving an adult victim, and one to 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. Authorities also prosecuted sex trafficking under Article 217, which criminalized all transnational prostitution and prescribed penalties of one to 10 years' imprisonment when a trafficker induced a foreign individual to engage in prostitution by force, fraud, or coercion.

The Federal Crime Office's (FCO) human trafficking and smuggling service led the government's efforts to investigate trafficking crimes and coordinated joint investigations with foreign law enforcement when necessary. Many public prosecutors' offices had specialized anti-trafficking divisions and some courts had specialized judges. The government conducted 66 investigations involving at least 102 suspects under Article 104a, compared with 71 investigations of 129 suspects in 2018 and 94 investigations of 144 suspects in 2017. The government initiated prosecutions against eight defendants and continued 13 ongoing prosecutions in 2019, compared with 16 total prosecutions in 2018 and 19 in 2017. Courts convicted 10 traffickers under Article 104a, compared with eight in 2018 and three in 2017. The government prosecuted 22 defendants and convicted nine under Article 217, but it did not specify how many involved trafficking offenses. The government statistics agency published comprehensive data on criminal cases, including convictions and sentences, but it classified multi-offense convictions by the crime that carried the most severe punishment; some trafficking crimes may have been recorded as other offenses. The most recent data the agency published on prison sentences was from 2018, when courts sentenced five traffickers under Article 104a. One received a prison term of three to five years, two received terms of one to three years, one received a partially suspended sentence of two to three years, and one received a suspended sentence of three to six months. Additionally, one individual convicted under Article 217 received a partially suspended sentence of one to two years. Despite the lack of comprehensive data for 2019, individual case reports provided some sentencing information. In one case, from June 2019, a Vienna court convicted five traffickers; the court issued one prison sentence of five years, three sentences of four to six years, and one partially suspended three-year sentence. In a July 2019 case, courts sentenced one trafficker to a 42-month prison term and another to a partially suspended two-year sentence. An international organization expressed concern that authorities were sometimes confused about whether to charge a suspected trafficker under Article 104a or Article 217, as the transnational prostitution statute pre-dated the trafficking law but still applied to trafficking crimes. The international organization noted this confusion could lead to gaps in data collection, including with respect to data on victim identification.

The government, assisted by an NGO, provided specialized training to authorities, including law enforcement, border control, labor inspectors, prosecutors, and judicial personnel. Law enforcement officials received mandatory training on trafficking as part of their

basic training and had opportunities for additional training and seminars throughout their careers. The FCO increased efforts to train law enforcement on digital methods of combating trafficking in response to a rising trend in traffickers' use of social media and online recruitment. National and provincial governments cooperated with authorities from other countries, including neighboring EU countries, to investigate and prosecute trafficking cases. Authorities reported a case of forced labor in a diplomatic household; the case was ongoing at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained protection efforts. The government continued to implement a national referral mechanism, launched in November 2018, to identify adult victims and refer them to care. Authorities used guidelines and checklists to screen potential victims for indicators of trafficking and referred identified victims to NGOs for assistance. Government-funded NGOs provided shelter, medical and psychological care, legal assistance, and German language classes to adult victims, including specialized services for victims with disabilities. A separate referral mechanism for children guided local authorities in identifying and providing services to child victims. One government-funded NGO reported it provided services to 336 female victims and their children in 2019 (339 in 2018 and 327 in 2017), of whom police referred 109 and other government agencies referred 46. Some of these victims may have been children, as the organization provided assistance to women and girls age 15 years and older. Another NGO, which provided government-funded services for male victims, reported assisting 65 victims in 2019, although it did not specify how many of these were government referrals. As in previous years, the government did not identify any victims of Austrian citizenship. Although identification statistics did not disaggregate labor and sex trafficking cases, the majority of identified victims were exploited in sex trafficking. Experts noted, however, that the relatively low number of identified forced labor cases could be attributed to authorities' failure to recognize labor trafficking indicators rather than to low prevalence.

The government allocated €988,110 ($1.1 million) to specialized anti-trafficking NGOs to provide shelter, services, and legal support to victims in 2019, compared to €944,750 ($1.06 million) in 2018; it also allocated €274,590 ($308,530) to an NGO providing specialized services for male victims between April 2018 and December 2019. The Ministry of Labor provided an additional €410,000 ($460,670) for support of NGO-run counseling centers for male trafficking victims and undocumented migrants for the period from June 2018 to December 2019. Government funding comprised the bulk of support for these organizations. The city of Vienna funded a government-run center for unaccompanied minors, including child trafficking victims, offering legal, medical, psychological, social, and language assistance; the center reported it did not provide assistance to any child trafficking victims in 2019. The government provided training to NGOs working with migrants and asylum-seekers to help them identify trafficking victims among these groups. Law enforcement personnel screened individuals in commercial sex, including in brothels and massage parlors, for indicators of trafficking and monitored websites selling commercial sex to identify victims. The government funded NGOs to provide training on victim identification for law enforcement, labor inspectors, detention and asylum center authorities, border control, revenue officials, and military and diplomatic personnel.

The law provided for the protection of victims' rights during criminal proceedings. NGOs were permitted to accompany victims to hearings and interviews. Courts provided trauma-informed methods for presenting evidence and testimony when victims needed protection from traffickers during the investigation and prosecution phases. Victim protection procedures granted victims a 30-day reflection period to decide whether to assist in the prosecution of their traffickers; some NGOs reported concerns about inconsistencies in the reflection period and noted that victims were not always informed of this right. Victims' access to services was not dependent on their willingness to participate in the criminal process. The Ministry of Justice reported providing, via NGOs, psycho-social and legal assistance during criminal proceedings to 150 trafficking victims in 2019. Foreign trafficking victims from outside the EU had the right to temporary residency, with possible annual extensions, which allowed access to employment; victims from EU member states did not require residence permits. The government granted 13 residence permits and extended 24 permits to trafficking victims in 2019. Victims who chose to return to their country of origin received repatriation assistance from government-funded NGOs.

Victims could file civil suits against traffickers for damages and compensation, even in the absence of a criminal prosecution, and could still pursue civil suits in the event of an acquittal in the criminal case. Courts could award restitution upon criminal conviction; in 2019, courts awarded restitution to 25 victims in trafficking cases. The government organized training seminars for prosecutors and judges on victim compensation and the criminal process. The Ministry of Justice published guidelines for the non-punishment of victims for unlawful acts traffickers compelled them to commit. Administrative fines for illegal commercial sex or immigration violations were forgiven if the individual was found to be a victim of trafficking. However, gaps in victim identification may have left some victims unidentified in the law enforcement system. In one case in 2019, a victim was convicted for presenting fake identification to police during a brothel inspection; an appellate court overturned the conviction. Experts noted gaps in the government's referral process for suspected cases of exploitation among asylum-seekers; some migrants who showed signs of trafficking may have been sent to other countries in the EU without receiving services due to the government's enforcement of EU regulations on asylum-seekers.

PREVENTION

The government maintained efforts to prevent trafficking. A national anti-trafficking task force led the government's efforts and included representatives from federal ministries, provincial governments, NGOs, industry, and civil society. The task force included working groups to address issues of particular concern, including child sex trafficking and non-punishment of victims, and led the drafting and implementation of the National Action Plan for 2018-2020; the plan called for expanded training for officers in detention centers and staff of asylum centers, with a focus on victim identification. The government published an implementation report assessing its progress in combating trafficking under the previous national action plan, which covered the period from 2015-2017. A senior foreign ministry official headed the task force and served as the national anti-trafficking coordinator; Austria did not have an independent anti-trafficking rapporteur to evaluate the effectiveness of government efforts.

The government organized and funded public awareness events and programs, including a conference for approximately 400 participants from civil society, international organizations, and members of the diplomatic corps. It also continued its program to raise awareness in schools, subsidized anti-trafficking publications and television programming, and funded outreach activities to individuals in commercial sex. The ministry of labor provided an online resource for migrant workers that was available in seven languages and included information on labor laws, minimum

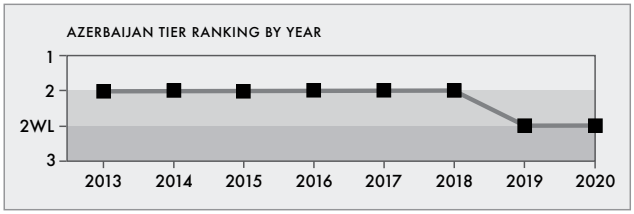
wage standards, collective agreements, and rights of workers; it also funded a counseling center for undocumented workers to inform them of their rights and assist those workers in exploitative situations. The government trained labor inspectors to identify trafficking victims using a set of guidelines developed by the national task force's labor trafficking working group and worked with business and labor organizations to raise awareness among seasonal agricultural workers. However, observers noted the labor inspectorate's mandate was limited to addressing health and safety conditions, which hindered inspectors' ability to respond to other exploitative work conditions. Austrian embassies and consulates in source countries informed visa applicants of the potential dangers of trafficking. The FCO operated a 24-hour trafficking hotline that received 500-600 calls and emails annually, with translation available in multiple languages. The foreign ministry continued efforts to prevent trafficking among employees of diplomatic households by holding events to inform them of their rights and by requiring them to obtain identification cards in person. The government partnered with neighboring governments and regional organizations to combat transnational trafficking; the FCO continued programs with China and Nigeria to combat cross-border trafficking and improve and expand joint investigations. The government made efforts to reduce the demand for commercial sex acts, including by distributing awareness materials on the possibility of sex trafficking in commercial sex and by regularly screening individuals in commercial sex for trafficking indicators. The government made efforts to reduce the demand for participation in international sex tourism by its citizens, including by airing an awareness video in places such as airports and hotels, as well as on outbound flights, and by raising awareness within the tourism industry. The government continued to enforce public procurement guidelines for the elimination of labor trafficking in the purchase of goods and services; the national action plan for 2018-2020 contained measures to address human trafficking in supply chains.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Austria. Traffickers exploit women and girls from Eastern Europe (especially Bulgaria, Hungary, Romania, and Slovakia), Southeast Asia, China, Nigeria, and South America in sex trafficking. More than 95 percent of identified victims are foreign women subjected to sex trafficking, and approximately 65 percent of trafficking victims come from EU member states. Traffickers exploit women from Nigeria and China in sex trafficking in massage parlors and brothels; many Nigerian victims arrive in Austria as asylum-seekers. Although no Austrian citizens have been identified as victims of trafficking in recent years, some Austrian women engage in activities such as commercial sex, which leave them vulnerable to trafficking. Sex trafficking is concentrated in urban areas but also occurs in smaller towns. Traffickers working in well-developed networks recruit sex trafficking victims with fraudulent offers of employment in restaurants and domestic service or by posing as potential romantic partners. Most traffickers are Austrian men or men from the same country as their victim; many are members of international organized crime groups. Observers note an increasing trend in labor trafficking. Traffickers exploit men and women from Eastern Europe, Southeast Asia, and China in forced labor, primarily in restaurants, construction, agriculture, health care, and domestic service, including in diplomatic households. Seasonal migrants are especially vulnerable to labor trafficking, particularly during the harvest seasons. Traffickers exploit children, physically and mentally disabled persons, and Roma in forced begging. Children, especially Romani girls, are also exploited in forced criminality. Traffickers use Austria as a transit point in moving victims to other European countries.

AZERBAIJAN: TIER 2 WATCH LIST

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting more traffickers and providing guidance to judges to issue stricter sentences for traffickers. The government established grants for civil society, significantly increased overall funding for victim protection, and recognized NGO leaders for their anti-trafficking efforts. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government identified fewer victims, did not regularly screen vulnerable populations, and continued to lack proactive identification efforts, particularly for Azerbaijani victims of internal trafficking. As a result, the government penalized victims due to inadequate identification. The government did not adopt the 2019-2023 national action plan. Therefore Azerbaijan remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Increase proactive identification efforts, particularly for internal trafficking, forced labor, and child trafficking. • Develop standard operating procedures (SOPs) and indicators for screening trafficking victims and train officials on screening for trafficking among individuals in commercial sex, migrants, children begging, and other at-risk populations. • Train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including for children, and provide advanced training on trafficking investigations and prosecutions. • Allocate adequate funding to NGO-run shelters providing victim support services. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. • Adopt specific procedures for children, including identification and referral procedures, indicators, and interview questions. • Adopt the 2019-2023 national action plan.

PROSECUTION

The government increased law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and Article 144 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment for offenses involving adult victims and eight to 10 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 25 cases with 27 suspects (28 cases with 34 suspects in 2018); 23 cases were for sex trafficking and two for forced labor (26 were for sex trafficking and two for forced labor in 2018). The government prosecuted 30 defendants (34 in 2018). Courts convicted 42 traffickers (23 in 2018); 38 were for sex trafficking and four for forced labor (21 for sex trafficking and two for forced labor in 2018). Four traffickers received one to four years' imprisonment, seven traffickers received five to eight years' imprisonment, and three traffickers received

eight and half years' to ten and half years' imprisonment (one trafficker received eight years' imprisonment and another received four years' imprisonment in 2018). However, judges continued to issue suspended sentences, with 28 traffickers receiving suspended sentences (20 traffickers in 2018). Officials reported the increase in suspended sentences was due to the "2018 decree on humanization of punishment," which required judges to issue more alternative punishments to imprisonment; however, the government disseminated additional guidelines clarifying the decree did not cover trafficking.

The Ministry of Internal Affairs (MIA) maintained an Anti-Trafficking Department (ATD) that investigated most trafficking cases. Authorities often failed to recognize psychological coercion as a means of control or required a transnational element for trafficking, which led to internal sex trafficking cases reclassified as lesser offenses. In previous years, GRETA and international organizations reported most investigations were reactive and lacking corroborative evidence for victim testimony; law enforcement noted standard procedures requiring a complaint from a victim to initiate an investigation hindered conducting proactive investigations. Observers reported low-level police solicited bribes from individuals in commercial sex and brothels operated under the purview of district police chiefs. In 2018, ATD detained a youth activist, who was a legal minor, and held her incommunicado for five days during which ATD officers assaulted and threatened to rape her if she did not sign a document acknowledging involvement in prostitution offenses. Observers continued to report an absence of victim-centered approaches within law enforcement, including local police insulting and dismissing a potential trafficking victim who attempted to self-identify. The government trained police, prosecutors, judges, MIA officials, advocates, and State Migration Service (SMS) officials. The government did not provide information on international investigations or extraditions.

PROTECTION

The government increased victim protection efforts. The government officially identified 91 victims (98 in 2018); 85 were female sex trafficking victims and six were male forced labor victims (82 female victims of sex trafficking and 16 male victims of forced labor in 2018); two were foreign victims (none in 2018); and one child victim (none in 2018). Observers reported officials did not acknowledge the existence of internal trafficking and highlighted a complete absence of efforts to proactively identify Azerbaijani victims of internal trafficking, including children. As a result, most officially identified victims were Azerbaijani victims identified in destination countries or foreign victims exploited in Azerbaijan; officials identified one Azerbaijani victim of internal trafficking in both 2018 and 2019. The government did not report information on identified children and parents "involved in begging for the purpose of helping their parents," (450 children and 207 parents in 2018) but observers reported police declined to investigate potential forced child begging cases and returned most children to their parents without investigating the role of the family in the children's exploitation leaving these children vulnerable to further harm.

The government had SOPs for victim identification but first responders, including law enforcement, immigration, and social services personnel, were either unaware of the procedures or did not consistently follow or understand them. Observers continued to report the lack of screening of vulnerable populations for trafficking indicators, including women, children, LGBTI persons in commercial sex, and foreign migrant workers. Additionally, the government lacked policies tailored to children, such as interview questions, indicators, and referral procedures. SOPs required first responders to refer potential victims within 24 hours to ATD, who officially recognized victims based on an investigation. NGOs and the government provided support services to some potential victims; however, individuals without official recognition did not receive the one-time government-provided allowance and did not have the ability to bring a civil claim against the alleged traffickers. The government did not provide data on the number of potential trafficking victims referred by civil society to ATD (57 in 2018) and the number of those victims ATD determined to be victims (two in 2018).

The government increased assistance for victim protection significantly, allocating 194,700 manat ($114,530), including operation costs for the MIA-run shelter for trafficking victims, compared to 147,490 manat ($86,760) in 2018. In addition, the government created grants for victim assistance and awareness campaigns and awarded NGOs a total of 209,000 manat ($122,940). In 2018, the government allocated 125,650 manat ($73,910) to civil society for awareness campaigns and raised 13,000 manat ($7,650) from private donors to support potential and official victims. The MIA operated a shelter for trafficking victims, which provided accommodation, financial assistance, legal assistance, and medical and psycho-social support; 78 officially recognized victims received support at the shelter (95 officially recognized victims and three potential victims in 2018). The MIA-run shelter had separate areas for women, men, and children but limited freedom of movement and required victims to submit an application to leave the shelter. The MIA-run shelter accommodated potential victims for up to one month but longer stays required victims to cooperate with law enforcement. The MIA-run shelter provided the only accommodation for male victims. The government allocated a resettlement allowance of 700 manat ($410) from an assistance fund for officially recognized victims; all victims received the resettlement allowance in 2018 and 2019. The Victim Assistance Centers (VAC) in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims; VACs assisted 85 victims (92 in 2018). VACs provided 19 officially recognized victims with medical aid (28 in 2018), 36 with psychological assistance (47 in 2018), and 21 with legal aid (32 in 2018). Additionally, the government did not provide data on the number of potential victims who received medical aid from VACs (25 in 2018), the number of victims who received psychological assistance (17 in 2018), and the number of victims who received legal aid (nine in 2018). The government aided 14 officially recognized victims to find employment (20 in 2018) and 45 victims with vocational training (23 in 2018). The government provided in-kind support and assistance to children of victims; 56 children received school supplies, 14 children received identity documents, and 22 children were enrolled in pre-school education. Observers reported low pay for VAC employees led to high staff turnover and decreased service quality due to inexperienced staff assisting victims. Additionally, the government awarded some contracts to organizations with no experience and jeopardized victim safety and assistance quality. The government referred 67 victims to NGO-run shelters (47 in 2018). NGOs remained severely underfunded and restrictive legislation governing foreign grants limited NGOs' ability to receive funding from foreign donors. Most NGO-run shelter staff who provided support services worked on a voluntary basis. The SMS did not report data on the number of temporary residence permits issued to foreign victims (none in 2018).

The government likely penalized unidentified victims for unlawful acts traffickers compelled them to commit. Experts reported authorities may have penalized sex trafficking victims with administrative fines for prostitution due to an absence of screening efforts. In previous years, an international organization referred foreign migrant workers who displayed indicators of trafficking, but ATD did not recognize any as a victim and authorities subsequently deported some. Authorities did not use legally mandated victim-

witness protection measures for trafficking victims. In previous years, GRETA and other international organizations reported prosecutors believed such measures were unnecessary for trafficking victims and noted the lack of licensed attorneys providing legal assistance to victims due to low pay. Children testified without a child psychologist or attorney to communicate legal terminology in a child-friendly manner, which may have caused further trauma to these children.

PREVENTION

The government maintained prevention efforts. The national coordinator led government-wide anti-trafficking efforts but the lack of cooperation between agencies hindered interagency coordination. In 2018, the government drafted the 2019-2023 national action plan but failed to adopt the plan. The ATD recognized 18 NGO leaders with monetary awards of 1,000 manat ($590) for their anti-trafficking efforts. The government conducted awareness campaigns targeting youth, students, families, and the general public. SMS organized seminars for migrants coming to Azerbaijan and MIA, in cooperation with an international organization, coordinated a television campaign and disseminated posters. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts. ATD operated the "152" hotline; the hotline received 6,845 calls (6,310 calls in 2018), 12 of which were related to trafficking (24 in 2018). The government did not reduce the demand for commercial sex acts. A presidential decree in 2015 prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive investigations and victim identification efforts. In 2017, the government extended the suspension period of spontaneous labor inspections until 2021, making the identification of potential victims extremely unlikely.

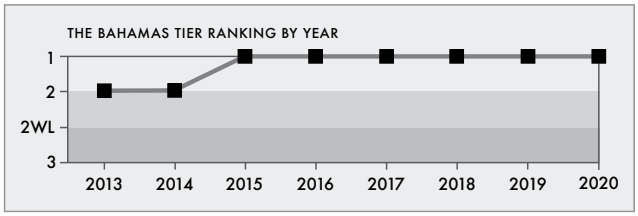
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Azerbaijan, and traffickers exploit victims from Azerbaijan abroad. Traffickers exploit Azerbaijani men and boys in forced labor within the country and in Qatar, Russia, Turkey, and the United Arab Emirates (UAE). Traffickers exploit women and children from Azerbaijan in sex trafficking within the country and in Iran, Malaysia, Pakistan, Qatar, Russia, Turkey, and the UAE. Azerbaijan is a destination country for sex and labor trafficking victims from China, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to Iran, Turkey, and the UAE. Within the country, some children are exploited in forced begging and forced labor as roadside vendors and at tea houses and wedding facilities.

Civil society and government officials reported no instances of forced labor in the 2019 cotton harvest due to widespread use of affordable harvesting machinery. In 2018, there were isolated reports that local officials mobilized and forced some public-sector employees to participate in the autumn cotton harvest.

THE BAHAMAS: TIER 1

The Government of The Bahamas fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore The Bahamas remained on Tier 1. These efforts included significantly increased investigations of traffickers, increased identification of victims, implementing the national action plan, and continuing anti-trafficking training for 239 officials despite widespread destruction from a Category 5 hurricane hitting the islands in September 2019. Although the government meets the minimum standards, it did not convict any traffickers; court proceedings continued to face delays; authorities inconsistently applied screening procedures to vulnerable populations, in particular to hundreds of Haitians deported after the hurricane; and funding for victim services decreased.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute, convict, and sentence convicted traffickers, including officials complicit in sex or labor trafficking. • Comprehensively train officials to implement the victim identification and referral protocol to identify victims of sex trafficking and forced labor, especially among vulnerable groups including residents and migrants from Haiti, Venezuela, and other countries. • Provide a dedicated shelter for trafficking victims and continue funding comprehensive victim services. • Train judges at all levels of the judiciary in trafficking and the trafficking law and sensitize judges and prosecutors on trauma. • Reduce delays in court proceedings. • Provide vulnerable individuals with trauma-informed assistance and interpretation in their language prior to, during, and after screening for trafficking. • Take steps to eliminate recruitment fees charged to workers in The Bahamas by labor recruiters and ban employee paid recruitment fees. • Strengthen the capacity of labor inspectors to identify and refer victims of labor trafficking. • Increase grassroots outreach to potential trafficking victims among vulnerable groups in partnership with NGOs. • Develop, execute, and publish a robust monitoring and evaluation framework for anti-trafficking policies and efforts. • Engage further with officials involved in anti-trafficking activities in other countries in the region to exchange best practices in trafficking investigation and screening.

PROSECUTION

The government maintained law enforcement efforts. The Trafficking in Persons (Prevention and Suppression) Act 2008 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from three years' to life imprisonment. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 16 potential traffickers, 11 for sex trafficking investigations and five for labor trafficking, compared to two new investigations in 2018 and 11 to 15 investigations annually in the preceding six years. Authorities reported initiating two prosecutions for sex trafficking during the reporting period, compared to one initiated in 2018. The government did not convict any traffickers during the reporting period, compared to one convicted trafficker in 2018 and one in 2017. The government updated three pending prosecutions; one with a Dominican defendant and another with a Jamaican defendant were originally scheduled for March 2020, but all court trials in The Bahamas were postponed due to the government's reallocation of resources as part of its response to COVID-19. The third prosecution with two Bahamian defendants was rescheduled to January 18, 2021. The lack of judges and prosecutors in the country contributed to significant backlogs in all cases, and the government did not report whether all judges, prosecutors, and other law enforcement officials received training on the Trafficking

in Persons Act. Experts reported concerns about excessive pretrial detention due to criminal justice system delays preventing even the most serious criminal cases from advancing in a timely manner. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, including reports made by Haitian migrants of being solicited by immigration officials for bribes to prevent detention. The National Trafficking in Persons Committee (TIP Committee) determined there is a need to evaluate anti-trafficking policies, staffing, and efforts in order to ascertain that investigations are appropriately targeted. The Royal Bahamas Defence Force (RBDF) delivered basic trafficking training to 100 new recruits and police detectives and training in indicators, victim medical care, and legal information to 118 RBDF candidates and government agency representatives during the reporting period. The Ministry of National Security with the Department of Labour conducted a trafficking training for 20 labor inspectors. The Department of Immigration sent 21 immigration officers overseas for training on recognizing trafficking and child abuse and trained 39 diplomats in human trafficking indicators. The government did not report whether prosecutors and judges have participated in training on the trafficking law and victim-centered prosecution, despite the national action plan mandating such training. The Trafficking In Persons Task Force (TIP Task Force) drafted two bilateral memoranda of understanding, one with Colombia and another with Mexico, to assist with human trafficking investigations and information sharing.

PROTECTION

The government maintained efforts to protect victims. Authorities continued to implement a formal victim-centered protocol to guide front-line responders in identifying both sex and labor trafficking victims and referring them to services. However, concerns remained on the thoroughness of their application, especially with vulnerable populations such as undocumented migrants and stateless children. The TIP Committee funded and trained member agencies and ministries in their roles in identifying and protecting victims and making referrals. During the reporting period, the government reported screening 965 vulnerable individuals, including 151 Haitians in addition to individuals from Brazil, China, Colombia, Ecuador, Jamaica, and Venezuela, and identified five victims of trafficking, an increase compared with two victims identified out of 28 individuals screened in 2018. All identified victims were adult females, two from Jamaica, two from The Bahamas, and one from Venezuela. The TIP committee referred a total of six victims, including a victim from a prior year, for government assistance for food, clothing, payment of utilities, stipend, living accommodations, appliances, furniture, employment, shelter, and medical care. The government initially implemented a universal policy of providing emergency humanitarian assistance and social services to all after Hurricane Dorian, regardless of immigration status, including access to schooling for displaced children. The government did not report the results of screening eight minors of Haitian descent for trafficking. The government reported that there were no referrals from non-governmental or faith-based organizations during the reporting period, a change from the past during a time when many individuals were referred by civil society. Although the government reported it has a formal process to guide officials in transferring victims to institutions that provide short- or long-term care, experts reported authorities did not use formal protocols to screen all migrants, and continued reports of abuse of migrants by officials and widespread bias against migrants, particularly those of Haitian descent, are causes of concern. Foreign victims all chose to return home after short-term assistance by the government. Reports of inconsistent training of staff in screening for trafficking, and lack of implementation of identification protocols in migrant languages indicated that authorities did not screen all potential trafficking victims, consequently penalizing vulnerable individuals.

The government reported decreasing spending on trafficking victims' care and prevention activities to 95,000 Bahamian dollars ($95,000), compared to 125,710 Bahamian dollars ($125,710) in 2018. The government also provided 69,509 Bahamian dollars ($69,509) to four NGOs that provide services to trafficking victims, among other vulnerable groups, compared to 240,000 Bahamian dollars ($240,000) in 2018 and 2017; both decreases were due to emergency costs incurred by the destruction of Hurricane Dorian. Authorities continued to encourage identified trafficking victims to assist in prosecutions by providing them with lodging, food, a stipend, clothing, medical assistance and psychological counseling, immigration relief, legal and transportation assistance, support during court proceedings, and witness protection, including a constant presence of police or Royal Bahamas Defense Force as escort or protection outside shelters. The government did not provide a dedicated shelter for trafficking victims, and authorities continued to place victims in NGO-managed shelters shared with domestic violence victims. The government sent a victim care officer to work full-time with TIP Committee leadership during the reporting year, although it did not report whether this officer worked with shelter staff or whether shelter staff were trained in trauma-informed practices. Initially, the TIP Committee provided short-term lodging and, later, long-term lodging. Victims could choose to reside independently elsewhere, although the government did not report providing lodging assistance in such cases. Government assistance was not contingent upon cooperation by victims, and the Department of Immigration (DOI) could provide a certificate allowing the holder to remain in country and to work. While there were no certificates issued during the reporting year, the DOI did provide extensions to victims enabling them to remain in The Bahamas during investigative stages of trafficking cases. Three Jamaican victims identified during the reporting period voluntarily participated in investigations, and a foreign victim identified in 2018 provided evidence in an ongoing trial during the current reporting period. Bahamian law permitted victim testimony via live television links and for the reading of written statements to be included as evidence. The anti-trafficking act authorized the court to order convicted defendants to pay restitution to victims; no court has requested this since 2015, at which time it was denied.

PREVENTION

The government increased prevention efforts overall. The TIP Committee briefed the Minister of National Security weekly on anti-trafficking developments, while the TIP Committee itself met every other week. Ministry of National Security officials led the government's overall efforts to combat trafficking and served as chair of the TIP Committee. Committee membership included a victim care officer from the Ministry of Social Services, a representative of civil society to oversee policy issues, and the TIP Task Force, which responded to individual cases. The government continued to implement the national action plan through campaigns, public events, media, and print information, although overall funding for anti-trafficking activities decreased due in part to the necessary humanitarian response to and the budgetary impact of a major hurricane. The government did not report on the status of an evidence-based research plan or a monitoring and evaluation framework for anti-trafficking efforts, although these are in the national action plan. The TIP Committee organized a World Anti-Trafficking Day commemoration in July, and the Prime Minister signed a proclamation on trafficking, which was published in the newspapers. Committee members and 100 police force cadets handed out trafficking brochures in the streets of the capital for a second consecutive year. The government screened a film on trafficking in August with the Red Cross and led a sixth

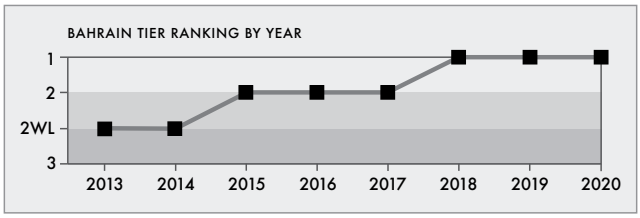
grade trafficking awareness session in October, both of which were featured in local media. The Department of Gender-Based Violence hosted a one-day seminar for 24 Bahamian government officials on preventing sexual exploitation and trafficking in persons. The Ministry of National Security collaborated with civil society organizations on a variety of anti-trafficking campaigns, including three radio broadcasts, a television interview, conference presentations, speaking engagements with more than 900 summer camp participants, school awareness campaigns for 3,000 students from grades three through 12, and hosted a summer camp for 100 children. The TIP Committee also distributed more than 30,000 TIP brochures. The Bahamas Red Cross and other civil society organizations actively participated in the anti-trafficking campaign throughout the reporting period. The Department of Labour did not train labor inspectors in trafficking or report whether surprise inspections resulted in trafficking investigations. The government made efforts to reduce the demand for commercial sex acts, including by awareness campaigns directed at purchasers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Bahamas, and traffickers exploit victims from The Bahamas in country and abroad. Traffickers recruit migrant workers, especially those from Haiti, Jamaica, the Dominican Republic, China, Costa Rica, Cuba, Colombia, Venezuela, the Philippines, and the United States through false offers of employment, both through advertisements in foreign newspapers and social media; upon arrival, traffickers subject them to sex trafficking and forced labor, including in domestic service and in sectors with low-skilled labor. The profile of human traffickers prosecuted for human trafficking have been primarily female in the past four years. Individuals born to a non-Bahamian father in The Bahamas, to a female citizen, or to foreign-born parents, do not automatically receive Bahamian citizenship or documentation and are at heightened risk of trafficking. Unaccompanied migrant children, individuals lured for employment, those involved in commercial sex and exotic dancing, illegal migrants, stateless persons, and migrants displaced by Hurricane Dorian have been exploited in trafficking and are particularly vulnerable to trafficking.

BAHRAIN: TIER 1

The Government of Bahrain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Bahrain remained on Tier 1. The government increased overall trafficking investigations and prosecutions (including for forced labor), created labor trafficking-focused directorates, and investigated a Bahraini official allegedly complicit in a trafficking crime. Additionally, the government protected more victims and established a Center of Excellence for trafficking that aims to serve as a regional hub for expertise and training to combat the crime. The government allowed more workers to self-sponsor independent of an employer, and convened, organized, and funded a regional forum on trafficking that brought together high-level delegations from across the Middle East to share best practices and commit to specific anti-trafficking initiatives germane to the region. Although the government meets the minimum standards, it did not regularly investigate as potential trafficking crimes cases of unpaid or withheld wages, passport retention, and related abuses—all potential indicators of forced labor—but rather handled such matters administratively as labor law violations. Although vastly improved in the investigative and prosecution phases, the government's overall law enforcement efforts remained chiefly focused on sex trafficking; it did not achieve any convictions of forced labor. Incomplete legal authorities and limited access of labor inspectors and other relevant authorities to domestic worksites hindered implementation of existing laws governing the sector.



PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to investigate, prosecute, and convict traffickers, particularly suspects of labor trafficking, including domestic servitude, and allegedly complicit officials. • Expand and actively enforce labor law protections for domestic workers. • Increase investigations and prosecutions of potential forced labor cases involving passport retention, non-payment of wages, and other indicators, as trafficking crimes. • Strengthen and expand efforts to reform the sponsorship system by extending labor law protections to all workers in Bahrain, including domestic workers and all workers holding flexible work permits. • Develop and implement a wage protection system covering all migrant workers. • Increase proactive identification of trafficking victims among vulnerable groups, such as domestic workers, migrant workers, and individuals in commercial sex. • Routinely require the use of tripartite labor contracts for domestic workers. • Train officials on and routinely use the two new labor trafficking-focused directorates to identify labor trafficking victims and investigate labor traffickers. • Continue to train officials, particularly police, on the anti-trafficking law and victim identification. • Continue to conduct national anti-trafficking awareness campaigns, strategically targeting migrant and domestic workers.

PROSECUTION

The government continued to strengthen its law enforcement efforts, with increased focus on forced labor. The anti-trafficking law, No.1 of 2008, criminalized sex trafficking and labor trafficking. It prescribed penalties ranging from three to 15 years' imprisonment, plus a fine of between 2,000 and 10,000 Bahraini dinar ($5,310-$26,530), and the cost of repatriating the victim(s), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government maintained a police unit dedicated to investigations of trafficking crimes but did not have a designated court or division for prosecuting these offenses. The Ministry of Interior (MOI) reported investigating 41 potential trafficking cases (60 individual arrests) during the reporting period, of which 29 were for sex trafficking and 12 for forced labor, marking an overall increase compared with 16 and three, respectively, during the previous period. It is also indicative of a more balanced law enforcement approach to sex and labor trafficking investigations. Calls to the government-run national trafficking hotline resulted in five of these investigations, as staff alerted the police who subsequently investigated the allegations. Officials prosecuted 53 alleged sex traffickers and seven individuals for alleged forced labor crimes, up from nine and zero, respectively, the year prior. The government convicted 14 individuals for sex trafficking under the anti-trafficking law and sentenced them to between three and 15 years' imprisonment, plus a fine, in accordance with the law; it convicted 23 sex traffickers and administered similar sentences the previous reporting cycle. On trend with previous

years, officials did not achieve any forced labor convictions. As a supplemental penalty, the traffickers paid all costs associated with funding the repatriation of the victims to their respective home countries. The government planned to deport all non-Bahraini trafficking offenders upon the completion of their sentences. During the reporting period, authorities criminally investigated one Bahraini police officer for alleged complicity in a potential trafficking crime; the prosecution was ongoing at the conclusion of the reporting period, and the officer remained in custody pending trial. Two notable cases during the year highlighted international cooperation with the Government of the Philippines: one case involved two Philippine nationals who arrived in Bahrain under false pretenses of improved pay, but traffickers subsequently forced them into sex trafficking. After the two Filipinas returned to their home country and contacted legal authorities, Filipino officials in Manama alerted the Bahraini authorities who immediately launched an investigation that resulted in six arrests, one of which included the aforementioned police officer. The government requested judicial assistance from its counterpart in Manila in order to allow the two victims to provide remote statements for ongoing court proceedings in Bahrain. The second case involved government cooperation with both the Kazakh and Saudi Arabian governments on a potential sex trafficking case; it remained in the preliminary investigative stage at the close of the current reporting period.

The government typically treated forced labor—cases of unpaid or withheld wages, passport retention, and related abuses—as administrative labor law violations resolved through arbitration rather than as trafficking crimes. Workers could file a grievance against the employer in a labor court if arbitration was unsuccessful. In a purported procedural shift intended to improve prospects for criminal prosecution of labor trafficking cases, in February 2020 the Ministry of Justice ceded authority to the Labor Market Regulatory Authority (LMRA) to prepare such cases for trial or arbitration and make recommendations to the judiciary. The LMRA established two directorates that are now housed under the Ministry of Justice's (MOJ) newly launched Labor Case Coordination section, which effectively serves as the MOJ's sole front-line agent for labor trafficking cases. The first (Protective Inspection Directorate) has the mandate to identify, investigate, and document all forms of labor exploitation with a focus on those with a prospective nexus to trafficking; it is staffed by 30 labor inspection officers trained by two international organizations. The second (Grievances and Protections Directorate) intends to receive, register, and document all labor-related criminal cases and serve as a pro bono legal clinic for migrant workers in Bahrain, complete with 10 language translators. The government incorporated both directorates into the government's broader national referral mechanism (NRM) with the end-goal of increasing ease of access for laborers to the justice system, reducing the time courts need to render an official decision, and examining labor disputes from a trafficking, with a victim-centered lens. During the year, the government also fully funded anti-trafficking trainings for a total of 230 Bahraini officials on targeted topics, such as legal analysis of the anti-trafficking law, labor inspection procedures, and victim-centered confidentiality issues.

PROTECTION

The government maintained strong efforts to protect victims. The government identified and provided robust protective services for 39 adult female trafficking victims (one of whom was a victim of forced labor), markedly up from the 12 total it assisted during the previous reporting period; all the victims were from Indonesia, India, Thailand, Kazakhstan, Russia, Egypt, and the Philippines. Many individuals who received assistance were not confirmed trafficking victims, but rather vulnerable workers involved in labor disputes and employees requiring temporary shelter prior to repatriation. The government continued to employ its NRM designed to proactively identify trafficking victims, ensure proper documentation of cases, refer cases to the MOI and public prosecutor's office for an official determination as a trafficking case, and provide adequate protective provisions to victims until case resolution or voluntary repatriation. Officials provided 30-page, bilingual English-Arabic NRM booklets to all relevant ministries and nongovernmental stakeholders. The LMRA's digitized case management process of the NRM continued to increase in speed and effectiveness and resulted in better documentation of cases, which in turn improved processing of cases in the judicial sector. Police stations, other government entities, NGOs, and foreign embassies provided direct referrals to the LMRA. The LMRA's Expatriate Protection Unit (EPU) provided all 39 trafficking victims with shelter, food, clothing, medical care, religious support, psycho-social counseling, rehabilitation, transportation, familial reunification, translation assistance, legal counsel, and repatriation or job placement in Bahrain. In addition, the government provided all confirmed trafficking victims with monthly financial compensation—93 Bahraini dinar ($250) for those who remained in Bahrain for the duration of trial— via its Victim Assistance Fund, and additional funding was available through the LMRA's budget to cover the costs of victim repatriation and daily EPU expenditures. The EPU continued to make services available to both male and female workers, regardless of their legal status in Bahrain. It also maintained onsite offices for medical and mental health professionals and a representative from the police anti-trafficking unit and provided a room for training shelter residents and a conference space for the national anti-trafficking committee. Embassies of labor-sending countries reported providing housing on a temporary basis for some potential victims involved in labor disputes or abusive situations who refused to go to the EPU or were unable to reach it.

Articles 19 and 40 of the Labor Law established some protections for domestic workers, requiring employers to provide a labor contract specifying working hours, annual leave, and bonuses, and that such workers must be paid at least monthly. However, Article 22, which prohibits contract switching or changes to preset work conditions outlined in the contract, was not applicable to domestic workers, effectively increasing the potential vulnerability to forced labor. Labor inspectors faced difficulties conducting unannounced inspections of domestic worker accommodations and investigating allegations of abuse in the absence of an official complaint due to cultural norms surrounding privacy in homes, which may have left some victims at risk of exploitation and without protection. The LMRA continued to disseminate to all registered recruitment agencies in Bahrain copies of the standard tripartite labor contract, which required domestic workers to sign, prior to their arrival, a comprehensive work agreement that outlined labor rights and employment obligations. The contract aimed to strengthen protections for domestic workers by requiring employers to disclose the nature of the job, hours to be worked, and salary, among other information. Domestic workers brought in to Bahrain by recruitment agencies are able to accept or reject an employment contract in their respective countries of origin, and the LMRA maintained copies of signed contracts to assist in any future labor disputes. During the previous year, the LMRA announced streamlined processes for obtaining initial visas and visa renewals for domestic workers. The inclusion of domestic workers in the Expatriate Management System, along with all other expatriate workers, increased visibility through standardizing the application process and retaining all worker-employee documents on the LMRA's electronic systems. The government mandated that all applications for domestic workers, whether received through a licensed recruitment office or directly from the employer, must be accompanied by the standard tripartite labor contract.

There were no reports the government penalized victims for

unlawful acts traffickers compelled them to commit; however, it did not universally employ its proactive identification mechanism among vulnerable groups, such as domestic workers, migrant workers who fled employers, and individuals in commercial sex, meaning some potential victims may have remained unidentified and unprotected. Bahraini officials provided comprehensive protective assistance to trafficking victims regardless of their willingness to participate in investigations and court proceedings of their traffickers and relieved them from all legal and financial penalties related to unlawful acts traffickers compelled them to commit. The government reported it shared with all victims a full evaluation of their cases and their legal right to restitution in the event of a conviction. Two foreign national victims were permitted to testify via written correspondence, video recording, a closed-circuit live video, or in private. During the reporting period, two trafficking victims assisted with law enforcement investigations, compared with 12 who did so during the previous reporting period. Some migrant workers who fled abusive situations chose not to contact police to report the abuse due to being a "free visa" holder—laborers in violation of the local labor law because they work for a non-sponsor employer after leaving the employment of the sponsor that facilitated their entry into the country. The labor law allowed foreign workers to change sponsors during investigations and court proceedings, and roughly eight to nine percent of Bahrain's total expatriate worker populace did so during the year. Workers infrequently filed complaints against employers due to distrust of the legal system, protracted court processes, inability to afford legal representation, lack of interpretation and translation services, concern over potential loss of residence permits during proceedings, and fear of additional mistreatment due to employer reprisal. During the reporting period, per the victims' request, the government repatriated at least two third-country national trafficking victims to their countries of origin.

PREVENTION

The government increased efforts to prevent trafficking. The LMRA, with senior government support, convened, hosted, and fully funded the region's first anti-trafficking forum —with participation of high-level delegations from across the Middle East—to share best practices, discuss challenges to curbing the crime, and commit to regionally-specific efforts to combat trafficking to include the notorious *kafala* system. Since its inception in July 2017, the LMRA's "flexible (or flexi) work permit" program has served to regularize thousands of undocumented workers, while simultaneously permitting previously exploited and irregular laborers to sponsor themselves independent of an employer. During the reporting period, the number of "flexi" permit holders increased from just under 24,000 to 27,660 comprised of more than 50 different nationalities. Nearly 5,500 "flexi" permit holders renewed their permit during this time. Under the "flexi" permit, expatriates can reside and work in Bahrain without a sponsor, thereby reducing trafficking vulnerabilities inherent in the *kafala* or sponsorship-based employment system. Successful applicants can work any full- or part-time job with any chosen employer—including multiple jobs concurrently with various employers—and are able to directly negotiate wages and working hours. To address concerns of NGOs and source country embassies regarding equity in coverage, in November 2018, the government temporarily extended eligibility to non-domestics and domestic workers who absconded from their employers; however, the government did not renew this expansion during the current reporting period, rendering domestic employees vulnerable to the plight of the *kafala* system. Legal workers were eligible to enroll in the program without the consent of their employer after the termination or expiry of their work permit. The "flexi" permit—one-year permit cost of 427 Bahraini dinar ($1,130)—included a work permit, health care coverage, a refundable deposit for travel tickets, an extension of residency timeframes, and waived immigration fines incurred while in irregular status. Some NGOs and labor rights organizations continued to express concerns that the "flexi" program created a system of day laborers, shifted legal responsibilities to the employees, and amounted to economic coercion given the associated monetary costs of eligibility.

Passport retention was a crime punishable under Article 395 of the Bahraini penal code, although it remained a common practice by employers of unskilled laborers and domestic workers. However, unskilled and domestic laborers feared reporting their employers and refusing to hand over their passports. It was a crime to limit or otherwise control any person's freedom of movement in accordance with Article 19(b) of the constitution of Bahrain. Laborers could file a grievance for passport withholding with the police, the Ministry of Labor, or LMRA; a worker could also register a complaint to the court directly if the employer refuses to return the passport. Labor authorities did not report referring any cases of passport retention to the police or investigating any such cases as potential trafficking crimes. The government required all recruitment agencies to submit a security deposit equivalent of 10,000 Bahraini dinar ($26,530) to safeguard employees' rights. During the reporting period, the government permanently shut down one recruitment agency and revoked its license for contravening Bahraini labor law; in 2018 it similarly closed two agencies. It cancelled the licenses of seven additional recruitment firms due to noncompliance with LMRA regulations. The LMRA's Enforcement and Inspection Department employed 70 inspectors responsible for enforcement of employment violations, immigration violations, and worksite inspections; the inspectorate body conducted quarterly visits to all recruitment agencies.

The National Committee for Combating Trafficking in Persons' budget increased to 984,000 Bahraini dinar ($2.6 million), which included 534,000 Bahraini dinar ($1.42 million) for operations and 376,000 Bahraini dinar ($997,350) for anti-trafficking outreach programming. Earmarked in the previous reporting period, the government allocated 250,000 Bahraini dinar ($663,130) during the current year to officially inaugurate a Center of Excellence, in partnership with two international organizations, for the purposes of capacity building for victim assistance among government and regional stakeholders. The government expanded its anti-trafficking awareness campaigns in both local and expatriate communities in Bahrain, involving youth of various nationalities, schools, social groups, religious institutions, NGOs, and foreign embassies. Additionally, it used mobile phones to proactively engage with migrant labor populations, sending out more than 400,000 text messages with the trafficking hotline information, labor rights facts, and police station locations. The LMRA launched a new website during the reporting period (endtrafficking.bh) with a wide range of information on trafficking and myriad resources readily accessible for foreign workers. In partnership with an international organization, the national committee held a workshop targeting media personnel to enhance their understanding of trafficking, more accurately report on such issues, and improve the overall role of the media in combating the crime. During the reporting period, the government regularly hosted students from the University of Bahrain's legal clinic to enrich their understanding of trafficking, in addition to the protective services officials provide to foreign and domestic laborers. The LMRA continued to provide booklets outlining labor rights in 13 languages common among expatriate and migrant worker populations and distributed them to such populations upon their arrival at the Bahrain International Airport and at LMRA when applying for initial or renewed residency cards. The LMRA's hotline was active to both collect reports and serve as a resource to educate workers about their rights and available services in Arabic, English, Hindi, Malayalam, Sinhalese, Tagalog, Tamil, Telugu, and Urdu. The government reported receiving a 14 percent increase in the number of calls during the reporting

period (6,444, up from 5,654 such calls the previous year), most of which pertained to labor rights, advice on workplace situations, and miscellaneous requests. Officials did not identify any victims through this hotline. The government concluded memoranda of understanding with several labor exporting countries, including Pakistan and India, which focused on oversight of recruitment agencies and protection of migrant workers in Bahrain. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

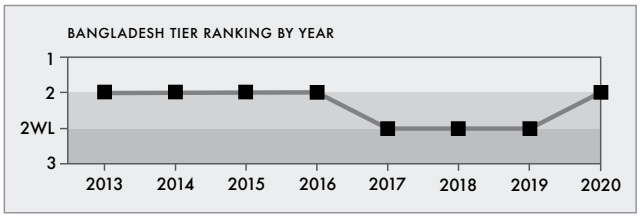
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Bahrain. Men and women, primarily from India, Bangladesh, Pakistan, Philippines, Ethiopia, Nepal, Egypt, Jordan, Yemen, Thailand, Syria, and Kenya, among other countries, migrate voluntarily to Bahrain to work as semi-skilled or unskilled laborers in the construction and service industries. The number of migrant workers from African states, such as Senegal, Cameroon, and The Gambia, is increasing. During the reporting period, approximately 80 percent of the total Bahraini workforce was comprised of foreigners, the majority being unskilled construction workers. Bahrain is home to roughly 84,000 domestic workers, nearly 61,000 of whom are female, predominantly from Ethiopia, India, the Philippines, Bangladesh, Kenya, and Indonesia. This category of employee includes agricultural workers, security house-guards, nannies, drivers, and cooks. Men from India and Bangladesh account for almost 79 percent of Bahrain's 23,000 male domestic workers. Domestic workers from African nations are increasingly susceptible to labor exploitation and arrive in Bahrain via direct recruitment from local employers. Some employers subject migrant workers to forced labor in Bahrain; indicators include passport retention, strict confinement, contract substitution, non-payment of wages, debt bondage, threats or intimidation, and physical or sexual abuse. NGOs and labor-sending countries report an uptick in incidents of unpaid wages, especially for construction and unskilled workers. Some migrant workers are not given or in possession of their employment contracts and are generally unfamiliar with the employment terms contained therein. Nationals of countries without diplomatic presence in Bahrain, most significantly from African countries, are particularly vulnerable to trafficking, as are domestic workers, who are only partially protected under Bahraini labor law, and cultural norms and existing legal infrastructure avert private home inspection. Government and NGO representatives report physical abuse and sexual assault of female domestic workers are significant problems in Bahrain; controlled freedom of movement, withholding of workers' identity cards and passports, and employer coercion constrain employees from reporting such instances of exploitation.

While the government maintained regulatory authority over recruitment agencies, some migrant workers arrive in Bahrain independent of regulated agencies. Many laborers are paired with employers through intermediaries in Bahrain and unlicensed recruiters in their respective countries of origin; back-and-forth movement between Saudi Arabia and Bahrain via the King Fahad Causeway also contributes to this vulnerability, as Saudi nationals are able to sponsor foreign workers in Bahrain. Local press report traffickers recruit women to Bahrain via social media platforms or Bahrain-based acquaintances under false pretenses of high-paying jobs in the hospitality and domestic sectors and subsequently force them into sex trafficking. Traffickers also convince other women, mostly domestic workers already in Bahrain, to abscond from their employers with false promises of higher paying jobs; after being recruited, traffickers exploit some women in commercial sex through physical threats and debt-related coercion. Some unscrupulous employers continue to lure migrant workers to Bahrain and release them illegally in the labor market under the "free visa" scheme—laborers who pay an employer a recurring fee to sponsor a work visa while performing work for other employers in violation of local labor law—which can render them vulnerable to trafficking due to their illegal working status. Although notable reforms are underway, Bahrain's sponsorship-based employment system continues to put some workers, particularly domestic workers, at risk of trafficking by limiting their ability to change employers or leave the country and by giving employers the unilateral power to control the status of residency permits.

BANGLADESH: TIER 2

The Government of Bangladesh does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bangladesh was upgraded to Tier 2. These efforts included convicting more traffickers, modestly increasing the number of victims identified, acceding to the 2000 UN TIP Protocol, and at the close of the reporting period establishing seven anti-trafficking tribunals as stipulated in Bangladesh's anti-trafficking law. In addition, the government continued to allow humanitarian access to the Rohingya camps. However, the government did not meet the minimum standards in several key areas. Law enforcement decreased investigations into trafficking cases, continued to deny credible reports of official complicity in trafficking, and, despite hundreds of credible reports of forced labor and sex trafficking of Rohingya, did not open investigations to verify these reports. Despite widespread reports of child sex trafficking, including in licensed brothels, the government did not make efforts to identify victims or investigate the persistent reports. While international organizations identified more than 1,000 potential Bangladeshi forced labor victims in Saudi Arabia during the reporting period, the government did not report efforts to provide the majority with services or criminally investigate allegations of forced labor. Moreover, the agency charged with certifying citizens for work abroad, the Bureau of Manpower and Employment Training (BMET), allowed recruitment agencies to exclude from required pre-departure trainings information on human trafficking, specifically how to file a complaint against one's employer or recruitment agency. BMET also forced some migrant workers to arbitrate labor violations with their exploitative recruitment agencies without representation. The government continued to allow employers to charge high recruitment fees to migrant workers and did not consistently address illegally operating recruitment sub-agents, which left workers vulnerable to traffickers. Victim care remained insufficient; officials did not consistently implement victim identification procedures or refer identified victims to care; foreign trafficking victims could not access protective services; and the government did not have shelter for adult male victims.



PRIORITIZED RECOMMENDATIONS:

Significantly increase prosecutions and convictions for trafficking offenses, particularly of labor traffickers and complicit government officials, while strictly respecting due process. • Take steps to

eliminate recruitment fees charged to workers by licensed labor recruiters and ensure employers pay recruitment fees. • Increase investigations and prosecutions of credible allegations of trafficking of Rohingya, including cases that do not involve movement. • Establish and disseminate guidelines for provision of adequate victim care and standard operating procedures (SOPs) for the referral of victims to such services. • Expand services for trafficking victims, especially adult male victims, foreign victims, and victims exploited abroad. • Allow NGOs to provide services to trafficking victims in government shelters without a court order. • Cease requiring adult trafficking victims to obtain a family member's consent before leaving government shelters. • Enhance collaboration with the Inter-Sector Coordination Group and implement measures that protect Rohingya from traffickers. • Enhance training for officials, including law enforcement, labor inspectors, and immigration officers, on identification of trafficking cases and victim referrals to services. • Fully implement and monitor for compliance the registration requirements for recruitment agents and *dalals*. • Improve quality of pre-departure trainings, including sessions on labor rights, labor laws, and access to justice and assistance. • Establish clear procedures for Rohingya to file complaints in the legal system, and train law enforcement and camp management on the procedures. • Improve collaboration with NGOs and civil society for more effective partnership on anti-trafficking efforts, specifically through allowing service providers increased access to assist victims. • Fully implement the 2018-2020 National Plan of Action, including enhancing victim care and operating the anti-trafficking tribunals.

PROSECUTION

The government increased convictions of traffickers but decreased investigations and did not take adequate steps to address internal sex trafficking or official complicity in trafficking, both of which remained pervasive. The 2012 Prevention and Suppression of Human Trafficking Act (PSHTA) criminalized sex trafficking and labor trafficking and prescribed penalties of five years to life imprisonment and a fine of not less than 50,000 Bangladeshi Taka (BDT) ($590). Bonded labor was treated as a separate offense and prescribed lesser penalties of five to 12 years' imprisonment and a fine of not less than 50,000 BDT ($590). These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to train police officers through an anti-trafficking module at the police academy. The government also trained and provided in-kind support to international- and NGO-run trainings for judicial, immigration, and border officials. The government did not report if police and other relevant officials received training on the PSHTA implementing rules, which it disseminated in 2017.

The government investigated 403 cases under the PSHTA (including 29 investigations continued from previous years), prosecuted 312 suspects (256 for sex trafficking and 56 for forced labor), and convicted 25 individuals in nine trafficking-related cases. However, at least one reported conviction was for baby selling, which is not a human trafficking crime under international law. This is a decrease in investigations but increase in convictions from the previous reporting period, when the government investigated 592 cases, prosecuted an unknown number of suspects, and convicted eight traffickers in five cases. The judiciary completed prosecution in 39 cases. Judges acquitted 68 traffickers in 30 cases, convicted 25 traffickers in nine cases, and sentenced 17 of those convicted to life imprisonment. The judiciary did not report the sentences of the other eight convicted. This sentencing is similar to the previous reporting period, when the judiciary imposed life imprisonment in seven of the eight convictions. The government reported 4,407 trafficking cases remained pending investigation or prosecution as of December 2019. In the previous reporting period, the vast majority of cases involved migrant smuggling of Rohingya and Bangladeshis without clear indicators of crimes of trafficking in persons. This year, media continued to report police filed cases under the PSHTA with clear elements of migrant smuggling and without indicators of exploitation in labor or commercial sex. The government acknowledged investigations, prosecutions, and convictions for trafficking remained inadequate compared to the scale of the problem; the conviction rate for suspected traffickers arrested under the PSHTA was 1.7 percent.

Many officials did not understand human trafficking and at times conflated it with migrant smuggling. Some officials continued to deny the existence of internal trafficking, especially child sex trafficking, despite observers recording multiple cases of child sex trafficking in licensed brothels each month. Police and prosecutors did not collaborate during the law enforcement process, which led to delays and the formation of weak cases for prosecution. In cross-border cases, Bangladeshi officials often did not travel abroad to collect evidence and did not have sufficient agreements to receive evidence from foreign governments. Some observers noted it could take police up to eight years after receiving a complaint of trafficking to file the charge sheet necessary to refer the case for prosecution, and trafficking cases took on average 11 years from first report to adjudication. NGOs reported the substantial delay contributed to the dearth of successful investigations and prosecutions because most suspects remained out of jail and could bribe or threaten victims not to testify. The government took steps to establish seven anti-trafficking tribunals stipulated in the PSHTA to exclusively hear human trafficking cases, including appointing seven judges. The women and children's tribunal continued to hear trafficking cases but had insufficient staff and resources to handle the caseloads, and prosecutors lacked expertise in trafficking. Observers stated the government generally did not dedicate sufficient resources to pre-trial investigations and prosecutors persisted with trials to meet the statutorily required timeline of 180 working days for the disposal of cases, even if inadequately prepared. The Bangladeshi High Commission collaborated with the Government of Brunei to revoke the passports of suspected Bangladeshi labor traffickers and deport them to Bangladesh for criminal prosecution. The government continued to allow mobile courts, established under the executive branch, to adjudicate labor violations, human trafficking cases, and migrant smuggling cases. Mobile courts could only prescribe penalties of up to three years' imprisonment—less than the minimum penalty of five years' imprisonment for trafficking offenses under the PSHTA. An NGO expressed concern that some village courts, five-person panels of local government officials and villagers, adjudicated trafficking cases but could only administer financial penalties, and the courts may have subjected victims to intimidation, fraud, and corruption.

Despite continued reports of traffickers exploiting hundreds of Rohingya in forced labor and sex trafficking within Bangladesh, the only Rohingya-related cases reported by law enforcement involved movement via boat—cases that might have been migrant smuggling without elements of trafficking. The government did not establish clear legal reporting mechanisms within the camps, which impeded Rohingyas' access to justice and increased impunity for offenders. Police and international humanitarian actors maintained multiple help desks in several refugee camps to provide legal assistance to female and child refugee victims of crime, but public distrust of police and security services deterred many victims of crime, including trafficking, from approaching law enforcement for assistance. The Bangladeshi High Court did not entertain anti-trafficking cases filed by Rohingya, despite the law allowing Rohingya to file trafficking cases in Bangladeshi courts. International organizations alleged some Bangladeshi officials facilitated trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps.

Official complicity in human trafficking, trafficking-related corruption, and impunity for offenders remained serious concerns, inhibiting law enforcement action during the year. The government was reluctant to acknowledge or investigate such claims. In registered brothels, some police charged bribes to ignore abuse within the establishments, to not check for the required documentation that each worker was older than 18, and to procure fraudulent documents for workers as young as 10 years old. Some labor attachés, local politicians, judges, and police requested bribes from victims and their families to pursue cases. Observers alleged some officials from district employment and manpower offices allegedly facilitated human trafficking, and some traffickers in rural areas had political connections that enabled them to operate with impunity. According to NGOs, some local politicians convinced victims to accept payment from recruitment sub-agents to not report fraudulent or exploitative labor recruitment actions to police. Other observers reported some police conducted slow and flawed investigations to allow traffickers to evade punishment, including when suspects were fellow officers. During the previous reporting period, police reported arresting a law enforcement officer for allegedly forcing two 12-year-old girls into drug trafficking and exploiting them in commercial sex. The government subsequently denied the case.

Because a number of government officials, including parliamentarians, maintained close ties to foreign employment agencies, there were concerns such officials had conflicts of interest in approving migrant-friendly practices, such as prosecution of abusive recruitment agencies and increasing protections for migrant workers. In February 2020, media reported a Bangladeshi parliamentarian bribed Kuwaiti officials to bring more than 20,000 Bangladeshi migrant workers abroad on work visas that stipulated a different job and lower salaries than their contracts, and the parliamentarian then paid the workers the lesser wages or not at all. Media reported that from 2015-2018, Malaysian employment agencies and 10 Bangladeshi recruitment agencies bribed officials and politicians in both countries to create a monopoly on recruitment of Bangladeshi workers. The monopoly increased the recruitment fees charged to workers from 37,000 BDT ($440) to more than 400,000 BDT ($4,710) per person—higher than the government's legal maximum—which increased Bangladeshi migrant workers' vulnerability to debt-based coercion. After two warnings from the Dhaka High Court, the government submitted its investigative report in November 2019, where it awaited hearing. In September 2016, a federal court in New York entered a default judgment against a former Bangladeshi consular officer and his wife and ordered them to pay approximately $920,000 to a Bangladeshi citizen in a civil suit in which the plaintiff alleged violations of the TVPA, as well as federal and state labor laws. The consular officer left the United States and remained in the Bangladesh foreign service as an ambassador. Following an appeal, a revised judgment was issued in May 2018 for approximately $850,000. Parties reached a settlement in May 2019 and voluntarily dismissed the case in June 2019. The plaintiff had alleged experiencing retaliatory actions by the Bangladesh Consulate in New York prior to the settlement. The government did not report taking any action during the reporting period to hold the consular officer accountable.

PROTECTION

The government modestly increased the number of victims identified but maintained severely inadequate victim protection, especially for Bangladesh trafficking victims identified overseas. The government identified 585 potential trafficking victims, an increase from 419 in the previous reporting period but still much lower than the 770 victims identified in 2017. Traffickers exploited the majority of victims identified in forced labor. Organizations identified and provided support to at least an additional 1,456 trafficking victims, including 543 Rohingya identified between December 2018-2019. The Ministry of Home Affairs (MHA), the government's lead agency for combating trafficking, had SOPs for proactive trafficking victim identification; however, the government did not report how widely officials disseminated or used these SOPs. Some police officers used a checklist to proactively identify victims when they came into contact in commercial sex establishments; however, the government did not formally adopt or disseminate the checklist, and its use was inconsistent.

The government did not have a standard, adopted policy to refer victims to services, although it retained a court-order mechanism to do so, and some officials followed an NGO's written guidelines for referral to and provision of care. Authorities could refer trafficking victims to government or NGO shelters. The government referred 74 victims to government or NGO-run shelters and 84 to NGOs for other services, an increase from approximately 25 victims referred in the previous reporting period. NGOs assisted additional trafficking victims. While the government did not provide trafficking-specific services, police operated multiple centers for women and child victims of violence, including trafficking, in each of Bangladesh's eight divisions that offered short-term shelter, medical, and psychological care. With partial funding from a foreign government, the Ministry of Social Welfare (MSW) operated some longer-term shelters for women and child victims of violence, including trafficking victims, which could provide similar care. MSW shelters, however, required a court order referral, and victims could not leave without a family member's consent. The government also required NGOs and international organizations to obtain a court order to contact victims in government shelters to provide further rehabilitation services. Some victims reported abuse within the shelters. Authorities forced some victims who could not obtain family consent to remain in the shelters for as long as 10 years; some victims referred to these homes as "jails." The government did not report how many trafficking victims its police and MSW shelters assisted during the reporting period. Government-run hospitals also had one-stop centers that could assist female victims of crime, although it was unclear if and how officials referred women to these centers. The government generally did not view adult men as trafficking victims. Neither government nor NGO shelters could accommodate male victims, although most NGOs could provide non-shelter services to adult male victims

The government did not allow foreign victims to access government services. NGOs could care for foreign trafficking victims. NGOs could provide two or three days of temporary care to Rohingya trafficking victims in safe homes but then had to return them to refugee camps, where they remained vulnerable to traffickers. The government's NGO Affairs Bureau continued to withhold approval for foreign funding to some NGOs working on some human rights or humanitarian issues, which may have affected provision of services to vulnerable populations, including trafficking victims. The PSHTA entitled victims to protection during judicial proceedings, including police security and allowing victims to provide testimony via video conference. While some victims participated in the investigation and prosecution of their traffickers, the government and NGOs noted insufficient implementation of this provision caused the vast majority of trafficking victims not to participate. While the PSHTA mandated creation of a fund to assist victims in seeking compensation from their traffickers, the government had not created the fund. All trafficking victims could file civil suits seeking compensation. The government reportedly screened for trafficking among individuals before arrest; however, because law enforcement did not uniformly employ SOPs to identify trafficking victims among vulnerable populations, including women in commercial sex, law enforcement may have penalized sex trafficking victims for unlawful acts their traffickers compelled them to commit. For example, NGOs reported law enforcement

raided brothels and arrested foreign women in commercial sex for violation of their visas without efforts to screen for trafficking. NGOs reported some authorities detained and fined trafficking victims in transit for failure to carry a passport and may have deported some victims without screening for trafficking. The government did not provide legal alternatives to the removal of foreign trafficking victims to countries where they might face hardship or retribution.

The government made minimal efforts to assist Bangladeshi sex and labor trafficking victims abroad. MHA and the Government of India continued to revise its 2015 memorandum of understanding (MOU) on trafficking victim identification and repatriation to streamline the process. The governments facilitated, and NGOs funded, repatriation of an additional 100 trafficking victims from India, but the lengthy and complex approval system resulted in some Bangladeshi victims languishing in Indian shelters for up to six years. The Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) maintained 29 labor offices in embassies and consulates overseas to provide welfare services to Bangladeshi migrant workers. International organizations continued to report the labor wings had neither the staffing nor the resources to assist the large number of migrant workers, especially at embassies in the Gulf. MEWOE operated four safe houses abroad for female workers with strong indicators of trafficking who fled abusive employers but did not report how many individuals the shelters assisted. While the government could fund some trafficking victim repatriation, it often took so long that victims funded it themselves and incurred additional debt. MEWOE opened a desk at the airport that provided up to 5,000 BDT ($59) and information on available NGO services to returning female migrant workers, including trafficking victims.

Between January and November 2019, an international organization reported 1,250 female migrant workers returned to Bangladesh from Saudi Arabia, many of whom reported indicators of labor trafficking. Bangladeshi embassies abroad did not identify any as labor trafficking victims, but authorities and NGOs identified some as trafficking victims upon repatriation, as reflected in the total number of victims identified. In addition, the organization repatriated 129 deceased Bangladeshi domestic workers from Saudi Arabia in 2019; the women reportedly died in employment, including 24 cases of suicide. While MEWOE confirmed approximately 2,400 Bangladeshi domestic workers returned from Saudi Arabia during the reporting period alleging numerous indicators of trafficking, including physical and sexual abuse, contract switching, restricted movement, and non-payment of wages, the government only reported assisting 121 total Bangladeshi nationals with repatriation. Additionally, at least 425 Bangladeshi migrant workers from other countries returned with substantial indicators of trafficking during the reporting period. The government occasionally required victims of labor exploitation, including labor trafficking, to remain at embassies overseas to pursue a civil case against their employer; many victims wanted to return home and thus could not pursue cases. The government did not file any trafficking cases in destination countries. Some officials blamed victims for their own labor trafficking, claiming workers were "unprepared." The government relied on NGOs to support victims upon repatriation. Overseas Bangladeshi workers who secured their employment through MEWOE could lodge complaints with MEWOE to seek restitution for labor and recruitment violations, including allegations of forced labor, through an arbitration process. However, trafficking-related corruption impeded the process, and it often yielded minimal awards. At least one NGO reported BMET, which facilitated the arbitration, prohibited NGO advocates from accompanying migrant workers, which forced workers to arbitrate claims alone against both powerful recruitment agencies and BMET. MEWOE reported it settled complaints against 214 recruitment agents in 2019 that compelled them to pay 34.4 million BDT ($404,710) total to 352 migrant workers, compared to settlement of 660 cases that awarded 25.7 million BDT ($302,350) in compensation to workers in 2018; it did not report if any complaints involved forced labor. Because the government did not initiate criminal investigations into migrant workers exploited abroad and civil remedies remained inadequate, civil society organizations ran alternate dispute resolution systems to assist labor trafficking victims in obtaining some financial remedies.

PREVENTION

The government maintained efforts to prevent trafficking. The government continued implementing its 2018-2022 anti-trafficking national action plan. While it increased collaboration with civil society, it also relied on civil society to fund and implement large portions of the plan, including broader development objectives. MHA continued to lead the inter-ministerial anti-trafficking committee, which met bi-monthly. Contacts reported interagency collaboration remained weak between ministries and suggested, as provided for in the PSHTA, creation of a standing national authority to coordinate anti-trafficking efforts. In contrast with previous years, MHA no longer made publicly available its anti-trafficking law enforcement data or annual report on human trafficking. In September 2019, Bangladesh acceded to the 2000 UN TIP Protocol.

The 2013 Overseas Employment and Migrants Act (OEMA) criminalized fraudulent recruitment and unlawful recruitment fees; however, these provisions still permitted the government to set legal recruitment fees at rates between 85,000 and 262,000 BDT ($1,000 and $3,080), high enough to render many migrant workers indebted and vulnerable to trafficking through debt-based coercion. A research organization reported that in 2018, Bangladeshi migrant workers traveling to Saudi Arabia on average paid more than 450 percent of the government's fixed recruitment price for the total labor migration process. According to the research, the government's fixed recruitment fee for Saudi Arabia was equivalent to a Bangladeshi worker's salary for five-and-a-half-months, and workers in reality paid fees equivalent to more than two years of salary. During the reporting period, MEWOE began discussions with the Government of Saudi Arabia to increase the number of Bangladeshi migrant workers in the Kingdom. The Bangladesh Association of International Recruiting Agencies (BAIRA) oversaw 1,186 licensed labor recruitment agencies. Its vigilance task force continued operations against corrupt recruitment agencies, travel agencies, and illegal and unregulated sub-agents who operated in rural locations and connected prospective migrant workers to licensed employment agencies. MEWOE suspended 162 recruitment agencies for operating in violation of the law, including breach of employment contracts and recruitment regulations. Authorities referred some of the recruitment agents to mobile courts, which convicted 28 individuals for labor trafficking-related offenses under the 2013 OEMA, including sending migrant workers abroad unlawfully, charging unlawful recruitment fees, and fraudulent recruitment. Mobile courts prescribed fines or imprisonment; fines were inadequate penalties to deter the crime. In 2018, mobile courts convicted 11 individuals, although it was unclear in both years how many cases contained elements of trafficking in persons.

In February 2020, in acknowledgement of the absence of a legal framework to regulate , including those who fraudulently recruited migrant workers for exploitation or used unlawful recruitment fees, the government began requiring all recruitment agents to request permission from MEWOE before appointing any . It was unclear how MEWOE would monitor existing or new agents for compliance. BAIRA acknowledged migrant workers frequently paid fees in addition to the legal amount BAIRA agents charged

before the worker began the formal recruitment process. *Dalals* also also directly connected workers to overseas jobs by providing fake visas and other documentation, and in some cases, incorrect information about the migration process and the job in the destination country. Observers stated a migrant worker's financial situation often determined job placement, not his skills or abilities, and migrant workers frequently paid as much as five times more than the government's maximum fee level. The government continued to have a number of bilateral labor agreements, in part intended to protect Bangladeshi workers abroad, although there was no evidence the government enforced the MOUs. The government continued to require pre-departure training, including safe migration and anti-trafficking components, for some migrant workers, including a 30-day pre-departure training course for female domestic workers. The government offered safe migration information through numerous district employment and manpower offices and training centers. However, it was unclear how many migrants were aware of these services and accessed them before traveling abroad. BMET, the government agency responsible for preparing and certifying outbound Bangladeshi workers, allowed some recruitment agencies to prohibit briefings on topics "against recruiting agencies' interests."

Labor inspectors had responsibility for monitoring workplaces and reporting allegations of forced and child labor to police for criminal investigation. While international organizations estimated 93 percent of child labor—including forced child labor—took place in the informal sector, inspectors did not monitor the informal sector. Staffing and resources to inspect for labor violations, including forced and child labor, remained severely inadequate, and inspectors exclusively conducted announced inspections, which gave employers time to hide children or exploitative conditions. In 2018 and 2019, inspectors filed 42 cases against employers for the worst forms of child labor; they did not report if they also referred these cases to police for criminal investigation. The government continued to conduct national awareness campaigns through print media, television, and text messages, and through its local counter-trafficking committees, at times in partnership with NGOs. The government maintained several helplines to report crime; during the reporting period, the helplines received and police identified trafficking victims in 27 cases.

The government continued to allow international organizations and NGOs to provide some assistance to refugees. Notably, in January 2020 the government endorsed an international organization's pilot program to introduce the Burmese national curriculum to some Rohingya aged 11-13 in refugee camps, allowing them access to some schooling. However, it continued to bar Rohingya from formal schools, working legally, and restricted their movement. In addition, it continued to suspend birth registration for both Bangladeshis and Rohingya in four municipalities, all of which increased vulnerability to trafficking. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers and provided anti-trafficking training for its diplomatic personnel. The government began criminally investigating one repatriated peacekeeper for alleged child sexual exploitation in Haiti in 2017, which the UN had substantiated in the previous reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The government did not make efforts to reduce the demand for child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, traffickers exploit domestic and foreign victims in Bangladesh, and traffickers exploit victims from Bangladesh abroad. Traffickers exploit some Bangladeshi men, women, and children who migrate willingly to work in the Middle East and Southeast Asia, especially Brunei, Malaysia, and the Maldives, in forced labor. Traffickers also exploit Bangladeshis in forced labor in South Asia, Southern and Eastern Africa, Europe, and the United States. Many Bangladeshis migrate for work each year through illegal channels and traffickers target them. Before departure, many workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to BAIRA and illegally by unlicensed sub-agents; this places workers at risk of debt-based coercion. Some recruitment agencies, agents, and employers also commit recruitment fraud, including contract switching; this includes promising women and children jobs and exploiting them in sex trafficking upon arrival. In recent years, authorities identified more than 100 Bangladeshi male forced labor victims in construction in Vanuatu, and officials received thousands of complaints of non-payment of wages and contract switching among the 30,000 Bangladeshi migrant workers in Brunei. More than 69,000 of the 234,000 Bangladeshi workers in Maldives are undocumented, and some report passport retention, underpayment or non-payment of wages, and fraudulent recruitment. In Saudi Arabia, traffickers exploit in labor trafficking a substantial number of the hundreds of thousands of Bangladeshi female domestic workers. Officials report that recently approximately 200 domestic workers return to Bangladesh from Saudi Arabia each month with indicators of forced labor.

Traffickers exploit Bangladeshi women and girls in sex trafficking abroad, including in India, Pakistan, and Gulf countries. Traffickers have sold some women who migrated through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work into forced labor and sex trafficking in Syria. Some Chinese traffickers force Bangladeshi women, specifically indigenous women from Chittagong Hill Tracts, into sex trafficking and labor in domestic work through arranged marriages. Some traffickers falsify identity documents to make children appear older than age 18 to send them abroad. Gulf countries, including Saudi Arabia and Kuwait, deported hundreds of undocumented Bangladeshi workers during the reporting period, some of whom employers had coerced into forced labor and caused their documents to expire.

Traffickers continue to exploit adults and children from all regions of the country in Bangladesh's legal brothels, many illegal brothels, and private hotels. Traffickers use false promises of work to lure poor women and children into sex trafficking and fabricate exorbitant debts the women and girls as young as 10 must work to repay. Child sex trafficking remained widespread; experts estimate 20,000 children are both growing up in and exploited in commercial sex in Bangladeshi brothels. Many women and girls reported it was after they had fled abusive child marriages between the ages of 12 and 14 that traffickers preyed on them and sold them to brothels. Other women reported they had grown up in brothels because their mothers had worked in commercial sex, and the brothel owners had put them in commercial sex when they were children. In some registered brothels, owners force children to take steroids to appear older. In legal brothels, some police charge bribes to ignore abuse within the establishment, to not check for the required documentation that each worker is older than 18, and to procure fraudulent documentation for minors as young as 10 years old. Some traffickers force sex trafficking victims to become addicted to drugs and use addiction to keep them in sex trafficking and forced criminality. Traffickers sexually exploit street children in exchange for food, shelter, protection, and money.

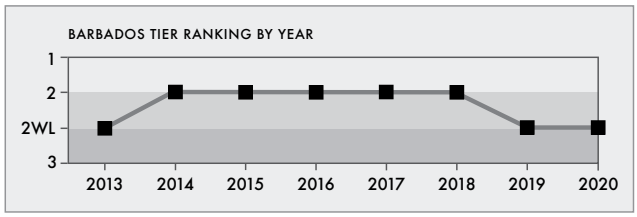
Traffickers often used debt-based coercion to compel workers into labor, exploiting an initial debt assumed by a worker as part of the employment terms. Traffickers force adults and children to labor in the shrimp and fish processing industries, aluminum and garment factories, brick kilns, dry fish production, and

shipbreaking. Traffickers force children younger than 14 into labor in domestic work, including through restricting their movement and torture. In 2018, a survey by an international organization found more than 400,000 children in domestic work in Bangladesh. Bangladeshi children are at risk for forced labor in tanneries. Traffickers coerce street children into criminality or force them to beg, and begging ringmasters sometimes maim children to increase earnings. Traffickers force children, especially in border areas, to produce and transport drugs, especially *yaba*. Traffickers use coercive debts to force Bangladeshi families and Indian migrant workers to labor in brick kilns, shrimp farming, and on tea estates. Some kiln owners sell bonded females into prostitution purportedly to recoup the families' debts. NGOs allege some officials allow human traffickers to operate at India-Bangladesh border crossings and maritime embarkation points. The North Korean government may have forced North Koreans to work in Bangladesh.

Bangladesh hosts more than one million undocumented Rohingya in refugee camps and host communities in Cox's Bazar near the Burmese border and other parts of the country, approximately 700,000 of whom arrived after August 2017. Traffickers exploit Rohingya men, women, and children from refugee camps in sex and labor trafficking both within Bangladesh and transnationally. Traffickers transport Rohingya girls within Bangladesh to Chittagong and Dhaka and transnationally to India, Malaysia, and Nepal for sex trafficking, sometimes using false promises of jobs or marriage; some traffickers "trade" these girls over the internet. Local criminal networks take Rohingya women from refugee camps at night, exploit them in sex trafficking, and bring them back to the camps during the day. International organizations allege some Bangladeshi officials facilitate trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps. Rohingya girls and boys are recruited from camps and forced to labor as shop hands, fishermen, rickshaw pullers, and domestic workers. Some Bangladeshi fishermen use debt-based coercion to exploit Rohingya men if they place their shelter on the fishermen's land. Some Rohingya men who fled to Bangladesh from Burma decades ago have been trapped in forced labor through debt-based coercion to Bangladeshi fishermen for decades. In the recent past, some traffickers sold into forced labor Rohingya and Bangladeshi migrants, who traveled by boat to Southeast Asia and could not pay ransoms. Multiple NGOs and humanitarian officials assess Rohingyas' statelessness and inability to receive formal schooling or work legally has increased their vulnerability to traffickers. International organizations allege some Bangladeshi officials facilitate trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps. Foreigners create demand for child sex tourism, including exploitation of Rohingya girls near Cox's Bazar.

BARBADOS: TIER 2 WATCH LIST

The Government of Barbados does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included completing an anti-trafficking manual on assisting and interviewing victims, formally reinstating the anti-trafficking task force, and increasing training for law enforcement and child care officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not identify any victims in the past three reporting periods, reported no new prosecutions since the enactment of the 2016 anti-trafficking law, and has never secured a trafficking conviction. The government did not complete the national action plan begun in 2016. The government's anti-trafficking law did not provide penalties that were commensurate with other serious crimes. Therefore Barbados remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Institutionalize victim identification and referral training for law enforcement officials, prosecutors, and judges to recognize trafficking indicators and implement the anti-trafficking law. • Proactively screen vulnerable groups, including children and migrants, for trafficking indicators and identify victims among these populations. • Vigorously investigate, prosecute, and convict traffickers with adequate sentences, including substantial imprisonment. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Allocate adequate funding to support government agencies' anti-trafficking activities. • Implement the anti-trafficking manual and train law enforcement on identifying, referring, and protecting potential trafficking victims. • Develop, fund, and implement a national action plan for 2020 onwards to combat trafficking. • Increase the transparency of government efforts to combat trafficking, including by sharing relevant data with international partners. • Ensure that the anti-trafficking task force resumes active meetings and that recommendations are disseminated to governmental and civil society leadership. • Provide trafficking victims, including potential victims, with adequate accommodations and access to trauma-informed service providers. • Increase awareness of human trafficking among the public. • Approve and implement the Mandatory Reporting Protocol on Child Abuse. • Amend the Recruiting of Workers Act to specify the government agency responsible for enforcement functions. • Systematically monitor and assess national anti-trafficking efforts, making public the results.

PROSECUTION

The government decreased prosecution efforts. The Trafficking in Persons Prevention Act (TIPPA) criminalized sex trafficking and labor trafficking. The penalties prescribed for adult trafficking were up to 25 years' imprisonment, a fine of up to one million Barbados dollars (BDS) ($495,050), or both. The penalties prescribed for child trafficking were up to life imprisonment, a fine of up to two million BDS ($990,100), or both. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the prescribed punishment for sex trafficking was not commensurate with those for other serious crimes, such as rape. Immigration and police officials jointly investigated two individuals, one from Sri Lanka and one from Canada, at the international airport, compared with two investigations in 2018, five in 2017, and three in 2016. The government did not report initiating prosecutions under the TIPPA during the reporting period; the government has not reported initiating any prosecutions since a case begun in 2013, which is still pending. The government has never convicted a trafficker. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The government previously acknowledged limited instances of men purchasing children for commercial sex, which is a form of sex trafficking; however, it did not report investigating any such cases as trafficking crimes. The police Sex Crimes and Trafficking Unit trained 100 front-line officers and 30

police recruits at the police training center with the assistance of an international organization during the reporting period. In March, 40 officials from immigration, police, customs and excise, prison, the Barbados Defense Force, Coast Guard, the Director of Public Prosecutions, and the Office of the Attorney General participated in a five-day training on trafficking in persons hosted by an international organization.

PROTECTION

The government maintained minimal efforts to protect victims. The government did not identify a single trafficking victim, compared with no victims identified in 2017 and 2018, eight victims identified in 2016, and 12 in 2015. Officials reported screening 30 vulnerable individuals for trafficking during the reporting year; this was a decrease from 60 individuals screened in 2018. The government did not report wider attempts to screen vulnerable individuals, including children, for trafficking indicators. An expert from the UN Committee on the Rights of the Child noted in 2017 that Barbados was a transit country for trafficked exploited children, and the government was doing little to address the problem; there was no indication this situation had changed. The government did not report any activities of the National Committee for Monitoring the Rights of the Child, which was responsible for outreach on protections for children, including against sex trafficking.

Both the police and immigration use standard operating procedures (SOPs) to interview potential victims. The government reported that the SOPs were updated during the reporting period to take into account changing trafficking modes; the revised SOPs were pending government approval at the end of the reporting period. Officials reported ongoing monitoring of the international airport for vulnerable individuals displaying trafficking indicators during the reporting period. A formal referral process for government authorities and NGOs existed for victim care, as required by law, and the Gender Affairs Bureau was the designated government coordinator for local NGO assistance to victims. There was no specialized shelter for trafficking victims on Barbados. Female trafficking victims and their dependents could reside at an NGO-operated women's domestic shelter; however, this shelter did not have the resources for, and previously struggled to assist, trafficking victims. The government had a separate agreement with an NGO to provide accommodations to male victims. The children's care board could provide care for any identified child victims.

The government maintained an informal policy allowing foreign victims to receive temporary legal status as an alternative to their removal to countries where they face hardship or retribution by traffickers. The Minister of National Security could authorize victims, on a case-by-case basis, to remain and work in the country; however, the government did not report granting this status during the reporting period, as it identified no victims. The TIPPA authorized the government to provide safeguards for victims' identities and those of their families, issue work permits, and provide transportation and security during legal proceedings. Government policy permitted victims to leave the country and return for hearings; it was not clear when these policies were last used to encourage victim testimony. The TIPPA allowed courts to order restitution from a trafficker after a conviction; however, no victims received restitution during the reporting period. The government completed an anti-trafficking manual outlining procedures for law enforcement or immigration to use when interviewing and assisting suspected trafficking victims. The Sex Crimes and Trafficking Unit led human trafficking sensitization training for 15 child care officers.

PREVENTION

The government maintained minimal prevention efforts. The government formally reinstated the National Task Force On Human Trafficking (task force) in January. The attorney general led the restored task force, composed of heads of 10 government ministries and civil society representatives. According to government reports, the task force did not hold regular meetings during the reporting period, although it coordinated trainings and lectures with the public. The task force reported that it was drafting the 2016-2020 national action plan—a process that began in 2016. The government conducted human trafficking sensitization lectures to 40 staff members of a major hotel group and 50 female members of a local NGO from two towns during the reporting period. Officials conducted a sensitization session for 30 children in aspects of child trafficking in an educational holiday camp. The labor department regulated recruitment agencies under the Recruiting of Workers Act; however, the law did not identify the responsible agency for the associated enforcement functions.

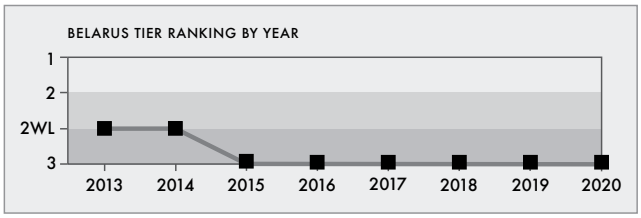
Officials coordinated public awareness sessions, although budget constraints may have hampered efforts. The government did not report whether it had approved the Mandatory Reporting Protocol on Child Abuse, which addresses child labor conditions, employers' legal responsibilities, and employee rights. The government did not report whether the labor department monitored vulnerable workers, including migrants frequently hired in the construction and agriculture sectors, for trafficking indicators. Government agencies conducted trafficking awareness seminars for 110 members of the public during the reporting period. The government did not report continuing its anti-trafficking training for its diplomats, first instituted in 2018. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Barbados. Observers report traffickers exploit foreign women in sex trafficking in Barbados. Documented and undocumented migrants from Guyana, Haiti, Jamaica, and Venezuela are at high risk for trafficking, although individuals from Colombia, the Dominican Republic, and St. Vincent and the Grenadines are increasingly vulnerable. There are anecdotal reports of parents and caregivers exploiting children in sex trafficking. Previously, traffickers operated as part of an organization; more recently, they appear to operate individually. Authorities have noted an increase in use of social media as a means of recruiting victims.

BELARUS: TIER 3

The Government of Belarus does not fully meet the minimum standards for the elimination of trafficking because of a government policy or government pattern of government-sponsored forced labor in public works projects and the agricultural sector; therefore Belarus remained on Tier 3. However, the government increased efforts to address trafficking, including convicting traffickers under its trafficking statute for the first time in eight years, increasing training for law enforcement, and confirming significantly more victims. The government continued to require the participation of factory workers, civil servants, and students in harvesting on state-owned farms or in street cleaning. University students were threatened with the loss of subsidized housing for non-participation.



PRIORITIZED RECOMMENDATIONS:

Reform government policies to end all forms of state-sponsored forced labor that result in civil servants, students, and citizens being subjected to forced labor. • Amend or repeal the penal provisions in sections 193(1), 339, 342, 367, 368 and 369(2) of the criminal code to clarify that no penalties involving compulsory labor may be imposed for the peaceful expression of political views. • Continue to increase efforts to investigate and prosecute cases of forced labor and sex trafficking and forced labor under Articles 181 and 181-1. • Increase resources devoted to trafficking victim assistance and protection within Belarus in such a manner that improves effectiveness, including for state-owned territorial centers for social services and for NGOs. • Increase funding for services that provide child sex trafficking victims with services specialized to their needs and continue to refer all identified victims to care facilities. • Continue to expand trainings for all relevant officials on the national identification and referral mechanism. • Continue to proactively screen all vulnerable groups, including migrants and individuals in commercial sex, for indicators of trafficking. • Increase labor inspections to identify internal forced labor. • Allocate sufficient resources for the full implementation of the national referral mechanism.

PROSECUTION

The government increased law enforcement efforts. Article 181 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from five to seven years' imprisonment and forfeiture of assets for offenses involving adult victims and seven to 15 years' imprisonment and forfeiture of assets for those involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government reported four trafficking investigations in 2019 under Article 181, compared with six in 2018, and one per year from 2014 to 2017. Authorities did not initiate any investigations under Article 181-1, which criminalized the use of forced labor, compared with four cases in 2018 and one case in 2017. The government initiated four trafficking prosecutions under Article 181, compared with six in 2018, and one each year from 2015 to 2017. The government convicted three traffickers under Article 181; the last conviction was in 2012. Courts sentenced each of the three convicted traffickers to 20 years' imprisonment. The government reported details of one additional conviction for sexual exploitation under Articles 171 and 171-1; the trafficker received five years and six months' imprisonment plus a fine. The government reported investigations and convictions under other articles that contained elements of trafficking, but it did not provide sufficient details to determine if the reported statistics related to sexual exploitation met the definition of trafficking under the TVPA. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The Main Department for Drug Control and Combating Trafficking in Human Beings led law enforcement efforts. The government increased law enforcement training during the reporting period. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement, which utilized the International Training Center for Migration and Combating Trafficking in Human Beings, a joint effort between the Government of Belarus and an international organization.

PROTECTION

The government increased victim protection efforts in some areas. The government identified 128 confirmed trafficking victims and nine potential victims, compared with 142 confirmed victims in 2018 and 131 in 2017. Of the 128 confirmed victims the government identified in 2019, 125 victims, including 30 children, were exploited in sex trafficking and three victims exploited in forced labor. Traffickers exploited 105 of the confirmed victims in sex trafficking or forced labor in Belarus and 23 abroad. The government reported referring 48 victims to NGOs for reintegration services, compared with 54 in 2018 and 60 in 2017.

The Ministry of Interior initiated amendments to the national referral mechanism, which will formally establish a multidisciplinary approach to victim rehabilitation. The government reported law enforcement officials referred 54 confirmed and potential victims to international organizations and NGOs for care, compared with 68 in 2018. The government reported 251 potential victims formally applied for victim status with law enforcement or NGOs, and it approved 128 applications. The government reported increased screening of individuals arrested for commercial sex for trafficking indicators and exempting them from any legal liability; the government identified 101 individuals forced into commercial sex in 2019.

The government provided in-kind assistance to anti-trafficking NGOs in the form of facilities for seminars, conferences, and training; expedited approval of projects and grants; and tax-exempt status. NGOs and an international organization provided the majority of victim assistance; however, the government did not provide financial support for NGOs. The government's assistance mechanism continued to be underutilized and suffered from burdensome bureaucratic requirements, delays in service delivery, and inconsistent quality of service. NGOs identified and assisted 91 trafficking victims in 2019, compared with 130 in 2018; 33 victims were female and 58 were male, 59 were trafficked for forced labor, 21 were sex trafficked, and the remainder unspecified. The majority of the victims (52) were exploited in Russia, while 30 were exploited internally in Belarus. NGOs reported a variance in the degree of cooperation with regional law enforcement. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 136 "crisis rooms" (132 rooms in 2018) that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of trafficking, regardless of nationality; the government reported one trafficking victim used these facilities. Observers continued to report most victims sought assistance at private shelters because the government's centers were poorly equipped and lacked qualified caregivers trained in trafficking. The education ministry maintained at least 138 centers that could provide vulnerable children with shelter and basic provisions, including 103 orphanages. An NGO continued to assist with operating child friendly rooms for interviews, the provision of assistance, and reintegration services at 18 of these centers; however, similar to past years, no child trafficking victims received services at these facilities, despite the government identifying child sex trafficking victims.

PREVENTION

The government maintained efforts to prevent trafficking. The minister of interior served as the national rapporteur on trafficking issues and coordinated implementation of the 2017-2019 State Program on Countering Crime and Corruption, which included anti-trafficking activities. Interdisciplinary bodies, composed of

representatives from law enforcement, education, healthcare, labor, and social welfare sectors, judiciary, media, clergy, and civil society, met on an annual basis to discuss implementation of the national referral mechanism. Anti-trafficking cooperation at the regional level was established through memoranda of cooperation with each region; regional interdisciplinary working groups convened and included representation from government agencies, NGOs, an international organization, media, attorneys, and religious groups (as observers). The government adopted a national action plan for the protection of minors from sexual violence and exploitation; implementation began in the first quarter of 2020. The activities in the action plan were also included in the 2020-2022 Program to Combat Crime and Corruption. The government conducted public awareness campaigns through television, radio, and print media and provided in-kind assistance to NGOs' campaigns in the form of advertising hotlines, production assistance, and placement of awareness-raising materials on state-owned television, radio, and billboards. MOI continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices and routed trafficking calls to specialized NGOs. For the third consecutive year, the government did not investigate or file charges related to illegal recruitment in 2019, compared with 50 companies charged in 2016. The authorities did not conduct labor inspections; efforts remained inadequate to enforce and deter violations. The government continued to lead and participate in multilateral anti-trafficking activities to include coordinating the Group of Friends United against Human Trafficking at the UN, which included 23 participating countries and drafting the unanimously adopted general assembly resolution on "Improving the coordination of efforts against trafficking in persons." The government continued to report efforts to reduce the demand for commercial sex acts.

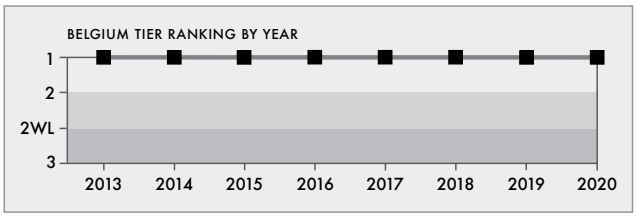
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Belarus, and traffickers exploit victims from Belarus abroad. Data collected by NGOs suggests the majority of trafficking victims are men subjected to labor exploitation, primarily in Russia. Belarusian victims are trafficked primarily in Belarus and Russia, as well as in Poland, Turkey, and other countries in Eurasia and the Middle East. Some Belarusian women traveling for foreign employment in the adult entertainment and hotel industries are subjected to sex trafficking. The government has identified Belarusian, Moldovan, Russian, Ukrainian, and Vietnamese victims exploited in Belarus.

A government policy or government pattern of state-sponsored forced labor continued during the reporting period. The government continued the practice of *subbotnik*s, which the law mandates to be voluntary service days. The government called for a national-level *subbotnik* during the reporting period; regional authorities organized as least one *subbotnik*; in lieu of payment to employees for work performed, the government allocated their wages to finance government projects. In 2018, the UN Special Rapporteur on the Situation of Human Rights in Belarus, in his report to the Human Rights Council, reported authorities disguise as strong encouragement, an obligation for factory workers, civil servants, and school children to participate in harvesting on state-owned farms or in street cleaning. The UN Special Rapporteur did not report on *subbotnik*s in his 2019 report. Experts have reported authorities threatened individuals who refused to work with fines or unpaid premium compensation. Authorities have required university and high school students to participate, without compensation, in public works projects; in rural areas, they may also help farmers during the harvest season. University students who fail to participate risk the loss of housing in subsidized dormitories or penalization during exams. The ILO Committee of Experts noted its continued concern in 2019 that, although there have been no recently reported cases, some provisions of the Belarusian criminal code, which included forced labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government.

BELGIUM: TIER 1

The Government of Belgium fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Belgium remained on Tier 1. These efforts included investigating, prosecuting, and convicting traffickers; identifying significantly more victims; approving a new shelter for child sex trafficking victims; cooperating with foreign governments to prosecute suspected traffickers; and drafting a new national action plan. Although the government meets the minimum standards, authorities did not always follow the referral protocol for child victims, and identifying child victims remained a persistent weakness. The government continued to report inconsistent law enforcement data.



PRIORITIZED RECOMMENDATIONS:

Train first responders on the child victim identification and referral protocol. • Continue to approve and fund the creation of new dedicated shelters for child trafficking victims. • Allocate regular and timely funding for NGO-run shelters for trafficking victims and increase resources to assist unaccompanied child victims. • Investigate and prosecute traffickers, sentence convicted traffickers to significant prison terms, and ensure convicted traffickers serve those terms in practice. • Implement trauma-informed and victim-centered procedures during trial proceedings to minimize the risk of re-traumatization and ensure all victims, not just those under threat of physical violence, have access to witness protection services. • Separate participation in the criminal justice process from receipt of victim services. • Coordinate and centralize the collection of timely trafficking data across the government to effectively analyze efforts. • Increase legal representation for victims and expand access to victim compensation to include those victims exploited by means other than physical violence. • Revise the definition of human trafficking under Belgian law to more closely align with the definition in the 2000 UN TIP Protocol.

PROSECUTION

The government maintained law enforcement efforts. Belgium criminalized sex and labor trafficking through a 2005 amendment to the 1995 Act Containing Measures to Repress Trafficking in Persons, which prescribed penalties of one to 15 years' imprisonment and a fine of €500 to €50,000 ($560 to $56,180) for offenses involving adult victims, and 10 to 20 years' imprisonment and a fine of €1,000 to €100,000 ($1,120 to $112,360) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as kidnapping. Belgium's definition of trafficking in persons was broader than the definition in the 2000 UN TIP Protocol. Inconsistent with the definition of trafficking

under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. Additionally, the failure of an employer to meet the prevailing wage and working conditions can constitute "exploitation" under Belgian law, and the government included these cases in its prosecution data. GRETA reported the overly broad definition could lead to confusion between trafficking and other criminal offenses and possible difficulties in mutual legal assistance with foreign governments that used a definition more consistent with the UN TIP Protocol.

The government did not report law enforcement data consistently from year to year, making it difficult to assess its law enforcement efforts. Authorities investigated 374 cases in 2019, compared to 309 cases in 2018 and 326 in 2017. The government prosecuted an unknown number of defendants in 73 cases in 2019; it prosecuted 339 defendants in an unknown number of cases in the first six months of 2018. Authorities reported 126 convictions in 2018, the most recent year for which data was available, compared with 93 in 2017. The government reported it sentenced 118 convicted traffickers to prison terms ranging from one to 10 years in 2018; of these, 53 were suspended or partially suspended sentences. Of the prison sentences issued, including those that were suspended or partially suspended, 13 were for less than one year, 58 were for one to three years, 30 were for three to five years, and 17 were for five to 10 years. Despite recommendations from GRETA in both of its evaluation reports, in 2013 and 2017, the government continued to lack a coherent system to collect law enforcement and victim data for trafficking cases, which hindered its ability to track and evaluate law enforcement and victim protection efforts. Each judicial district appointed a magistrate to specialize in trafficking and serve as a resource to the district. The government's national training center provided basic trafficking training to federal police officers, as well as advanced training for officers specializing in cases of labor and sexual exploitation. The government mandated trafficking trainings for judicial officials who were on the career track to become magistrates and who may eventually become judges. Social security inspectors and social and housing inspectors in Brussels received trafficking training. The government participated in international investigations, including a joint investigation with Romanian and Dutch authorities that led to the arrest of two traffickers (one in Belgium and one in Romania) for exploiting women in sex trafficking in the Netherlands. Authorities also cooperated with Swiss authorities to extradite a suspected sex trafficker from Switzerland to Belgium. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government increased efforts to protect victims. In 2019, the government identified and assisted 265 victims (including 143 victims of labor exploitation, 92 victims of sexual exploitation, and 30 victims of other forms of exploitation), a significant increase compared to 139 victims in 2018 (including 80 victims of labor exploitation, 38 victims of sex exploitation, and 21 victims of other forms of exploitation). Due to the broad definition of labor exploitation under Belgium's anti-trafficking law, data on the identification of labor trafficking victims may have included cases that do not constitute trafficking crimes under international law. First responders followed a national victim referral protocol to identify victims and refer them to care, and the government distributed victim identification guidelines to relevant stakeholders across the government and NGO community. Law enforcement identified the majority of victims during inspections, although social workers, immigration officials, and NGOs also referred victims to government-funded shelters for assistance. The national rapporteur, however, reported persistent challenges in accurately identifying child victims. Many authorities who did not specialize in trafficking cases reportedly could not recognize trafficking indicators and confused child trafficking with other crimes such as smuggling and child abuse. Authorities sometimes failed to follow the victim referral protocol and did not properly notify child protective services when they identified an unaccompanied child victim. In one case, police informed local authorities in Brussels about a possible case of child sex trafficking; however, despite knowing the location of the victim, several months passed before they arrested the traffickers and protected the victims. The government did not report providing training to authorities on victim identification.

The government funded three specialized NGO-run shelters and allocated approximately €427,000 ($479,780) for each shelter in 2019, compared with €426,000 ($478,650) in 2018; the shelters also received funding from regional and local governments. NGO-run shelters provided psycho-social, medical, and legal care, and were open to all adult victims regardless of gender, immigration status, or nationality. The independent Federal Migration Centre (Myria), in its capacity as the national rapporteur, provided oversight and coordination for the shelters. Authorities placed child trafficking victims in government-funded shelters for unaccompanied minors or in facilities with victims of other crimes. In December 2019, the government announced it had approved an NGO proposal to open a shelter specifically for female child sex trafficking victims, which the organization expected would open in 2021. GRETA reported the government's child safety services lacked sufficient capacity to accommodate unaccompanied child victims. Shelters for unaccompanied minors reported many children went missing from the shelters each year, some of whom may have been victims of trafficking; in 2019, the agency responsible for these shelters reported 1,072 children as missing.

The government conditioned its victim assistance services on three criteria: victims had to break off all contact with their trafficker, agree to counseling at a specialized shelter, and assist in the prosecution of their trafficker. During criminal proceedings, witness protection laws provided only those victims under the physical threat of violence or living abroad options to testify via video. Child victims had a specific provision that allowed courts to permit video testimony. Identified victims were eligible for a 45-day reflection period during which they could decide whether to assist law enforcement; foreign victims who did not agree to these conditions must return to their country of origin. The government granted foreign victims who participated in investigations and prosecutions three-month residence and employment permits and protective services. If a public prosecutor confirmed the individuals were trafficking victims, they could receive a six-month residence and work permit, renewable until the end of the criminal case. Victims who were not citizens of EU member states could obtain permanent residency only upon the successful prosecution and sentencing of traffickers. Observers noted the conditions the government attached to victim assistance were difficult for many victims to meet, especially in the case of child victims. Few child victims received residence permits, and GRETA expressed concern that residency for non-EU child victims was contingent upon cooperation with law enforcement instead of factors relating to the best interest of the child. The government did not report how many residence permits it issued or renewed for trafficking victims in 2019, compared with 248 in 2018 and 235 in 2017. Victims could claim compensation at local courts, but many victims found it difficult to prove their case involved the required intentional act of physical violence. The high costs of legal representation discouraged victim cooperation in criminal and civil proceedings. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, gaps in identification efforts, such as with child victims, made these victims vulnerable to such penalization. Additionally,

foreign victims were only granted relief from deportation or other penalties if they assisted in the prosecution of their trafficker.

PREVENTION

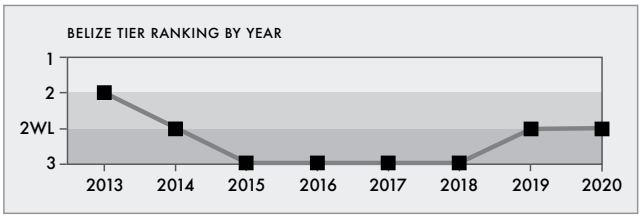
The government maintained efforts to prevent trafficking. The Interdepartmental Coordination Unit coordinated government-wide anti-trafficking efforts and monitored the implementation of the national action plan for 2015-2019. The Ministry of Justice chaired the unit, which included key government ministries and agencies, as well as representatives of the three government-funded shelters and Myria. Myria served as the secretariat for the unit and as the independent national rapporteur, and it produced its own annual report on governmental anti-trafficking efforts. The government drafted a new national action plan, but the caretaker government lacked the authority to release it by the end of the reporting period. The government conducted several awareness campaigns aimed at front-line professionals such as hospital staff and social workers and participated in international awareness campaigns organized by regional and international organizations. The government continued a widely used program that subsidized the wages of maids and domestic workers and criminalized exploitative practices such as the confiscation of passports and contract switching. The government maintained a system to prevent the exploitation of domestic employees of foreign diplomats. Awareness-raising flyers were available in the consular sections of Belgian embassies and consulates abroad. The government did not make efforts to reduce the demand for commercial sex acts; the government made efforts to reduce the demand for participation in international sex tourism by its citizens, including by prosecuting its citizens for participating in child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, sex and labor traffickers exploit foreign and domestic victims in Belgium. Foreign victims come primarily from Asia (including China, India, and Thailand), Eastern Europe (especially Albania, Hungary, Romania, and Ukraine), and North and Sub-Saharan Africa (primarily Morocco and Nigeria). Sex traffickers exploit Belgian girls, some of whom are recruited by local traffickers, and foreign children including Roma and Nigerian girls, who are recruited through extensive trafficking networks in Nigeria. Traffickers recruit girls from Eastern Europe on social media by posing as potential romantic partners. Belgian citizens participate in international child sex tourism. Labor traffickers exploit male victims in restaurants, bars, sweatshops, horticulture, fruit farms, construction, cleaning businesses, and retail shops; they exploit men and women in domestic service, including in the diplomatic community. Within the Romani community, traffickers exploit Roma children in forced begging and forced criminality. Asylum-seekers who have their applications for legal status denied and migrants transiting through Belgium to the United Kingdom are highly vulnerable to trafficking.

BELIZE: TIER 2 WATCH LIST

The Government of Belize does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included initiating more trafficking investigations, convicting a trafficker, and screening for potential trafficking victims during joint labor inspections. However, the government did not demonstrate overall increasing efforts from the previous reporting period. The government did not initiate any new prosecutions against traffickers and continued to apply victim identification procedures inconsistently, despite improvement in this area. Although reports of official complicity were common, the government did not investigate any instances of official complicity in trafficking-related offenses. Therefore Belize remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law by vigorously prosecuting traffickers and imposing strong prison sentences upon those convicted. • Consistently apply formal procedures to identify victims of sex and labor trafficking among vulnerable groups and refer identified victims to services. • Actively investigate reports of potential trafficking crimes and official complicity. • Investigate and prosecute child sex tourists. • Hold complicit officials, including those who attempt to shield traffickers from prosecution, accountable through prosecution and conviction. • Provide adequate funding for specialized victim services for all victims, including men and minors, directly and by funding NGOs. • Thoroughly enforce the prohibition on off-duty police officers providing security for bars and restaurants where commercial sex acts occur. • Continue to ensure victims are not penalized for unlawful acts, including immigration violations, their traffickers compelled them to commit. • Implement the national anti-trafficking plan in accordance with its agreed timeline and disburse resources to its implementation. • Increase efforts to identify forced labor through recruiter participation in the national labor recruiter registry and prevention programs with migrant workers.

PROSECUTION

The government increased prosecution efforts. The 2013 Trafficking in Persons (Prohibition) Act criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for offenses involving adult victims, and up to 12 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as rape. Additionally, the 2013 Commercial Sexual Exploitation of Children (Prohibition) Act criminalized various offenses relating to the prostitution of anyone younger than 18.

The government opened 10 new trafficking investigations—three for forced labor and seven for sex trafficking—compared to three new investigations in 2018 and nine in 2017. There were no ongoing trafficking investigations from previous years. The government did not initiate any trafficking prosecutions in 2019, but there were ongoing cases from previous reporting periods against four accused traffickers, all of whom awaited trial on bail. The government reported convicting one trafficker on two counts of sex trafficking in March 2020. This was Belize's second conviction under the 2013 trafficking law; the first occurred in early 2016. A dedicated police unit of five officers conducted trafficking investigations and operations. The judiciary designated a Supreme Court Justice and a Magistrate judge to provide specialized attention to trafficking cases, who along with other justices and judges received anti-trafficking training. Observers reported greater recognition amongst government officials of staffing and funding gaps in the anti-trafficking unit during the reporting period, although the government still had an inconsistent and insufficient police response and investigative capacity. Others noted a slow and cumbersome justice system, a lack of accountability at all levels,

and an overall lack of resources, which affected the government's ability to address crime, including trafficking.

The government continued to cooperate with foreign governments on international trafficking cases. In one instance, the Belizean government collaborated with officials in Honduras to repatriate victims and exchange information, leading to the convictions of two sex traffickers in Honduras in January 2019. The government provided or collaborated with NGOs and international donors to provide anti-trafficking training, including on victim identification and referral, to the anti-trafficking police unit, immigration officers, prosecutors, judges, prison officials, and social workers. However, limited intelligence gathering, inconsistent application of formal victim identification procedures, and suspected complicity among some law enforcement officials hampered the identification of trafficking crimes. During the reporting period, the government reprimanded two officers for violating a policy instituted in 2018 prohibiting off-duty police officers from providing security for bars and restaurants where commercial sex acts frequently occurred. The government did not disclose the extent of the reprimand, and observers were concerned that inconsistent enforcement of the prohibition would diminish its efficacy. During the reporting period, officers violating the policy without reprimand may have inhibited police from investigating allegations of trafficking and dissuaded victims from reporting trafficking. Observers decried indicators of slow official responsiveness to reports of potential trafficking and complicity. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action.

PROTECTION

The government maintained efforts to protect victims. Authorities identified 24 potential victims in 2019—all foreign nationals—compared to 17 potential victims in 2018 and 17 potential victims in 2017. Seventeen of the 24 victims, including one child, were exploited in labor trafficking, while the remaining seven, four of whom were children, were identified as victims of sex trafficking. While a majority of victims were Central American, there were also five victims of Indian nationality and one Mexican victim. The government employed a procedure to screen for potential victims among vulnerable groups, such as individuals in commercial sex and migrants, but also worked to draft an updated procedure. Observers reported more consistency in victim identification but stated gaps still existed, such as authorities who rarely took action in response to credible reports of potential trafficking victims by NGOs, possibly leading to fewer victim identifications and weak victim protection. Although Belize's anti-trafficking law exempted victims from punishment for unlawful acts traffickers compelled them to commit, gaps in identification procedures may have left mis- or unidentified victims vulnerable to punishment for unlawful acts traffickers compelled them to commit. Observers reported otherwise-improved adherence to this policy, with anecdotally fewer instances of authorities arresting or jailing victims due to immigration violations during raids. During the reporting period, the anti-trafficking council collaborated with an international organization to draft a victim identification and assistance protocol specific to migrant children. The national anti-trafficking council ensured social workers accompanied the anti-trafficking police unit on operations and raids conducted by the council's operations subcommittee to screen, identify, and assist victims. However, social workers were not routinely present when other law enforcement units conducted operations and raids on commercial sex establishments. Victims' fear of detention or deportation may have contributed to their reluctance to report trafficking to law enforcement officers.

The government reported providing services to all 24 potential victims, including food, clothing, medical care, and housing. The Department of Human Services referred two of the 24 victims to an NGO-run shelter at the government's expense. The government coordinated and funded shelter, medical care, and psychological services to adult victims through the Alternative Care Unit and to child victims through the Child Protection System and foster care. The government trained and partnered with domestic violence NGOs to provide shelter and services to adult female trafficking victims. There were no shelters accessible to male victims; instead, the government arranged to rent lodging for any male victims identified. Service providers developed victim care plans with victim participation with the goal of encouraging independence, and these plans included presenting adult victims with the option of staying in shelters, safe houses, or independent living and placing minors in the child protection system or in kinship care and independent living upon reaching adulthood.

Government social workers monitored foster care placements for child victims and developed individual case plans for each child, which included a home study to determine if placement was in the best interest of the child. The government noted the support offered by foster families empowered victims and led to the country's first trafficking conviction under the new law, in 2016. Experts expressed concerns about the lack of education about trafficking for some foster parents, uneven coordination and communication between government agencies and foster parents, and limited availability of psycho-social care in general, including for trafficking victims. As in the previous year, the government allocated 200,000 Belizean dollars ($100,000) to anti-trafficking efforts, some of which it dedicated to victim services. In total, the government dedicated 109,000 Belizean dollars ($54,500) to victim services in 2019, which included food, clothing, medical expenses, counseling, stipends, and repatriation expenses.

Victims had the right to testify remotely by video feed; because the courts lacked video testimony capabilities, victim-witnesses were instead given the option to testify in court behind an opaque screen. The government allowed foreign national victims to submit written testimony after returning to their home countries. In past years, the government conducted risk assessments to determine the safety of victims participating in trials against their traffickers, but did not report doing so in 2019. Court delays affecting the justice system as a whole and fear of retaliation by traffickers may have led foreign national victims to decline or withdraw cooperation with law enforcement and return to their home countries. Per government policy, foreign victims identified in potential trafficking cases could be granted temporary residency status regardless of their cooperation with investigations or prosecutions; the government assigned a social worker to assist all 19 foreign national victims in obtaining immigration relief, housing, and medical services. The government reported repatriating seven victims in 2019; at least one of these repatriations was facilitated by an international organization. The government issued no-cost residency permits to three victims. Victims could apply for work permits free of cost, and the government received one such application in 2019. Courts could order victim restitution upon a trafficker's conviction but did not do so in 2019.

PREVENTION

The government slightly increased its prevention efforts. The government continued to implement a 2018-2020 national anti-trafficking action plan, which designated various government entities as responsible for the plan's activities. Under the national action plan, the government committed to reduce vulnerability to and the demand for trafficking, generate national research and data on trafficking, monitor and evaluate the implementation of policies and programs, create a comprehensive and integrated

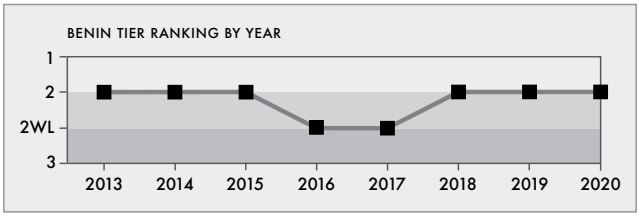
system of victim services and assistance, and strengthen mechanisms for investigating and prosecuting trafficking using a victim-centered approach. The national anti-trafficking council established a trafficking information kiosk at an international airport, which included resources for potential victims in multiple languages. The government also funded awareness-raising efforts, including billboards in English and Spanish and public service announcements in English, Spanish, and Hindi with a "crime stoppers" hotline number. An NGO operated the "crime stoppers" hotline; it did not report receiving any trafficking-related calls during the reporting period. The government made efforts to reduce the demand for child sex tourism, including by continuing to disseminate public service announcements on the penalties for sex with minors and the links between tourism and the demand for commercial sex. The government did not, however, investigate or prosecute any child sex tourists. The government cooperated with the United States to deny or otherwise prevent entry to 12 convicted sex offenders. The government continued to distribute brochures on labor rights to foreign workers applying for work permits. The labor code required labor recruiters to register, but the government reported that none did so. Labor inspectors adopted a new policy of joint inspections with immigration and social security officers; these officials received training in victim identification and referral. The government provided an anti-trafficking handbook and training to all heads of diplomatic missions and consulates.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Belize, and traffickers exploit victims from Belize abroad. Groups considered most at risk for trafficking in Belize include women, men, children, LGBTI persons, and migrants. Sex traffickers exploit Belizean and foreign women, men, and girls and LGBTI persons, primarily from Central America, in bars, nightclubs, hotels, and brothels. Family members facilitate the sex trafficking of Belizean women and girls. Foreign men, women, and children—particularly from Central America, Mexico, and Asia—migrate voluntarily to Belize in search of work, and traffickers often exploit victims using false promises of relatively high-paying jobs or take advantage of migrants' illegal status and exploit them in forced labor in restaurants, shops, domestic work, and agriculture. In tourist regions, foreign child sex tourists, primarily from the United States, exploit child sex trafficking victims. Alleged trafficking-related complicity by government officials remains a problem. NGOs reported police and immigration officers took bribes in return for ignoring trafficking, facilitating illegal entries, failing to report suspected victims and perpetrators, and failing to act on reported cases under their jurisdiction.

BENIN: TIER 2

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Benin remained on Tier 2. These efforts included convicting more traffickers, identifying more potential child trafficking victims, and expanding proactive child victim identification and awareness measures at markets. The government also increased training for law enforcement officials as well as first responders and finalized its anti-trafficking agreement with Burkina Faso and Togo to facilitate law enforcement data sharing and coordination on repatriation in transnational trafficking cases. However, the government did not meet the minimum standards in several key areas. Authorities failed to sanction convicted traffickers with sentences corresponding to the designated penalties under the country's revised penal code and did not report investigating fraudulent labor recruiters. Although the government's efforts to identify adult victims of trafficking improved, they remained inadequate compared with the estimated magnitude of the issue.



PRIORITIZED RECOMMENDATIONS:

Expand training for law enforcement, prosecutors, judges, and judicial staff on the 2018 penal code articles 499-504 to increase their ability to effectively investigate, prosecute, convict, and sentence traffickers in accordance with the law. • Increase efforts to investigate, prosecute, convict, and sentence offenders of sex and labor trafficking of adults as well as children, including fraudulent labor recruiters, to significant prison terms. • Develop and disseminate systematic procedures for proactive identification of adult victims and their subsequent referral to care. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and services to more trafficking victims, including adults. • Use the 2011 bilateral anti-trafficking agreement with the Republic of Congo and the multilateral agreement with Burkina Faso and Togo to increase law enforcement coordination and investigate, prosecute, and convict perpetrators of transnational trafficking cases, while respecting due process. • Finalize the multilateral agreement with Togo and Nigeria to increase information sharing and cooperation on transnational trafficking investigations.

PROSECUTION

The government increased its overall law enforcement efforts to address trafficking. Existing laws criminalized sex trafficking and labor trafficking. Articles 499-504 of the Penal Code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 10 to 20 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes, such as rape. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (Act 2006-2004) criminalized all forms of child sex trafficking as well as labor trafficking and prescribed penalties of 10 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

In 2019, the government reported investigating 117 cases involving 117 suspects (114 for sexual exploitation and three for forced labor), compared with investigating 188 child trafficking cases of unknown exploitation in 2018. Authorities reported prosecuting 42 suspected traffickers under a variety of statutes in 2019: 28 for child trafficking; 13 for forced begging; and one for pimping. In 2018, officials reported prosecuting 44 cases of child trafficking and one case of adult trafficking. Following the Ministry of Justice's increased efforts to collect nationwide data in 2019, authorities reported convicting 140 traffickers under a variety of laws during the reporting period, compared with convicting 11 traffickers in 2018. Courts reportedly sentenced 117 traffickers to imprisonment ranging from one month to four years, with 23 receiving suspended sentences of two to 30 months; these penalties did not correspond with the 10-20 years' imprisonment required by Benin's Penal

Code for trafficking. The majority of arrests occurred along Benin's southern corridor in the cities of Abomey-Calavi, Port Novo, and Cotonou. Authorities did not take action against informal employment agents who facilitated trafficking, although some illicit recruiters continued to lure Beninese victims abroad with fraudulent employment promises during the reporting period. The government did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses, although some civil servants may have exploited children through the traditional practice of *vidomegan*. Officials partnered with international organizations in February 2020 to train 70 police officers, prosecutors, and juvenile court judges in key trafficking cities of Parakou, Dassa, and Bohicon on combating human trafficking.

The government reported Beninese honorary consulates in Brazzaville and Pointe Noire in the Republic of the Congo assisted with the identification of eight Beninese girls whom traffickers exploited in domestic servitude in Brazzaville. Congolese law enforcement officers arrested the suspects, who were awaiting trial in the Republic of the Congo at the end of the reporting period. As of February 2020, Beninese officials were working with their Congolese counterparts to repatriate the victims and assist with the investigation. The government finalized its anti-trafficking cooperation agreement with Burkina Faso and Togo in December 2019 to facilitate law enforcement data sharing and repatriation coordination; however, it did not finalize its cooperation agreement with Togo and Nigeria to increase law enforcement coordination on transnational trafficking cases. In January 2020, 14 law enforcement and government officials from Benin and Togo held a two-day session in Grand-Popo, Benin, to increase anti-trafficking coordination between the two countries with the support of international partners. Participants developed a Joint Strategic Actions Paper to strengthen the mechanism for combating cross border human trafficking.

PROTECTION

The government increased overall efforts to protect child trafficking victims and improved its efforts to identify adult victims, which historically have been a deficiency for Benin. In 2019, officials reported proactively identifying 309 trafficking victims between the ages of four and 35 (248 females and 61 males), compared with identifying 565 child victims of forced labor in 2018. Officials from the Central Office for the Protection of Minors (OCPM) continued to patrol borders, bus stations, and large markets to proactively detect child trafficking victims, identifying and referring 1,387 potential child trafficking victims to temporary shelter and services in 2019, compared with identifying and referring 1,214 potential child victims to care in 2018. The Ministry of Health's standard operating procedures for providing health services to individuals in commercial sex included a presumption that any minor involved in commercial sex was a victim of sex trafficking. The government has not developed a corresponding directive or procedure for the identification of adult trafficking victims.

The Ministry of Social Affairs and Microfinance, OCPM, Ministry of Justice, Ministry of Foreign Affairs, and various international donors and NGOs coordinated during the reporting period to identify, assist, repatriate, and reintegrate victims of child trafficking. The process involved OCPM taking initial custody of victims in Benin and providing them temporary shelter in its Cotonou facility with a capacity of 160 (80 boys and 80 girls). After an OCPM interview and assessment, officials referred victims to a network of NGO shelters. OCPM officers then referred cases to court when there was sufficient evidence following investigations. Ministry of Social Affairs and Microfinance representatives coordinated with NGOs and civil society to reunite children with their families. Observers described the government's referral process as adequate; however, they noted limited shelter capacity hindered the country's service provision for some victims. The OCPM shelter offered child victims legal, medical, and psychological assistance and served as a transit facility for potential child trafficking victims while officials worked to place the children in long-term NGO shelters.

The Ministry of Social Affairs and Microfinance's network of Social Promotion Centers (*Centres de promotion sociale*) continued to provide basic services for adult and child trafficking victims in all of Benin's 77 communes. Each commune had a service center staffed with a local representative and a social protection committee who could refer child trafficking victims to NGO housing or foster families with the approval of a juvenile court judge.

The Ministry of Social Affairs and Microfinance continued to assist foreign trafficking victims, predominantly minors, before repatriating them to their home countries. The government repatriated 50 Beninese child trafficking victims (44 girls and six boys) from Gabon, Niger, and Nigeria in partnership with an international organization and with the assistance of embassies or consulates of victims' countries of origin. Separately, OCPM reported assisting in the return of 20 Beninese victims from: Mali (two girls and one boy), the Republic of the Congo (two girls and one boy), Algeria (one boy), Lebanon (one woman), Saudi Arabia (one woman), and Kuwait (11 women). The government did not report the number of victims it repatriated to their home countries in 2019.

The government coordinated with partners in 2019 to provide anti-trafficking training for 487 judges, social workers, police, and labor inspectors (compared with 486 officials in 2018) focused on increasing their knowledge of child trafficking, in addition to broader child protection issues. Officials reported increasing funding for OCPM for the second consecutive year, from 52 million to 70 million West African CFA franc ($89,350 to $120,270). Beninese law did not provide legal alternatives to the removal of trafficking victims to countries in which victims would face retribution or hardship, although cases involving foreign child trafficking victims were considered for immigration relief on an ad hoc basis. While there were no reports the government penalized any trafficking victims for unlawful acts traffickers compelled them to commit, some adult victims may have remained unidentified in the law enforcement system due to authorities' limited but increasing awareness and understanding of adult trafficking.

PREVENTION

The government increased efforts to prevent trafficking in persons and periodically convened its inter-ministerial committee (IMC) during the reporting period. The IMC—chaired by the Chief of Staff of the Minister of Planning and Development—was composed of directors of offices from across the government, as well as partners from key NGOs and international organizations. Observers reported the government partially implemented and funded its 2020-2024 anti-trafficking national action plan.

The government conducted 746 inspections and identified approximately 1,040 vulnerable children in 2019 through its victim identification program at the primary markets in Dantokpa (Cotonou), Ouando (Porto-Novo), and Arzeke (Parakou) under its 2019-2023 Action Plan to Eradicate Child Exploitation in Markets. In 2019, officials expanded the scope of their inspections to include workshops, bars, restaurants, and other businesses with a higher prevalence of child exploitation. The government complemented the inspections with direct outreach to approximately 1,272 artisans on child exploitation issues. To reduce the demand for commercial sex, the Republican Police, in conjunction with the General Directorate of Labor, held awareness sessions on the risks of the practice with owners of bars, hotels, and restaurants

in 2019 in the communes of Malanville, Parakou, Bohicon, and Cotonou. The Ministry of Labor failed to conduct inspections in sectors known to employ forced child labor, notably the quarry and agricultural sectors.

The government continued its Administrative Census for the Identification of the Population during the reporting period, resulting in officials retroactively registering the births of more than one million children in 2019. A lack of identity documentation contributed to increased vulnerability to trafficking in Benin. The Ministry of Foreign Affairs used a code of conduct for diplomats that prohibited Beninese nationals deployed abroad from engaging in or facilitating trafficking in persons; however, it did not report providing training on the subject to officials. The OCPM maintained its database—"*Enfants du Benin*"—to organize information related to child trafficking cases.

The Ministry of Planning and Development chairs the government's IMC. In 2019, the IMC drafted a plan for the collection of comprehensive statistics to research and assess the human trafficking problem in Benin, with the National Institute of Statistics and Economic Analysis and the Ministry of Justice compiling nationwide prosecution statistics. The Family and Child Monitoring Office at the Ministry of Social Affairs and Microfinance also maintained a database on child trafficking statistics (Child Pro). Apart from the OCPM, many police stations lacked the computers and reliable electricity supply necessary to maintain electronic databases on human trafficking; judicial personnel and most courts continue to record cases on paper, creating challenges in compiling and sharing law enforcement statistics. While the OCPM managed a hotline number for individuals to identify potential trafficking cases, it was not operational during the reporting period. Officials, with foreign donor support, continued to provide anti-trafficking training to approximately 500 Beninese troops prior to their deployment on international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Benin, and traffickers exploit victims from Benin abroad. Trafficking in the country is predominantly internal and involves Beninese children from low-income families. Vulnerable populations most at risk of trafficking frequently lack formal education or basic identity documents, including birth certificates and national identification. Some community members and relatives use the promise of education or employment to recruit Beninese children from northern rural areas to the more urban southern corridor and exploit them in forced labor in domestic servitude, markets, farming, and in handicraft manufacturing. Beninese traffickers include farmers, traders, artisans, small factory owners, and civil servants; some belong to criminal networks.

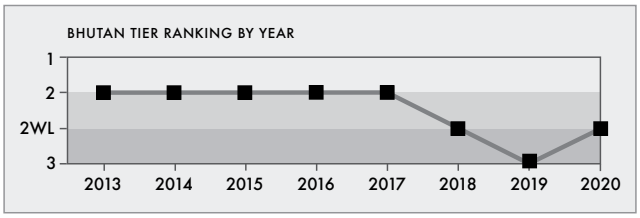
The government reported traffickers exploit children living in the lakeside areas of Benin—including the commune of So Ava in southeast Benin—in debt bondage. Criminal elements operate in urban areas under the guise of informal employment agents and recruit children for domestic work in private residences, where house managers and families exploit the minors in domestic servitude. Some parents follow a traditional practice known as *vidomegan*, which involves sending children to wealthier families for educational or vocational opportunities; some of these more affluent families then subject the children to forced labor in various sectors, including in domestic service and open-air markets. The government reported criminals exploit girls in sex trafficking in Cotonou and Malanville. Officials reported traffickers exploit boys, girls, and women from Djougou and Bassila in the northwest of the country; Parakou in the northeast; Zakpota, Djida, and Agbaizoun in the central region; Adja and Lobogo in the southwest; and Pobe and Sakete in the southeast. Traffickers exploit these groups in labor and sex trafficking.

Cross-border criminal groups subject Beninese children to domestic servitude and other forms of forced labor in Nigeria, Gabon, the Republic of the Congo, and other West and Central African countries. Benin has been the largest source country for trafficking victims in the Republic of the Congo, with the department of Oueme in southeast Benin historically an area traffickers used to recruit child victims. Child, early, and forced marriage remains a nationwide problem, with some families forcing some girls into marriages as a result of generational poverty; husbands and their families may then subject these girls to sexual slavery or domestic servitude.

Reports indicate criminal groups fraudulently recruit young Beninese women for domestic work in Kuwait, Saudi Arabia, Lebanon, and Algeria and subsequently exploit them in forced labor or sex trafficking. Traffickers and their accomplices continue to send child victims to their destinations alone and then meet the victims upon arrival, increasing the challenges for law enforcement to investigate these crimes. International organizations report some adult labor migrants use airports in Togo, Burkina Faso, and Nigeria to circumnavigate anti-trafficking screening procedures put in place by the government at Cotonou's international airport, increasing the migrants' vulnerability to human trafficking. Experts highlighted the commune of Djougou in northwestern Benin as an area of origin for women whom traffickers subject to forced labor and potentially sexual exploitation in Persian Gulf countries, Lebanon, and the Maghreb.

BHUTAN: TIER 2 WATCH LIST

The Government of Bhutan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Bhutan was upgraded to Tier 2 Watch List. These achievements included convicting one individual under the human trafficking statute, appealing the dismissal of trafficking charges in a second trafficking case, finalizing and disseminating standard operating procedures (SOPs) for victim identification and referral, and initiating an investigation into reports of labor exploitation, including forced labor, among Bhutanese workers abroad. In addition, the government continued to work with an international organization on anti-trafficking trainings and public awareness events. Despite these achievements, due to Bhutanese law's inconsistencies with international law, courts continued to dismiss trafficking charges in cases that met the international definition of trafficking, including one case in which a court convicted an alleged trafficker with a fine in lieu of imprisonment. Officials did not identify any trafficking victims during the reporting period. The government did not provide protective services to Bhutanese labor trafficking victims identified abroad, and the government continued to rely on civil society leadership for some anti-trafficking efforts.



PRIORITIZED RECOMMENDATIONS:

Amend Penal Code Sections 154 and 227 and Section 224 of the Child Care and Protection Act to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Vigorously investigate, prosecute, and convict traffickers with significant terms of imprisonment. • Increase proactive trafficking victim identification, including by training officials on, and implementing, the SOPs. • Train officials on the international definition of trafficking, including transnational trafficking, and implementation of anti-trafficking laws. • Train and instruct labor inspectors to screen cases of labor violations for indicators of forced labor, including non-payment of wages, and refer to police for criminal investigation. • Finalize and implement guidelines to oversee *drayangs* (karaoke bars), including ensuring workers have access to contracts. • Take steps to eliminate all recruitment fees charged to workers by recruitment agents and investigate claims of non-payment of wages, contract switching, and illegal fees charged by agents. • Undertake and publish a comprehensive assessment of all forms of human trafficking in Bhutan. • Increase funding to NGOs that provide shelter and services to trafficking victims. • Increase awareness of human trafficking, including forced labor of Bhutanese students abroad. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The law criminalized some forms of sex trafficking and labor trafficking. Section 154 of the penal code criminalized "trafficking in persons," which was defined as a person who "recruits, transports, sells or buys, harbors or receives a person through the use of threat or force or deception within, into, or outside of Bhutan for any illegal purpose." Inconsistent with international law, this definition required the purpose of the human trafficking crime to be "illegal" rather than specifically for an exploitative purpose. Section 227 of the penal code defined "trafficking of a child" to include buying, selling, or transporting a child for any illegal purpose. Section 379 of the penal code defined "trafficking a person for prostitution" as selling, buying, or transporting a person into or outside of Bhutan for the purposes of prostitution. Section 224 of The Child Care and Protection Act (CCPA) criminalized child trafficking but, inconsistent with international law, required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Section 154 of the Penal Code prescribed punishment ranging from three to five years' imprisonment; Section 227 from five to nine years' imprisonment; Section 379 from five years' to life imprisonment; and Section 224 of the CCPA from five to nine years' imprisonment. These punishments were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The Labor and Employment Act criminalized forced labor with sufficiently stringent penalties ranging from three to five years' imprisonment. The judiciary continued to dismiss and refile on lesser charges suspected human trafficking cases due to inconsistencies between Bhutanese law and the international definition of trafficking. During the reporting period, Parliament reviewed and held initial votes on a penal code amendment that would more closely align the penal code's definition of human trafficking with international standards.

Law enforcement investigated four potential trafficking cases, prosecuted three, and convicted two individuals in two cases, compared to three investigations and one prosecution the previous reporting period. Of the four investigations, the government continued three from previous reporting periods (one sex trafficking and two labor trafficking). In one investigation initiated in 2017, the judiciary sentenced one trafficker to two years' imprisonment under Section 154 for attempting to send two Bhutanese women abroad for sex trafficking. In another case from 2018, the Office of the Attorney General (OAG) charged a woman with child trafficking for forced labor of an 8-year-old girl in domestic work. Despite indicators of trafficking, including severe physical abuse that required hospitalization and amputations, the court dropped the trafficking charges, convicted the employer for illegal transportation of a child, and penalized her with a 9,900 Bhutanese ngultrum (Nu) ($139) fine and 180,000 Nu ($2,540) in victim compensation. The OAG appealed the dismissal of the trafficking charges.

In mid-2018, several hundred Bhutanese participants in a government-approved work-study program in Japan reported indicators of forced labor. The government dismissed the allegations for nearly one year, but after a lawyer representing a group of students filed a criminal complaint against the recruitment agency, the government investigated the case. The lawyer alleged forgery, deceptive practices, harassment, abandonment of a person in danger, and human trafficking. The OAG reportedly could not bring trafficking charges due to lack of evidence of human trafficking as defined in Bhutanese law but charged the agency with 2,887 counts of forgery and 730 counts of larceny by deception. The government also charged the Director-General of Ministry of Labor and Human Resources with four criminal offenses, including illegal issuance of a certificate of registration to an employment agency without required documentation. The prosecution was ongoing at the close of the reporting period.

Many officials continued to lack an understanding of human trafficking, especially internal and transnational forced labor. Additionally, limited police resources hindered thorough investigations, and a lack of training for law enforcement on victim-centered questioning impeded formation of strong cases. Persistent individual officers largely accounted for successful anti-trafficking law enforcement efforts. In partnership with an international organization, the Department of Law and Order (DLO) continued to support anti-trafficking trainings for law enforcement and prosecutors. The lack of diplomatic relationships or mutual law enforcement agreements with destination countries hindered Royal Bhutan Police (RBP) efforts to investigate some potential trafficking cases. Nevertheless, the government continued to coordinate with Indian authorities to extradite a suspected Bhutanese trafficker and assisted French authorities with investigation of an alleged trafficker who had forced a Bhutanese woman into commercial sex in France.

PROTECTION

The government maintained minimal victim identification and protection efforts. The government did not identify any trafficking victims during the reporting period, compared to one victim identified in the previous reporting period. With support from an international organization, the government finalized, published, and disseminated SOPs on trafficking victim identification and referral. In partnership with an international organization, the government conducted a two-day training on the SOPs for government officials. RBP maintained Women and Child Protection Units located at three police stations, which consisted of a female police officer assigned to crimes against women and children. Ten Women and Child Desks at other police stations had a police officer assigned to these crimes. RBP reportedly screened for trafficking among women in commercial sex, including in *drayangs* and border areas, and did not identify any trafficking victims.

When the government identified trafficking victims, RBP and other agencies could refer them to the National Commission for Women and Children (NCWC) or an NGO for care. NCWC and NGOs could refer female and child victims to an NGO-run facility that provided counseling, medical services, and long-term shelter to women and child victims of crime. The government funded a full-time nurse, security guards, and some operating costs. No

shelter could accommodate male trafficking victims. During the reporting period, the shelter continued to care for one trafficking victim identified in 2018. There were no shelters for victims of crime outside of the capital area. The shelter had the ability to assign counselors to visit victims of crime outside the capital on an ad hoc basis. Ministries did not have dedicated budgets they could use to support trafficking victims, which created gaps in services in some reported cases. NCWC maintained a budget to assist women in difficult circumstances, which it could use for female and child trafficking victims. NCWC could also provide case management assistance and legal aid.

In December 2019, an international organization identified approximately 140 Bhutanese women in forced labor in domestic work in Iraq, and the Ministry of Foreign Affairs began assisting the organization and the Iraqi government in screening the women for trafficking and facilitation repatriation. Some Bhutanese students who went to Japan through a placement program currently under investigation for labor exploitation contracted serious illnesses due to the squalid living conditions, and several died. At the close of the reporting period, many participants in the program, including some suspected trafficking victims, remained in Japan due to debt incurred in the fraudulent recruitment process. The government established additional communication with the students who remained in Japan but did not report efforts to assist or repatriate victims. The immigration department mandated authorities report suspected foreign trafficking victims identified within Bhutan to NCWC before initiating deportation for immigration violations. It is unclear if similar policies existed for potential foreign male trafficking victims in Bhutan. Bhutanese law did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

PREVENTION

The government maintained efforts to prevent human trafficking. DLO, the interagency lead on anti-trafficking efforts, continued to convene regular meetings of an anti-trafficking taskforce, composed of government and civil society. Senior officials increasingly attended task force meetings. With an international organization, DLO began developing an anti-trafficking national action plan. The government assisted an international organization in conducting an assessment of trafficking in Bhutan, and the government funded a separate parliamentary study on national trafficking trends to inform current and future anti-trafficking legislation. A lack of training on trafficking and a dedicated anti-trafficking budget hampered DLO's implementation of its anti-trafficking mandate. In partnership with an international organization, DLO continued to support public awareness events on human trafficking for groups including students, airport officials, taxi drivers, local government officials, and *drayang* employees. The government and media reported cases of girls younger than 18 working in *drayangs*, a violation of the minimum age requirement of 18. The Ministry of Economic Affairs began drafting new guidelines to review and oversee *drayangs*, including mandating investigations into potentially exploitative working conditions. During the reporting period, the Ministry of Labor and Human Resources (MoLHR) inspected all 23 *drayangs* in Thimphu and reported some did not comply with labor regulations. The government issued closure warnings for failure to comply with labor regulations but did not report levying any civil or criminal penalties against the establishments. During the reporting period, OAG charged one *drayang* owner with employing a minor.

MoLHR registered foreign migrant workers in Bhutan, monitored working conditions, and produced and disseminated pamphlets advising workers of their rights. The Department of Labor (DOL), within MoLHR, hired 11 new labor inspectors, bringing its total to 35. Inspectors lacked adequate training. The July 2018 – June 2019 DOL annual report documented 147 complaints of non-payment of wages, compared to 211 in the previous reporting period, and eight violations of overseas recruitment procedures. As in the previous reporting period, the government did not report the disposition of these cases, including whether it levied civil or criminal penalties. DOL generally mediated claims of non-payment of wages, and it did not report violators to police for criminal investigation of potential forced labor offenses or penalize employers if they paid the outstanding wages. MoLHR did not have the ability to inspect private homes for labor violations and relied on potential victims to self-identify.

Government regulations on overseas employment allowed most agents to charge Bhutanese migrant workers a recruitment fee of one month's salary and recruitment expenses, except for costs associated with a visa or work permit. Individual police officers continued to educate migrant workers about trafficking when they applied for the mandatory police clearance. MoLHR continued to monitor recruitment agencies that assisted Bhutanese citizens older than age 21 seeking work overseas. During the reporting period, it suspended one recruitment agency, fined one agency for operating without a license, and continued to monitor five licensed agencies, compared to terminating one licensed agency in the previous reporting period. The government did not report whether it levied civil or criminal penalties against a recruitment agency it had terminated in the previous reporting period for fraudulent recruitment of Bhutanese to Malaysia through a work-study program. During the reporting period, the government suspended registration of all new labor recruitment agencies and agents. MoLHR posted online announcements to warn potential migrant workers of false advertising and to encourage applicants to verify overseas job advertisements with the ministry. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Bhutan is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

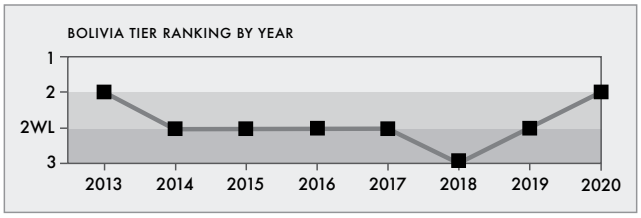
As reported over the past five years, human traffickers exploit domestic victims in Bhutan, Bhutanese abroad, and foreigners in Bhutan. Unregistered and unscrupulous foreign employment recruitment agencies and sub-agents increasingly operate through social media. Some traffickers posing as recruiters offer ostensibly well-paying jobs overseas but exploit Bhutanese in forced labor. Some agencies have subjected Bhutanese students in work-study programs in Japan and Malaysia to indicators of forced labor, including fraudulent contracts, non-payment of wages, and passport retention. Bhutanese citizens continued to work in the hospitality, retail, and service sectors in the Gulf, including in Bahrain, Kuwait, Qatar, and UAE, and in India, Thailand, and the United Kingdom through global training and placement academies. Some participants reported indicators of trafficking, including illegal recruitment fees and wage deductions, restricted movement, passport retention, and non-payment of wages. Media outlets reported traffickers have exploited Bhutanese women in sex trafficking in India. In recent years, including 2019, traffickers sent approximately 140 Bhutanese women to Iraq for forced labor in domestic work.

Traffickers have exploited Bhutanese women and girls working in domestic labor, caregiving, and in sex and labor trafficking, including through debt bondage and threats of physical abuse. Bhutanese women and girls who work as entertainers in *drayangs* are vulnerable to labor and sex traffickers. *Drayang* workers often come from rural areas and sign contracts they later cannot access, that can give more than half of their income to the *drayang* owners. Additionally, some female *drayang* entertainers reportedly work in commercial sex after the *drayangs* close, some of which

traffickers might facilitate. Relatives transport rural Bhutanese to urban areas for employment in domestic work, which at times may involve forced labor. Media outlets have reported instances of child labor within Bhutan's restaurant and automobile workshop industries, some of which had indicators of forced labor. Traffickers may target LGBTI individuals. An expanding construction sector continues to increase the demand for low-skilled foreign labor. Male Indian migrant workers—including in the construction and hydropower sectors—often receive advances before beginning work in Bhutan. Some workers subsequently report unauthorized deductions and non-payment of wages. Traffickers have exploited Indian child domestic workers in Bhutan. Media outlets and NGOs report an increase in commercial sex by Bhutanese and Indian women in the Bhutanese-Indian border's growing hospitality and entertainment districts—including hotels, massage parlors, and nightclubs—some of which might be forced. Bhutan's small stateless persons population's lack of access to documentation necessary to attend school renders stateless children vulnerable to traffickers.

BOLIVIA: TIER 2

The Government of Bolivia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bolivia was upgraded to Tier 2. These efforts included investigating and convicting more traffickers, identifying and referring more victims, increasing capacity building opportunities for law enforcement officials, increasing cooperation with civil society organizations, and conducting labor inspections in areas of high-risk for forced labor. However, the government did not meet the minimum standards in several key areas. It did not prosecute any traffickers, care provided to victims was inconsistent, cases involving complicit officials remained open, and for the second year in a row, it did not report identifying any victims of forced labor exploited within the country.



PRIORITIZED RECOMMENDATIONS:

Prosecute and convict traffickers, including perpetrators of labor trafficking and complicit officials. • Fund and collaborate with civil society organizations to provide specialized services and to increase the availability of services nationwide. • Identify victims of forced labor and criminality and refer them to services. • Expand training of officials on the use of established protocols for the proactive identification of trafficking victims among vulnerable populations and for the referral of victims to care services. • Improve interagency coordination, including data sharing and data collection of all anti-trafficking efforts, distinguishing human trafficking from other crimes. • Screen displaced Venezuelan migrants for trafficking indicators, including individuals in commercial sex and those working in high-risk sectors. • Direct Ministry of Health staff to screen vulnerable populations for trafficking indicators when conducting medical screenings. • Provide interpreters to assist law enforcement officials in the investigation of child sex tourism cases in popular tourist locations. • Adopt a database to monitor and disaggregate trafficking cases nationwide. • Increase the time law enforcement officials serve in anti-trafficking units to preserve institutional knowledge. • Amend the anti-trafficking law to ensure that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense. • Expedite the issuance of humanitarian visas for victims of trafficking. • Increase awareness of "Triple Seal" certification among businesses to reduce the demand for forced labor. • Train officials on the difference between human smuggling and human trafficking.

PROSECUTION

The government increased overall law enforcement efforts but did not prosecute any traffickers in 2019. Law 263 of 2012—the Comprehensive Law against Trafficking and Smuggling of Persons—criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years' imprisonment for adult trafficking, and 15 to 20 years' imprisonment for child trafficking. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the definition of trafficking under Article 281bis of the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, Article 322 of the law criminalized all commercial sex acts involving children, thereby addressing this gap. Article 322 prescribed penalties of eight to 12 years' imprisonment, which were also sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes, such as rape. Article 281bis defined trafficking broadly to include illegal adoption without the purpose of exploitation, the sale of organs, and unlawful biomedical research. In addition, Article 321 of Law 2033, which criminalized pimping using force, fraud, or coercion, was used to prosecute sex trafficking crimes. The law prescribed significantly lower penalties of three to seven years' imprisonment for adults, and four to 10 years' imprisonment for offenses involving children. While Law 263 created separate criminal offenses for trafficking in persons and migrant smuggling, one government agency was responsible for both crimes; that agency often conflated the two crimes in its collection of data and response to perpetrators and potential victims of trafficking.

The government reported investigating 393 cases of trafficking, involving 422 victims, but did not indicate how many of those cases led to prosecutions in 2019, compared with the prosecution of 55 trafficking cases, including nine for pimping in 2018. Authorities did not specify how many of these cases were labor or sex trafficking, and these cases likely included other crimes not considered trafficking under international law. Authorities convicted five sex traffickers in 2019, compared with two in 2018. While authorities charged all traffickers with trafficking crimes, four pled guilty to lesser offenses and only one trafficker was convicted under the anti-trafficking law, receiving a punishment of 18 years in prison. The other four traffickers received sentences ranging from eight months to three years' imprisonment. Historically, observers have noted that the vast majority of arrested suspects, including traffickers, served time in pre-trial detention without ever receiving a final sentence and often avoiding justice by paying bribes to corrupt officials to avoid prosecution. General backlogs in the judiciary, insufficient resources and personnel, and poor training of law enforcement officials impeded law enforcement efforts. Observers reported each prosecutor was responsible for 800 to 1,000 cases, leading to a slow administration of justice. In November, a transitional government was appointed, and some judicial reforms were immediately adopted; however, it was unclear if these provisions changed any of the observations noted. Corruption and official complicity in trafficking crimes

remained significant concerns, inhibiting law enforcement action during the year. The government did not report investigating, prosecuting, or convicting any new cases of official complicity. In the notable 2016 case involving sex trafficking allegations and official complicity at two popular nightclubs, authorities either postponed or adjourned multiple hearings during 2019; however, civil society contacts expressed confidence that authorities would make progress in the case in the coming year.

In January, the Ministry of Justice (MOJ) trained 350 officials from the judicial sector, including judges and prosecutors, on specialized techniques to investigate and prosecute trafficking crimes. Separately, authorities trained law enforcement officials, including highway patrol, community police, rural and border police, the special force against violence, and transit police on victim identification, investigative techniques, and to recognize the difference between human trafficking crimes and migrant smuggling. The La Paz police department's anti-trafficking unit maintained 18 police investigators and other departments' anti-trafficking units allotted three to five investigators. Police officials rotated into new positions every three months to one year, resulting in a cyclical loss of institutional knowledge and impeding specialization in trafficking crimes. The Ministry of Labor (MOL) provided basic training to newly hired labor inspectors on child labor, including indicators of forced labor. In 2019, authorities reported labor inspectors conducted 145 inspections in areas of high-risk for forced labor, including the Amazon region, areas in the northern Santa Cruz Department, and the Chaco, compared with zero inspections specifically for trafficking in 2018. Officials did not report the outcome of those inspections. In June, authorities signed a bilateral cooperation agreement with Paraguay to increase cooperation in cases of trafficking. Civil society organizations indicated that government authorities coordinated with the governments of Paraguay and Peru on cases involving victims from those countries.

PROTECTION

The government increased protection efforts. Authorities reported identifying 422 victims (compared with 15 in 2018), of which 289 were female, 113 were male, and 20 unknown; 250 were underage, 121 were adults, and 51 unknown. Separately, the Office of the Ombudsman identified and referred 63 victims, including 44 from La Paz department, to shelters around the country (compared with 15 referred to shelters in 2018). Authorities did not indicate why there was such a significant increase in the number of victims identified; however, given Bolivia's overlapping legal framework and understanding of human trafficking and related crimes, it was possible that these cases included individuals who were subjected to other offenses often confused with human trafficking, such as child pornography, general labor exploitation, sexual abuse, and migrant smuggling. Authorities used the newly adopted victim identification handbook for law enforcement and the victim identification referral mechanism. In 2019, the national police organized eight training sessions reaching more than 400 police officers from around the country on the use of the police victim identification manual (compared with 74 in 2018). The Ministry of Health continued to administer periodic medical tests to individuals in commercial sex, but it did not screen for trafficking indicators. In August, authorities trained 35 health officials on trafficking indicators. The MOL employed 14 labor inspectors charged explicitly with investigating cases of child labor and forced labor and an additional 102 labor inspectors, who had the authority to investigate potential forced labor cases. In 2019, authorities conducted 145 inspections in areas with a high prevalence of trafficking but did not report identifying any victims.

Authorities used a referral mechanism to route victims to care; however, due to the small number of shelters available, police were often unable to secure safe accommodation for trafficking victims. While the government provided in-kind support and relied on private organizations, faith-based groups, foreign donors, and NGOs to fund and provide victim services, in some cases police officers gave victims money for hotel rooms for the night in the hope that victims could seek greater support from local government authorities or get back in touch with family members. The government did not provide specialized shelters for victims; however, six out of nine department governments had multi-use shelters for victims of domestic violence that accepted female trafficking victims, each reportedly underfunded. The government did not provide any specialized services to adult male victims but could provide basic assistance at migrant shelters. Authorities referred underage male trafficking victims to NGOs, private shelters, and religious organizations for assistance.

Foreign victims who assisted in the case against their traffickers could receive a humanitarian visa, but the process often took years and victims were unable to work during that time. While authorities did not report how many victims of trafficking received humanitarian visas, NGOs reported authorities treated foreign victims of trafficking fairly, following legal standards, and that government officials worked with their foreign counterparts to facilitate repatriation in a timely fashion when victims sought that remedy. The government had a protocol for the repatriation of victims identified abroad, and in 2019, authorities provided consular assistance, repatriation, and protection services for 22 victims, compared with 20 in 2018. Of those identified abroad, 13 were female, nine were male; 18 were victims of forced labor, and four unknown. The government allowed the use of Gesell chambers in every department (compared to seven out of nine departments in 2018), and in lieu of testifying in person, victims could provide recorded testimony or submit a written statement to the court. The government did not report using these provisions to encourage victims to cooperate in the case against their traffickers. Under Bolivian law, victims and their prosecutors could request restitution for damages from the sentencing judge. When victims did not participate in the case against their traffickers, they or their prosecutors could still file restitution claims within three months of sentencing. The government did not report whether any victim or prosecutor sought restitution in trafficking cases.

PREVENTION

The government maintained prevention efforts. The Plurinational Council against Human Trafficking and Smuggling, chaired by the MOJ, was the entity responsible for coordinating anti-trafficking efforts at the national level. Two sub-ministerial units were responsible for coordinating anti-trafficking efforts at the technical level. Observers noted a lack of interagency coordination, in part due to overlapping mandates. In 2019, authorities used the 2016-2020 national action plan and began a needs assessment for the development of the 2021-2025 national action plan. In 2018, the government, jointly with an international organization, began the development of a database to consolidate trafficking cases. Authorities did not report if any progress was made in 2019. Under the transitional government, civil society organizations noted increased cooperation with government officials on trafficking issues.

In previous years, traffickers exploited the absence of a national registry of employment agencies to establish or abuse existing informal temporary employment agencies, through which they identified and recruited potential victims. In 2018, the government adopted a federal registry requiring all employment agencies to register and provide the MOL all recruitment and job placement records. During the reporting period, the MOL reviewed 42 applications, granted five permits, and denied 37 requests. While not all applications were denied due to trafficking concerns,

authorities reported that one of the main considerations when making a final decision for approval was limiting employment opportunities that increased vulnerability to trafficking.

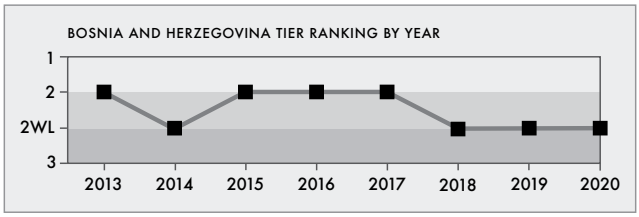
Authorities conducted numerous awareness-raising campaigns during the year. The Human Rights Ombudsman's Office launched an awareness campaign focused on educating students nationwide on trafficking; it conducted seminars, workshops, and held discussion groups in five cities, including in El Alto where there are vulnerable communities and a high prevalence of trafficking. In addition, it trained 40 percent of its staff on trafficking prevention, and facilitated 21 awareness workshops for drivers and bus terminal employees, reaching more than 9,600 individuals. The national police organized a march for World Day Against Trafficking raising awareness in four departments around the country where 27,000 students participated. In addition, it conducted courses on trafficking awareness targeting students, parents, school administrators, and teachers. However, officials did not report how many people they reached. The MOJ and the MOL also conducted campaigns reaching 3,000 students around the La Paz department and 588 university students around the country, respectively. One of the sub-ministerial entities charged with combating trafficking conducted mandatory training for 5,000 small-business operators that sought to participate in a month-long public cultural fair. The government did not make efforts to reduce the demand for commercial sex acts. The Institute for Normalization of Quality, a semi-autonomous government agency, operated a "triple seal" certification program for sugar producers whose final products were certified to be free of child and forced labor, which could reduce the demand for forced labor. Officials did not report how many new companies obtained the seal in 2019. In 2019, civil society organizations noted an increase in child sex tourism near tourist areas of the La Paz and Beni Departments. Despite the concerns and willingness of the tourism police to investigate, authorities were allegedly limited in their ability to do so given language barriers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bolivia. Traffickers exploit Bolivian men, women, and children in sex trafficking and forced labor within the country and abroad. To a more limited extent, traffickers exploited women from neighboring countries, including Brazil, Colombia, and Paraguay, in sex trafficking in Bolivia. Traffickers exploited an increased number of Venezuelan victims in sex trafficking and forced labor within the country. Traffickers subject some migrants from Africa, Chile, and the Caribbean traveling to or through Bolivia to sex trafficking and forced labor. Traffickers exploited children in sex tourism in the departments of La Paz and Beni, openly advertising to tourists speaking Hebrew and Arabic. Rural and poor Bolivians, most of whom are indigenous, and LGBTI youth are particularly at risk for sex and labor trafficking. Bolivian women and girls are exploited in sex trafficking within Bolivia and neighboring countries such as Argentina, Brazil, Chile, Panama, and Peru. Within the country, traffickers exploit Bolivian men, women, and children in forced labor in domestic work, mining, ranching, and agriculture. Forced criminality continues to be a problem; media outlets report cases of children forced to commit crimes, such as robbery and drug production, and others exploited in forced begging. In 2019, traffickers forced a Bolivian victim into criminality by compelling her to smuggle drugs into Malaysia. Traffickers exploit a significant number of Bolivians in forced labor in Argentina, Brazil, and Chile in sweatshops, agriculture, brick-making, domestic work, textile factories, and the informal sector. Traffickers continued to use social media as the primary recruitment tool, luring vulnerable individuals with fraudulent employment opportunities later to exploit them in forced labor or sex trafficking. Civil society organizations noted a pattern of exploitation in which older trafficking victims became recruiters of younger victims.

BOSNIA AND HERZEGOVINA: TIER 2 WATCH LIST

The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the State Coordinator organizing working groups with government and civil society representatives to draft the national strategy, which the government adopted in January 2020. The government identified more victims and the State Prosecutor's Office (SPO) appointed a prosecutor to the anti-trafficking strike force—the only mechanism to coordinate law enforcement efforts across entities. The government revised the structure and guidelines of regional coordinating teams to increase effectiveness. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not have an approved state budget, which delayed funding to anti-trafficking efforts. Law enforcement continued to regularly investigate trafficking under lesser offenses, while judges continued to issue sentences below minimum penalties, as they tend to do in all criminal cases in Bosnia and Herzegovina. Law enforcement lacked victim-centered investigations and prosecutions, and the anti-trafficking strike force remained ineffective. In addition, the government continued to penalize victims and did not disburse annual funds to NGOs for victim protection efforts, while victim assistance providers continued to lack resources and could not assist all domestic victims. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Bosnia and Herzegovina was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Bosnia and Herzegovina remained on Tier 2 Watch List for the third consecutive year.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including any complicit officials, and impose sentences that reflect the serious nature of the crime. • Implement the law that exempts victims from penalties for unlawful acts their traffickers compel them to commit, particularly victims of sex trafficking, forced begging, and forced criminality. • Train first responders on victim identification and referral and increase proactive identification efforts. • Allocate sufficient funding for NGO-run shelters and develop financial policies that effectively allocate funding for victim assistance. • Improve cooperation and coordination among state and sub-state actors, including allocating adequate resources and assigning personnel to the anti-trafficking strike force. • Formally disconnect identification procedures and official victim status from cooperation on investigations and prosecutions. • Increase law enforcement capacity and training to investigate complex cases. • Train judges to understand the severity of trafficking when issuing sentences and sensitize prosecutors and judges to the issues of secondary trauma and victim-centered

approaches. • Standardize victim assistance throughout the country, including the ability to access assistance and support outside of shelters and specialized assistance for male victims. • Integrate Romani groups into decision-making processes regarding victim protection.

PROSECUTION

The government maintained law enforcement efforts. Bosnia and Herzegovina (BiH) consisted of two entities within the state—the Federation of Bosnia and Herzegovina (Federation) and Republika Srpska (RS). Each entity has political, legislative, and judicial authority. The Brcko District (BD) was a self-governing area under the jurisdiction of the state. Entity-level authorities addressed domestic trafficking offenses internal to their territories, and state-level authorities addressed cases with international aspects. Article 186 of the state-level criminal code criminalized sex trafficking and labor trafficking only in cases where the victim was exploited in a country in which he or she did not reside or have citizenship; it prescribed penalties of one to 10 years' imprisonment. Articles 210a and 210b of the Federation's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of five years' imprisonment. Article 145 of RS's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of three years' imprisonment. Article 207a of BD criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of five years' imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape.

SPO initiated one investigation (none in 2018). SPO did not issue any indictments (nine defendants in 2018). State courts did not convict any traffickers and acquitted two persons (none in 2018). Federation authorities initiated investigations on 16 suspects (four in 2018) and continued to investigate 13 suspects. Federation prosecutors did not issue any indictments (two in 2018), and Federation courts convicted 12 traffickers (11 in 2018). Federation judges sentenced five traffickers to imprisonment between 12 and 22 months and one trafficker to four years and nine months. Federation courts only seized the assets of one trafficker and did not provide sentencing information for the other five traffickers. RS authorities investigated seven suspects (one in 2018) and an additional three suspects for "enticement of a child to prostitution." RS prosecutors indicted two defendants (one in 2018) and indicted one defendant for "enticement of a child to prostitution." RS courts convicted one trafficker (none in 2018) and sentenced the trafficker to five years' imprisonment. BD authorities did not initiate any investigations (none in 2018) or any prosecutions (none in 2018). BD lower courts did not convict any traffickers (one in 2018), but a BD appellate court upheld a conviction and sentenced a trafficker to one year imprisonment. Court proceedings lasted many years and judges continued to issue sentences below minimum penalties, including the trafficking statutes, while often citing unreasonable "mitigating circumstances" to decrease further the sentences. Additionally, the government reported traffickers avoided imprisonment by utilizing a law that allowed convicted perpetrators to buy their way out of up to one year of imprisonment for 100 convertible marks ($57) a day.

The State Investigation and Protection Agency (SIPA) maintained 12 specialized officers, and Tuzla Canton in the Federation operated a specialized trafficking unit in addition to trafficking liaison officers in all police units within the canton. RS, BD, and other Federation cantons did not have specialized officers, although organized crime and corruption units were designated to investigate trafficking. Law enforcement reported the lack of capacity and technical knowledge hindered their ability to conduct effective investigations. Authorities continued to regularly investigate and prosecute sex trafficking, forced begging, and trafficking cases involving family members under lesser offenses, including "enticement to prostitution," "child negligence," and "enticement to child prostitution." In some cases, authorities pursued trafficking-related cases under lesser offenses due to the unwillingness of some victims, particularly from the Roma community, to cooperate. Law enforcement reported difficulties in investigating trafficking offenses involving multiple cantons or entities, due to a lack of communication and coordination with cantonal prosecutors. The standing anti-trafficking strike force remained the only mechanism to coordinate law enforcement efforts across entities on trafficking cases. The strike force was largely ineffective, with the state failing to disburse operational funds and the Federation failing to appoint representatives. However, SIPA increased its participation, the state appointed a prosecutor, and SPO and the Ministry of Security agreed to resolve legal issues to disburse funds.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government continued the first joint international investigation with French authorities initiated in 2015 of a Bosnian and Croatian married couple alleged to have forced six Roma children to pickpocket in France; SPO indicted eight defendants in May 2018, but the court did not order authorities to place defendants in custody during court proceedings, and officials reported one defendant was in Turkey likely involved in another forced begging case. In June 2014, SPO issued the biggest indictment for trafficking in BiH's history against 13 Bosnian nationals accused of exploiting 672 individuals, almost all of whom were Bosnian nationals, in forced labor in the construction industry in Azerbaijan in 2009; however, Judges acquitted all defendants involved in the case in December 2019. The government did not enter any new bilateral agreements; the lack of bilateral agreements regarding witness protection created obstacles for witnesses and victims to participate effectively in international investigations. Police academies maintained basic and advanced courses on trafficking, and the government, with financial and technical assistance from an international organization, trained police, border police, prosecutors, and judges on various trafficking issues

PROTECTION

The government maintained victim protection efforts. The government identified 61 potential trafficking victims (36 in 2018). Of these, 19 were victims of sex trafficking, 36 of forced begging, three of forced marriage for the purpose of forced begging and sexual exploitation, and three of multiple types of exploitation (17 were victims of sex trafficking, 19 were victims of labor trafficking, including 18 for forced begging in 2018); 49 victims were female and 12 were male (21 victims were female and 15 were male in 2018); 36 were children (12 in 2018) and six were foreign victims (eight in 2018). Two bylaws provided standard operating procedures (SOPs) for identifying and referring victims to services, including a list of general indicators, but observers reported first responders did not know or consistently use the guidelines and lacked the knowledge to accurately identify trafficking victims. The government operated seven drop-in centers for children and a mobile team for street children in Sarajevo that conducted outreach work. The mobile team identified 160 street children (510 in 2018) and drop-in centers provided 163 children with academic tutoring, hot meals, and laundry services, including 17 who were accommodated in shelters. Drop-in centers lacked resources, capacity, and staff, and could only provide basic food, workshops, and short-term accommodation for a small number of children. Observers reported mobile team members were attacked, threatened, and intimidated by traffickers and perpetrators during their outreach efforts, but law enforcement

did not investigate. International organizations reported law enforcement and social workers at centers for social welfare (CSW) justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs and sometimes returned children to their families even when parents were involved in their exploitation. In addition, a report from an international organization indicated first responders, including Border Police, local police, Service for Foreigners' Affairs, and CSW, lacked standard guidelines and trafficking indicators for migration flows, interview questions and interpreters, and general capacity to screen the large influx of migrants and refugees. First responders referred potential trafficking victims to law enforcement, which conducted an interview and had authority to officially recognize victims. However, international organizations reported the interview and identification procedures lacked transparency, and some authorities required victims to cooperate with investigations and prosecutions to receive assistance and support. SIPA did not interview potential victims in migrant flows, according to observers, who noted SIPA lacked translators required to communicate with foreign victims and relied on NGOs.

The government partly funded four NGO-run shelters, but government-funded assistance programs required victims to obtain official recognition to access care, and potential victims received assistance only when an NGO had funds from other sources; authorities referred 42 victims to NGO-run shelters (10 in 2018). The Ministry of Human Rights and Refugees allocated 60,000 convertible marks ($34,460) to NGOs assisting domestic trafficking victims in both 2019 and 2018, and the Ministry of Security allocated 70,000 convertible marks ($40,210) to NGOs assisting foreign victims in both 2019 and 2018. However, the government did not disburse these funds to NGOs in 2019 due to the absence of a state government and budget. Funding for victim assistance was disproportionately lower for domestic victims, although they constituted the majority of identified victims. The government did not combine domestic and foreign assistance funds and returned unused funds allocated to assist foreign victims to the state budget instead of reallocating those funds for domestic victim assistance. As a result, some domestic victims did not have access to assistance. The government, in cooperation with NGOs, provided accommodation, psycho-social support, medical assistance, legal assistance, and guardianship for children. However, access to care was not standardized and was based on bylaws that were not legally binding; RS law entitled trafficking victims to social assistance, but Federation and BD laws did not. NGO-run shelters allowed victims to leave voluntarily after informing the staff, but no mechanisms were in place to assist victims outside of shelters, including at CSW. One NGO-run shelter accommodated male trafficking victims but did not offer specialized services. Authorities reported developing a reintegration plan for each victim, including vocational training, but the government did not provide funding for reintegration programs, and observers reported victims spent, at times, multiple years at shelters due to slow court proceedings and a lack of reintegration opportunities. The law provided repatriation assistance to in country citizen victims identified abroad and foreign national victims identified in country; no victims required repatriation assistance in 2019 and 2018. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in BiH, and victims were permitted a 30-day reflection period to determine whether they wanted to request a visa; three foreign victims received humanitarian visas.

The government penalized victims for unlawful acts traffickers compelled them to commit due to inadequate identification efforts; authorities penalized victims of sex trafficking, forced begging, and forced criminality with misdemeanor charges for petty crimes with some victims owing 10,000 to 15,000 convertible marks ($5,740 to $8,620) after receiving multiple fines. The government reported SOPs incorporated non-penalization standards but acknowledged authorities still penalized victims due to a lack of knowledge of the SOPs exacerbated by frequent rotations and turnover. Sub-state laws against "enticement to prostitution" permitted law enforcement to treat children 14 years and older as juveniles willingly engaged in commercial sex instead of victims of rape or sex trafficking; no prosecutions were reported. The law provided witness protection and free legal aid; the government did not report the number of victims in witness protection and relied mainly on NGOs to provide free legal aid. The government did not consistently conduct victim-centered investigations and prosecutions. For example, prosecutors did not need certification to work with children and often interrogated child victims without a psychologist or social worker present. Authorities also repeatedly interviewed adult victims, and courts did not offer victims any accommodation inside courthouses to prevent re-traumatization. Police did not consistently notify victims' lawyers when conducting interviews, and some courts required victims to testify with no prior notification or preparation. Victims could obtain restitution through criminal proceedings or compensation through civil suits; a district court awarded a victim 7,500 convertible marks ($4,310), but the victim never received the restitution due to issues in seizing assets. Judges generally rejected restitution in criminal proceedings and encouraged victims to seek compensation by filing civil suits, according to observers, who noted civil suits required victims to submit new testimonies and medical examinations, causing re-traumatization, despite the government convicting their trafficker in criminal proceedings.

PREVENTION

The government increased efforts to prevent trafficking. The government continued to implement the 2016-2019 national strategy and the State Coordinator continued to produce its annual report. The State Coordinator organized meetings with government and civil society representatives to inform the national strategy and drafted the 2020-2023 national strategy, which the government adopted in January 2020. Additionally, the State Coordinator organized meetings to solicit feedback on regional coordinating teams (RCT) and accordingly changed the structure from four to 18 RCTs: 10 in the Federation; six in the RS; one in BD; and one overarching team at the state level. The government, with financial and technical assistance from an international organization, organized trainings for the RCTs. The government continued to allocate 10,000 convertible marks ($5,740) to seven NGOs to conduct awareness raising activities. The government did not make efforts to include Romani communities in discussions on anti-trafficking issues. Federation and RS laws required recruitment agencies to obtain a license and register with the Ministry of Labor, but labor inspectors lacked resources to adequately inspect recruitment agencies. The government did not make efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel.

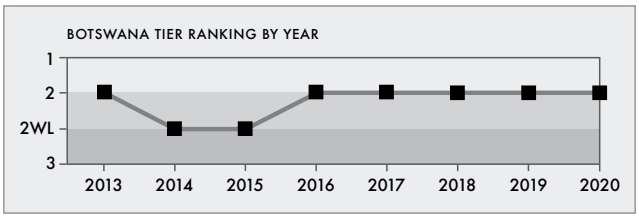
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in BiH, and traffickers exploit victims from BiH abroad. In 2019, traffickers exploited foreign victims from Sri Lanka (2), Serbia (2), and Afghanistan (2). In previous years, victims from Afghanistan, Cuba, The Gambia, Libya, and Serbia, Sri Lanka, and neighboring Balkan countries were exploited in Bosnia and Herzegovina. Traffickers exploit Bosnian women and girls in sex trafficking within the country in private residences and motels. Marginalized Romani children are exploited in forced begging, sex trafficking, and domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable to sex trafficking within the country. Traffickers exploit Bosnian victims in sex trafficking and

forced labor in construction and other sectors in neighboring Balkan countries and other countries across Europe. Thousands of migrants and refugees from Afghanistan, Bangladesh, Iraq, Morocco, Syria, and neighboring countries traveling through, stranded in, or being smuggled through BiH are vulnerable to trafficking, particularly women and unaccompanied minors.

BOTSWANA: TIER 2

The Government of Botswana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Botswana remained on Tier 2. The government prosecuted more traffickers and increased funding for victim protection services. However, the government did not meet the minimum standards in several key areas. The government did not convict a trafficker for the second consecutive year, did not amend its law to eliminate the option of a fine in lieu of imprisonment, and reported identifying fewer victims of trafficking.



PRIORITIZED RECOMMENDATIONS:

Formalize the system to refer trafficking victims to social services and ensure all victims receive protective services. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment. • Increase training for prosecutors and judges on Botswana's 2014 anti-trafficking law so they can more effectively try trafficking cases. • Disallow suspended sentences for convicted traffickers. • Implement the newly adopted anti-trafficking national action plan. • Increase efforts to investigate, prosecute, and convict traffickers. • Implement formal victim identification procedures for use by all stakeholders, including law enforcement and immigration officials, and train officials on the procedures. • Continue to encourage victims to participate in the investigation and prosecution of traffickers through formal procedures. • Develop guidelines for front-line officials to identify potential victims of trafficking, to be provided either directly or in partnership with NGOs. • Continue to conduct public awareness campaigns, particularly in rural areas.

PROSECUTION

The government increased anti-trafficking law enforcement efforts, but officials noted the judiciary's lack of familiarity with the Anti-Human Trafficking Act impeded its ability to effectively prosecute suspected traffickers. The 2014 Anti-Human Trafficking Act criminalized sex trafficking and labor trafficking, and defined trafficking broadly to include all child labor. The law prescribed penalties of up to 25 years' imprisonment, a fine of 500,000 *pula* ($46,900), or both, which were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, with regard to sex trafficking, these penalties were not commensurate with those for other serious crimes, such as rape. Sections 57 of the 2009 Children's Act criminalized inducing, coercing or encouraging a child to engage in prostitution, and prescribed penalties of two to five years' imprisonment a fine of 50,000 *pula* ($4,690), or both, penalties which were significantly lower than those prescribed under the 2014 anti-trafficking act.

The government initiated investigations of six trafficking cases involving an unknown number of suspects during the reporting period and continued investigations of four cases from the previous reporting period, compared with investigating six cases in 2017. Officials prosecuted 11 suspected traffickers in 2018, compared with prosecuting eight suspects in 2017. Authorities reported continuing eight separate prosecutions from previous years; experts noted judicial processes in Botswana are generally protracted. The government did not convict a trafficker for the second consecutive year, although authorities appealed and sought a stricter sentence during the reporting period for a trafficker convicted in 2016.

The Directorate of Public Prosecution (DPP) continued supporting specialized anti-trafficking units and monitored the investigation and prosecution of trafficking cases. Officials reported coordinating with the governments of Malawi, Nigeria, South Africa, and Zimbabwe on multiple transnational trafficking cases, although they did not report details of the investigations. The government investigated one Motswana diplomat for potential trafficking before determining the case was a labor dispute. Officials did not report prosecuting or convicting officials complicit in human trafficking offenses, although authorities acknowledged corruption as a general impediment for effective law enforcement in Botswana. The slow pace of Botswana's judicial system and the lack of qualified interpreters adversely impacted authorities' ability to prosecute trafficking crimes.

During the reporting period, the Ministry of Defense, Justice and Security (MDJS) reported partnering with the DPP to train 36 officials from all six DPP offices on the Anti-Human Trafficking Act, victim identification, and trafficking indicators. The MDJS and DPP coordinated with an international organization and the Southern African Development Community (SADC) to provide training for immigration officials, first responders, social workers, law enforcement officers, and local elected officials in the North Eastern District of Botswana on trafficking data collection. Additionally, the police service continued to include a human trafficking module in its curriculum to educate recruits and in its in-service training for officers on the anti-trafficking law, victim identification, and investigation of human trafficking cases.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. The government reported identifying 13 potential victims in 2018; nine adult males exploited in forced labor, three Batswana women exploited in sex trafficking in neighboring countries, and one woman exploited in sex trafficking within the country. For comparison, in 2017, the government reported identifying 19 trafficking victims; three adult and 16 child victims. Officials reported coordinating with NGOs to refer all identified victims to facilities providing shelter, medical care, and other services. The government identified 31 foreign victims during the reporting period, including from Ethiopia, Tanzania, Zambia, and Zimbabwe; the majority of whom were young women and men in transit to neighboring countries. The government reported spending 3.69 million *pula* ($346,100) on services for victims of trafficking, repatriations, and staff training, compared with spending 447,000 *pula* ($41,930) in 2017.

Officials reported providing shelter and other support to 31 foreign victims currently in Botswana; however, the government did not report repatriating foreign victims to their countries of origin, compared with assisting 10 foreign victims return to their countries of origin in 2017. The government did not provide formal

written procedures to guide social service, law enforcement, or immigration officials in proactively identifying victims of trafficking and did not fully operationalize the victim referral measures detailed in the 2014 anti-trafficking act. There were no reports officials penalized victims for unlawful acts committed as a result of being trafficked; however, some victims may have remained unidentified and subsequently penalized due to the government's failure to employ systematic measures to identify trafficking victims among vulnerable populations.

PREVENTION

The government maintained prevention efforts. The Anti-Human Trafficking Committee, established under the MDJS in the previous reporting period in accordance with the 2014 anti-trafficking act, met at least once during the reporting period, compared with convening four times during the previous reporting period. Officials updated the government's 2017 National Action Plan to combat trafficking. The MDJS held a national commemoration of the World Day Against Trafficking in Persons in July 2018 to raise awareness among the general public, featuring the MDJS Minister, senior government officials, members of the international diplomatic corps, civil society representatives, senior diplomats, as well as a victim of trafficking.

Officials conducted 11 anti-trafficking workshops for social workers from all 26 public hospitals, Industrial Court staff, elected officials, first responders and students, compared with holding 13 anti-trafficking workshops in 2017. The Botswana Police Service also conducted awareness raising sessions with secondary school students at various locations. The government continued to participate in the SADC regional data collection tool by uploading information about trafficking cases, victim and trafficker profiles, and sharing information with countries in the region.

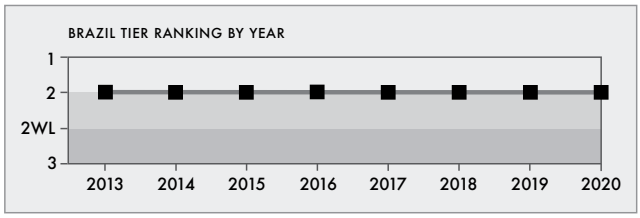
The government reported it regularly conducted labor inspections throughout the country, but did not report sanctioning individuals or firms who may have subjected individuals to trafficking. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts or forced labor during the year.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Botswana and traffickers exploit victims from Botswana abroad. Residents of Botswana most vulnerable to trafficking are unemployed women, the rural poor, agricultural workers, and children. Some parents in poor rural communities send their children to work for wealthier families as domestic servants in cities or in agriculture and cattle farming in remote areas, increasing their vulnerability to forced labor. Traffickers may exploit young Batswana serving as domestic workers for extended family who may be denied access to education and basic necessities or subjected to confinement or verbal, physical, or sexual abuse—conditions indicative of forced labor. Criminals exploit some Batswana girls and women in prostitution within the country, including in bars and along major highways. Organized trafficking rings subject some Batswana women to trafficking internally or transport women from neighboring countries such as South Africa and Zimbabwe and subject them to sexual exploitation. The government reported some traffickers targeted potential victims via social media, including through advertising fake employment opportunities, with the purpose of exploiting victims in forced labor or sex trafficking. Officials stated traffickers subject adults and children of the San ethnic minority group to labor conditions on private farms and cattle posts in Botswana's rural west that may rise to the level of forced labor. Traffickers likely subject some undocumented migrant Zimbabwean children to sex trafficking or forced labor in Botswana.

BRAZIL: TIER 2

The Government of Brazil does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Brazil remained on Tier 2. These efforts included increasing investigations and prosecutions of traffickers, identification of more victims, increased interagency cooperation to improve data sharing, and creating a new list to make public the name of convicted labor traffickers. However, the government did not meet the minimum standards in several key areas, protection mechanisms for victims of trafficking remained disjointed and inadequate, authorities did not report the final number of convictions, and officials continued to punish the majority of labor traffickers with administrative penalties instead of jail time. The government penalized victims of trafficking for crimes committed as a result of their trafficking situation, and authorities in populous states did not proactively identify victims of sex trafficking, including among highly vulnerable populations, such as children and LGBTI persons.



PRIORITIZED RECOMMENDATIONS:

Provide shelter and specialized assistance to victims of sex trafficking and forced labor. • Proactively identify and vigorously investigate cases of sex trafficking, including child sex tourism. • Prosecute and convict labor traffickers in criminal courts and end the use of low impact remedies for human trafficking offenses by punishing traffickers with significant prison terms. • Train law enforcement officials on victim identification to prevent the penalization of victims for unlawful acts that traffickers compelled them to commit. • Increase the number of anti-trafficking offices, mainly in states where vulnerabilities are high and trafficking is prevalent or increasing, such as Mato Grosso do Sul, Piaui, Rondônia, Roraima, and Santa Catarina. • Prosecute and convict officials complicit in trafficking. • Improve interagency, federal, and state coordination efforts to combat trafficking, including among law enforcement. • Amend the 2016 anti-trafficking law to criminalize child sex trafficking without elements of force, fraud, or coercion in accordance with the 2000 UN TIP Protocol. • Allocate resources to local guardianship councils to increase specialized services for child trafficking victims, including case management assistance. • Develop a victim identification protocol for law enforcement officials on trafficking indicators and proactive identification of victims and train them on its use. • Increase and fund efforts to raise awareness of trafficking on television, social media, and in print form, as well as campaigns including child sex tourism along highways where any human trafficking is prevalent. • Compile comprehensive data on the identification of victims, the assistance provided, investigations, prosecutions, and convictions at the federal and state level, disaggregated between sex and labor trafficking cases. • Implement the third national action plan. • Strengthen the mandate of the National Committee to Combat Human Trafficking (CONATRAP) to assist in the development of anti-trafficking offices in every state, including those with limited funding and high prevalence of trafficking. • Update referral mechanism guidance to reflect the provisions

covered under the 2016 trafficking law.

The government maintained mixed law enforcement efforts. Law 13.344 criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed penalties of four to eight years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 149a of Law 13.344 required force, fraud, or coercion for child sex trafficking cases and therefore did not criminalize all forms of child sex trafficking. However, Article 244a of the child and adolescent statute criminalized inducing a child to engage in sexual exploitation without the need to prove the use of force, fraud, or coercion and prescribed penalties of four to 10 years' imprisonment and a fine, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 149 of Law 13.344 prescribed penalties of two to eight years' imprisonment and a fine. It prohibited slave labor, or reducing a person to a condition analogous to slavery, defining forced labor to include degrading work conditions and exhausting work hours, going beyond situations in which people are held in service through force, fraud, or coercion.

Law enforcement data provided by the government reflected efforts made under federal jurisdiction. Authorities reported initiating 296 new investigations (40 for sex trafficking and 256 for slave labor), compared with 273 investigations in 2018 (32 for sex trafficking and 241for slave labor). The government prosecuted 56 new cases of suspected trafficking in lower courts (four for sex trafficking and 52 for slave labor), compared with 47 new prosecutions in 2018 (one for sex trafficking and 46 for slave labor). The government did not report the final number of convictions or provide details on the length of sentences traffickers received. Many sex and labor traffickers convicted by lower courts appealed their convictions; authorities reported 320 cases under appeal courts in 2019 (44 for sex trafficking and 276 for slave labor), compared with 212 in 2018 (12 for sex trafficking and 200 for slave labor). Media reports showed that adjudication of cases could take anywhere from four to 10 years. Brazil allowed lengthy appeals in criminal cases, including trafficking, before a final conviction and sentence could be issued. Traffickers sometimes served their sentence under house arrest or in prison work release programs, working during the day and spending nights in prison; punishments that were not commensurate with the seriousness of the crime and likely led to impunity in cases of trafficking. In one instance, a federal judge ordered traffickers to pay compensation to a seven-year-old victim in lieu of criminal charges, despite evidence that traffickers exploited the child into domestic service by forcing her to work for no pay, prohibiting her from attending school, and making her carry debts. While in another case of slave labor, courts sentenced a trafficker to five years and six months in prison for subjecting victims to exhausting workdays, withholding their documentation, restricting their freedom, housing them in precarious and unhealthy conditions, and not providing them with proper pay. In a notable case of sex trafficking involving vulnerable transgender women, press reports indicated that traffickers were ordered to pay fines and indemnities to 13 victims after forcing them into commercial sex when they were unable to pay debts they had incurred for surgical procedures using low quality or second hand implants injected with industrial grade silicone not suitable for human use. Authorities indicated that criminal charges were moving forward at the end of the reporting period.

The government treated forced labor as a distinct crime from human trafficking. Labor inspectors and labor prosecutors could apply civil penalties while the federal police and public ministry had the authority to pursue criminal charges. Authorities in populous states, such as Rio de Janeiro, had a limited understanding of sex trafficking and mostly focused on cases of transnational sex trafficking. Law enforcement officials in the state did not have a protocol to help them identify victims and did not receive any training on proactive identification. Many of this state's government authorities had difficulty conceptualizing individuals in commercial sex as potential trafficking victims, a concept that inhibited law enforcement action against traffickers and likely led to authorities overlooking potential victims. In some cases, when authorities identified exploitation of individuals in commercial sex, some who may have been victims of sex trafficking, they sometimes considered them victims of slave labor, and referred them to the Public Labor Ministry (MPT) or the Special Secretariat for Social Security and Labor. Labor inspectors handled administrative cases of slave labor, and the federal police and public ministry handled the investigation and prosecution of cases with evidence of serious violations. According to some government officials, judges did not identify some individuals as trafficking victims who had initially consented to perform a certain job or service in which they were later coerced or forced to provide labor or services against their will.

In 2019, authorities conducted 45 labor inspections and identified 1,054 victims of slave labor, including 20 child victims of slave labor, compared with 44 labor inspections, the identification of 1,745 victims of slave labor, including 28 child victims of slave labor in 2018. Officials issued administrative penalties to 106 employers guilty of slave labor, compared with 100 employers in 2018. The government did not report the total number of cases of forced labor as defined under international law.

Interagency coordination and data collection efforts were inadequate. Data remained spread across multiple databases at the federal and state level, making it difficult to obtain and analyze comprehensive data. The Brazilian Federal Police (PF) had a unit in every state and was involved in the investigation of most trafficking crimes; however, in states like Rio de Janeiro, law enforcement cooperation and communication among the PF and state and municipal entities was generally insufficient. Observers reported trafficking cases were often under-reported and, in some instances, misclassified by police as other crimes. Law enforcement units at all levels had insufficient funding, expertise, and staff to investigate trafficking. The government did not report any new investigations, prosecutions, or convictions of complicit officials; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Cases of official complicity from previous years remained open, including the October 2016 investigation of an elected official who was arrested and removed from his position in Parana state after allegations surfaced of his involvement in a child sex trafficking ring. Similarly, there were no updates on the prosecution's appeal of an inadequate sentence given to a civil police investigator in 2016 for his involvement in a sex trafficking ring involving children. During the reporting period, 76 new labor judges received training on ways to identify slave labor and human trafficking. Authorities participated in a bilateral meeting with Bolivia to strengthen anti-trafficking cooperation and signed an agreement with the state of Mato Grosso on law enforcement cooperation, awareness raising, and victim protection.

PROTECTION

The government maintained protection efforts. According to the Ministry of Justice and Public Security (MOJPS), authorities continued to use the victim identification guidance created in 2013 for all federal, state, and local governments to aid victim identification and assistance. However, government officials did not receive training on the use of such guidance, and there was no indication that authorities in most states proactively or consistently identified victims of sex trafficking, forced criminality,

or child sex tourism. Officials from the labor inspector's office identified victims of slave labor while conducting impromptu inspections into businesses or employers suspected of using slave labor. The MOJPS maintained nine posts at airports and bus stations where authorities could encounter potential victims, a decrease from 12 advanced posts in 2019. Several government agencies at various levels provided data on victim identification and assistance; however, lack of a centralized database and inconsistent reporting made year-to-year comparisons difficult. In 2019, authorities in 10 states reported identifying 217 victims, of which 105 were victims of sex trafficking, 85 were victims of slave labor, 12 were victims of forced criminality, and 15 unknown. Identification efforts varied greatly from state-to-state. Nearly 50 percent of the victims reported in 2019 were identified in the tri-border State of Parana, including 89 of the 105 victims of sex trafficking, 20 of the 85 victims of slave labor, and three of the 12 victims of forced criminality, while more populous states, such as Rio de Janeiro, identified only three victims—two for sex trafficking and one for forced labor. Labor inspectors at the federal level indicated that all 1,054 victims of slave labor received information on basic resources available to them and confirmed that 787 possible victims received unemployment insurance. The government did not report what other services victims received.

Law 13.344 mandated the government provide victims with temporary shelter; legal, social, and health assistance; and protection against re-victimization; however, implementation of the law was inconsistent across states. Authorities continued to operate 16 state-level and one municipal level anti-trafficking offices (NETPs). NETPs operated interagency networks that could serve as the first point of contact for victims who have been identified by any means, including NGOs. Most agencies with equities participated in the network, and NETPs could refer victims of adult sex trafficking to Specialized Social Service Centers (CREAS), victims of forced labor to the Secretariat of Labor Inspections (SIT), and child victims of trafficking to guardianship councils. In 2019, ten of the NETPs reported assisting 129 possible victims. Adult victims referred to CREAS could receive assistance from non-specialized psychologists and social workers for the third year in a row; authorities did not report what kind of assistance was provided or how many victims received assistance through these centers. A government official indicated that the NETPs were not distributed in a balanced way across the country. In wealthier states, such as Sao Paulo, the NETP had effective assistance and coordination teams that comprised police officers, prosecutors, labor inspectors, labor prosecutors, and mental health professionals. In contrast, other NETPs were not as well-funded or equipped to refer and assist victims. Many states where trafficking was prevalent and vulnerabilities were high did not have NETPs or CREAS, including many located in border states, where the need was great. In 2019, authorities launched a new initiative to increase the protection of transgender trafficking victims. Federal and labor prosecutors in Sao Paulo state conducted at least two operations accompanied by a civil society organization focused on the protection of transgender rights. According to media reports, authorities identified 30 victims, of which 10 received shelter and assistance by the same NGO that collaborated with law enforcement.

The federal government did not fund specialized or long-term shelters for trafficking victims. Some states placed victims in shelters for migrants, the homeless, or victims of domestic violence. States did not have specialized shelters for child sex trafficking victims, and guardianship councils often lacked the expertise and resources to adequately identify, refer, and support child victims. The state of Sao Paulo had two main shelters where trafficking victims could receive assistance— one was a state government-funded shelter where female victims and their children could receive health benefits, education, food, and housing for three to six months; and the other was an NGO-operated shelter that provided temporary assistance for refugees and trafficking victims. Both shelters were occupied by displaced Venezuelans during the reporting period, and state authorities did not report how many victims of trafficking received assistance. There were no specialized shelters for male victims of trafficking. In addition, authorities indicated there were 87 non-specialized shelters where vulnerable populations, including LGBTI individuals, homeless people, victims of domestic violence, and trafficking victims could receive assistance. It was unclear how many trafficking victims were assisted in those shelters during the reporting period. Despite being the second most populous city in the country, Rio de Janeiro did not have any specialized shelters for victims of sex trafficking, and officials from the MPT used assets forfeited from traffickers to provide care to victims of slave labor. To increase and expedite access to care, some state governments, through MPT, adopted an integrated approach that sought restitution from traffickers for damages caused, assistance with vocational training, and job placements. In 2019, the state governments of Bahia, Ceará, Mato Grosso, and Rio de Janeiro sought to complement assistance for victims of slave labor through this program. MPT officials in Rio de Janeiro State assisted 12 of the victims identified through the program, but authorities at the federal level did not report what services the remaining 215 victims received. Authorities provided training for 242 guardianship council social workers on the worst forms of child labor, including trafficking.

Authorities penalized victims for unlawful acts that traffickers forced them to commit. Due to a lack of formal identification and screening, officials arrested some foreign women for drug trafficking crimes committed under coercion and as a result of their trafficking situation. The government had measures to encourage victims to testify in the case against their traffickers, including allowing remote live video testimony. However, authorities have never reported using these measures for trafficking cases. Observers continued to express concern about the under-reporting of trafficking crimes, attributing it in part to victims' lack of awareness of protection services and fear that filing complaints will lead to further exploitation, deportation, or other harm. Foreign trafficking victims were entitled to permanent visa status, but for the fourth consecutive year authorities did not report how many victims received it. The government could assist victims of trafficking with repatriation, but authorities have not reported assisting any victims since 2017.

PREVENTION

The government increased efforts to prevent trafficking. The MOJPS continued to oversee the inter-ministerial group responsible for the implementation of the 2016-2022 Third National Action Plan, which received 639,250 reais ($159,020) for its operations. The MOJPS also funded CONATRAP, which included representatives from federal government agencies and NGOs. In 2019, CONATRAP continued to operate; however, following a presidential executive order, it significantly reduced the number of representatives from 26 to seven. Coordination between agencies at the national and state level remained uneven and varied in efficacy. At the state government level, officials from different agencies in 16 states continued to convene and address trafficking unilaterally and in a decentralized manner through the state NETPs. At the national level, the MOJPS made efforts to increase interagency cooperation by signing a technical agreement on information sharing with the Ministry of Women, Family, and Human Rights and one with MPT. In July, the MPT signed a three-year technical cooperation agreement with the PF focused on increasing information sharing on cases of child labor and slave labor.

Most awareness raising efforts focused on combating child or slave labor more broadly, while efforts to raise awareness of sex

trafficking and child sex tourism were deficient. Throughout the year and to commemorate World Day against Trafficking, municipal and state governments hosted workshops, training, art installations, performances, and roundtable discussions. In Sao Paulo, the Department of Justice and Citizenship hosted an anti-trafficking event to educate students on the threat of false employment opportunities, reaching 230 individuals. In Alagoas state, officials from the Federal Highway Police (PRF) held lectures educating 165 people on ways to identify forced labor and where to report it. Together with an NGO, the SIT hosted an event bringing together representatives from the banking and financial sectors, companies, and public authorities to educate on the role of the financial community in the fight against slave labor. In Amazonas, several state agencies initiated a project to map incidents of child labor among the displaced Venezuelan population to connect these communities that are vulnerable to trafficking to social assistance services. PRF officials continued to operate a database to identify critical locations along highways where the commercial sexual exploitation of children was prevalent. In 2019, highway patrol officers increased inspections in areas where there was a high incidence of exploitation. In the first half of 2019, government-operated human rights hotlines received 46 calls for trafficking in persons, 61 calls for slave labor of adults, 1,971 calls involving minors victims of slave labor, and seven calls reporting child sex tourism, compared with 159 reports of trafficking in persons, 156 reports of slave labor, and eight calls reporting child sex tourism in 2018. Hotline operators could refer victims to local resources including but not limited to police, state prosecutor's offices, social workers, guardianship councils, CRAS, CREAS, and the labor inspectorate. The government did not indicate whether it initiated any investigations from calls to the hotlines.

Authorities did not make efforts to reduce the demand for commercial sex acts. However, authorities made efforts to reduce the demand for forced labor. The SIT published the dirty list or *lista suja*, which made public the names of individuals and businesses found guilty of using slave labor. In 2019, the dirty list included 69 new employers, compared with 78 in 2018. While individuals and companies listed are prohibited from accessing credit by public or private financial institutions, in May, the MPT filed civil lawsuits against seven banks that continued extending credit to businesses included on the dirty list. At the end of 2019, the dirty list had 190 employers, including two that were listed in 2018. While the dirty list remains one of Brazil's most effective tools to reduce the demand for slave labor, the inadequate criminalization of these crimes has hindered progress in the fight against labor trafficking. At the end of June, the MPT approved a resolution to create a public list of employers convicted of slave labor. According to the resolution, the MPT had to release the public list 180 days from its approval; however, the government did not release the list by the end of the reporting period. Authorities did not report any new investigations, prosecutions, or convictions of child sex tourists in 2019.

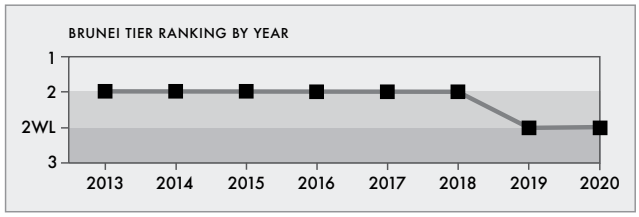
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Brazil, and traffickers exploit victims from Brazil abroad. Traffickers exploit Brazilian women and children in sex trafficking within the country. Traffickers exploit Brazilian women in sex trafficking abroad, especially in Western Europe and China. Traffickers exploit women and girls from other South American countries, especially Paraguay, in sex trafficking in Brazil. Migrants and people living near any of Brazil's border areas are vulnerable to trafficking. Gangs and organized criminal groups subjected women and girls to sex trafficking in Rio Grande do Sul and Santa Catarina. Venezuelan migrants in border cities within Brazil and those who have relocated to other parts of the country were highly vulnerable to sex trafficking and forced labor. Traffickers recruited Venezuelans living in Brazil and those still in Venezuela via online advertisements and social media platforms offering fraudulent job opportunities, later exploiting them in sex trafficking in major cities like Sao Paulo and Rio de Janeiro. Transgender Brazilian women are one of the most vulnerable populations in the country. According to a study conducted in 2019, 90 percent of transgender women in Brazil are in commercial sex, and of those in Rio de Janeiro, more than half are in some situation of vulnerability that may amount to trafficking. Transgender women often pay traffickers for protection and daily housing fees. When they are unable to pay they are beaten, starved, and forced into commercial sex. Traffickers exploit transgender Brazilian women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they are unable to repay the cost of the procedure. Traffickers have exploited Brazilian men and transgender Brazilians in sex trafficking in Spain and Italy. Child sex tourism remains a problem, particularly in resort and coastal areas; many child sex tourists are from Europe and the United States. Traffickers exploited children in sex trafficking along Brazil's highways, including BR-386, BR-116, and BR-285. Traffickers exploit Brazilian men, notably Afro-Brazilian and to a lesser extent women and children, in situations that could amount to labor trafficking, in rural areas (including in ranching, agriculture, charcoal production, salt industries, logging, and mining) and cities (construction, factories, restaurants, and hospitality). Traffickers exploit Chinese women in sex trafficking in Rio de Janeiro. Traffickers exploit Brazilians in forced labor for some producers of sugar, coffee, and carnauba wax. Traffickers exploit Brazilian women and children, as well as girls from other countries in the region, in forced labor for domestic servitude. Traffickers force some Brazilian victims to engage in criminal activity, including drug trafficking, in Brazil and neighboring countries. Traffickers exploited South African, Venezuelan, and Bolivian victims in forced criminality, including drug trafficking. Traffickers lure Brazilian women to South Korea using false promises of becoming music stars. In 2018, the Cuban government ended its medical missions to Brazil after Brazilian authorities raised significant concerns of exploitation and forced labor associated with these missions. Cuban medical professionals who participated in medical missions in Brazil may have been exploited and forced to work by the Cuban government. Traffickers exploit Brazilians in forced labor in other countries, including in Europe. Traffickers exploit men, women, and children from other countries—including Bolivia, Paraguay, Haiti, and China—in forced labor and debt-based coercion in many sectors, including construction, the textile industry (particularly in Sao Paulo), and small businesses. NGOs and officials report some police officers ignore the exploitation of children in sex trafficking, patronize brothels, and rob and assault women in prostitution, impeding identification of sex trafficking victims.

BRUNEI: TIER 2 WATCH LIST

The Government of Brunei does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included passing the 2019 Anti-Trafficking in Persons Order, which separated the crimes of migrant smuggling and human trafficking; formalizing the government's interagency anti-trafficking in persons committee within the prime minister's office; instituting a committee to review foreign worker recruitment practices; ratifying the ASEAN Convention against Trafficking in Persons in January 2020; acceding to the UN TIP Protocol in March 2020; and continuing awareness-raising campaigns for employers of foreign workers. However, the government did not demonstrate overall increasing efforts

compared to the previous reporting period. Despite a significant number of migrant workers in Brunei who exhibit multiple trafficking indicators, the government did not formally identify any cases of trafficking. The government did not prosecute or convict any traffickers for the third consecutive year. While the 2019 Anti-Trafficking in Persons Order upheld a fund created in 2004 for victim compensation and repatriation, the government has never allocated funding to it. The government continued to detain, deport, and charge potential victims for crimes without employing a victim-centered approach to discern if traffickers compelled the victims to engage in the unlawful acts. The government continued not to provide shelter or services for adult male trafficking victims. Therefore Brunei remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, convict, and punish both sex and labor traffickers, including complicit government officials, with strong penalties. • Widely disseminate standard operating procedures for victim identification and train all front-line police, immigration, and labor officials on the procedures. • Finalize, approve, and implement the national action plan. • Cease the arrest, deportation, and punishment of trafficking victims for unlawful acts their trafficker compelled them to commit. • Increase protective services to provide incentives for victims to participate in investigations and prosecutions, including by providing shelter to adult male victims, allowing adult victims in government shelters to move freely, allowing at-will communication with people outside shelter facilities, and issuing work permits to all victims. • Ensure migrant worker contracts and information on their rights and obligations under Brunei law are available in migrant workers' primary language and that workers can retain a copy. • Issue guidelines on the prohibition of recruitment agencies charging or receiving worker-funded fees and enforce the prohibition. • Allocate resources for the completion of the pending dedicated trafficking victims' shelter. • Train judges on accurate and effective implementation of trafficking laws. • Allocate government resources to the victims' fund and allow those funds to be paid directly to victims as compensation. • Strengthen efforts to enforce laws prohibiting acts that facilitate trafficking, such as retention or confiscation of migrant workers' identity documents and partial or full withholding of wages. • Offer foreign victims long-term alternatives to removal from the country. • Expand comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and buyers of commercial sex.

PROSECUTION

The government demonstrated mixed law enforcement efforts. During the reporting period, the government enacted the 2019 Anti-Trafficking in Persons Order, which criminalized sex trafficking and labor trafficking and prescribed penalties of four to 30 years' imprisonment and fines of between 10,000 and one million Brunei dollars ($7,430 and $743,490), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as rape. While the passage of this law did not substantively change the trafficking in persons criminal provisions under the pre-existing 2004 law, it successfully separated trafficking crimes from migrant smuggling crimes, which are now addressed under a separate law and had been frequently conflated. The penal code also criminalized travel outside the country for commercial sex with children, prescribing a punishment of up to 10 years' imprisonment, a fine, or both.

Royal Brunei Police Force (RBPF), labor, and immigration officers referred cases of suspected trafficking to the human trafficking unit (HTU) for further investigation. The HTU also reviewed case reports from other RBPF units to look for trafficking indicators, particularly in cases involving commercial sex, unpaid wages, workers fleeing their place of employment, or physical abuse of workers. The HTU reported it screened 90 cases in 2019 for trafficking indicators compared with 46 cases in 2018. Separately, the labor department screened 16 cases of domestic workers who reported unpaid wages and other issues for trafficking indicators. The government conducted one potential sex trafficking investigation of three defendants that resulted in non-trafficking charges. Authorities did not refer any cases to the attorney general's chambers (AGC) for prosecution; the most recent cases that authorities identified and referred to the AGC were two cases in 2017. For the third consecutive year, the AGC did not initiate any new trafficking prosecutions and the courts did not convict any traffickers. The government's most recent trafficking convictions were of three traffickers in 2016. Law enforcement officials charged a Department of Immigration officer, in addition to two Bruneian labor recruiters, under the Prevention of Corruption Act for knowingly committing visa application fraud in connection with an illegal operation to bring Bangladeshi workers to Brunei on false visa applications although the jobs did not exist; the case was ongoing at the close of the reporting period. Related to the same allegations, in November 2019, authorities cooperated with the Government of Bangladesh to detain and deport 11 Bangladeshi nationals accused of exploiting Bangladeshi migrant workers; however, the government did not report investigating or prosecuting these cases for labor trafficking. The HTU continued to train RBPF, immigration, labor, and anti-vice officers on trafficking and victim identification.

PROTECTION

The government maintained inadequate efforts to protect victims. The government identified seven potential sex trafficking victims in a case that resulted in non-trafficking charges against the perpetrators, compared with two potential victims identified in 2018. The HTU continued to report it employed standard operating procedures (SOPs) to identify potential trafficking victims when apprehending persons in commercial sex and when accompanying immigration and labor officials on operations where trafficking was suspected. Police, immigration, and labor officers, who would be most likely to encounter potential trafficking victims, reported they also used these SOPs. According to past reports, in some cases, authorities employed identification measures only after detaining victims during law enforcement operations, such as raids in which police arrested foreign women for prostitution crimes. Officials may have also detained and deported unidentified trafficking victims for labor or immigration violations. Foreign government officials continued to report Bruneian authorities deported several of their citizens after their Bruneian employers withheld wages or medical care and then reported to immigration officials that the migrant workers had run away. According to observers, the practice of detention and deportation perpetuated victims' fear of communicating with law enforcement officers, exacerbating significant identification and service provision gaps.

The government maintained a secure, general-purpose shelter and provided medical care, counseling, psychological assessment, clothing, meals, and access to vocational training programs and recreational activities to all female trafficking victims and male trafficking victims under the age of 18. The government required victims to apply to leave the shelter and permitted movement

only when the victim was accompanied by a chaperone. Shelter officials permitted victims to make calls home in the presence of an official from their embassy who could translate the conversation for authorities. Shelter officials reported housing seven female potential trafficking victims from Thailand for one month before they were repatriated. The government did not provide shelter or services to adult male victims. For the fourth consecutive year, the government reported budget constraints delayed its ongoing renovation of a dedicated trafficking shelter.

The 2019 law maintained a fund, previously established in 2004, to compensate victims and cover repatriation costs. However, the government's decision to not allocate money to the fund and convicted traffickers' ability to elect additional prison time in lieu of paying fines resulted in the fund's continued lack of resources. The departments of labor and immigration could grant victims temporary work passes on an ad hoc basis; the government did not report granting any victims work passes during the reporting period. The government did not have legal alternatives to removal for victims who may face hardship or retribution upon return to their home countries.

PREVENTION

The government maintained limited efforts to prevent trafficking. The government's anti-trafficking interagency committee regularly met to review government efforts. After approving the 2019 Anti-Trafficking in Persons Order, the sultan formalized the interagency committee and appointed a senior prime minister's office official to lead it. The sultan also raised concerns about trafficking and labor issues during publicized inspections of several government ministries and agencies, and the government subsequently instituted a new, high-level committee to review foreign worker recruitment processes. For the sixth consecutive year, the government did not complete its draft national action plan to combat trafficking. The government continued its public awareness campaign with printed materials in English and Malay.

Brunei's 2004 Employment Agencies Order (EAO) mandated licensing and regulation of recruitment agents. The EAO prohibited agencies from charging or receiving any form of fees, remuneration, profit, or compensation; however, since the labor department had not yet issued guidelines on this prohibition, authorities had not implemented oversight of this provision. The labor department required foreign workers to sign their contracts in the presence of a labor officer to prevent forgery and enable the labor official to provide information to the worker on their rights and obligations; however, many workers' lack of literacy or fluency in local languages hindered disseminating information to and capturing information from workers. Brunei did not have a minimum wage; salary payments were negotiated in individual contracts. Without legal guidance, labor officials could not determine the fairness of the contracts. The 2009 Employment Order did not require employers to provide a written record of terms to employees not covered under the order, namely domestic workers and fishing crews.

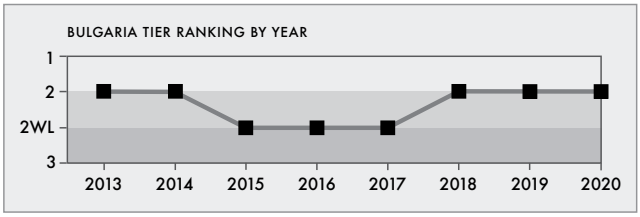
Although Bruneian law prohibited employers from withholding wages more than seven days or retaining employees' passports, foreign embassies continued to report their citizens commonly experienced both practices. The labor department provided workers with business cards containing the department's hotline for reporting labor violations and continued its awareness roadshow to educate the public on labor laws, including on passport retention. However, when labor officials inspected worksites they only required migrant workers to show a copy of their passport and visa, and the government did not report taking administrative or legal action against employers for passport retention during the reporting period. The government did not make efforts to decrease the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Brunei. There are approximately 100,000 foreign workers in Brunei. Men and women migrate to Brunei primarily for domestic, retail, and construction work. Upon arrival, traffickers exploit some migrant workers through involuntary servitude, debt-based coercion, contract switching, non-payment of wages, passport confiscation, physical abuse, or confinement. Although it is illegal for employers to withhold the wages from their employees for more than seven days, some employers withhold wages to recoup labor broker or recruitment fees or to compel the continued service of workers. Retention of migrant workers' travel documents by employers or agencies remains a widespread practice, although the law prohibits it. Traffickers may force some female migrants who arrive in Brunei on tourist visas into prostitution. Some traffickers who exploit migrants in Malaysia or Indonesia for sex or labor trafficking use Brunei to transit victims.

BULGARIA: TIER 2

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bulgaria remained on Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers, extraditing more suspected traffickers, and increasing prevention projects targeting vulnerable groups, such as members of the Roma community and children. However, the government did not meet the minimum standards in several key areas. Courts continued to issue suspended sentences for most convicted traffickers. Officials' lack of knowledge of trafficking indicators hindered effective victim identification, resulting in the government identifying fewer victims. Corruption in law enforcement and the judiciary continued to hinder progress, and investigations into complicit officials rarely led to prison sentences.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict sex trafficking and labor trafficking cases, and sentence traffickers, including complicit government officials, to significant prison terms. • Proactively identify potential trafficking victims, and provide training for officials on victim identification. • Introduce a sustainable financial mechanism for victim services, and allocate adequate funding for anti-trafficking activities and programs, including the implementation of objectives in the national strategy and national program. • Enhance efforts to train law enforcement officials, prosecutors, and judges to understand the severity of sex trafficking and labor trafficking crimes and their impact on victims. • Establish a dedicated unit of prosecutors specializing in trafficking issues. • Increase the number of police officers investigating trafficking crimes. • Establish a database on investigations, prosecutions, and convictions, including prison sentence data categorized by type of trafficking. • Appoint an

executive secretary to the National Commission for Combatting Trafficking in Human Beings to lead anti-trafficking efforts, and fill the remaining vacancies in the executive secretariat. • Provide additional dedicated shelters for trafficking victims. • Reform the victim compensation process to make it accessible to trafficking victims, and increase the number of victims receiving compensation.

PROSECUTION

The government increased law enforcement efforts. Articles 159a-159d of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of two to eight years' imprisonment and a fine of 3,000 to 12,000 lev ($1,720 to $6,890) for offenses involving adult victims, and three to 10 years' imprisonment and a fine of 10,000 to 20,000 lev ($5,740 to $11,490) for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 84 cases, an increase from 59 cases in 2018 and 81 cases in 2017. Authorities prosecuted 73 defendants, compared with 68 in 2018 and 80 in 2017. Courts convicted 61 traffickers (59 in both 2018 and 2017) and acquitted nine (two in 2018). Of the 61 convicted traffickers, only 28 received a prison sentence that was not suspended. As in previous years, the government did not report the range of prison sentences imposed on convicted traffickers. In order to clear case backlogs, prosecutors often agreed to plea bargains with traffickers, and courts approved ensuing settlements as a cost-effective alternative to a full trial. Guilty pleas reduced traffickers' sentences by one-third and led to a majority of lenient or suspended sentences. The General Directorate for Combating Organized Crime (GDBOP) maintained a specialized police unit for investigating international trafficking cases. In 2019, GDBOP investigated eight cases, including via a joint investigation team with Swiss authorities, involving 23 Bulgarian women exploited in sex trafficking in Switzerland; the investigation resulted in six arrests. In 2019, authorities extradited 18 suspected traffickers, compared to 13 in 2018.

Corruption in law enforcement and the judiciary, lack of meaningful sentences for complicit officials, high turnover within the police, and the absence of specialized prosecutors impeded progress. Authorities investigated five officials complicit in trafficking-related crimes, but there were no prosecutions of any complicit officials. Courts issued a suspended sentence to one police officer, whom authorities charged for obstructing a 2016 investigation, and acquitted another officer on the same charges. The government noted that changes to the structure and function of law enforcement caused significant turnover in police staff and a subsequent loss of knowledge and expertise in investigating trafficking cases. Reports indicated prosecutors continued to lack sensitivity toward trafficking victims and expertise in handling trafficking cases.

During the reporting year, the government conducted multiple trainings on trafficking. More than 300 law enforcement officials, prosecutors, social workers, and asylum specialists attended trainings organized by the National Commission for Combatting Trafficking in Human Beings; the trainings covered victim identification, application of the national referral mechanism, and new trends and best practices in trafficking. The National Institute of Justice trained 105 judges, 34 prosecutors, and seven investigators on different aspects of international legal assistance in criminal cases, including trafficking, and offered a module on trafficking investigations to 12 newly appointed investigators.

PROTECTION

The government decreased protection efforts. The prosecution service identified 340 victims (270 sex trafficking, 70 labor trafficking and forced begging), a decrease from 376 victims in 2018 and 407 victims in 2017. The government identified 33 child trafficking victims (53 in 2018, 42 in 2017). Authorities identified one potential trafficking victim from Ukraine in 2019 (none in 2018, one in 2017). Experts alleged some law enforcement could not effectively identify victims, especially among vulnerable groups such as asylum-seekers, migrants, and members of the Roma community. NGOs and international organizations reported cultural issues created extreme difficulties for all practitioners in identifying trafficking crimes among the Roma community. Some law enforcement viewed Romani as people who chose that lifestyle and either did not need support or could not be identified as trafficking victims. Pre-trial authorities formally identified trafficking victims, and the anti-trafficking commission, which coordinated the government's efforts, referred victims to services. The government allocated 390,000 lev ($224,010) for services and implementation of the annual national anti-trafficking and victim protection program, the same as in 2018, and spent 149,170 lev ($85,680) on health care and psychological and social assistance, compared to 234,000 lev ($134,410) in 2018. Experts noted the victim protection program was chronically underfunded and with the exception of a small increase in 2014, the government failed to update the anti-trafficking commission's budget in the past decade, hampering implementation of a fully-fledged victim-centered approach.

Observers noted limited residential care offered to victims remained problematic with only four dedicated shelters for trafficking victims in the country. In 2019, the government reopened the crisis center for child victims of trafficking in Sofia, with funding allocated by the Ministry of Labor and Social Policy and managed by the municipality of Sofia. The government continued contracting NGOs to operate shelters and crisis centers. Child victims could stay in centers for up to six months at which point child protection services could place them with relatives, a foster family, or another residential care institution. Observers noted an underdeveloped foster care system often resulted in child protective services placing children in shelters for victims of trafficking or domestic violence. In 2019, child protective services assisted 17 minors who were exploited abroad (11 for sex trafficking and six for labor trafficking, including forced begging and criminality). The government allocated 9,870 lev ($5,670) annually per child accommodated in a crisis center, an increase from 9,180 lev ($5,270) in 2018, and 33 lev ($19) monthly per child attending school. The National Council on Child Protection maintained referral services and accommodation for unaccompanied minors.

The law allowed foreign victims who cooperated with law enforcement to stay and work in Bulgaria for the duration of criminal proceedings before deportation, although no foreign victims had applied for this status. For foreign victims who chose not to assist in trafficking investigations, the government provided a 40-day recovery period (70 days for foreign child victims) before repatriation. The law accorded victims anonymity during the pre-trial and trial phases, but authorities rarely implemented this provision, resulting in victims facing intimidation and threats to change their statements. Observers noted many victims did not cooperate with law enforcement because they did not believe the judicial system would protect them, effectively administer justice, or convict perpetrators with meaningful sentences. The process for seeking compensation remained overly bureaucratic and discouraged victims from making claims; as a result, no victims received compensation.

PREVENTION

The government maintained prevention efforts. The government

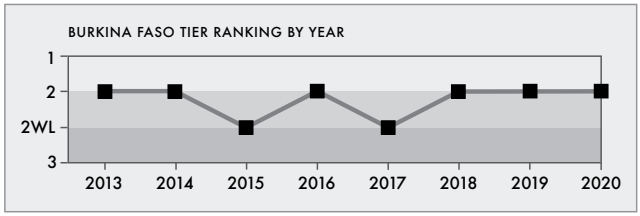
continued to implement its 2017-2021 national anti-trafficking strategy and adopted its annual national program for combating trafficking and victim protection. The anti-trafficking commission struggled to maintain its traditional active prevention and protection programs, hire qualified and experienced candidates as three vacancies remained unfilled during the reporting period, and retain personnel—the commission's executive secretary, who was the incumbent since 2015, stepped down amid concerns over the lack of government support and funding. Nonetheless, the commission conducted anti-trafficking activities, including a national awareness campaign on the prevention of sex trafficking, which targeted students and youth and included more than 30 focus group discussions. Additionally, local anti-trafficking commissions executed more than 70 prevention projects, reaching more than 40,000 people, including vulnerable groups such as members of the Roma community and children. In conjunction with the UK embassy, the government hosted an international conference on public-private partnership in combating trafficking in supply chains; the conference highlighted the need to map the most vulnerable sectors to exploitation and educate businesses on trafficking indicators. Bulgarian and French authorities continued to cooperate to counter illegal employment and prevent labor trafficking by conducting a series of meetings with Bulgarian nationals working in the French agriculture sector. The General Labor Inspectorate (GLI) conducted 1,099 inspections of labor recruitment firms, temporary employment agencies, employers sending "posted workers" to EU countries, and cases involving foreign workers in Bulgaria; it identified 1,625 violations and imposed 351 fines. GLI along with the Belgian Labor Inspectorate conducted checks in construction companies employing Bulgarian workers. The government did not make efforts to reduce the demand for commercial sex acts. In 2019, the government allocated 65,000 lev ($37,330), the same amount as in 2018, to an NGO-run hotline for victims of violence, including trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bulgaria, and traffickers exploit victims from Bulgaria abroad. Bulgaria remains one of the primary source countries of human trafficking in the EU. Traffickers exploit Bulgarian women and children in sex trafficking throughout Western Europe and in Bulgaria, particularly in the capital, resort areas, and border towns. Bulgarians of Turkish ethnicity and Romani women and girls account for most of the sex trafficking victims identified in Bulgaria. Authorities report traffickers have established networks in and typically recruit and exploit women and girls from particular regions of the country. Reports indicate a rise in the number of cases of women and girls from marginalized communities forced to marry third-country nationals. Traffickers exploit Bulgarian men and boys in forced labor across Europe, predominantly in agriculture, construction, and the service sector. Traffickers force Bulgarian men with disabilities into street begging abroad. Traffickers exploit Romani children in forced labor, particularly begging and pickpocketing. The government reports a steady increase in the number of exploited women and men in forced labor in Western Europe and in the number of men forced to beg in France and Sweden. Government corruption in law enforcement and the judiciary continues to enable some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

BURKINA FASO: TIER 2

The Government of Burkina Faso does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Burkina Faso remained on Tier 2. These efforts included collaborating with international organizations to train officials on child trafficking and protecting children in violent conflict, implementing a new agreement with Cote d'Ivoire, and adopting multiple national strategy documents that would address child trafficking. Despite also being responsible for managing a complex humanitarian response in which the number of IDPs increased more than fivefold over the year, the Ministry of Women coordinated the second phase of a program to remove vulnerable children from the streets, including forced begging victims. However, the government did not meet the minimum standards in several key areas. Due to the justice sector being overburdened with terrorism-related cases, the government did not report investigating, prosecuting, or convicting any trafficking cases or other cases not related to terrorism. Efforts to identify and provide care to adult trafficking victims remained weak. The anti-trafficking committee did not meet or conduct any activities during the reporting period. For the second year in a row, the Ministry of Women did not coordinate with law enforcement during a campaign to remove vulnerable children from the streets.



PRIORITIZED RECOMMENDATIONS:

Collaborate with international organizations and foreign donors to adopt a handover protocol for children associated with non-state armed groups and establish a reintegration program for those children. • Increase efforts to vigorously investigate, prosecute, and convict traffickers—including corrupt Quranic teachers who exploit children in forced begging and complicit officials—and sentence convicted traffickers to significant prison terms, as prescribed in the 2008 anti-trafficking law. • Train law enforcement and military officials on the standard operating procedures to identify victims among vulnerable populations, including women in prostitution and children associated with non-state armed groups, and refer them to protective services. • Strengthen the system for collecting law enforcement and victim identification data. • Facilitate training of law enforcement, prosecutors, and judicial officials on investigating and prosecuting trafficking cases, including cases that do not involve movement. • Increase the availability of shelter and services for all victims, including adults. • Investigate recruitment agencies suspected of fraudulently recruiting women for exploitation abroad. • Increase funding and resources for police and security force units charged with investigating trafficking crimes. • Increase funding and in-kind support, as feasible, for victim services, including long-term services and social reintegration. • Work with NGOs to raise awareness of trafficking, especially forced begging in Quranic schools and trafficking that does not involve movement. • Improve coordination among the anti-trafficking and child protection committees by providing funding or in-kind resources, convening regularly, and sharing data. • Draft, approve, and implement a national action plan to combat trafficking.

PROSECUTION

The government decreased overall law enforcement efforts but made some efforts to train officials. Articles 511-1 to 511-5 of the penal code criminalized sex trafficking and labor trafficking and

prescribed penalties of five to 10 years' imprisonment and fines of one million to five million West African CFA francs (FCFA) ($1,720-$8,590) for offenses involving a victim over the age of 15, and 11 to 20 years' imprisonment and a fine of two million to 10 million FCFA ($3,440-$17,180) for those involving a victim 15 years of age or younger. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Due to increasing and continuous terrorist attacks, the judicial sector was overburdened and solely focused on terrorism-related cases. The government did not report any investigations, prosecutions, or convictions during the reporting period. As previously reported, between September 2017 and May 2018, the National Police opened six investigations involving 11 suspects (only two regions reported investigation data), and courts prosecuted 71 trafficking cases and convicted 61 traffickers (12 regions reported prosecution and conviction data). The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, trafficking-related corruption remained a concern. In the past, authorities alleged some officials exerted pressure over police and judiciary to drop labor trafficking cases, especially in the mining sector. In July 2018, a federal court in New York entered a default judgment against a former Burkina Faso diplomat who had been assigned to Burkina Faso's Mission to the UN. In October 2019, the court awarded the plaintiff approximately $784,000. The plaintiff (the diplomat's former domestic worker) had alleged, among other things, violations of the TVPA and federal and state labor laws after his employer allegedly forced him to work long hours under intolerable conditions. The judgment remained unpaid and the government did not report taking any actions to hold the diplomat accountable during the reporting period.

During the reporting period, the Ministry of Security trained 250 police officers and gendarmes on violence against children, including child trafficking, and the government conducted trainings in seven regions on child forced labor. In addition, the government provided technical support to NGOs and an international organization to host a workshop on preventing violence against children recruited and used by armed groups. To improve international cooperation on law enforcement and victim protection, the government signed a law enforcement cooperation agreement with Cote d'Ivoire in July 2019. In addition, the government signed a tripartite agreement on transnational child trafficking with Togo and Benin in December 2019.

PROTECTION

The government decreased efforts to identify trafficking and protect victims. During the reporting period, the government identified 114 child forced labor victims and 1,628 potential trafficking victims with data from an unknown number of provinces. This is compared to identifying 851 trafficking victims and 2,844 potential trafficking victims with partial data from 30 of 45 provinces during the previous reporting period. Of these 1,628 potential victims, the Ministry of Women identified 1,578 vulnerable children living on the street, including *talibés* (Quranic students) exploited in forced begging. As part of the July 2019 law enforcement agreement with Cote d'Ivoire, the government identified 114 children from Central and Central-East Burkina Faso in forced labor in artisanal gold mines in Mali and Cote d'Ivoire and intercepted a convoy of 38 children and 12 adults en route to potential exploitation in artisanal gold mines in Bobo-Dioulasso, Mali, and Cote d'Ivoire. In September 2019, the Ministry of Women launched a second campaign to remove all vulnerable children from the street, including *talibés* exploited in forced begging, similar to the campaign conducted in August 2018. Through the campaign, the government identified and provided care to 1,578 vulnerable children, including potential trafficking victims; however, the Ministry of Women did not involve law enforcement in the campaign, limiting subsequent investigations and prosecutions of traffickers. The government provided all children identified during the campaign shelter and services including family reintegration, counseling, and medical services as needed. The government, in partnership with an international organization, facilitated the repatriation of Burkinabe trafficking victims exploited in Cote d'Ivoire. The government had standard victim identification and referral procedures; in regions where authorities and front-line responders had been trained, they implemented such procedures effectively. In addition, the government had a case management guide for law enforcement and social services personnel to facilitate the uniform referral of child victims of crime, including trafficking, to care. The government continued to coordinate with an international organization to screen for trafficking indicators among refugees and IDPs.

The government operated and staffed two shelters in Ouagadougou for victims of crime, including trafficking victims; the shelters were open 24 hours per day and could accommodate long-term stays for both adults and children. The government referred an unknown number of trafficking victims to the shelters during the reporting period, where they received shelter, food, and medical assistance. Outside of the capital, the government operated 34 regional transit centers for victims of crime that could provide psychological, social, and food assistance. These centers provided short-term services, but usually not shelter, to an unknown number of Burkinabe and foreign child trafficking victims; the centers only operated during weekly business hours and when they had sufficient funding. The government did not report allocating a budget to victim services during the reporting period; in 2018, the government allocated approximately 8.5 million FCFA ($14,600) to victim protection services. The transit centers relied heavily on local NGOs and international organizations for the majority of support. When trafficking victims outside of Ouagadougou required shelter, authorities and NGOs nearly always placed victims with host families or an NGO. Outside of Ouagadougou, there were no shelters or services specifically for adults; however, regional transit centers could accommodate adults when necessary. Long-term care for all victims remained inadequate. The government acknowledged victim services were insufficient, and service providers lacked the funding and resources to support victim protection, rehabilitation, and reintegration; the lack of victim support subsequently resulted in traffickers being able to exploit many victims again. The 2015 law on the prevention and repression of violence against women and girls mandated measures for victim support, including the establishment of free emergency integrated support centers to offer comprehensive services for women and girl victims of violence, including sex trafficking, and the creation of a government support fund for victims. The government had one such center in operation during the reporting period; the ministry did not report how many victims it referred to this center during the reporting period. Similarly, the government reported an unknown number of trafficking victims received support from the fund during the reporting period.

The government encouraged victims to participate in trials against their traffickers by providing protection through the Ministry of Women, a regional human rights office, or foreign victims' embassies. The 2008 anti-trafficking law and 2018 penal code revisions contained provisions to protect victims' identities and to encourage their participation in prosecutions by allowing for closed sessions to hear victim testimony, excusing victims from appearing at hearings, and for social workers to accompany child victims. The government did not report if it utilized these provisions during the reporting period. Victims could file civil suits against their traffickers; however, victims were often not aware of this provision and it was not utilized during the reporting period. Foreign victims who faced hardship or retribution in their country of origin could apply for asylum, but there were no reports

trafficking victims applied for asylum during the reporting period. The government provided travel documents and facilitated the repatriation of 114 Burkinabe children exploited in forced labor in artisanal gold mines in Mali and Cote d'Ivoire. In collaboration with NGOs and international organizations, the government repatriated Burkinabe trafficking victims from Nigeria, Togo, Benin, and Cote d'Ivoire and provided shelter, food, medical care, psychological support, and family reunification. The government coordinated with the Nigerian embassy in Ouagadougou and provided financial assistance to repatriate 34 Nigerian trafficking victims back to Nigeria. There were no reports of trafficking victims penalized for unlawful acts traffickers compelled them to commit; however, without uniform implementation of victim identification measures, including among vulnerable populations, some victims could have been left unidentified in the law enforcement system. The government detained five children ages 12 to 14 years old for alleged association with violent extremist groups, some of whom may have been trafficking victims; however, authorities held all five children separately from adult detainees and allowed international organizations and NGOs access to provide specialized care. During the reporting period, the government requested international expertise and assistance to establish a disarmament, demobilization, and reintegration program for children associated with violent extremist groups.

PREVENTION

The government maintained weak efforts to prevent trafficking. The Ministry of Women led the national anti-trafficking committee established to coordinate government anti-trafficking efforts. The Ministry of Women was also responsible for the government's response to the growing humanitarian crisis due to increasing terrorist attacks, and subsequently, the committee did not meet during the reporting period and continued to lack the resources to plan future initiatives or take proactive measures to combat trafficking. The hybrid government-NGO working group for child protection functioned more effectively than the anti-trafficking committee during the reporting period, so the government used this body to coordinate and share information on child protection and child trafficking issues at monthly meetings. The anti-trafficking committee had sub-committees at the regional, provincial, and departmental levels to coordinate locally; subcommittees were composed of police, social workers, transit companies, NGOs, and other regional stakeholders, and they coordinated administrative efforts to support anti-trafficking law enforcement activities and victim protection and collected anti-trafficking data for the national committee's annual report. These sub-committees, also responsible for intercepting traffickers and identifying victims, lacked resources for day-to-day operations and also did not meet during the reporting period. The government did not report allocating any funding to these sub-committees in the reporting period. Following the first campaign to remove vulnerable children from the street, in May 2019 the Minister of Women organized a ceremony to reward 67 Quranic teachers who honored their commitment to stop sending *talibés* to beg. The Ministry of Women conducted awareness-raising campaigns through radio programs, debates, and posters as well as holding capacity-building workshops on child protection, including child trafficking.

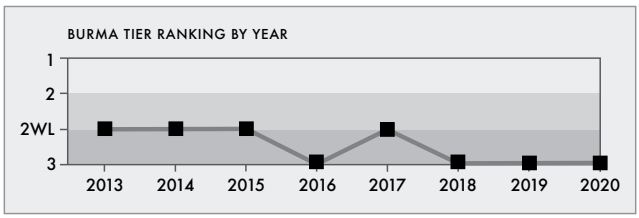
During the reporting period, the government adopted a 2019-2023 national strategy to end the worst forms of child labor, which included child trafficking, along with 2020-2021 operational action plans and a 2020-2024 national strategy for children protection. The government did not report whether it continued past efforts to conduct labor inspections specifically in artisanal mining sector to identify child or forced child labor. The Ministry of Women continued to operate a hotline to report cases of violence against children, including trafficking. The hotline operated every day from 7:00am to 10:00pm and received 200 calls during the reporting period; however, no trafficking victims were identified as a result of calls to the hotline. The government provided vocational training for the social reintegration of young street children vulnerable to trafficking. The government did not report any policies to prevent the fraudulent recruitment or exploitation of Burkinabes abroad but did partner with an international organization to conduct an awareness campaign on the vulnerability to exploitation faced by irregular migrants. The government did not report any efforts to reduce the demand for commercial sex acts. The government did not report providing anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burkina Faso, and traffickers exploit victims from Burkina Faso abroad. Traffickers promise families educational opportunities but instead force Burkinabe children to labor as farm hands, gold panners and washers in artisanal mines, street vendors, and domestic servants. In some cases, parents know their children will be exploited in domestic servitude but allow the exploitation to supplement the family income. An international organization estimates between 200,000-300,000 children work in artisanal mining sites, some of whom may be trafficking victims. Unscrupulous Quranic teachers force or coerce children to beg in Quranic schools, sometimes with parents' knowledge. According to a 2016 survey, 9,313 children are living in the streets of Ouagadougou, of which 46 percent are *talibés* vulnerable to forced or coerced begging. Girls are exploited in sex trafficking in Ouagadougou and in mining towns. Burkinabe children—including orphan street children—are transported to Cote d'Ivoire, Mali, Senegal, and Niger for forced labor—including in artisanal mining, forced begging, and cocoa production—or sex trafficking. During the reporting period, Ghanaian authorities identified a Burkinabe child sex trafficking victim. Burkinabe adult trafficking victims were identified in Mali and Tunisia. Traffickers recruit women for ostensibly legitimate employment in Lebanon, Qatar, Saudi Arabia, and—to a lesser extent—Europe and subsequently compel them into commercial sex. Burkinabe women are also exploited in domestic servitude in the Middle East. In 2018, an international organization repatriated approximately 588 Burkinabe adults from Libya, some of whom traffickers exploited in forced labor in construction and agriculture and sex trafficking in Libya, compared to 845 in 2017. As of February 2020, an international organization reported there were 765,000 IDPs in Burkina Faso as a result of instability due to terrorist attacks, a significant increase compared to 145,000 IDPs as of April 2019. During the reporting period new reports emerged that violent extremist groups exploited women and youth, including IDPs, in forced labor and sex trafficking. In addition, violent extremist groups allegedly coerced individuals to carry out attacks and otherwise act as accomplices. The government also reported violent extremist groups recruited and used child soldiers. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire and women and girls from Cote d'Ivoire to Saudi Arabia, and it is a transit county for Ghanaian migrants traveling to Libya and Italy, some of whom are trafficking victims. Traffickers exploit children from neighboring countries, including Cote d'Ivoire, Ghana, Guinea, Mali, Niger, and Nigeria, in forced labor and sex trafficking. Traffickers fraudulently recruit women from other West African countries for employment in Burkina Faso and subsequently exploit them in sex trafficking and forced labor in restaurants or domestic service. Sex traffickers exploit Nigerian girls in Burkina Faso. In past years, authorities have identified Nepalese traffickers subjecting Tibetan women to sex trafficking in Burkina Faso and Sri Lankan citizens transiting Burkina Faso allegedly en route to forced labor in a third country.

BURMA: TIER 3

The Government of Burma does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Burma remained on Tier 3. Despite the lack of significant efforts, the government increased investigations and prosecutions of trafficking crimes, including those involving official complicity, and increased investigations of forced labor in the fishing industry. It also identified and referred to care more victims than in previous years and enacted long-awaited legislation enhancing protections for child victims. The state armed forces engaged in fewer instances of child soldier recruitment during the reporting period than in previous years. The government created policies and practices to increase and streamline the demobilization of child soldiers from the military and, for the first time, conferred permission to the UN to enter into child soldier demobilization agreements with all ethnic armed groups (EAGs). However, during the reporting period there was a policy or pattern of forced labor; the international monitor-verified use of children in labor and support roles by certain military battalions increased in conflict zones in Rakhine and Shan States. The military continued to rely on local communities to source labor and supplies, thereby perpetuating conditions enabling the forced labor of adults and children. Enduring military conflict with EAGs in several areas in the country continued to dislocate thousands of Rohingya and members of other ethnic minority groups, many of whom were at risk of human trafficking in Burma and elsewhere in the region as a result of their displacement.



PRIORITIZED RECOMMENDATIONS:

Cease official involvement in compelling civilians to perform any type of forced labor for the military by strengthening, re-issuing, and fully implementing associated military command orders against all forms of forced labor, and by prosecuting, convicting, and imprisoning officials involved in the practice. • Cease all unlawful recruitment and use of children by armed forces, including in non-combatant roles, and continue cooperation with the UN to facilitate ending child soldier recruitment and use by the military and EAGs. • Initiate the issuance of high security identity documents, with a nationwide priority of issuance to children, to prevent the use of counterfeit documents by children attempting to enlist in the military at the behest of their families or civilian brokers. • Finalize implementing regulations for the Child Rights Law, and in particular those related to accountability for crimes involving the recruitment and use of child soldiers. • Expand formal procedures to proactively identify and protect victims among vulnerable populations, including communities displaced by conflict and internal migrants working in the agricultural sector, using the new national referral mechanism. • Grant UN agencies and their partners immediate, safe, and unhindered access, including humanitarian access, to Rakhine, Chin, Kachin, and Shan States. • Provide legal status to stateless persons and facilitate high security official identity documents to stateless persons and other vulnerable populations in Burma to decrease their vulnerability to trafficking. • Eliminate restrictions on freedom of movement for internally displaced members of ethnic minority groups. • Strengthen efforts to identify, prosecute, and convict civilian brokers and military and other officials complicit in the unlawful recruitment and use of child soldiers, and impose significant prison terms. • Amend the anti-trafficking law to explicitly state that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense. • Strengthen efforts to prioritize and increase resources available for victim protection, including victim shelters, provision of services for male victims, and reintegration support for former child soldiers. • In partnership with civil society, increase the capacity of relevant ministries to enforce labor laws, raise public awareness on deceptive recruitment and safe job placement channels, and proactively prevent and detect forced labor in the agricultural, extractive, domestic work, and fishing sectors. • Establish and implement a comprehensive criminal justice record-keeping system to track data on anti-trafficking investigations, prosecutions, convictions, and sentencing.

PROSECUTION

The government increased some law enforcement efforts; however, military authorities did not use civilian courts to seek criminal accountability for military personnel involved in the use and recruitment of child soldiers. The 2005 Anti-Trafficking in Persons Law criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of five to 10 years' imprisonment and a fine for trafficking offenses involving male victims, and penalties of 10 years' to life imprisonment for trafficking offenses involving female or child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the 2005 Anti-Trafficking in Persons Law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, in July 2019, parliament enacted the Child Rights Law, which criminalized all forms of child sex trafficking, thereby addressing this gap. The new law prescribed penalties of one to 10 years' imprisonment and a fine of one million to two million kyat ($1,360), which were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Forced labor, including the recruitment and use of children in military non-combatant roles is a criminal offense under the 2005 Anti-Trafficking in Persons Law, the 2012 Wards and Village Tracts Administration Act, Section 374 of the Penal Code, and the newly enacted Child Rights Law. The military continued to cite provisions in military law to punish individuals who used or recruited children for forced labor in non-combat roles; punishments included demotions, pension reductions, and geographic reassignments, which were disproportionately low compared to the seriousness of the crime. Authorities drafted legislation in late 2019 to replace the 2005 anti-trafficking law in an effort to criminalize all forms of trafficking in accordance with international standards and expand law enforcement mandates for certain interagency stakeholders; the draft was pending cabinet approval at the end of the reporting period.

The government improved collection of anti-trafficking law enforcement statistics during the reporting period through the use of a database maintained by the Anti-Trafficking in Persons Division (ATIDP). Most identified trafficking cases continued to involve Burmese women subjected to some form of exploitation through forced marriage to Chinese men. In 2019, the government reported initiating investigations into 207 trafficking cases, a slight increase from 205 in 2018 and 185 in 2017. According to the ATIPD, 137 were cases of forced marriage that featured corollary sex trafficking or forced labor indicators. Of the remaining cases, 22 were cases of forced labor (21 in 2018; 22 in 2017; 44 in 2016), 18 were cases of "forced prostitution" (20 in 2018), and one involved forced surrogacy. Another case constituted an instance of forced adoption, which was outside the standard definition of trafficking.

Media reports indicate the government increased attention to forced labor in the fishing industry following a highly publicized case in the Ayeyarwady region in late 2019; police arrested and charged 19 individuals in connection with the case, and their prosecutions were pending at the end of the reporting period. Authorities recorded an additional 42 cases pending investigation at year's end. Among the 207 total cases investigated, authorities reported initiating prosecutions against 624 suspects during the reporting period, a significant increase from 342 prosecutions in 2018 and 532 in 2017; however, many of these were conducted in absentia, as the traffickers had fled prior to arrest—in most cases to China. Unlike in prior years, authorities attempted to provide comprehensive conviction and sentencing data. According to the ATIPD, courts reached a verdict in cases involving 163 traffickers in 2019 (unreported in 2018; 156 in 2017; and 145 in 2016); this included 97 convictions, 10 cases discharged without conviction, two acquittals, and 57 guilty verdicts for defendants who had absconded. Sentences ranged from four years' to life imprisonment (unreported in 2018), with longer sentences associated to cases involving organized groups or defendants who had previously absconded. During the reporting period, the government also initiated prosecutions of dozens of brokers under the Overseas Employment Act for crimes involving illegal recruitment practices impacting hundreds of potential trafficking victims; conviction data was unavailable, but penalties for violation of the law were limited to one year imprisonment, a fine, or both.

The ATIPD maintained dedicated anti-trafficking task force (ATTF) police units throughout the country and increased the number of regional offices from 32 to 60 in 2019. Burma's Central Body for the Suppression of Trafficking in Persons (CBTIP) coordinated the government's anti-trafficking efforts, including training for the ATIPD offices. It also continued to host training sessions and coordination meetings on trafficking for government officials independently and with foreign donor assistance. Police capacity to address human trafficking continued to improve, but progress was limited amid challenges in interagency coordination. Limited training and training capacity for non-specialized Myanmar Police Force (MPF) officers, coupled with regular law enforcement turnover, continued to hamper the success of some investigations and prosecutions. Some civil society organizations observed in prior years that non-specialized police officers were sometimes unaware of how to pursue human trafficking investigations without consulting ATTF; it is therefore possible that some victims human trafficking were turned away when attempting to report their cases. ATIPD and ATTF officers consulted and cooperated with law enforcement agencies in China, Laos, India, and Thailand, as well as through ASEAN mechanisms, as part of formal dialogues on human trafficking and border security issues. Law enforcement and justice sector officials had limited ability or authority to exercise their investigative mandates in geographic areas not controlled by the government.

Some government and law enforcement officers reportedly participated in, facilitated, or profited from human trafficking. Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials acting on bribes, as well as individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers in some cases. In late 2019, the government's anti-corruption commission reported initiating the prosecution of a Burmese labor attaché for allegedly accepting bribes from employment agencies in exchange for issuance of fraudulent documents, leading to the placement of thousands of Burmese workers into vulnerable sectors in Thailand; the trial was ongoing at the end of the reporting period. Additionally, for the first time, the government reported arresting, detaining, initiating court martial proceedings, and proposing civilian criminal investigations into two different cases involving military officers for their alleged role in facilitating the sex and labor trafficking of Burmese women in China in 2019; both defendants remained in prison awaiting trial at the end of the reporting period. In one of the cases, four associated civilian perpetrators were sentenced to 20 years in prison each in February 2020. Authorities also convicted and imprisoned the spouse of an auxiliary police officer for her involvement in a trafficking crime prosecuted in the previous reporting period.

The newly enacted Child Rights Law strengthened penalties for any individual who, knowingly or through "failure to inspect," engaged in child soldier recruitment or use. However, authorities did not report data on its implementation. Some international observers continued to express concern that Burma's array of relevant laws were insufficient to adequately deter commission of child soldier-related crimes. The constitutionally-guaranteed power of the military continued to limit the ability of the government to address cases of adult forced labor and child soldier recruitment and use by the armed forces. Burmese law provided for separate judicial procedures for military personnel accused of criminal misconduct. The Ministry of Defense (MOD) reported taking disciplinary action against 18 military personnel for child soldier recruitment in 2019, compared to 27 punished in 2018 and 19 punished in 2017; penalties included reprimands impacting promotion, service recognition, and pensions. The MOD did not report punitive measures for military personnel guilty of subjecting adults to forced labor within Burma. In past years, most of these cases reportedly culminated in reprimands, fines, or pension reduction—penalties significantly less than those prescribed by criminal law. The government did not provide data on the prosecution of civilians involved in the recruitment of child soldiers, despite ongoing media, NGO, and international organization reports.

PROTECTION

The government increased some victim protection efforts, but the use of children in support roles by the military reportedly increased in conflict areas in Rakhine and Shan States during the reporting period. Burma's new Child Rights Law, enacted in July 2019, featured language strengthening some protections for child victims of forced labor and sex trafficking, including for children recruited and used in armed conflict. The government also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. With the help of an international organization, the government finalized a national referral mechanism featuring a national standard operating procedure (SOP) on victim return, reintegration, and rehabilitation—a process that began in 2016. Civil society groups viewed the new Child Rights Law and the establishment of these mechanisms as important steps in improving interagency coordination on victim identification and protection issues.

During the reporting period, police identified 335 victims of trafficking, including 64 men and 271 women, in addition to 216 women and three men who may have experienced some form of exploitation in China and one individual from Indonesia who returned to Burma; this marked a significant increase from receipt and identification of 312 foreign referrals in 2018 and 289 in 2017. Many of these cases involved forced marriage that included corollary forced labor or sex trafficking. The exact number of domestic victims identified by Burmese authorities was unknown, but police reported assisting 16 victims of trafficking within the country (29 in 2018 and 44 in 2017). The military granted most UN monitors' requests within 72 hours to access and inspect military installations for the presence of children. However, due to ongoing conflicts, the government sometimes prevented assistance from reaching displaced Rohingya and other vulnerable populations during the year by implementing access restrictions on the UN and other humanitarian agencies. Continued violence in Rakhine State and conflict in Kachin and Shan States also limited some monitoring efforts.

The Child Rights Law set the minimum age of voluntary military

recruitment at 18, addressing a key ambiguity in preexisting legislation and fulfilling a long-held recommendation from international human rights organizations. It also included language strengthening certain protections for children subjected to recruitment or use by state and non-state armed forces, including automatic dismissal of criminal charges and referral to protective care for certain crimes they were forced to commit as a result of said recruitment or use. However, although the law increased the age at which a child could legally be considered a criminal from seven to 10 years, some international observers were concerned it remained too low to fully protect children from penalization for certain crimes.

International monitors received at least 33 new allegations of child recruitment by the military, but did not verify any of these (at least two new instances of recruitment and 36 cases from previous years verified in 2018; 49 total cases in 2017). Past recruitment methods have included deception, force, and coercion by both informal civilian and military brokers, as well as intake of minors joining at the behest of their families. International monitors noted that, while instances of recruitment continued to decrease, the production of increasingly sophisticated counterfeit identity documents by civilian brokers continued to complicate age verification measures, which could have led to some inadvertent acceptance of children into the military's ranks. In prior years the government issued explicit military command orders prohibiting the conscription of civilians and prisoners in portering; the use of civilians in military base maintenance and construction; and the use of children under 18 for non-combat roles. Despite this, some military battalions based in conflict areas continued to use children for short-term labor or other non-combat support roles, including in barracks cleaning and camp maintenance, paddy harvesting, guiding, portering, and cooking. International monitors verified 191 such cases of short-term child use by the military in northern Rakhine State during the reporting period; observers attributed this relatively high figure to ongoing and increasing military conflict in several areas of the country, including Rakhine State and Shan State, but noted that increased family facilitation may have been a factor. According to media reports, soldiers forced four girls in Shan State to march with their patrol, possibly to serve as human shields. The Border Guard Police also reportedly used children for forced labor in Rakhine State. The military removed from its ranks at least 22 children and young men suspected of having been recruited as minors in response to notification letters from international monitors, who observed increased and expedited efforts on the part of the MOD to clear backlogged child soldier cases during the reporting period (75 in 2018; 49 in 2017 and 112 in 2016). International monitors did not report how many of these, if any, had been removed from frontlines (12 in 2018). Among improved efforts was the implementation of a new "benefit of the doubt" policy, under which the military agreed to immediately demobilize any individuals serving without proof of age upon suspicion of minor status, rather than waiting on age verification.

The government continued to operate five centers for women and children who were victims of violent crime; all five could shelter trafficking victims, and one was dedicated to female trafficking victims. Another housed repatriated trafficking victims. Prior to their reintegration, these victims had the alternative option to stay in any of four transit centers run by the Department of Rehabilitation (DOR) under the Ministry of Social Welfare, Relief, and Resettlement (MSWRR); these facilities were called "Women's Vocational Training Centers," and a fifth was in development at the end of the reporting period. The government reported a total of 532 individuals were referred to temporary shelter services during the reporting period, including 370 female victims and 162 male victims (unreported in previous years); some of these were likely victims of crimes outside the standard definition of trafficking. The government also operated three facilities funded by a foreign donor that could serve both male and female victims. Services in government facilities remained rudimentary, but authorities allocated increased funding for trafficking victim protection, and some victims received psycho-social counseling, travel allowances, support for obtaining official documents, and assistance in returning to home communities. NGOs and foreign donors funded and facilitated delivery of most services available to trafficking victims. In conjunction with an international organization, MSWRR continued to implement child protection programs that featured services for victims of trafficking. CBTIP reported allocating to a central fund 64 million kyat ($43,390) for victim support during the reporting period (unreported in 2018). MSWRR provided 15.6 million kyat ($10,580) to fund reintegration services for 78 trafficking victims, compared with 19.75 million kyat ($13,390) for 175 victims in 2018. The ATIPD contributed an additional 60 million kyat ($40,680) to assist with reintegration, transport, meals, and medical care for the same victims. In an effort to improve coordination on victim protection, the government significantly increased DOR staff to 202 (132 in 2019, 72 in 2018), but it reportedly remained under-resourced. DOR also provided separate assistance to 16 Burmese nationals subjected to trafficking within Burma, including five child sex trafficking victims, during the reporting period.

The new Child Rights Law mandated social service referral procedures for children identified among state- and non-state armed groups. Overall government support to demobilized child soldiers remained minimal, with most services provided by civil society partners. DOR provided up to 19 million kyat ($12,880) for the rehabilitation and reintegration of 38 former child soldiers during the reporting period (unreported in 2018). Longer-term support was limited to vocational training for some former child soldiers and women in major city centers and border areas; the lack of adequate protective measures for victims—particularly males—increased their risk of re-trafficking. The government trained 60 diplomats and 35 attachés on human trafficking during the reporting period. It maintained labor attachés in Thailand, Malaysia, and the Republic of Korea whose responsibilities included assisting trafficking victims, and ATIPD officers staffed liaison offices established by the UN and international organizations at the Chinese and Thai border to facilitate victim repatriation. DOR reported repatriating and assisting 491 Burmese nationals from abroad with the help of an international organization; this figure included 314 women subjected to forced marriage in China with possible sex or labor trafficking indicators; 16 child sex trafficking victims from Thailand; 161 male economic migrants returning from Thailand, some of whom may have experienced forced labor; and at least one victim of unspecified trafficking circumstances returned from Indonesia (unreported in 2018). As was the case in 2018, the government received repatriation requests from a large volume of Burmese economic migrants from both Thailand and China, but ATIPD reportedly assessed that their cases did not meet the definition of trafficking; however, it is possible that some victims went undetected amid insufficient or inconsistently applied screening procedures. Authorities reported repatriating four foreign women subjected to sex trafficking in Burma during the reporting period, including two from Thailand and two from Vietnam (unreported in 2018); they also assisted in the repatriation to Thailand of a transgender woman in commercial sex, but they did not report if she had been subjected to trafficking.

The government maintained Department of Social Welfare (DSW) offices throughout the country, each with full-time case managers, to provide health care, reintegration assistance, psycho-social care, and legal services to trafficking victims, including child soldiers. The government also maintained a working group on victim repatriation, reintegration, and rehabilitation under the DSW. However, the DSW continued to lack the resources necessary to adequately provide these services to trafficking victims, and high ATTF turnover and lack of awareness impeded the coordination required to ensure victims identified by law enforcement officers would be connected

to DSW protection. While police and border officials continued to proactively identify suspected victims en route to China for marriages likely to result in sex or labor exploitation or to Thailand for potential sex trafficking, concerns remained that authorities did not follow standardized, nationwide procedures for the proactive identification of victims across all sectors.

Trafficking victims frequently declined to cooperate with authorities due to the lack of adequate victim protection or compensation programs, language barriers, a lengthy and opaque trial process, fear of repercussions from their traffickers, and general mistrust of the legal system. A cumbersome investigative process sometimes required victims to give statements multiple times to different officials, increasing the likelihood of re-traumatization; however, the authorities' increased use of police-prosecutor guidelines on trafficking case cooperation reportedly generated some improvement to this trend. In 2019, the government initiated a pilot court program allowing video testimony for victims, and ATIPD cited two ongoing cases using this technology at the end of the reporting period. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, nor did it provide temporary legal status to any foreign victims, although foreign victims were entitled to temporary shelter while awaiting repatriation. There was at least one instance of victim penalization during the reporting period; in September 2019, authorities filed charges against several factory workers for going on strike after having been subjected to forced overtime at a Chinese-owned factory in the Ayeyarwady region. The case was pending at year's end.

PREVENTION

The government increased prevention efforts; however, because the military did not fully implement previously issued military command orders prohibiting certain forms of forced labor, some military authorities continued to subject adults and children from vulnerable populations—particularly in conflict areas populated by members of ethnic minorities—to forced labor. CBTIP continued to coordinate anti-trafficking programs and policies, and authorities finalized an anti-trafficking work plan that outlined preventative efforts for the 2020 calendar year. A 2014 directive prohibiting the use of children by the military remained in place. The military continued to conduct oversight and monitoring of recruitment procedures to prevent child recruitment; this involved age verification measures and relevant training sessions for enlisted personnel, training centers, and recruitment officials. The government continued to convene an interagency "Committee for Preventing Grave Violations against Children in Armed Conflicts" to formulate and implement relevant public awareness campaigns.

In previous years, Burmese fishermen had no formal channels through which to seek employment in the Thai fishing industry, and instead relied exclusively on unregulated brokerage networks that exacerbated their indebtedness and vulnerability to coercion at sea. To address this issue, Burma signed a memorandum of understanding (MOU) with Thailand during the reporting period to facilitate labor recruitment into the Thai fishing sector through a formalized, government-to-government hiring process. However, the MOU did not standardize or clarify the two countries' disparate laws and policies on eligible recruitment fees and minimum wages, constraining meaningful implementation. Further, most vessel owners were unaware of the new hiring system and continued to staff their crew through unregulated Thai and Burmese intermediaries charging high recruitment fees that continued to place Burmese fishermen at risk of debt-based coercion into forced labor. Some Burmese recruitment agencies avoided the hiring system altogether due to distrust of labor conditions in the Thai fishing sector and doubts concerning the capacity of the Thai authorities to enforce the MOU. During the reporting period, the government cooperated with counterpart agencies in Cambodia and Laos to strategize and exchange views on addressing broader forced labor among migrant workers in Thailand. The government also partnered with an international organization to conduct an interagency training on fisheries crime focusing on corruption, document fraud, and other crimes that could be generative of or connected to forced labor.

Ethnic minority groups in Burma—particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities—continued to be at elevated risk of forced labor as a result of longstanding armed conflict between the military and EAGs. EAGs continued their recruitment and use of child soldiers during the reporting period amid ongoing violence in several areas of the country. However, for the first time, the government granted formal permission to the UN to enter into child soldier demobilization agreements with EAGs, addressing a longstanding recommendation from the international community. Violence in northern Rakhine State also continued to result in the migration of Rohingya into neighboring Bangladesh, where many of them were vulnerable to trafficking—especially via transport to other countries for the purpose of sex trafficking—as a result of their displacement.

According to the 2014 census, approximately one quarter of Burma's residents lacked access to citizenship or identity documents, significantly increasing their vulnerability to traffickers in Burma and in other countries. Authorities continued to offer a citizenship verification process pursuant to a 1982 law, but participation was low among Rohingya in Rakhine State amid concerns that the authorities might require these individuals to inaccurately list themselves as "Bengali," a term that could potentially further limit their access to certain rights. During the reporting period, the government provided documents, including birth certificates, to some undocumented Rohingya, and it began accelerating certain citizenship verification processes. Immigration authorities also initiated a mobile service center to issue these documents to residents of internally displaced persons (IDP) camps in Shan, Kachin, and Rakhine States. However, most Rohingya who received citizenship were naturalized—a distinction that afforded them fewer rights than full citizens. International observers were concerned provisions of the Child Rights Law would further codify statelessness for some groups. Government policies limiting freedom of movement in some jurisdictions continued to hinder access to employment and education for some communities, especially in IDP camps housing Rohingya and other ethnic minority groups, further aggravating economic conditions that may have contributed to individuals pursuing irregular migration and employment channels known to engender forced labor and sex trafficking.

Restrictions on freedom of assembly left some workers who protested unacceptable working conditions, including indicators of forced labor, vulnerable to law enforcement action. However, during the reporting period, the Ministry of Labor, Immigration, and Population held dialogues with trade unions to review a draft law expanding workers' right to assemble; the legislation remained in draft at year's end. The government also passed the Labor Dispute Law in 2019 to streamline workers' access to recourse for a range of labor violations, including forced labor, but bylaws necessary for sufficient implementation were still under review at the end of the reporting period, and some international observers doubted their efficacy. In a previous reporting period, the government worked with an international organization to establish a labor complaints mechanism; following conclusion of the program in late 2018, the government established a new national forced labor complaints mechanism to replace it in February 2020. Some civil society contacts characterized labor inspection practices as untimely, unresponsive to complaints, and devoid of enforcement. Government officials noted a lack of adequate human resources, increasingly sophisticated document forgery techniques, conflict, and geographic remoteness constrained sufficient oversight into several sectors known or

reported to be vulnerable to traffickers, including fishing, garment manufacturing and illegal logging.

Multiple agencies reported conducting awareness-raising campaigns involving over 5,000 separate activities reaching more than 2 million people. Other efforts involved print, television, radio, roadshows, lectures, and other media—particularly in high-vulnerability states—as well as training for members of community-based watch groups and students on trafficking (2,251 in 2018 and 2,300 in 2017). The government also placed thousands of billboards and posters and distributed more than 700,000 anti-trafficking pamphlets nationwide, including in ethnic minority languages. CBTIP used state-owned radio, television, and a social media platform to raise awareness on safe migration guidelines and government policies, regulations, and laws related to trafficking. The government aided an international organization in conducting at least 57 awareness-raising events in IDP camps in Kachin and Rakhine States reaching more than 5,500 individuals. The government also maintained contact with local law enforcement liaison offices in non-government-controlled areas to disseminate awareness-raising materials in vulnerable communities. Authorities continued to release information on the prosecution of traffickers via government-supported and private media throughout the country. The ATIPD maintained a hotline and a social media account with information on trafficking, including updated law enforcement statistics; it reported receiving 1,708 hotline calls leading to the identification of 65 trafficking cases, and it initiated an additional 46 trafficking investigations based on information received via its social media page. The government investigated and prosecuted brokers and labor recruiters suspected of illegal recruitment practices under the Overseas Employment Act. Authorities also collaborated with multiple international and civil society organizations to raise awareness on safe migration to decrease vulnerability to trafficking abroad. The police did not report any cases of child sex tourism during the reporting period. Authorities continued to partner with an NGO to raise awareness about child sex tourism, and ATIPD conducted relevant training and awareness campaigns through the Ministry of Hotels and Tourism for new official tour guides. The government did not take steps to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject men, women, and children to forced labor, and women and children to sex trafficking, both in Burma and abroad. There have also been limited reports of traffickers transporting foreign victims through Burma en route to other countries in Asia. Traffickers subject some Burmese men, women, and children who migrate for work abroad—particularly to Thailand and China, as well as other countries in Asia, the Middle East, and the United States—to forced labor or sex trafficking. Traffickers force men to work domestically and abroad in fishing, manufacturing, forestry, agriculture, and construction, and they subject women and girls primarily to sex trafficking or forced labor in garment manufacturing and domestic service. NGOs continue to report instances of Burmese males transiting Thailand en route to Indonesia and Malaysia, where traffickers subject them to forced labor, primarily in fishing and other labor-intensive industries. Recruitment agencies in Burma and other Southeast Asian countries lure fishermen with promises of high wages, charge fees and curtailment deposits to assign them fake identity and labor permit documents, and then send them to fish long hours in remote waters on vessels operating under complex multinational flagging and ownership arrangements. Senior crew aboard vessels in the Thai and Taiwan fishing fleets subject some Burmese men to forced labor through debt-based coercion, passport confiscation, contract switching, wage garnishing and withholding, threats of physical or financial harm, or fraudulent recruitment; they also subject some to physical abuse and force them to remain aboard vessels in international waters for years at a time without coming ashore. Informal brokers also lure Burmese men onto offshore fishing and shrimping rafts in Burmese waters, where traffickers confine and physically abuse them to retain their labor for months at a time. There are some reports of boys subjected to forced labor in Burma's fishing industry as well. Traffickers are increasingly transporting Burmese women to China and subjecting them to sex trafficking and forced labor in domestic service under the false pretense of marriage to Chinese men; Burmese government officials are occasionally complicit in this form of trafficking. Some traffickers abduct Rohingya women and children in transit while fleeing violence—and reportedly from refugee camps in Bangladesh—and sell them into sex trafficking and forced marriage in India, Indonesia, and Malaysia; some may experience conditions indicative of forced labor. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited Burmese nationals in forced labor in food processing, manufacturing, construction, and fishing.

Within Burma, men, women, and children from predominantly ethnic minority areas—including an estimated 109,000 persons displaced by conflict in Kachin and northern Shan States, 40,000 persons displaced in non-government controlled areas, and at least 135,000 persons displaced in Rakhine State—are at increased risk of trafficking. Children in Kachin and northern Shan States are particularly vulnerable to sex traffickers operating near the Chinese border. Traffickers reportedly prey on girls living in Rakhine IDP camps and subject them to forced labor and sex trafficking in Malaysia. Restrictions on IDP camp residents' freedom of movement and employment, particularly among Rohingya communities, drive internal migration through irregular, unsafe channels known for trafficking vulnerabilities. Criminals in EAG-controlled areas reportedly force children, especially boys, to serve as drug mules in Shan, Kachin, and Karen States. Absent oversight and enforcement measures in non-government controlled areas, often in border zones, women and girls from these border regions and elsewhere in Southeast Asia may be vulnerable to sex trafficking in casinos and Special Economic Zones owned or operated by EAGs and Chinese and Thai companies. Farming communities displaced following land confiscation by the military and private commercial entities are also at higher risk of exploitation due to ensuing economic hardships.

Approximately one quarter of the population in Burma does not have access to citizenship or identification documents, generating human trafficking vulnerabilities that disproportionately affect ethnic minority groups—particularly in Kachin, Shan, and Rakhine States. In Kachin, displaced women and girls are also vulnerable to trafficking, including forced concubinism leading to forced childbearing, via forced or fraudulent marriages to Chinese men arranged by deceptive or coercive brokers. One academic study found that 2,800 out of 5,000 Kachin and Shan women returning to Burma after experiencing forced marriage in China had also been subjected to forced childbearing. Rohingya individuals are at particularly high risk of labor trafficking in Rakhine state, including forced labor perpetrated by the military. Many women and girls among the estimated 740,000 Rohingya who fled from conflict in Rakhine State to neighboring Bangladesh since August 2017 have been subjected to sex trafficking in Bangladesh and India. Ethnic Rakhine are reported to be victims of forced labor on the margins of conflict between the military and EAGs in Rakhine State. Traffickers subject members of Burma's vulnerable populations to sex trafficking and forced labor in seasonal strawberry and longan harvesting, year-round orange farming, manufacturing in registered and unregistered factories, and construction of roads and city government facilities across the border in northwestern Thailand. Traffickers use deceptive recruitment tactics and immigration status-based coercion to subject migrant workers from Shan State to forced labor on sugarcane plantations in China's Yunnan Province. Illegal logging operations near the Chinese border may subject local communities to forced labor.

Local traffickers use deceptive tactics to recruit men and boys into forced labor on oil palm, banana, and rubber plantations; in jade and precious stone mines; in bamboo, teak, rice, and sugarcane harvesting; and in riparian fishing. IDPs from the Sagaing, Bago, Irrawaddy, Mandalay, and Tanintharyi regions, as well as from Shan and Rakhine States, experience contract discrepancies, wage garnishing and withholding, forced and arbitrary cost-sharing of pesticides, penalty fees, coerced overtime, identity document retention, and restricted freedom of movement in banana plantations in Kachin State. Communities displaced by environmental degradation resulting from the establishment and operation of these plantations, which are often Chinese-owned, are also vulnerable to trafficking, including on lands they previously occupied and through internal economic migration to other parts of the country. In Kachin State, men, women, and children are also at risk of forced labor in jade prospecting throughout refuse areas created by larger mining operations, as well as in road and dam construction. A majority of these prospectors are reportedly addicted to opiates or methamphetamines, which some traffickers—including members of EAGs and government-supported militias—may intentionally facilitate and exploit to retain their labor. Crime syndicates subject women and girls to sex trafficking in massage parlors located in close proximity to these refuse mining areas, often in partnership with local government and law enforcement officials. Many people displaced by violence in Rakhine State, including ethnic Rakhine, travel to Kachin State for this work. Forced eviction from new mining sites and resulting economic hardships make some communities in Kachin, Shan, and Kayin States more vulnerable to trafficking. Traffickers subject children to sex trafficking or to forced labor, at times through debt-based coercion, in teashops, small businesses, the agricultural and construction sectors, in domestic work, and in begging. Traffickers subject children and adults to forced domestic servitude. A small number of foreign child sex tourists exploit Burmese children.

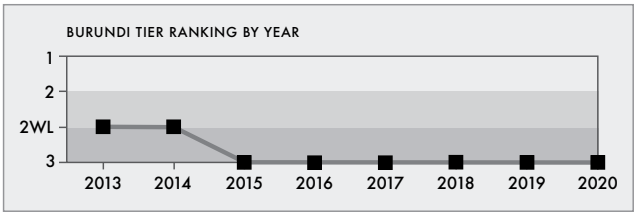
Some military personnel, civilian brokers, informal civilian intermediaries, border guard officials, and EAGs continue to recruit or use child soldiers, particularly in conflict-affected ethnic areas. Civilian recruiters in some cases coerce or offer incentives to children or their families through false promises about working conditions, salary, and promotion opportunities. EAGs force men and boys to serve through intimidation, coercion, threats, arbitrary taxation, and violence. The military has employed the same tactics in the past, although most children identified in military service initially enter under the auspices of civilian brokers or enlist at the behest of their own families. The military may still deploy some child soldiers to the front-line as combatants. Military-backed militias are also involved in the recruitment and use of children in conflict settings. Some EAGs abduct or recruit children, including from IDP camps, to fight against the military.

The military, informal civilian brokers, and some EAGs also use deception and various forms of coercion, including threats of financial and physical harm, to compel adult victims into short term forced labor. Under the auspices of the legacy counter-insurgency strategy of "self-reliance," some military authorities in areas with active conflict subject members of local populations—mostly men, but also women and children—to forced labor in portering, construction, cleaning, cooking, and public infrastructure projects. Reports of military-controlled forced labor and other abuses are highest among ethnic minority communities in the conflict zones within Shan, Rakhine, and Kachin States.

The government operates as many as 47 prisons and 48 labor camps called "agriculture and livestock breeding career training centers" and "manufacturing centers," respectively. The labor camps house thousands of inmates across the country, likely including some political prisoners. Eighteen of these camps feature government-managed mining operations. According to limited reporting, authorities at times may subject these incarcerated populations to unlawful prison labor or conditions with indicators of forced labor for private gain. Anti-LGBTI laws place some LGBTI individuals at higher risk of extortion and psychological coercion by law enforcement. Discriminatory hiring practices complicate access to formal sector employment for LGBTI individuals and persons diagnosed with HIV/AIDS, forcing some to seek opportunities in unregulated sectors known for trafficking vulnerabilities—particularly among transgender persons in commercial sex.

BURUNDI: TIER 3

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Burundi remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by working with an international organization to provide training to immigration officials, identifying victims of trafficking abroad, conducting public awareness campaigns in partnership with an international organization, and increasing cooperation with civil society. However, the government did not convict any trafficking offenders for the fifth consecutive year. Despite continuing allegations, it did not investigate, prosecute, or convict officials allegedly complicit in trafficking crimes. The government continued to lack standard operating procedures (SOPs) to identify and refer victims to services and did not have adequate protection services available for victims. The government did not report providing or referring victims to rehabilitation services. Authorities continued to lack a clear understanding of trafficking and, although the government trained immigration officials during the reporting period, it did not institutionalize anti-trafficking training for its personnel.



PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law and significantly increase efforts to more effectively investigate, prosecute, and convict traffickers. • Develop national-level data collection on law enforcement and victim identification efforts. • Investigate all credible accusations of official complicity and hold complicit officials criminally accountable. • Institutionalize anti-trafficking training—including training on case investigation and victim identification—for all law enforcement and on implementation of the anti-trafficking law for all prosecutors and judges. • Develop and provide training on national standardized procedures to allow for the systematic identification and referral of trafficking victims to appropriate care. • Expand protective services for victims through partnerships with NGOs, including by allocating resources and providing separate shelter for children and adults. • Devote sufficient resources to implement the 2019-2020 national action plan. • Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. • Finalize and implement bilateral labor negotiations with destination country governments on migrant worker rights.

PROSECUTION

The government maintained inadequate law enforcement efforts. Burundi's 2014 anti-trafficking law criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine of 100,000 to 500,000 Burundian francs ($54 to $270), and in cases involving children, the law prescribed penalties of 10 to 15 years' imprisonment and a fine of 500,000 to two million Burundian francs ($270 to $1,080). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

The government continued to lack a centralized data collection mechanism and did not systematically report law enforcement actions, making comprehensive statistics difficult to obtain. The government investigated eight cases and indicted 11 suspects in 2019, compared with 10 investigations and no indictments in 2018. The government did not convict any traffickers for the fifth consecutive year. All investigations in 2019 related to transnational trafficking. During the reporting period, the government released seven suspected traffickers in Cankuzo province that an NGO reported the government had arrested in 2018. The government did not report any updates on a case from 2018 in which airport immigration officials reportedly arrested a suspected trafficker for fraudulent recruitment in Qatar. Law enforcement reported collaborating with foreign police on trafficking-related cases; however, they did not report the details of such cases. Corruption and official complicity in trafficking crimes remained significant concerns, potentially inhibiting law enforcement action during the year; however, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. In 2018, the government reportedly arrested and initiated an investigation into a police officer for allegedly providing support to traffickers; the government did not report updates to this case during the reporting period. Security remained a concern for civil society organizations and individuals reporting allegations of complicity; anti-trafficking activists reported receiving threats, leading some to flee the country. In 2019, the Government of France convicted a former Burundian government minister and his spouse on forced labor charges for exploiting a domestic worker in their home in France.

The government's ad hoc inter-ministerial anti-trafficking committee collaborated with an international organization to provide anti-trafficking training, including on the definition of trafficking, the anti-trafficking legal framework, identification of potential victims, and victim referral procedures to 50 immigration officials from Bujumbura and other provinces. However, the government reported a lack of capacity to provide adequate training for law enforcement agencies responsible for investigating trafficking crimes. Due to a lack of training on victim identification and referral procedures, observers continued to report that local police mischaracterized and arrested potential victims. Local police often did not refer the cases to the Burundian National Police's Unit for the Protection of Minors and Morals, the lead investigative body for trafficking cases, which led to poor case investigations and limited prosecutions; officials' lack of investigative skills and insufficient understanding of trafficking crimes continued to impede overall law enforcement efforts. The government also reported inadequate efforts to address internal trafficking, misunderstandings of the anti-trafficking law by judicial officials, and a lack of resources, which inhibited successful law enforcement efforts and judicial proceedings during the reporting period.

PROTECTION

The government minimally increased protection efforts. The government did not maintain a centralized system to share victim identification and referral information between government stakeholders; consequently, the government did not report comprehensive victim identification statistics. The government identified 372 victims; of these, 314 were identified abroad—including in Kenya, Saudi Arabia, Tanzania, and Uganda—compared to no identified victims in 2018. Of these cases, authorities reported identifying 58 victims en route to the Middle East but did not report information on what indicators of trafficking the victims experienced. The government has yet to report identifying a foreign national victim of trafficking domestically. The government did not report if it provided any identified victims with care or assistance.

The government did not have SOPs for authorities to identify and refer trafficking victims to protection services, and many law enforcement officials lacked adequate training to identify potential victims. Stakeholders did not coordinate with each other and often conflated human trafficking with migrant smuggling and gender-based violence (GBV), causing confusion and impeding coordination efforts. Civil society reported the referral process remained ad hoc, and they could not verify if victims were referred for services. However, civil society noted improved communication with government counterparts and an increase in proactive referrals of victims compared to previous reporting periods. Civil society continued to provide the vast majority of assistance to trafficking victims. In 2019, an international organization and its partners reported identifying 143 child victims—20 girls and 123 boys. The international organization noted a likely underreporting of cases involving female victims. Separately, another international organization reported identifying 113 victims, five of whom had been referred by the government to the organization. Of the other 108 identified victims, 16 were children (eight boys and eight girls) and 92 were adults (13 men and 79 women). Notably, 96 percent of the cases were identified as forced labor, including in agriculture, hospitality, construction, domestic work and childcare, begging, and peddling; only four percent of the identified cases involved sex trafficking. Both international organizations reported all identified victims were Burundian citizens. The government reported providing some assistance to Burundian victims abroad, including providing food and lodging for victims awaiting repatriation and updated travel documents.

An overall lack of dedicated funding for victim protection measures continued to restrict the government's ability to assist victims. The government continued to operate Humura Center in Gitega, which offered protection services to foreign and domestic victims of sexual abuse, GBV, and trafficking. The Humura Center continued to provide temporary shelter, medical care, and guidance on engaging with law enforcement and the judicial system and was accessible to victims with disabilities; however, the government reported that the center has never provided services to any victims of trafficking. Without financial support from the government, the Seruka Center continued as an NGO-run center in Bujumbura and provided medical and psycho-social assistance, as well as legal assistance, to victims of various abuses, including human trafficking. The NGO reported victims returned to their families after a short stay at the shelter. In addition to the Seruka Center, there were four NGO-run shelters that trafficking victims could utilize. Adults and children, men and women, and foreign victims all had access to the same care. Some international organizations provided tailored services for female victims of abuse and trafficking, such as collaborating with temporary emergency care for first aid and temporary housing, providing family tracing and reunification, vocational training, solidarity groups, and school reintegration.

The 2016 law for the protection of witnesses, victims, and the vulnerable required a centralized unit in the Ministry of Justice be created to coordinate witness protection for victims; however, the

government did not report using these provisions for trafficking cases during the reporting period. Labor laws continued to lack sufficient protection for domestic workers or employees in the informal economy, leaving the population vulnerable to trafficking. Burundian law did not allow prosecutors to request restitution in trafficking cases. The law provided foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution, subject to judicial decision, and allowed the government to grant temporary residency; the government did not report identifying any foreign victims who could benefit from this protection during the reporting period. Observers continued to report the government arrested victims for unlawful acts traffickers compelled them to commit and detaining them in jail for vagrancy, commercial sex, or other charges.

PREVENTION

The government increased prevention efforts. The anti-trafficking committee led the government's policy coordination and communication with civil society, but its ability to drive national anti-trafficking efforts continued to be limited by resource constraints. The government has yet to establish the Commission for Consultation and Monitoring on the Prevention and Suppression of Trafficking in Persons, mandated by the 2014 anti-trafficking act, which would take leadership over government efforts on prosecution, prevention, and protection. The government continued implementing the 2019-2020 national action plan (NAP) despite limited funding. The government partnered with an international organization that funded and began a three-year national anti-trafficking program. In addition, in partnership with the international organization, the anti-trafficking committee delivered various awareness raising activities in February 2020 that reached more than 2,000 people, including potential victims and first responders. The government's anti-trafficking committee also requested and received training from an international organization on best practices for anti-trafficking coordination efforts, the identification and referral of victims to assistance, and prosecution procedures of trafficking cases. In December 2019, the anti-trafficking committee exchanged information with counterparts from the Government of Tunisia on promising practices to combat trafficking. The government did not have a national anti-trafficking hotline, but international organizations funded a national human rights hotline with operators trained to identify trafficking victims. NGOs also funded a hotline specifically for reporting human trafficking or child labor; details regarding the number of trafficking-related calls were unavailable. The government issued a decree waiving late birth registration fees and implemented a birth registration campaign, with support from an international organization; more than one million children were registered and received birth certificates.

The government did not have effective policies or laws regulating labor recruiters. The national action plan included the proposed creation of a labor market regulation agency, but the government did not report its creation during the reporting period. The government reported contacting the Government of Saudi Arabia in an effort to increase the rights of Burundian migrant workers. The government reported initiating several bilateral labor agreements with destination countries; however, no formal agreements were finalized during the reporting period. Although the president and senior officials spoke out against commercial sex, the government made limited efforts to reduce the demand for commercial sex and did not make any efforts to reduce the demand for child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burundi, and traffickers exploit victims from Burundi abroad. As the result of a complex political, economic, and security crisis that began in 2015, by February 2020, more than 336,650 Burundians remained in neighboring countries as refugees, including, but not limited to, Tanzania, Rwanda, Uganda, and Democratic Republic of the Congo (DRC). In 2019, the Government of Tanzania told refugees within its borders, a majority Burundian-born, to return home and commenced an operation with the goal of repatriating some 200,000 Burundian refugees despite concerns that they faced a lack of protection and security. Many refugees, in fear of illegal arrests, deportation, and murder, departed Tanzania without formal assistance or adequate identity documentation. Returned refugees frequently lacked access to basic services and accommodation, which subsequently increased their vulnerability to trafficking.

Burundi's challenging security environment, endemic poverty, and low education levels create an opportunity for criminals, including traffickers, to take advantage of Burundians in precarious or desperate situations. Due to regional instability, observers sporadically report recruitment of children as young as 15 years old by armed groups who force them to participate in anti-government activities. In July 2015, traffickers recruited approximately 58 children, some younger than 15 years old, and forced them to participate in an anti-government armed invasion in Kayanza Province, which was ultimately put down by the government; it was unclear if these children were armed. Between May and December 2015, an international organization reported allegations that Burundian refugees residing in Mahama refugee camp in Rwanda were recruited into non-state armed groups, allegedly by Rwandan security forces, to support the Burundian opposition; many refugees alleged recruiters had threatened, intimidated, harassed, and physically assaulted those who refused recruitment—a form of human trafficking. Most of these recruits were adult males, but six Burundian refugee children between the ages of 15 and 17 were also identified as recruits from Mahama refugee camp. The same international organization reported that hundreds of Burundian adult and child recruits, including girls, were allegedly trained in weaponry at a training camp in southwestern Rwanda—some may have been trafficking victims. In 2016, the Government of the DRC apprehended 16 Burundian children transiting through the east allegedly after recruitment from refugee camps in Rwanda or the DRC to participate in armed conflict in Burundi with an unknown entity. In 2018, an international organization reported separating four Burundian children from armed groups in the DRC.

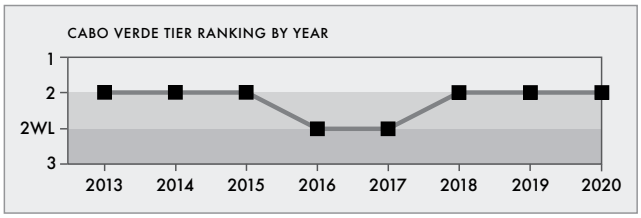
Both economic necessity and coercion push children and young adults into labor, including domestic service, forced labor on plantations or small farms throughout Burundi, in gold mines in several provinces around the country, in informal commerce in the streets of larger cities, in charcoal production, and in the fishing industry. Traffickers include victims' relatives, neighbors, and friends, who recruit them under false pretenses to exploit them in forced labor and sex trafficking. Some families are complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. Traffickers fraudulently recruit children from rural areas for forced labor for domestic service and sex trafficking in private homes, guesthouses, and entertainment establishments; the children frequently experience non-payment of wages and verbal and physical abuse. NGOs report that fishermen exploit some boys in the Lake Tanganyika fisheries in forced labor and some girls and young women in domestic servitude and sex trafficking in restaurants and bars around the lake. Traffickers exploit Burundian adults and children in forced labor in agricultural work, particularly in Tanzania. Women and girls traveling to the Middle East, and often through Tanzania, for domestic service report abusive labor conditions as well as physical and sexual abuse. Young women take vulnerable girls into their homes, eventually pushing some into commercial sex to pay for living expenses. Traffickers exploit orphaned girls, often using underage

males as facilitators. There were unsubstantiated allegations that male tourists from East Africa and the Middle East, as well as Burundian government employees, including teachers, police officers, military, and prison officials, are complicit in child sex trafficking by procuring underage Burundian girls.

International organizations continue to report that young Muslim women from Burundi are particularly vulnerable to forced labor and sex trafficking in Gulf countries. Traffickers fraudulently recruit some young adult Burundian women for jobs, but instead subject them to forced labor and sex trafficking in various Gulf countries, such as Kuwait, Saudi Arabia, Oman, and Qatar. NGOs estimate that between 500 and 3,000 young women became trafficking victims in these countries between 2015 and 2016, and one NGO reported over 800 young women remain in these countries. In 2017, Burundian and Kenyan recruitment agencies fraudulently recruited several adult Burundian women, who were identified in Kuwait, for work as domestic workers and receptionists; however, upon arrival, traffickers subjected them to forced labor and confiscated their passports, the victims were paid less than what was agreed, had restricted movement, and were forced to work excessive hours without breaks.

CABO VERDE: TIER 2

The Government of Cabo Verde does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Cabo Verde remained on Tier 2. These efforts included sentencing three traffickers in the country's first forced labor case, training journalists on how to report on trafficking, and identifying and referring to care 215 potential child trafficking victims through its hotline. However, the government did not meet the minimum standards in several key areas. Data sharing and coordination among government agencies remained weak. The Observatory for Monitoring and Rapid Identification of Situations of Trafficking in Persons (the Observatory) lacked the authority to convene agencies and coordinate anti-trafficking activities adequately. Law enforcement and front-line responders remained without formal procedures to identify and refer adult victims to care that was consistently available and adequate, and training for law enforcement and judiciary officials remained ad hoc.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking offenses and punish convicted traffickers, including Cabo Verdean-American sex traffickers and sex tourists. • Ensure the judicial sector remains free from political interference during trafficking investigations and prosecutions. • Develop and train law enforcement officials, labor inspectors, and other officials on standardized procedures to identify trafficking victims—including adults and victims among vulnerable populations such as Chinese workers and West African migrants—and to refer victims to services. • Train law enforcement and judiciary officials on the anti-trafficking provision of the penal code, Article 271-A. • Empower the Observatory to better coordinate the government's anti-trafficking response and increase relevant stakeholders' participation in Observatory activities. • Develop and train officials on a system to compile and share comprehensive anti-trafficking law enforcement and victim identification data among agencies. • Consistently refer potential trafficking victims to government and NGO shelters to ensure all identified trafficking victims receive care. • Increase efforts to raise public awareness of human trafficking, including child sex trafficking and domestic servitude. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Article 271-A of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of four to 10 years' imprisonment; these penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. During the 2018/2019 judicial year covering the period of October 2018 to June 2019, the government investigated at least one new case, initiated five new prosecutions, and continued seven prosecutions from the previous year. Eleven prosecutions were pending at the end of the judicial year, compared with eight investigations and seven prosecutions during the 2017/2018 judicial year (October 2017-June 2018). The government sentenced three traffickers in its first forced labor case during the 2018/2019 judicial year, compared with two sex trafficking convictions during the 2017/2018 judicial year. The forced labor case was pending final closure with the court at the end of the reporting period. Media reported the Judicial Police (PJ) began an investigation in November 2019 into a mother on Sao Vicente island who allegedly forced her 14-year-old daughter into commercial sex; as of the end of the reporting period, the investigation was ongoing. The seven investigations initiated during the previous reporting period involved suspected foreign sex traffickers and remained ongoing at the end of the current reporting period. The government did not report whether an investigation into one National Police (PN) officer initiated during the previous reporting period as part of a broader forced labor investigation continued nor did it report any prosecutions or convictions of government officials complicit in human trafficking offenses. According to isolated reports, political intervention in ongoing investigations and prosecutions impeded some law enforcement and judicial efforts.

Law enforcement and judges lacked understanding of trafficking crimes and the anti-trafficking provision in the penal code, resulting in weak and inconsistent efforts to identify, investigate, and prosecute trafficking cases. The Ministry of Education, Family, and Social Inclusion (MEFIS) partnered with the Cabo Verdean Institute for Children and Adolescents (ICCA) to train 40 social workers and psychologists how to respond to cases of violence against children, including trafficking. ICCA and the Attorney General's Office coordinated with a foreign donor to train 35 magistrates and child protection actors on child exploitation, including trafficking. Similar to previous years, the government provided modest financial support to enable an unknown number of officials to attend an anti-trafficking training in Mozambique in June 2019. An international organization developed a module on human trafficking, including victim identification, for new police officers during standard academy training; the government trained an unknown number of new police officers using the module during the reporting period. The Ministry of Justice and Labor (MJT), in partnership with a foreign donor, continued development of online training for PN officers to supplement the current training plan. Insufficient staffing and a lack of resources confined PJ presence to four of the country's nine inhabited islands, impeding the government's ability to identify victims, investigate crimes,

and collect comprehensive data. While law enforcement agencies collected statistics, coordination remained weak, and information sharing was poor between agencies. In addition, Cabo Verde's classification of crimes as "public" or "non-public" curtailed the government's ability to respond; trafficking is classified as a "non-public" crime, meaning only people directly involved can report the crime. Government social service providers tended to prefer resolution of intra-familial abuse cases, which could include child sex trafficking, through non-judicial means.

PROTECTION

The government increased efforts to protect trafficking victims. Although it did not provide comprehensive statistics on the number of trafficking victims identified and referred to care, the government identified and provided services to at least one child sex trafficking victim during the reporting period, compared with identifying four forced labor victims during the previous reporting period. In addition, ICCA identified and provided assistance to 185 potential child sex trafficking victims and 30 potential child labor victims through its hotline in 2019. The government did not have formal procedures for all law enforcement or social workers to identify trafficking victims nor did the government have a formal mechanism to refer trafficking victims to care. Border police had written procedures to identify trafficking victims and people vulnerable to trafficking, although they did not receive training on such procedures.

There were no shelters or services available specifically for trafficking victims, but government-funded agencies provided emergency services, temporary shelter, and psycho-social care to at-risk populations and female and child victims of crime, which included trafficking victims. ICCA operated a national network to assist child victims of sexual abuse, which could coordinate referral to care and support through court processes. Law enforcement and first responders generally referred all victims to either ICCA (for child victims), the Public Ministry (for victims requiring long-term care), or MJT, who then referred child victims of any crime to ICCA, women to the Cabo Verdean Institute for Gender Equality (ICIEG) or an NGO, and foreign victims to an international organization. The government acknowledged its ad hoc, informal referral system was insufficient. ICCA did not report screening for trafficking indicators among victims referred to its shelters. ICCA operated four shelters on three of Cabo Verde's nine inhabited islands that provided temporary accommodation and care for child victims of sexual abuse, violence, and abandonment, and maintained five protection and social reinsertion centers, which provided services for children who experienced prolonged trauma, including trafficking. ICCA had staff on all nine islands. The government funded, and police provided security for, ICCA and ICIEG shelters.

Law enforcement could conduct interviews of sex trafficking victims in collaboration with psychologists and, in cases of children, the victims' parents, to provide a comfortable and safe environment. The government did not report if it provided these benefits to any victims during the reporting period and reported it was often difficult to provide meaningful protection to victim-witnesses in the Cabo Verdean context due to the small population and close-knit community. Cabo Verdean law provided legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution; authorities did not report providing these benefits to any victims during the reporting period. In April 2019, the government repatriated two minor victims identified during the previous reporting period to China when the victims requested repatriation. The law provides for restitution, but the government did not report pursuing restitution in any cases during the reporting period. In addition, victims can file civil suits against traffickers, but no victims reportedly pursued civil suits during the reporting period, in part due to lack of awareness of the option. There were no reports officials penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to the lack of formal victim identification procedures, some victims may have remained unidentified in the law enforcement system.

PREVENTION

The government maintained prevention efforts. The Observatory coordinated the government's efforts to combat trafficking in persons. The Observatory comprises officials from the MJT, PN, PJ, ICCA, ICIEG, MEFIS, other government institutions, NGOs, and civil society organizations. The Observatory met five times during the reporting period. Observers reported the Observatory lacked authority and struggled to ensure all members fully participated in Observatory meetings and met their reporting commitments. The government continued implementing the 2018-2021 anti-trafficking national action plan. MJT continued to lead the government's anti-trafficking efforts and received a budget of 7 million escudos ($70,500) for anti-trafficking activities, including implementation of the national action plan in 2019, compared with 980,000 escudos ($9,870) allocated in 2018. ICCA trained 30 journalists on how to report on children's issues, including child trafficking. In addition, ICCA coordinated with municipalities to reactivate Committees for the Defense of Children's and Adolescents' Rights to prevent child abuse, including child trafficking. ICCA and the PN worked with a ferry service to prevent children from traveling alone to neighboring islands where they would be vulnerable to exploitation, including trafficking.

ICCA continued to operate three centers for street children through its *Nos kaza* project and six day centers, all of which aimed to reduce the vulnerability of street children to forced labor and sexual abuse, including sex trafficking. MJT collaborated with an international organization to develop a child protection case management system for ICCA and MEFIS to identify and track child victims of exploitation, including child trafficking; the system was expected to be fully operational in 2020. ICCA operated a 24/7 hotline to report cases of violence against children, including trafficking, and it received 899 calls in 2019, of which 215 were potential child trafficking cases. It was unclear if ICCA trained hotline workers to differentiate trafficking from similar crimes, such as child labor or sexual abuse. In previous reporting periods, NGOs reported a number of cases in which the government charged parents with negligence for failing to protect their children from child sex tourists; the government did not report whether it continued this practice. The government made efforts to reduce the demand for commercial sex acts that equated to child sex trafficking, but it did not make efforts to reduce demand for other forms of commercial sex. Government ministries continued to implement the 2017-2019 National Plan to Combat Sexual Abuse and Violence, which included child sex tourism. The government continued to enforce the Ethics Code of Conduct for Tourism, which included provisions countering child sex tourism. The government did not provide anti-trafficking training to its diplomatic personnel.

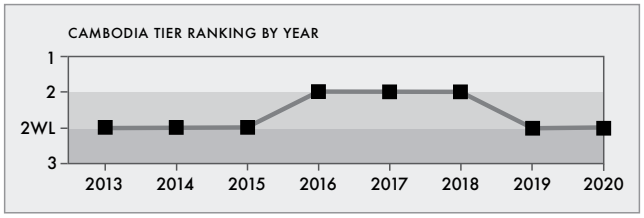
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cabo Verde, and, to a lesser extent, traffickers exploit victims from Cabo Verde abroad. Traffickers exploit boys and girls, some of whom may be foreign nationals, in sex trafficking on Brava, Santiago, Fogo, Sal, Sao Vicente, and Boa Vista, sometimes through child sex tourism. In the past, officials reported tourists perpetrated child sexual abuse on the islands of Sal, Boa Vista, Sao Vicente, Fogo, and Maio. In some cases, parents encourage their daughters to be exploited in commercial sex by tourists—especially Cabo Verdean-Americans—to gain immigrant visas to the United States or remittances to support

the family. Authorities identify West African women, including Nigerians and Senegalese, in sex trafficking, including on Boa Vista and Sal Islands and sometimes through sex tourism. On Sao Vicente, traffickers coerce girls as young as 12 years old in sexual exploitation in exchange for drugs. Children in domestic service often work long hours and at times experience physical and sexual abuse, indicators of forced labor. Cabo Verdean children engaged in begging, street vending, car washing, garbage picking, and agriculture are vulnerable to trafficking. Children living in impoverished neighborhoods with little state presence are also at risk of trafficking, especially for sex trafficking. In previous years, there were reports traffickers may have forced Cabo Verdean women and children to transport drugs. West African migrants may transit the archipelago en route to situations of exploitation in Europe. Some adult migrants from China and ECOWAS countries may receive low wages, work without contracts, and have irregular immigration status, rendering them vulnerable to forced labor and sex trafficking. In 2018, alleged labor traffickers exploited four Chinese nationals, two girls and two men, in the retail sector; observers suspect there may be organized syndicates engaging in similar forced labor exploitation in the country. NGOs reported Nigerian criminal syndicates exploited Cabo Verdean women in sex trafficking in Brazil in 2018. In a previous reporting period, labor traffickers exploited a Cabo Verdean man in Europe.

CAMBODIA: TIER 2 WATCH LIST

The Government of Cambodia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included continuing to prosecute and convict traffickers; establishing a new five-year action plan to combat trafficking; and developing and utilizing new victim identification and data collection technologies. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities did not improve insufficient efforts to collect or share key information on law enforcement efforts. Corruption continued to impede law enforcement operations, criminal proceedings, and victim service provision. Amid insufficient government oversight and accountability measures, authorities did not investigate credible reports of official complicity with unscrupulous business owners who subjected thousands of men, women, and children throughout the country to human trafficking in entertainment establishments and in brick kilns. The government's failure to establish and implement adequate judicial monitoring systems enabled many suspected traffickers to abscond prior to their trials, culminating in a high percentage of convictions in absentia. The government continued to misuse limited law enforcement resources to target non-traffickers and oppress individuals attempting to document the country's trafficking circumstances, and it made no effort to reverse spurious and politically motivated trafficking charges filed in the previous reporting period. Authorities did not issue formal guidance allowing the use of undercover investigative techniques in anti-trafficking operations—a factor that continued to impede officials' ability to fully hold sex traffickers accountable. Therefore Cambodia remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Respecting due process, vigorously investigate and prosecute trafficking offenses, and convict and adequately penalize sex and labor traffickers, including complicit officials, with significant prison sentences. • Authorize the use of undercover investigative techniques for anti-trafficking operations. • Increase funding to anti-trafficking law enforcement units and disburse it in advance of investigations, rather than by reimbursement. • Strengthen efforts to fully implement the nationwide protocol for proactive victim identification among vulnerable groups and train officials on its provisions. • Allocate increased resources to anti-human trafficking police to better facilitate the monitoring of defendants released under judicial supervision pending trial. • Increase unannounced labor inspections in high-vulnerability professions, especially at brick kilns, fisheries, and plantations, with a focus on identifying debt bondage. • Increase the availability of services for male victims, especially men and boys exploited in commercial fishing. • Implement a system for monitoring, collecting, and reporting data on anti-trafficking prosecution and victim protection efforts, and disseminate data among the relevant government agencies in a manner that protects victims' identities and privacy. • Take steps to eliminate recruitment or placement fees charged to workers by Cambodian labor recruiters and ensure they are instead paid by employers. • Increase inspection and oversight of lending institutions, including private micro-finance organizations, to reduce vulnerability to debt-based coercion among economically disadvantaged communities. • Increase efforts to incentivize domestic and foreign victims' participation in criminal and civil proceedings, including by establishing a victim's fund and granting permission to work, temporary residency, or other relevant immigration status to foreign victims wishing to remain in country during proceedings. • Modify the law to allow restitution upon conviction of the trafficker and establish and train the relevant officials on standard operating procedures for calculating and granting restitution. • Establish and allocate resources to implement systematic procedures at diplomatic missions to assist Cambodian victims abroad, including in countries without Cambodian diplomatic representation. • Amend regulations on labor recruitment licensure and contract requirements to include strengthened language on worker protections and labor rights. • Strengthen efforts to inspect private labor recruitment agencies and their sub-licensed brokers for fraudulent recruitment and other trafficking indicators. • Increase public awareness on proper travel document application procedures to facilitate safe, legal migration. • Strengthen efforts to incorporate NGO input into the policy for formally transferring custody of child victims.

PROSECUTION

The government maintained insufficient law enforcement efforts. Endemic corruption continued to severely limit progress in holding traffickers accountable. Authorities continued to waste investigative and prosecutorial resources in pursuit of spurious law enforcement action against non-traffickers, including social media users, women participating in surrogacy programs, and individuals attempting to document trafficking in the country. The 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation criminalized sex trafficking and labor trafficking and prescribed penalties of seven to 15 years'

imprisonment for offenses involving an adult victim and 15 to 20 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Anti-Human Trafficking Juvenile Police (AHTJP) attempted to monitor and record information on the cases it investigated, but the government did not collect comprehensive data on overall law enforcement efforts, particularly among provincial courts. Where data were available, some government bodies were reportedly reluctant to share internally with other key interagency stakeholders.

Law enforcement bodies reportedly increased the number of investigations funded through internal police budgets. However, the government required the funding of all anti-trafficking investigative work to be conducted through reimbursement, forcing individual police units to personally cover relevant expenses. NGO contacts reported some officers waited months for this reimbursement, which was sometimes not repaid in full, and that the ensuing financial hardships made some police units more susceptible to corruption. Authorities included cases of surrogacy, rape, and other crimes outside the standard definition of trafficking in their reported law enforcement data; the true number of trafficking arrests, investigations, prosecutions, or convictions was therefore likely much lower than reported. According to government data, authorities arrested 26 Cambodian and foreign nationals in connection with 21 cases of "non-sexual human trafficking" (150 in connection with 39 cases in 2018) and 14 cases of sex trafficking involving 27 suspects (39 cases involving 21 suspects in 2018). Investigative judges reportedly processed 207 cases involving an unknown number of suspects, sending 63 to trial and continuing work on the remaining 144 at the end of the reporting period. Authorities reported prosecutors handled 199 cases, of which they referred 134 for formal investigation, and continued processing the remaining 65 at the end of the reporting period (421 total cases in 2018). As with prosecutions, conviction statistics were limited due to insufficient data collection methods. The National Committee for Counter Trafficking (NCCT) reported the Phnom Penh Municipal Court processed 166 cases, of which it closed 63 with the conviction of 140 individuals (125 in 2018); 103 cases were in process at the end of the reporting period. The government again did not provide data on sentencing, but courts reportedly continued to convict suspects on lesser charges and conclude sex trafficking cases with monetary settlements in lieu of prison sentences. Victims whose families received out-of-court settlements from traffickers often withdrew from trials or changed their testimonies, further complicating prosecutions.

In conjunction with an NGO, Preah Sihanouk anti-trafficking police trained more than 1,100 lay monitors in the taxi, tourism, hospitality, and retail industries to detect and report incidents of trafficking; however, authorities did not report identifying or initiating investigations into trafficking cases as a result of this effort. Nationwide, law enforcement authorities often did not take appropriate action against suspected or convicted traffickers. Judicial police lacked the resources to monitor the increasing number of defendants released on "judicial supervision" pending trial, allowing many to flee prior to their trial dates. Authorities rarely issued arrest warrants for absconded defendants unless NGOs were available to assist in tracking and apprehending them. Further compounding this challenge, Cambodian criminal procedural code featured no guidelines, monitoring provisions, or language outlining specific law enforcement duties with regard to judicial supervision. Citing resource constraints, prosecutors and investigating judges did not advance all of the trafficking cases for which police had supplied evidence. Authorities abused law enforcement resources to detain, prosecute, and convict some individuals on politically motivated or otherwise spurious trafficking charges, further bringing into question the veracity of the anti-trafficking data—and the resource constraints—reported by the government. Two journalists from an international media outlet remained under judicial supervision awaiting trial for spurious trafficking charges at the end of the reporting period. A former National Assembly candidate and a former Secretary of State at the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) were sentenced to 15 years in prison and ordered to pay $50,000 for violating Cambodia's trafficking law in a case that many NGOs believed to be politically motivated. Authorities also filed spurious criminal charges against civilians for non-trafficking offenses. During the reporting period, the government charged 11 women under trafficking legislation for their participation in an illegal paid surrogacy program. In December 2018, authorities extradited a Cambodian national from Thailand and charged him with "incitement" for having assisted a foreign media outlet in producing a documentary about child sex trafficking victims in Cambodia. In June 2019, the Phnom Penh Court of First Instance convicted him to two years in prison and ordered him to pay $17,200 in compensation to the parents of two children featured in the film, despite the fact that he did not harm them or violate any privacy laws. In February 2020, authorities also charged a woman under the 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation for posting an image of herself they deemed to be sexually suggestive on a social media platform. Local experts continued to report that cases involving foreign suspects were more likely to result in trafficking convictions than cases involving Cambodian suspects, for whom charges were often reduced to less serious offenses.

The government maintained memorandums of understanding (MOUs) outlining cross-border anti-trafficking investigation with Thailand and Vietnam, as well as an extradition treaty with the former, but did not report investigating or extraditing any suspected traffickers under their auspices in 2019. Authorities continued to deliver donor-designed and -funded training on the implementation of anti-trafficking laws to police, prosecutors, judges, and other government officials. During the reporting period, the NCCT delivered 113 trainings to 3,712 law enforcement officers on anti-trafficking laws, investigative techniques, and evidence collection (234 trainings to 6,321 officers in 2018); for the third year, it did not report how many commune and provincial officials, judicial staff, and NGO workers participated in these sessions (7,689 in 2016). Despite these training sessions, many police—particularly in rural areas—were unaware of how to conduct anti-trafficking work, as most did not receive training on basic law enforcement techniques. Local organizations and some officials continued to stress an urgent need for more sophisticated evidence collection techniques, including undercover investigations, to decrease reliance on witness testimony and improve efforts to detect and combat sex trafficking. The government approved undercover investigative authority for investigations into cases involving narcotics and corruption allegations. However, it did not grant undercover investigative authority to anti-trafficking police units, except in rare cases when requested for child sex tourism raids conducted alongside foreign law enforcement agencies. This lack of authority continued to significantly constrain law enforcement officers' ability to address the increasingly clandestine nature of sex trafficking operations in Cambodia; as a result, police investigations were limited to more clear manifestations of the crime, including sex-on-premises establishments and cases in which victims were willing to self-report and testify.

Endemic corruption at many levels of government severely limited the ability of individual officials to make progress in holding traffickers accountable. The Cambodian national police maintained a mechanism for NGO workers to report incidents of corruption among anti-trafficking police, but it did not field any complaints during the reporting period. Local officials facilitated cross-border

trafficking by accepting bribes for forging identity documents. One NGO noted law enforcement raids on sex trafficking establishments were sometimes unsuccessful due to advance warning from working-level police. However, some provincial police chiefs continued to minimize these leaks by turning over cases to the AHTJP, which conducted independent raids without notifying the local authorities until moments before they began. Some corrupt officials may have profited directly from establishments suspected of sex and labor trafficking. Authorities often overlooked labor abuses—including child forced labor—in factories and at brick kilns, and in several instances colluded with brick manufacturers to arrest, jail, and return indentured laborers who had attempted to escape. Contacts alleged prosecutors and judges accepted bribes in return for dismissal of charges, acquittals, and reduced sentencing. Corrupt officials often thwarted progress in cases where the perpetrators were believed to have political, criminal, or economic ties to government officials. Despite these trends, the government did not investigate, prosecute, or convict any government employees complicit in trafficking.

PROTECTION

The government maintained insufficient protection efforts. Despite retaining victim identification guidelines developed by MOSAVY in early 2017, victim identification, referral, and repatriation efforts remained disparate and underdeveloped across law enforcement agencies. Authorities did not provide complete statistics on the number of victims they assisted or referred. The government continued implementing a regulation barring NGOs from representing individuals seeking formal recognition as trafficking victims. Under this arrangement—which NGOs claimed severely intimidated victims and their families—victims were required to approach the Ministry of Interior for the formal identification needed to access protection services.

While conducting arrests during the first nine months of 2019, police reported identifying at least 66 victims of "non-sexual trafficking," including 20 minors, and at least 76 victims of sex trafficking, including 26 minors (unreported in 2018). As with all law enforcement statistics, these figures likely included victims of crimes that did not meet standard definitions of sex trafficking or forced labor. With assistance from an international organization, the government continued to operate two transit centers in the border city of Poipet, where it screened for trafficking victims among the 11,806 migrants deported from Thailand in 2019 (70,225 in 2018). MOSAVY reported processing 262 Cambodian victims of trafficking returning from abroad—15 men, 209 women, and 38 children—along with 28 "other vulnerable migrants" at the Poipet center, the Phnom Penh Airport, and the Bavet border checkpoint. The total comprised 150 victims of forced labor and 112 individuals who may have experienced sex trafficking and/or forced labor in relation to forced and fraudulent marriage. During the reporting period, the NCCT attempted to improve victim identification procedures and data collection through the production and launch of a tablet application-based victim identification manual and screening tool for use at the Poipet Transit Center. Although observers were not able to independently verify the status or content of the application, NGOs believed the tool was also a source of service provider contact information for victims. However, some contacts noted a lack of privacy in the transit centers' migrant intake areas might have made victims reticent to self-report through the new tool. Given the high vulnerability to trafficking among these populations and the lack of universal implementation of victim identification standards, many victims likely transited these facilities unidentified.

The government operated a temporary shelter in Phnom Penh for female victims of trafficking and other crimes, and it referred trafficking victims to donor-funded NGO shelters—most of which cared for victims of several forms of abuse—to receive further assistance. MOSAVY reportedly maintained guidelines outlining minimum standards for residential care of trafficking victims and continued to disseminate them among NGO shelters during the reporting period. The government continued to rely heavily on NGOs to protect trafficking victims; however, it did not facilitate formal transfer of custody for child victims, leaving organizations that accepted child victims vulnerable to court action. Ongoing custody issues reportedly dissuaded some NGO shelters from protecting residents' freedom of movement, contrary to best practices. Provisions allowing for financial settlements in lieu of harsher sentencing further discouraged some families from consenting to temporary guardianship at shelters; absent family consent, government officials, at times, returned children to high-risk environments, leaving them vulnerable to re-victimization. Some anti-trafficking NGOs noted improved cooperation with the authorities, including through receipt of in-kind support, but continued restrictions on civil society hindered the operations of key anti-trafficking NGOs during the reporting period. Despite the prominence of male labor trafficking victims, assistance for this population remained limited. Although authorities reportedly increased overall attention to the fishing industry during the reporting period, service provider NGOs noted an acute lack of reintegration services and cultural stigma surrounding the experience of forced labor at sea catalyzed re-trafficking among fishermen returning home after escaping their abuses.

Cambodian diplomatic missions overseas continued to lack adequate funding and capacity to provide basic assistance or repatriate victims, despite government action in prior years to train diplomats on migrant worker protections. Victims identified in countries without Cambodian diplomatic representation had access to even less support. One study conducted by an international organization during a previous reporting period found only 21 percent of migrant workers sought assistance for labor abuses experienced abroad, including forced labor. The Ministry of Foreign Affairs and International Cooperation (MFAIC), which bore the primary responsibility of aiding Cambodian trafficking victims identified abroad, reported repatriating and providing limited services to 32,235 Cambodians returning from nine countries, including 32,038 from Thailand, 77 from China, 58 from Vietnam, 49 from Malaysia, five from Singapore, three from Saudi Arabia, three from Indonesia, one from Laos, and one from Japan. However, as in the previous reporting period, authorities did not specify what portion of these returnees were trafficking victims (986 from nine countries in 2017). An international organization assisted in the majority of these repatriations. Observers believed these figures represented only a small fraction of the number of Cambodians subjected to trafficking abroad, particularly in the fishing industry. The MFAIC did not promulgate or implement standard operating procedures for the identification and referral of Cambodian victims abroad, nor did authorities allocate sufficient resources for such work, leaving many Cambodians without the assistance necessary to repatriate legally and safely. According to one NGO, some returned victims had been unable to secure assistance from Cambodian consular services overseas due to unattended hotlines and unresponsive staff; others subjected to forced labor conditions abroad, including in China and South Korea, were unable to convince Cambodian consular staff they were in need of assistance. Cambodia also maintained labor attachés at embassies in South Korea, Malaysia, and Thailand—the countries with the highest number of Cambodian migrant workers—but did not provide data on their involvement in identifying or assisting labor trafficking victims.

The number of Cambodian returnees who experienced forced labor and sex trafficking abroad was likely much higher than reported due to an increasing tendency among these groups to return via informal migration channels, and due to insufficient

victim identification procedures. MOSAVY reported assisting in the repatriation of all 290 Cambodian victims of trafficking and "other vulnerable migrants" processed through the Poipet repatriation center, and it referred all 290 individuals to NGOs for additional protection services (222 in 2018). MOSAVY reported receiving an additional 563 victims, including 408 referred by NGOs, but did not specify if this figure was inclusive of or in addition to aforementioned 290. The ministry also reported providing reintegration and rehabilitation services to 968 Cambodian migrant workers returning from work abroad; some of these cases were identified in a previous year, and they included victims of other forms of abuse outside the standard definition of trafficking.

There were no legal provisions to offer work permits, temporary residency, or other immigration status to foreign victims wishing to remain in Cambodia to participate in civil or criminal proceedings. According to one NGO, some male victims of forced labor in the maritime industries did not report their experiences out of concern that they would be sent to a government shelter and prevented from earning a livelihood. The government required the repatriation of foreign victims, except in rare cases, and did not provide legal alternatives to their removal regardless of whether they would face hardship or retribution upon return to their countries of origin. MOSAVY repatriated nine Vietnamese trafficking victims during the reporting period (two in early 2018, three in 2017, and 13 in 2016). Insufficient victim identification efforts left many potential victims at risk of law enforcement action, including deportation without prior screening. Law enforcement often did not keep victims and perpetrators separated during interviews. During the reporting period, MOSAVY signed MOUs with several NGOs to enhance government capacity to assist victims of trafficking and related offenses. Contacts said this culminated in increased implementation of victim-centered approaches among anti-trafficking police interviewing child victims. However, provincial courts did not universally implement a child-friendly judicial program, initiated in 2016, allowing for video-conferencing technology as an alternative to direct cross-examination of victims in front of the accused. Cambodia's weak and corrupt legal system and the lack of adequate victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, hindered victims' willingness to cooperate in many cases. Cambodian law outlined channels for victim restitution, and contacts reported an increase in the number of verdicts ordering traffickers to pay some form of financial recompense to victims. However, this restitution was extremely difficult to obtain due to a legal requirement delaying payment until after the completion of the trafficker's jail term; convicted traffickers' frequent abscondment further complicated this arrangement. Observers noted Cambodia lacked a standard operating procedure for determining how to calculate restitution or compensation. Victims rarely received the amount promised, and many victims' families settled out of court with traffickers or accepted bribes to drop the relevant charges.

PREVENTION

The government increased some prevention efforts. An interagency committee and its secretariat coordinated anti-trafficking activities and promulgated a 2019-2023 national action plan that received praise from civil society partners. The government slightly increased its budget from 4.9 billion riels ($1.21 million) to approximately 5.4 billion riels ($1.33 million) to fund this interagency committee, but observers noted this figure was still insufficient. Subsidiary provincial anti-trafficking committees, which reportedly continued to receive modest central government funds and assistance from NGOs, coordinated efforts at the local level to mirror the activities of the national action plan. During the reporting year and with the help of international donors, one remaining committee created its own provincial-level action plan and submitted it to the government—ensuring all nine committees had such an action plan. The secretariat of the NCCT maintained a working group to monitor the efforts of the interagency committee, as well as those of its provincial subcommittees. Commune-level budgetary allocations for trafficking prevention increased during the reporting period; however, NGOs noted the provincial committees' ad hoc reliance on insufficient surplus funds from General Social Services—rather than on their own annual budgets—undermined the scope and sustainability of their work. The NCCT continued to produce an annual report documenting the government's holistic anti-trafficking efforts; however, as in prior years, the report was not exhaustive amid insufficient data collection. For the third year, the government hosted an interfaith forum on combating trafficking attended by high-level government officials and thousands of clerical leaders.

The Ministry of Labor and Vocational Training (MOLVT) maintained a separate action plan aimed at reducing child labor and debt bondage in the service, agricultural, mining, and energy sectors by 2025 through awareness raising, legal action, and collaboration with civil society funded in part through the national budget. There was no ban on the imposition of worker-paid recruitment or placement fees. Observers noted the high costs, complex administrative requirements, and restrictive provisions inherent to the formal migration process drove a majority of Cambodian labor migrants to pursue informal pathways to working abroad. Unlike in the previous reporting period, the government reported investigating labor recruiters for illegal practices that may have contributed to or involved trafficking, although it did not provide relevant statistics. Officials and NGO observers noted labor officials' insufficient inspections of private recruitment agencies, and the ability of these agencies to sub-license their names to independent brokers, continued to perpetuate widespread labor exploitation. Some of these agencies were reportedly directly involved in deceptive recruitment practices leading to trafficking. Adding to the vulnerability of popular migration channels, sub-decrees and regulations governing private recruitment agency licensure and contracting procedures did not include sufficient language outlining migrant worker protections or labor rights.

The government continued to carry out awareness-raising activities, including through more than 80,500 NCCT information "dissemination events" and nearly 80,000 public fora (33,000 and 25,000 in 2018, respectively). The General Department of Immigration issued nearly 76,000 border passes to Cambodians living in western border regions to incentivize safe labor migration to Thailand (over 92,000 in 2018). The MOLVT also reported providing pre-departure orientation to almost 48,000 Cambodians migrating abroad for work (69,000 in 2018). However, many Cambodians were reportedly unaware of how to apply for travel documentation or how much it should cost—leaving them at higher risk of travel through informal, more vulnerable means—and the government did not take sufficient steps to publicize that information. The MFAIC continued to implement consular screening measures to reduce the sex and labor trafficking of Cambodian women via forced and fraudulent marriages, including by assessing applicants against trafficking victim profiles jointly developed with China in 2016. However, the MFAIC did not report referring these potential victims to law enforcement or protective services. The government also continued implementing a regulation passed in 2018 requiring foreign men to pay a fee if intending to return to their home countries with a Cambodian spouse; because this regulation only applied to air travel, contacts reported an increase in the number of Cambodian women traveling through unsafe overland channels for marriage migration to China. The government maintained two labor recruitment agreements with Saudi Arabia, a domestic worker recruitment agreement with Hong Kong, and a bilateral cooperative agreement with India.

Following heightened public attention to labor abuses occurring within the brick industry, authorities reportedly increased some efforts to seek accountability and intervene in labor violations at the kilns. International law enforcement representatives noted some police were able to issue citations for obvious labor abuses, including illegal child labor and overtly poor working conditions. However, NGOs claimed police were often unaware that detection of crimes at brick kilns fell under their investigative purview. Observers also noted cumbersome registration requirements and government officials' close affiliation with certain employers continued to obstruct labor inspectors' access to brick kilns and prevented kiln workers from forming organizations to advocate for their labor rights. Authorities often conducted inspections with advance notification to the kiln owners, potentially enabling them to conceal abuses. In one widely publicized case in which a child suffered a serious work-related injury at a brick kiln, authorities publicly claimed they had fined and jailed the owner of the facility and shut it down permanently; in contrast, union contacts claimed the owner had faced none of these consequences and that the kiln was still in operation. The government also reported conducting a census of all 486 known operational brick kilns in the country in an ostensible effort to detect and issue fines for child labor offenses, but the census found "no evidence" thereof, raising significant questions about its accuracy and credibility. In response to increased local vulnerabilities surrounding new Chinese casinos and other commercial enterprises in Preah Sihanouk province, the government established an inter-ministerial task force to investigate alleged money laundering and human trafficking, but the task force had not issued a report on its findings at the end of the reporting period.

The Ministry of Tourism made efforts to reduce the demand for commercial sex acts through workshops for hotel staff and government officials on preventing child sexual exploitation in the hospitality industry, and it partnered with the NCCT in the continued production of billboards, signs, posters, pamphlets, and other materials targeting potential consumers of commercial sex with children. However, as in prior years, the government generally focused on deterring foreign involvement in child sex tourism, rather than targeting campaigns to the local population that constituted the main source of demand for commercial sex with children in Cambodia. Authorities reported arresting five foreign individuals suspected of engaging in child sex tourism (eight in 2018, five in 2017, and 12 in 2016) but did not report whether they initiated prosecutions in any of these cases. Local experts reported concern over the government's ongoing failure to impose appropriate punishments on foreign nationals who purchased commercial sex acts with children.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit Cambodian men, women, and children in forced labor and sex trafficking in Cambodia and abroad. They also subject victims from other countries to trafficking in Cambodia, and they use Cambodia as a transit point to exploit victims from other countries to trafficking elsewhere in Asia. Cambodian adults and children migrate to other countries within the region and increasingly to the Middle East for work; traffickers force many to work on fishing vessels, in agriculture, in construction, in factories, and in domestic servitude—often through debt-based coercion—or exploit them in sex trafficking. Migrants using irregular migration channels, predominantly with the assistance of unlicensed brokers, are at an increased risk of trafficking, although those using licensed recruiting agents also become victims of forced labor or sex trafficking. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited Cambodian nationals in forced labor in food processing, manufacturing, construction, and fishing. Children from impoverished families are vulnerable to forced labor, often with the complicity of their families, including in domestic servitude and forced begging or street vending in Thailand and Vietnam. Undocumented Cambodian labor migrants working in Thailand—constituting at least 20 percent of the nearly two million Cambodians there—are at high risk of trafficking due to their immigration status, as are Cambodians deported from Vietnam. One study conducted by an international organization in 2017 found that nearly three quarters of all Cambodians traveling to Thailand for work do so through irregular channels known for trafficking vulnerabilities; additionally, only 14 percent of Cambodians emigrating to Thailand through regulated channels participated in pre-departure orientation outlining their right and protections.

Traffickers continue to recruit significant numbers of Cambodian men and boys in Thailand to work on fishing boats and exploit them in forced labor on Thai-owned and -operated vessels in international waters. Cambodian victims escaping from their traffickers have been identified in Malaysia, Indonesia, Mauritius, Fiji, Senegal, South Africa, and Papua New Guinea. Cambodian men working on Thai-owned and -operated fishing vessels report deceptive recruitment tactics, severe physical abuse, underpayment or nonpayment of wages, restricted access to medical care, and confinement at sea for years at a time without permission to come ashore. Traffickers recruit a significant number of women from rural areas under false pretenses to travel to China to enter into marriages with Chinese men. These women incur thousands of dollars in debt to brokers facilitating the transaction; the men force some of these women to work in factories or exploit them in sex trafficking to repay this debt. Cambodian women serving willingly as illegal surrogates for Chinese families are vulnerable to confinement and domestic servitude. Stateless persons, namely in ethnic Vietnamese communities, are at higher risk of trafficking due to lack of identity documentation necessary for access to formal employment, education, marriage registration, the court system, or the right to own land.

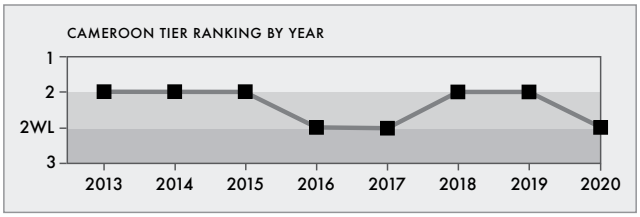
The proprietors of brick kilns subject more than 10,000 Cambodians, including nearly 4,000 children, to multigenerational debt-based coercion, either by buying off their preexisting loans, or by requiring them to take out new loans as a condition of employment or to cover medical expenses resulting from injuries incurred while working. An NGO study conducted in 2017 found nearly 100 percent of brick kilns surveyed throughout the country featured indicators of forced labor via debt-based coercion. An extensive, largely unregulated network of predatory micro-finance organizations and private creditors contributes to this arrangement by proactively advertising loans to families in vulnerable communities and connecting them with the kilns. Rural farming families are at higher risk of this form of forced labor due to economic hardships ensuing from climate change; unseasonal rain patterns and subsequent loss of crops push many farmers to take out large loans for new irrigation or pesticide systems, and brick kiln owners often purchase these loans as a means of securing and retaining their labor. Extended rainy seasons also delay the brick-drying process, reducing these bonded kiln workers' pay and forcing many to become further indebted to the kiln owners. In order to dissuade workers from fleeing abusive conditions, some kiln owners reportedly allow only select members of family units to be absent for public holidays or to seek medical care at any given time. Some workers report continued confinement and forced labor in the kilns long after they have repaid their debts. Cambodian families may also experience conditions indicative of forced labor in the clay extraction process required for brick making. Traffickers exploit children as young as 13 in domestic servitude and labor on riparian and oceanic fishing boats, in karaoke bars, and on cassava plantations to pay off family debts accrued through this system. Communities displaced by illegal

logging operations supplying the brick kilns with timber for fuel may be at elevated risk of trafficking, including in logging itself and elsewhere as a result of ensuing economic hardships. In previous years, North Koreans working in Cambodia may have been forced to work by the North Korean government. Pursuant to a 2017 UN Security Council resolution requiring the repatriation of all North Korean nationals earning income overseas by the end of 2019, subject to limited exceptions, the government reportedly repatriated all North Korean labor migrants covered under the relevant provision.

All of Cambodia's 25 provinces are sources for human trafficking. Sex trafficking is largely clandestine; Cambodian and ethnic Vietnamese women and girls move from rural areas to cities and tourist destinations, where criminals exploit them in sex trafficking in brothels and, more frequently, clandestine sex establishments at beer gardens, massage parlors, salons, karaoke bars, retail spaces, and non-commercial sites. In recent years, the rapidly growing and largely unregulated presence of Chinese casinos, entertainment establishments, and other commercial enterprises in Preah Sihanouk province has led to an increase of local sex trafficking and forced labor among Cambodian women and girls. Cambodian men form the largest source of demand for children exploited in sex trafficking; however, men from elsewhere in Asia, Europe, the United States, Australia, and South Africa travel to Cambodia to engage in child sex tourism, increasingly facilitated through social media contact. Thousands of urban children left behind by families migrating abroad for work are particularly vulnerable to sex trafficking and forced labor. Vietnamese women and children, many of whom are victims of debt-based coercion, travel to Cambodia and are exploited in sex trafficking. NGOs report criminal gangs transport some Vietnamese victims through Cambodia before they are exploited in Thailand and Malaysia. Traffickers in Cambodia are most commonly family or community members or small networks of independent brokers. Some Cambodian orphanages purchase local children from economically disadvantaged families and subject them to malnutrition and unclean living conditions in their facilities for the purpose of attracting and profiting from charitable donations; some of these children are at further risk of sex trafficking and domestic servitude, as a result of poor government oversight of adoption processes. Endemic corruption aids and abets trafficking crimes. Some police reportedly solicit commercial sex with children. Corrupt officials facilitate cross-border trafficking, thwart progress on investigations and prosecutions, and in some cases, profit directly from establishments suspected of trafficking.

CAMEROON: TIER 2 WATCH LIST

The Government of the Republic of Cameroon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included investigating at least nine suspected trafficking cases, identifying 77 victims, and providing training to some officials and teachers on trafficking indicators. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Government security forces allegedly recruited a minor to gather intelligence. Additionally, officials prosecuted and convicted fewer trafficking crimes. The government did not disseminate its standard operating procedures on victim identification and referral to law enforcement or first responders and did not pass draft anti-trafficking legislation from 2012 that conforms to international law. Therefore Cameroon was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

Government forces immediately cease recruiting and using child soldiers, investigate alleged cases, and prosecute complicit officers following due process. • Train law enforcement and NGO personnel on the National Referral System and Standard Operating Procedures (NRS/SOP) on victim identification and referral to increase first responders' ability to proactively identify internal trafficking cases as well as cross-border trafficking as distinct from smuggling. • Expand training for law enforcement, judicial officials, and social workers on the anti-trafficking section of the penal code as well as victim-centered approaches to increase effective trafficking investigations and prosecutions, while respecting the rule of law and human rights, and administer fair and just sentences to those convicted. • Increase formal collaboration with NGOs on proactively identifying and protecting victims. • Regularly convene the anti-trafficking inter-ministerial committee (IMC) and include NGOs and international organizations working to address trafficking in persons in Cameroon. • Amend anti-trafficking laws to remove the requirement of force, fraud, or coercion for child sex trafficking offenses and to make a clear distinction between trafficking and smuggling. • Publicize information to citizens on their rights as foreign workers and sources of assistance while abroad. • Investigate labor recruiters and agencies suspected of fraudulent recruitment—including unlicensed recruiters and intermediaries—and prosecute those complicit in trafficking.

PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. The 2011 anti-trafficking law criminalized some forms of sex trafficking and all forms of labor trafficking. Inconsistent with international law, Cameroon's law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law prescribed penalties of 10 to 20 years' imprisonment and a fine of 50,000 to 1 million Central African francs (CFA) ($86 to $1,730), which were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. If the trafficking offense involved a victim who was 15 years old or younger, the penalties increased to 15 to 20 years' imprisonment and a fine of 100,000 to 10 million CFA ($173 to $17,300). The law prescribed separate penalties for debt bondage, which ranged from five to 10 years' imprisonment and a fine of 10,000 to 500,000 CFA ($17 to $865) and were also sufficiently stringent. The law was published in French and English, the two official languages of the government. The English version conflated trafficking in persons and smuggling offenses by referring to trafficking in persons offenses, as defined under international law, as "slavery in persons," while referring to smuggling-related offenses as "trafficking in persons." Increasing the potential for conflating smuggling and trafficking in persons, Article 342 of Cameroon's 2016 Penal Code prohibited both "trafficking in persons" and "slavery in persons." Legislation drafted in 2012 to address victim and witness protection and correct inconsistencies with international law remained pending for the eighth consecutive year.

The government did not provide comprehensive law enforcement statistics, but officials reported investigating at least nine potential

trafficking cases and prosecuting seven suspected traffickers in 2019. In the previous reporting period, the government reported investigating eight potential trafficking cases and prosecuting 126 suspected traffickers. The government reported convicting five traffickers in 2019—sentencing traffickers to verdicts between 12 months' to 20 years' imprisonment, compared with convicting 13 traffickers in 2018. Officials did not report the outcome of an investigation into a complicit official opened in 2018.

Ongoing insecurity in the Far North Region, as well as armed conflict in the Northwest and Southwest Regions between the government and Anglophone separatists, hindered the government's law enforcement efforts due to the closure of courts and lack of official access in some areas. Some regional courts and NGOs encouraged victims to settle trafficking cases outside of court in part because of insufficient cooperation between the government and NGOs and weak judicial administration.

The government did not report implementing or disseminating its standard operating procedures on victim identification and referral to law enforcement or first responders. Over the course of the reporting period, the government conducted six anti-trafficking seminars for an unknown number of police and sent two officers to participate in train-the-trainer sessions to combat trafficking in Lyon, Nairobi, and Abuja; officials did not note whether these officers then trained other law enforcement members. The government electronically disseminated its anti-trafficking law to approximately 15,000 law enforcement officers in January 2020. General Delegation for National Security officials reported training 25 teachers on trafficking indicators who then communicated that information to an unknown number of vulnerable children, including IDPs from the Northwest and Southwest Regions. During the previous reporting period, the government coordinated with international organizations to obtain anti-trafficking training for more than 37 law enforcement officials but did not directly train prosecutors, judges, or first responders. Because many law enforcement and judicial officials lack knowledge of the crime, some trafficking offenses may have been tried as child abuse or kidnapping, which carried lesser penalties.

PROTECTION

The government increased efforts to identify victims. Although the government did not maintain comprehensive statistics, officials reported identifying at least 77 potential victims, compared with identifying 62 potential victims during the previous reporting period. In 2019, the Ministry of Social Affairs (MINAS) reported identifying 1,147 street children vulnerable to trafficking. MINAS reported identifying 877 vulnerable street children throughout Cameroon in 2018.

NGOs reported thousands of Cameroonian workers remained in Middle Eastern countries, and many of these workers were at risk of traffickers exploiting them in domestic servitude or sex trafficking. During the reporting period, the government reported repatriating an unknown number of potential trafficking victims from the Maghreb and Middle East. The government repatriated at least 14 trafficking victims during the previous reporting period.

While the government developed a NRS/SOP in 2013 to guide officials in proactive identification and referral of trafficking victims, it did not implement the NRS/SOP nor did it report training officials on the measures. MINAS had the authority to admit children subjected to abuse—including trafficking victims—to government institutions for vulnerable children, which offered shelter, food, medical and psychological care, education, vocational training, and family tracing. However, the government did not report referring victims of trafficking to these facilities during the reporting period. Private centers funded by NGOs and regulated by MINAS provided care for an unknown number of child victims. The government did not offer trafficking-specific services for adult or child victims but did provide services to minors at risk of trafficking along with other vulnerable children.

The government did not have a formal policy to encourage victims to participate in investigations or prosecutions of their traffickers and did not report providing counseling, legal support, or any other assistance to victims who testified during court proceedings. The government did not report providing protection for victims cooperating with trafficking investigations in spite of experts claiming trafficking networks repeatedly threatened victims during their trials. While there were no reports the government penalized any trafficking victims for unlawful acts traffickers compelled them to commit, some victims may have remained unidentified in the law enforcement system due to the limited use of the NRS/SOP and understanding of the crime among officials. The government could grant temporary residency status to foreign victims who, if deported, may face hardship or retribution; however, it did not report providing this accommodation during the reporting period.

PREVENTION

The government maintained prevention efforts. A lack of coordination and funding continued to impede the government's implementation of the 2017-2019 anti-trafficking national action plan. The IMC convened twice in 2019, compared to once in 2018.

MINAS continued its public awareness campaign during the reporting period directed towards the general public and vulnerable children to inform Cameroonians on trafficking indicators. Officials stated the government conducted 2,864 informational sessions in 2019 and reached 397,447 Cameroonians, compared to approximately 69,000 in 2018.

NGOs stated police and immigration officials' screening efforts at Douala's international airport prevented some potential victims from pursuing exploitative employment in the Middle East; the government's enforcement efforts diverted some vulnerable job seekers to Lagos, Nigeria, where screening procedures were less stringent. In March 2020, the Ministry of External Relations began requiring Cameroonians seeking work visas in Lebanon to first gain the approval of the Cameroonian Honorary Consulate in Lebanon. The Ministry of Employment and Vocational Training (MINEFOP), in conjunction with the Ministry of Labor and Social Security, monitored formal labor recruiters and denied the accreditation of 10 labor recruitment firms for violations potentially related to trafficking, issued warnings to 16 temporary employment placement firms suspected of human trafficking, and suspended nine firms for trafficking-related concerns. MINEFOP officials reported annually publishing a list of licensed recruitment agencies, although the scope of dissemination was unknown. MINEFOP reported it does not have a system to prevent traffickers from exploiting workers once they have been placed in overseas employment. Increasing their vulnerability to trafficking, Cameroonians frequently used unauthorized recruiters to seek employment abroad. In January 2020, MINAS launched a two-year research project with an international organization to ascertain the scope of human trafficking within the country, although the government did not communicate taking any concrete actions by the end of the rating period. Between 2015 and 2017, a Cameroonian diplomat posted in the United States allegedly engaged in visa fraud related to a minor female domestic worker. Because of diplomatic immunity, the United States could not commence prosecution, nor did the government report taking any action during the reporting period to hold the diplomat accountable. The diplomat left the United States in 2018.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cameroon, and traffickers exploit victims from Cameroon abroad. Government officials and NGO representatives stated the conflict in the Northwest and Southwest regions increased the risk factors of human trafficking during the reporting period due to large numbers of displaced individuals, diminished police and judicial presence, and deteriorated economic and educational conditions. Child traffickers often use the promise of education or a better life in urban areas to convince rural parents to entrust their children to intermediaries, who then exploit the children in sex trafficking or forced labor. Criminals force homeless children and orphans into sex trafficking and forced labor in urban areas. Some labor recruiters lure teenagers and adolescents from economically disadvantaged families to cities with the prospect of employment and then subject victims to labor or sex trafficking. Traffickers exploit Cameroonian children in domestic service, restaurants, and begging or vending on streets and highways. Additionally, criminal elements force Cameroonian children to labor in artisanal gold mining, gravel quarries, fishing, animal breeding, and agriculture (on onion, cotton, tea, and cocoa plantations), as well as in urban transportation assisting bus drivers and in construction as errand boys, laborers, or night watchmen. Observers note child sex tourists exploit minors in the cities of Kribi and Douala, with Ugandan, Chadian, Nigerian, Tanzanian, German, French, Swiss, and Belgian nationals primarily committing this crime.

Foreign business owners and herders force children from neighboring countries including Chad, the Central African Republic, Nigeria, Benin, and Equatorial Guinea to labor in spare parts shops or cattle grazing in northern Cameroon; many traffickers share the nationality of their victims. Traffickers exploit some children transiting the country en route to Gabon and Equatorial Guinea. Anecdotal evidence suggests some Chinese business owners fraudulently recruit young girls to work as beauticians and subsequently exploit them in sex trafficking. Experts reported Turkish and Chinese officials in Cameroon may facilitate transnational human trafficking by granting visas to Africans with little oversight. Cameroonian banks may have assisted criminal networks involved in fraudulent recruitment by validating income and employment oversight requirements, as well as opening "ghost" bank accounts for victims to demonstrate false income levels.

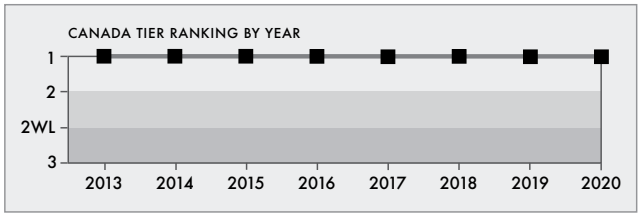
Observers reported there were approximately 977,000 IDPs in Cameroon at the beginning of 2020, an increase from 437,000 in 2018. In addition to IDPs, there were approximately 408,000 refugees in the country—including those from Nigeria—as of January 31, 2020. Traffickers may prey on both IDPs and refugees due to their economic instability and sometimes-limited access to formal justice. Boko Haram's activities on the border with Nigeria continued to displace many of these refugees. There continued to be reports of hereditary slavery in northern chiefdoms. An expert reported government security forces recruited and used a minor to gather intelligence in the country's Anglophone regions. Some community neighborhood watch groups, known as vigilance committees, may also have used and recruited children as young as age 12 in operations against Boko Haram, although there is no evidence of the government providing material support to these specific groups. Boko Haram is a consistent terrorist threat, and continues to forcibly recruit Cameroonian children as porters, cooks, and scouts. The terrorist organization also uses women and girls as forced suicide bombers and sex slaves and boys as child soldiers. Observers reported Anglophone separatists recruited and used child soldiers in the Southwest and Northwest Regions, both for fighting government forces and for gathering intelligence.

Traffickers exploit Cameroonians from disadvantaged social strata, in particular from rural areas, in forced labor and sex trafficking in the Middle East (especially Kuwait and Lebanon), as well as in Europe (including Switzerland and Cyprus), the United States, and multiple African countries (including Benin and Nigeria). Most exploited Cameroonians abroad are between the ages of 20 and 38 and come from the Northwest, Southwest, Littoral, Center, South, and West Regions. Fraudulent labor brokers recruited some Cameroonian women for domestic work in the Middle East where traffickers then subjected the women to sex trafficking or domestic servitude upon arrival at their destination. Some economic migrants in search of opportunity became victims of trafficking in Libya or while in transit through Niger. NGOs reported Nigerians in eastern Nigeria exploited Cameroonian refugees displaced by the Anglophone conflict in forced labor and sex trafficking.

Trafficking networks generally consist of local community members, including religious leaders and former trafficking victims who have transitioned to perpetrators. These networks advertise jobs through the internet and other media, and recruit and sell other Cameroonians directly to families in need of domestic servants. Advocates working on trafficking issues report the government's awareness-raising activities targeting fraudulent recruitment have raised awareness amongst vulnerable populations but have caused intermediaries to operate with greater discretion, often directing victims to travel to the Middle East through neighboring countries, including Nigeria. International organizations, NGOs, and migrants report Cameroonian trafficking networks in Morocco coerce women into commercial sex.

CANADA: TIER 1

The Government of Canada fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Canada remained on Tier 1. These efforts included increasing its investigations, prosecutions, and convictions; identifying more victims and providing increased funding for victim services; launching a national hotline; creating a new government team to combat human trafficking in federal procurement supply chains; and increasing its public awareness campaigns to vulnerable populations. Although the government meets the minimum standards, it did not provide comprehensive data on investigations, prosecutions, and convictions from all jurisdictions or on victims provided with services nationwide. The government's efforts to identify victims and address forced labor, through both law enforcement and victim identification and protection measures, remained inadequate. The range, quality, and timely delivery of trafficking-specific services varied nationwide and service providers reported a shortage of funding for victim services, including emergency shelters. The government struggled to coordinate its anti-trafficking efforts between the provincial and federal levels.



PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute traffickers and impose adequately

strong sentences on convicted traffickers. • Increase proactive identification of victims, particularly forced labor victims, through screening among vulnerable populations and training of first responders in victim-centered techniques. • Significantly increase trauma-informed specialized services and shelter available to all victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase nationwide trafficking data collection, including documentation of investigations, prosecutions, and convictions and numbers of identified victims and assistance provided such as the number of work permits granted to foreign victims. • Increase coordination and communication among federal, provincial, and territorial actors and strengthen provincial interagency efforts. • Increase use of proactive law enforcement techniques to investigate trafficking, particularly forced labor. • Investigate, prosecute, and centralize data collection on Canadian child sex tourists. • Amend the criminal code and Immigration and Refugee Protection Act to include a definition of trafficking that has exploitation as an essential element of the crime, consistent with international law. • Significantly increase trauma-informed specialized services and shelter available to all victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase training for national hotline workers and improve the capacity of the hotline to include language support beyond English and French, and to reach beyond metropolitan areas. • Increase training for government officials, particularly for prosecutors and judges, including on seeking and ordering restitution upon trafficking convictions. • Increase partnerships with the private sector, including financial institutions, to prevent trafficking. • Implement laws and policies to address trafficking in the federal supply chain.

PROSECUTION

The government increased law enforcement efforts. Criminal code Sections 279.01 and 279.011 criminalized sex trafficking and labor trafficking, prescribing penalties of four to 14 years' imprisonment for trafficking adults and five to 14 years' imprisonment for trafficking children; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. Section 279.02 also criminalized receiving financial or any other material benefit from trafficking and prescribed a maximum penalty of 10 years' imprisonment with adult victims and a mandatory minimum of two years to a maximum of 14 years' imprisonment with child victims. Section 279.03 criminalized withholding or destroying documents to facilitate trafficking and prescribed a maximum penalty of five years' imprisonment for adult victims and a mandatory minimum of one year to a maximum of 10 years' imprisonment for child victims. Section 286.1 criminalized purchasing commercial sex acts from an individual younger than 18 years of age and prescribed a minimum penalty of six months and a maximum penalty of 10 years' imprisonment. The Immigration and Refugee Protection Act (IRPA) established a separate offense of "human smuggling and trafficking" to mean "no person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion." Inconsistent with the definition of trafficking under international law, this provision did not include exploitation as an essential element of the crime.

Government officials at the federal, provincial, and municipal levels may investigate, prosecute, and convict traffickers; however, the government did not report comprehensive data at each of these levels. The federal government did not maintain a national database; however, it provided data from Canada's Uniform Crime Reporting (UCR) system, which included provincial and municipal data. The UCR data is available each July for the previous calendar year and in 2018 the government reported a total of 340 trafficking incidents and 236 individuals accused of trafficking; this compared with a total of 375 trafficking incidents and 291 individuals accused of trafficking reported in 2017. In addition, Employment and Social Development Canada (ESDC) reported 32 cases of forced labor investigations in 2019 from its temporary foreign worker program. The government reported federal officials responsible for enforcing IRPA reported 47 investigations in 2019; this compared to five investigations in 2018. Furthermore, Immigration, Refugees and Citizenship Canada (IRCC), which conducted administrative investigations of potential human trafficking cases among immigration and refugee cases, initiated 20 new large-scale investigations involving allegations of human trafficking in 2019. In 2019, federal, provincial, and municipal law enforcement reported initiating prosecutions against 98 individuals in 90 cases (one for labor trafficking) for the reporting period, compared with 116 individuals in 72 cases (one for labor trafficking) reported in 2018, 78 individuals in 47 trafficking cases (two for labor trafficking) reported in 2017, 107 individuals in 68 trafficking cases (none for labor trafficking) reported in 2016, and 112 individuals in 63 cases (two for labor trafficking) reported in 2015. Federal, provincial, and municipal authorities prosecuted and concluded 197 cases against 197 individuals in 2019, compared with 196 cases against 196 individuals in 2018, 295 individuals in 2017, and 300 individuals in 2016. In 2019, the government reported federal convictions of 51 traffickers, compared to 36 traffickers reported in 2018, five traffickers in 2017, including one labor trafficker, and 10 sex traffickers and no labor traffickers reported in 2016. Courts imposed sentences ranging from four to 12 years' imprisonment in 2019, compared to two to 12 years' imprisonment in 2018, and six months to 9.5 years' imprisonment in 2017. The government acknowledged some sex trafficking cases resulted in convictions under other criminal code sections.

In 2019, York Regional Police arrested 31 people from a large, multi-provincial human trafficking ring run by organized crime; the overall investigation involved five police forces from Ontario and Quebec. The federal government identified and reported financial transactions suspected of being linked to the laundering of proceeds from trafficking, which resulted in 250 disclosures reported in 2019, compared to 191 in 2018, 196 in 2017, and 102 in 2016. NGOs noted a continued imbalance in the government's anti-trafficking efforts, with greater attention to and understanding of sex trafficking versus forced labor. NGOs and other non-governmental experts indicated police and prosecutors sometimes made decisions to pursue cases based on a greatest probability of conviction, leading some officials to categorize trafficking cases as other crimes. NGOs and some law enforcement officials cited the need for better coordination among the federal, provincial, and territorial governments on anti-trafficking law enforcement.

The Canadian Police College (CPC) provided a human trafficking investigators course that trained 49 police as well as an online introduction to human trafficking course that trained 486 Canadian law enforcement officials. The Financial Transactions and Reports Analysis Centre of Canada, which is Canada's financial intelligence unit, regularly presented during the human trafficking investigator courses at the provincial and federal levels, to educate law enforcement officials on financial intelligence in human trafficking investigations. The Royal Canadian Mounted Police's (RCMP) Human Trafficking Coordination Centre partnered with the CPC to develop a newly revised eight-day human trafficking investigator's course for Canadian law enforcement, which included new information on aboriginal awareness, labor trafficking, and immigration. Trafficking awareness was also included in the RCMP national academy curriculum in Regina, Saskatchewan, so that

RCMP recruits were equipped with basic trafficking awareness before they entered the field. In addition, the RCMP organized human trafficking awareness sessions at the National Training Facility for 500 police officers-in-training in September 2019. New border officials were trained in human trafficking through its People at Risk course; in 2019, 360 officials completed this course. Through additional online courses, 48 border officials received training in human trafficking. In 2019, the Department of National Defense and Canadian Armed Forces added new online trafficking awareness training for all new Canadian Defense Attaché personnel. The RCMP cooperated with foreign governments through the INTERPOL Human Trafficking Expert Group and pursued several ongoing trafficking investigations with foreign officials. In February 2020, Canada's Supreme Court ruled that a Vancouver-based mining company could be sued in Canada for human trafficking allegations based in Eritrea. This ruling created new legal liability for Canadian firms operating abroad, as companies previously could only be held liable in foreign jurisdictions in which the alleged abuses occurred. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government increased protection efforts. Authorities identified 119 new victims in trafficking-specific cases in 2019, compared with 89 victims in 2018, 60 in 2017, 77 in 2016, and 99 in 2015. Of the 119 new victims identified, 107 were female and 12 were male, 99 were adults and 20 were children, and 89 were victims of sex trafficking, one was a victim of forced labor, and 29 were not specified. The government reported a total of 587 trafficking victims, which included newly and previously identified victims in 2019, compared with 420 trafficking victims in 2018, 416 victims in 2017, and 367 victims in 2016. The government provided various handbooks, toolkits, and training to disseminate guidance on identifying trafficking victims to criminal justice officials and immigration officials specific to their roles. In 2019, the government developed a new law enforcement tool kit to assist law enforcement identification of human trafficking victims, particularly youth, indigenous communities, and LGBTQI individuals. The RCMP, in collaboration with police forces in Quebec, law enforcement authorities from the United States, and the Canadian Border Services Agency (CBSA), conducted Project Griffin—an operation to proactively identify sex trafficking victims in Québec. Immigration officials referred actual and potential cases to the RCMP for investigation and actual and potential victims to IRCC.

In Canada, the provinces and territories were responsible for the delivery of most victim services, which could include government and/or NGO providers. Each province or territory used a police-based, court-based, or system-based service delivery model. Services provided typically included emergency shelter, food, health services, psychological services, and legal services. Although the federal government did not provide direct services to human trafficking victims, it was able to indirectly assist victims by providing funds to service providers in the provinces and territories through Justice Canada's Victims Fund. In 2019, the government allocated one million Canadian dollars ($769,230) to support human trafficking victims or individuals at risk through the Victims Fund, which was the same amount allocated in 2018. As of March 2020, a total of 14 projects by community organizations and law enforcement agencies, with funds totaling 1.06 million Canadian dollars ($815,380) through fiscal year 2019-2020, were supported by the Victims Fund; this compared to 24 projects in 2018. Canadians who were victims of trafficking crimes that occurred outside Canada could apply to the Canadians Victimized Abroad component of the Victims Fund for reimbursement of listed health and travel expenses.

The government collaborated largely with NGOs, not all of which receive government funding, to provide services to victims. Due to a lack of funding, service providers reported a severe shortage of emergency shelters, as well as a shortage of medium- to long-term housing and medical and psychological services for victims. Dedicated emergency housing and specialized services primarily served female victims. Observers reported that teenage trafficking victims were sometimes placed in shelters that served mental health and substance abuse patients, which increased their risk of traumatization and re-trafficking. Observers also noted that some shelters forced residents to leave the facility during the day, which also posed safety risks for victims. At least four of the 10 provincial governments dedicated funding to victim assistance: Alberta funded a coalition to provide coordination and services, British Columbia funded a government entity to provide referrals and services, Manitoba funded a government-NGO response team, and Ontario funded a government entity to provide coordination and services. In November 2019, Ontario announced 20 million Canadian dollars ($15.4 million) per year for a new five year strategy to combat human trafficking; this compared with Ontario providing 18.6 million Canadian dollars ($14.3 million) in 2018 for a three-year (2017-2020) strategy to improve survivors' access to services such as housing, mental health services, and trauma counseling. Québec's Victim Assistance Fund did not compensate or provide funding or services to women in commercial sex, even if the woman was identified as a sex trafficking victim. Starting in 2019, over 3.3 million Canadian dollars ($2.54 million) was made available annually to support the development or enhancement of child advocacy centers across Canada; some of these provided specific services to children and youth that have been victims of human trafficking. Starting in 2018, the Canadian Department of Justice allocated more than 250,000 Canadian dollars ($192,310) over two years to an NGO for the development of a case management system for labor trafficking victims.

NGOs operated shelters for women who were victims of violence nationwide, some of which the government funded, but only a few shelters provided beds specifically for trafficking victims. The federal government provided 2016-2019 funding totaling 367,300 Canadian dollars ($282,540) to NGOs in the Atlantic provinces and in the Québec region to develop a trafficking-specific protocol for emergency housing. Statistics Canada included a question in a 2018 survey on the number of individuals seeking shelter in facilities for victims of abuse due to trafficking; the April 2019 results of 68,000 women residents surveyed indicated four percent of the women surveyed (roughly 2,720) indicated they needed shelter to escape sex or labor trafficking. Public Safety Canada (PSC) continued 152,000 Canadian dollars ($116,920) in funding to two multi-year projects to develop housing response models for trafficking. The Department of Justice provided 250,000 Canadian dollars ($192,310) to two NGOs for a new two-year project to provide case management and direct services to forced labor victims.

In its Temporary Foreign Worker (TFW) Program, the government had procedures to remove workers who might be human trafficking victims and place them with a new employer. According to NGO contacts, Canada's temporary foreign worker program continued to be vulnerable to trafficking. Foreign trafficking victims could apply for a temporary resident permit (TRP) to remain in Canada, which entitled victims to access health care and receive a work permit, as well as social services. The government issued TRPs to 228 foreign victims and their dependents in 2019; this compared to 40 foreign victims and their dependents in 2018, 32 in 2017, and 67 in 2016. While victims waited to receive TRPs, they could not access publicly-funded services, including mental and physical TRPs, but they could receive assistance from NGOs. The government provided foreign victims eligibility for short-term 180-day TRPs or long-term three-year TRPs. TRP holders

could apply for fee-exempt work permits, and the government reported 150 individuals received permits. The government organized an annual symposium for migration officers to discuss the TRP process for human trafficking victims. In June 2019, IRCC launched the open work permit, which allowed the issuance of time-limited open work permits to foreign workers who hold employer-specific work permits and who are experiencing abuse or are at risk of abuse in the context of their employment in Canada. The federal government invested 3.4 million Canadian dollars ($2.62 million) in 2018-2019 to establish, as a pilot program, a migrant worker support network for individuals facing potential labor exploitation and trafficking by their employers; the program assisted 29 migrant workers and conducted 25 registered trauma counselling sessions for workers.

NGOs also reported a need for more trauma-informed care for victims, whom the health care system sometimes re-traumatized. Canadian law provided extensive victim witness protections to encourage victims to participate in the investigation and prosecution of cases, including video testimony, the presence of a support person during testimony, a ban on publishing the names of witnesses, and the exclusion of members of the public in the courtroom, but the government did not report whether such protections were actually afforded to victims. Traffickers can be ordered to provide restitution to victims under Canadian law. The government reported that some victims received restitution in 2019 but did not provide data on the exact numbers of victims who received restitution or how much money was awarded; this compared to no victims receiving restitution in 2018. Some provinces have enacted legislation which establishes compensation or financial benefits programs for victims of a crime that occurred in that province.

PREVENTION

The government increased prevention efforts. The government issued and began to implement its new five-year national anti-trafficking action plan in September 2019, which involved input from various government agencies at the federal, provincial, and municipal levels, civil society, victims and survivors of trafficking, indigenous groups, and front-line service providers. PSC led a federal interagency task force and facilitated policy discussions about human trafficking. PSC will be establishing an advisory committee comprised of victims and survivors of human trafficking to provide recommendations on current and future federal anti-human trafficking policies and initiatives. The government's budget to support the action plan was 57.22 million Canadian dollars ($44.02 million) in federal funding over the next five years and 10.28 million Canadian dollars ($7.91 million) annually thereafter. This budget was significantly more than the government's 2018 commitment of 14.5 million Canadian dollars ($11.2 million) over five years. Experts noted that problems in some provincial leadership have led to provincial ministries not prioritizing the needs of service providers. Experts also noted that coordination of anti-trafficking efforts between provinces and at the national level has been insufficient.

As there is no mandatory reporting mechanism across municipal, provincial, and federal agencies, the government admitted gaps in data collection and analysis of the prevalence of trafficking. PSC began reviewing the governance structure of its task force to create new data collection task teams to the country's data collection efforts. In addition, PSC held meetings and collaborated with federal, provincial, and territorial governments through its Federal, Provincial, and Territorial (FPT) Trafficking in Persons Working Group to share information, trends, and best practices. The government has begun exploring changes to the governance structure of the FPT Working Group to include more participation from provinces and territories to strengthen coordination between FPT partners. The NGO, Canadian Centre to End Human Trafficking, with PSC support, initiated research on the project "Mapping the Geography of High-Incident Human Trafficking Corridors in Canada." The CBSA started reviewing its immigration enforcement framework to ensure sufficient protections are in place for potential victims of human trafficking.

The government worked with several Canadian financial institutions, the Financial Transactions and Reports Analysis Centre of Canada, NGOs, technology companies, and law enforcement agencies at the municipal, provincial, and federal level on Project Protect, to develop a publication of indicators of suspicious transactions of money laundering from human trafficking for law enforcement and financial institutions. To combat human trafficking in federal procurement supply chains, Public Services and Procurement Canada created a new five-member team exclusively dedicated to supporting a multi-phased approach to addressing forced labor in federal procurement supply chains. The government strengthened its export control system by becoming a state party to the Arms Trade Treaty; by joining this treaty, the government ensured that all exports of military and strategic arms were not used to commit or facilitate violations of international human rights law, including human trafficking. The government drafted the Transparency in Supply Chains Act, which would mandate a reporting requirement on Canadian companies' supply chains and would create whistleblower mechanisms to report and investigate allegations of human trafficking in supply chains.

The Griffon Initiative created public awareness campaigns among the Québec population, visitors, and foreign tourists during the Formula 1 Grand Prix that the purchase of sexual services is a crime. In 2019, PSC provided funding under the Contribution Program to Combat Serious and Organized Crime to eligible recipients leading initiatives, research, partnership building, specialized police services, projects and programs to increase knowledge, raise awareness and/or help advance efforts to combat serious and organized crime, including human trafficking. For example, in 2019, PSC provided 125,000 Canadian dollars ($96,150) in funding to support the Clan Mothers Healing Village, an NGO that works with government and community partners in Ontario and British Columbia to address healing for Indigenous women who have experienced sexual exploitation and human trafficking. IRCC conducted public awareness campaigns on its website. The government funded NGOs and other government entities to promote additional awareness-raising campaigns, in English and French, including on labor trafficking and fraud in foreign labor recruiting, aimed at youth, law enforcement, service providers, the financial sector, and the public. The government funded and launched a national multilingual and accessible human trafficking hotline (including text and chat), operated by an NGO, in May 2019, which resulted in 238 reports of suspected human trafficking to law enforcement and service providers. Observers noted that the hotline had a number of weaknesses, including operators who did not seem knowledgeable about trafficking, a difficulty in accessing language support beyond English and French, and problems with accessing service providers outside metropolitan areas.

The RCMP Human Trafficking National Coordination Center and regional trafficking awareness coordinators in the provinces of Alberta, Manitoba, Quebec, and Nova Scotia served as anti-trafficking points of contact for law enforcement across the country and participated in regional response teams and meetings to share local strategies, best practices, and successful cases. The government made efforts to reduce the demand for participation in international sex tourism by its citizens by distributing publications warning Canadians traveling abroad about penalties under Canada's child sex tourism law. The government, however, did not collect data on child sex tourism investigations, prosecutions, or convictions. Under the two-year pilot, 2.6 million Canadian dollar ($2 million)

Migrant Worker Support Network, more than 10,000 individuals who received TFWs learned about their rights and protections, to include protections against forced labor, while in Canada. In 2019, the ESDC invested 42 million Canadian dollars ($32.31 million), to ensure the rights of TFWs in Canada are protected and enforced through a robust compliance regime; this funding supported unannounced inspections under the TFW Program. The government appointed the first Canadian Ombudsperson for Responsible Enterprise in April 2019 and it was anticipated that the Ombudsperson's office would be operational in the first half of 2020. The Ombudsperson's mandate included the ability to review allegations of human rights abuses arising from the operations of a Canadian company abroad in the mining, oil and gas and garment sectors.

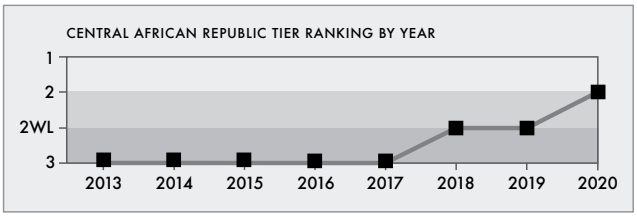
The government provided funding for international organizations to strengthen the capacity of the Government of Ukraine and Ukrainian civil society organizations to identify, refer, and assist victims of human trafficking. The government also provided funding to address risks of human trafficking involving children and youth in El Salvador, Guatemala, Honduras, Mexico, and Nicaragua, and to provide training on appropriate child protection systems, policies, and programs. The government also provided funding and worked with international organizations and foreign governments that supported efforts to combat human trafficking, particularly in regions experiencing armed conflict. The government provided funding and worked with several governments to strengthen their civil registration and vital statistics systems to protect children from human trafficking. In addition, the government supported anti-trafficking efforts abroad through its Anti-Crime Capacity Building Program, which aimed to enhance the capacity of law enforcement and service providers in Mexico, Guatemala, and Honduras to identify and combat human trafficking, particularly in border regions. The government also supported several additional anti-trafficking efforts in Iraq, Syria, Lebanon, Fiji, Laos, Mexico, Mongolia, Morocco, Nicaragua, and Paraguay. The government made efforts to reduce the demand for commercial sex acts through awareness-raising activities.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Canada, and traffickers exploit victims from Canada abroad. Women and children from indigenous communities, migrants and new immigrants, LGBTI persons, persons with disability, at-risk youth, runaway youth, and youth in the child welfare system are at high risk for trafficking. Traffickers also lure young girls and women who may not be socially or economically disadvantaged into romantic relationships for the purposes of sex trafficking. Traffickers exploit Canadian victims within and across the country, but traffickers have also exploited some Canadian victims abroad, mainly in the United States. Traffickers exploit foreign women, primarily from Asia and Eastern Europe, in sex trafficking in Canada. Traffickers exploit legal foreign workers from Eastern Europe, Asia, Latin America, and Africa in forced labor in a variety of sectors, including agriculture, construction, food processing plants, restaurants, and hospitality, or as domestic workers, including diplomatic households. Canada reported more incidents of forced labor during the last few years, which often involved foreign nationals. Traffickers involving foreign national victims typically operate with associates of similar ethnicity and have ethnic ties to the victims' countries of origin. Canadians travel abroad to engage in sex acts with children, and foreign nationals engage in sex acts with children in Canada. Traffickers in Canada operate individually and via family-based connections; some have been affiliated with street gangs and transnational organized crime. While most traffickers are male, female traffickers are becoming more common, as well as male and female traffickers younger than 18.

CENTRAL AFRICAN REPUBLIC: TIER 2

The Government of the Central African Republic (CAR) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore CAR was upgraded to Tier 2. Officials investigated and prosecuted suspected traffickers, and the country's criminal court prosecuted and convicted 33 armed group leaders for crimes including recruiting child soldiers. Additionally, the government coordinated with partners to demobilize and provide reintegration services for 1,150 children recruited by armed groups; identified two potential victims of trafficking during the course of a law enforcement investigation; launched an inter-ministerial committee which met regularly; and adopted a 2020-2021 national action plan. However, the government did not meet the minimum standards in several key areas. Victim services remained inadequate, and the government did not develop victim identification and referral procedures. The government has not convicted a trafficker since 2017, and official complicity remained a serious concern, including allegations government security forces may have used minors at two checkpoints.



PRIORITIZED RECOMMENDATIONS:

Coordinate with international organizations to demobilize and provide reintegration services to child soldiers and increase efforts to minimize their re-recruitment by armed groups. • Expand efforts to hold armed groups recruiting and using children criminally accountable. • Develop victim identification and referral procedures in coordination with international organizations and NGOs to guide frontline officials' protection activities and increase efforts to identify trafficking victims within Bangui, including in the informal sector. • Proactively investigate and prosecute individuals sexually exploiting children and adults in *maisons de joie* (houses of joy) within Bangui under Penal Code Article 151. • Dedicate human resources and coordinate with civil society, NGOs, and international organizations to implement the 2020-2021 national action plan. • Provide anti-trafficking training for all officials in the Mixed Unit for Rapid Intervention and Repression of Sexual Violence to Women and Children (UMIRR) so it can effectively investigate trafficking cases, identify victims, and refer them to care. • Increase the number of court hearings—separate from informal mediation—for suspected trafficking cases, and expand efforts to investigate, prosecute, and convict traffickers through independent and fair trials. • Take concrete steps, in partnership with NGOs and international organizations, to provide services to victims of all forms of trafficking, and ensure trafficking victims are not punished for unlawful acts traffickers compel them to commit. • Use radio programming in French and Sangho to expand the awareness raising campaign in Bangui, in partnership with civil society, traditional leaders, and international organizations, to increase the public's ability to identify and refer trafficking crimes to law enforcement officers.

PROSECUTION

The government increased overall anti-trafficking law enforcement efforts during the reporting period. Article 151 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and with respect to sex trafficking, commensurate with penalties prescribed for other serious offenses, such as kidnapping. If the offense involved a child victim of sex trafficking or forced labor similar to slavery, the prescribed penalties increased to five to 10 years' imprisonment with hard labor.

Due to insecurity across the majority of the country's territory, the government faced challenges in collecting law enforcement statistics. Authorities investigated two suspected trafficking cases under Article 151 and one case involving potential exploitation of two children UMIRR officers identified. Officials initiated an investigation involving a woman recruiting minors into commercial sex but had not referred the case for prosecution at the end of the reporting period. In the previous reporting period, the government investigated one trafficking case under Article 151; however, authorities ultimately bypassed formal courts and resolved the case through mediation. Contrary to previous reports, the government last convicted a trafficker in 2017, sentencing the perpetrator to 10 years' imprisonment. The country's criminal court partnered with an international organization in February 2020 to prosecute, convict, and sentence 33 militants and armed group leaders to verdicts from 10 to 15 years' imprisonment (28 militants) to life in prison (five armed group leaders) for crimes against humanity, which included recruiting and using child soldiers.

The Minister of Justice issued a judicial directive in February 2020 to the country's judges encouraging them to apply Article 151 to suspected trafficking cases and to review existing cases for trafficking indicators. However, years of destabilizing conflict have severely limited formal judicial capacity outside the capital, leading to the frequent use of customary dispute resolution methods through which traditional chiefs or community leaders administer punishment for criminal acts. The government did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes by border agents and police remained concerns and may have inhibited law enforcement action during the year. During the reporting period, the government contributed in-kind donations to an international organization-implemented training for 60 police, gendarmerie, UMIRR, and community leaders to promote more effective trafficking investigations. The government did not provide or support training for front-line officials during the previous reporting period.

PROTECTION

The government increased efforts to identify victims, although available services remained inadequate. UMIRR officers reported identifying two potential victims through the course of a law enforcement investigation, compared with reporting zero victim identifications in the previous reporting period. The government had not developed victim identification standard operating procedures (SOPs); observers stated this lack of SOPs impeded the ability of front-line officials to identify victims of trafficking. In previous years, reports indicated the government arrested and jailed individuals engaged in commercial sex—some of whom may have been trafficking victims—without verifying their ages or attempting to identify indicators of trafficking; while there were no reports of such penalization this year, officials' lack of training on victim identification increased the likelihood this practice continued. CAR's National Assembly formally adopted the Child Protection Code in February 2020, legislation criminalizing the recruitment of children into armed groups and increasing legal protections for former child soldiers.

During the reporting period, the government partnered with an international organization to demobilize 1,150 children associated with armed groups and provided them shelter, psycho-social services, and reintegration assistance, compared with demobilizing 913 child soldiers in 2018. In March 2020, the Minister for the Promotion of Women, Family, and the Protection of Children officially opened the *Maison de l'Espoir* (House of Hope) shelter in Bangui with the support of an international organization for victims of gender-based violence and trafficking; although the shelter had capacity for 15 victims, officials did not report referring victims during the rating period.

Observers alleged the government arrested and detained for several days in 2019 two minors whom armed groups previously had recruited. Authorities later released the two former child soldiers and referred them to a host family to assist with social reintegration. Authorities did not report providing legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The law allowed victims to file civil suits against the government or their alleged traffickers for restitution; however, there was no information this occurred during the reporting period.

PREVENTION

The government substantially increased prevention efforts, although ongoing conflict throughout the country hindered its overall ability to synchronize anti-trafficking initiatives. To address longstanding coordination deficiencies, the president designated the Minister for the Promotion of Women, Family, and the Protection of Children to lead the government's anti-trafficking efforts. The minister launched an inter-ministerial committee in September 2019, which met five times during the reporting period and formally validated a 2020-2021 national action plan in March 2020. The president signed the action plan into law in March 2020, and the government dedicated in-kind resources to implement aspects of the plan during the reporting period. Also in March, the government finalized a presidential decree creating a Coordination Bureau for Combatting Trafficking in Persons (CBCTIP) under the Office of the Presidency; the government designated ministerial focal points to implement the CBCTIP's mandate.

The Minister for the Promotion of Women, Family, and the Protection of Children coordinated with international organizations in February 2020 to hold a workshop for government and military officials on the importance of preventing the recruitment and use of child soldiers. Throughout 2019, the government contributed funding and partnered with an NGO to launch multiple sensitization campaigns in Bangui and Bangassou to increase the public's awareness of trafficking in persons; these campaigns included direct person-to-person contact, radio, and public signage. Also during the reporting period, officials—in coordination with an international organization—held sensitization programs in 13 communities throughout the country to draw attention to potential victims of trafficking, including child soldiers, and direct victims to available resources, including psycho-social services. The awareness campaigns incorporated civil society actors, NGOs, as well as international organizations. The sensitization programs targeted the general public, individuals in exploitative conditions, first responders, and trusted authorities such as traditional chiefs and religious leaders; awareness programs used direct person-to-person outreach activities as well as training sessions.

UMIRR continued to operate its 24-hour hotline dedicated to gender-based violence staffed by French and local language speakers; however, the government did not provide statistics on the number of trafficking-related calls it received. Officials did not report taking any measures to reduce the demand for commercial

sex acts or providing anti-trafficking training for its diplomatic personnel. Ministry of Labor officials conducted inspections in Bangui during the reporting period; however, instability and armed conflict throughout the country limited the government's ability to observe areas outside the capital, and inspectors did not monitor the informal sector where experts reported child trafficking and hazardous work conditions commonly occurred.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in CAR, and traffickers exploit victims from CAR abroad. Most government officials, as well as civil society, lack an understanding of trafficking in persons, hindering the country's ability to identify victims and address the crime. Observers report traffickers primarily exploit CAR nationals within the country and transport a smaller number of victims between CAR and Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo, Sudan, or South Sudan. Traffickers—including transient merchants, herders, and armed groups—exploit children in domestic servitude and commercial sexual exploitation, as well as in forced labor in agriculture, artisanal gold and diamond mines, shops, and street vending within CAR. Also within the country, some relatives exploit children in forced labor in domestic work, and community members exploit *aka* (pygmy) minorities in domestic servitude, especially in the southwest of the country. Some relatives or community members coerce girls into forced marriages and subsequently exploit the girls in forced labor in domestic servitude or sex trafficking. Some authorities' prejudice against individuals in commercial sex—despite its prevalence—hinders victims' access to justice and assistance.

Observers reported Central African criminal elements sexually exploit girls as young as 13 in *maisons de joie* (houses of joy) throughout Bangui. *Maisons de joie* are private residences with little official oversight where CAR nationals serve alcohol and food to middle and upper class customers as a cover to exploit girls and women in commercial sex. Criminals reportedly take advantage of abject poverty across the country to recruit these girls with the promise of money for their children or families.

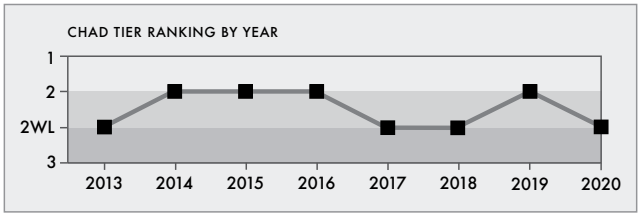
Violent conflict since 2012 has resulted in chronic instability and the displacement of more than one million people, increasing the vulnerability of men, women, and children to forced labor and sex trafficking. As of September 2019, approximately 600,000 people remained internally displaced and vulnerable to trafficking inside the country, 592,000 individuals sought refuge in neighboring countries, and roughly 7,000 refugees from neighboring countries remained within CAR.

Militias associated with Anti-Balaka; Ex-Seleka; Lords Resistance Army; Return, Reclamation, and Rehabilitation (3R); and other armed groups continued to forcibly recruit and use child soldiers in CAR. Additionally, observers reported government security forces may have used minors at two checkpoints. International organizations reported armed groups recruited children to serve as combatants, servants, child brides, and sex slaves in 2019; armed groups also subjected children to forced labor in the mining sector. Since the conflict began in 2012, armed groups have recruited more than 14,000 children; during the reporting period, militias primarily recruited and used child soldiers from the prefectures of Basse-Kotto, Haute-Kotto, Mbomou, Nana-Grebizi, Nana-Mambere, and Ouaka. Experts noted armed groups were still using approximately 12,000 children in combat and support roles throughout the country at the end of the reporting period. Although some children initially join locally-organized community defense groups to protect their families from opposing militias, many commanders maintain influence over these children even after they are demobilized, increasing their risk of re-recruitment. Inadequately funded reintegration programming, continuing instability, and a lack of economic opportunity throughout the country exacerbate the risks of re-recruitment among former child soldiers.

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic has 14,584 civilian and military staff in CAR to protect civilians, provide security, support humanitarian operations, and promote and protect human rights, among other objectives. The UN reported there were 36 pending investigations and three substantiated cases of sexual abuse in 2019.

CHAD: TIER 2 WATCH LIST

The Government of Chad does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting one trafficker for the first time under its recent 2018 law and adopting a formal Road Map to implement its 2018 National Action Plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Officials investigated no trafficking crimes; did not identify any trafficking victims; did not carry out any sensitization activities despite a lack of trafficking awareness hindering the country's anti-trafficking response; and did not report finalizing its national anti-trafficking committee as required by the country's 2018 trafficking law. Therefore Chad was downgraded to Tier 2 Watch List.



PRIORITIZED RECOMMENDATIONS:

While respecting due process, vigorously investigate and prosecute suspected traffickers according to Chad's anti-trafficking Law 006/PR/18. • Develop formal standard operating procedures (SOPs) for the identification and referral of trafficking victims to medical care, and train security services, law enforcement, and civil society to implement the SOPs. • Formally establish and adequately staff the National Committee to Combat Trafficking in Persons (NCCTIP) and include civil society, NGOs, and international organizations in its activities. • Incorporate human trafficking awareness into basic training for law enforcement and judicial officials to increase their understanding of trafficking in persons, in coordination with international organizations and donors. • Establish a specialized anti-trafficking unit in the Judicial Police to ensure officers effectively investigate suspected trafficking crimes under the country's 2018 trafficking law. • Include trafficking components for all new magistrates and prosecutors in the Ministry of Justice's Justice Training College in N'Djamena. • Increase the provision of protective services to all trafficking victims, in coordination with NGOs and international organizations. • Beginning in N'Djamena, use local community radio stations to raise public awareness of human trafficking and incorporate tribal leaders and other members of the traditional justice system into sensitization campaigns.

PROSECUTION

The government decreased overall law enforcement efforts. Law 006/PR/2018 on Combatting Trafficking in Persons criminalized sex trafficking and labor trafficking. Article seven of Law 006/PR/2018 prescribed penalties of four to 30 years' imprisonment and a fine of 250,000 to five million Central African CFA francs (CFA) ($430 to $8,650); these penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government did not collect comprehensive law enforcement data on trafficking in persons and did not report investigating or prosecuting any traffickers, compared with investigating multiple cases involving 82 suspects and prosecuting two of those suspects in 2018. In February 2020, courts reportedly convicted the one trafficker for forcing multiple victims to work in Chad's northern gold mines and sentenced the trafficker to three years in prison and a 200,000 CFA ($350) fine. The government did not convict any traffickers during the previous reporting period. Observers maintained law enforcement officers may have investigated, and judicial officials may have tried, trafficking crimes under other statutes during the reporting period, such as rape or labor violations; however, the government did not report those statistics. Additionally, observers noted some communities resolved issues, including criminal offenses, through customary or traditional law as opposed to the codified judicial system.

Authorities did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses, despite experts noting officials were complicit in trafficking crimes and corruption during the reporting period, including reports of government-affiliated security forces profiting from illicit activity, such as forced labor in cattle herding throughout the country's rural areas and along its borders. In 2019, the government provided in-kind support for a donor-funded training for 68 law enforcement and judicial officials on the 2018 trafficking law. Authorities did not report providing anti-trafficking training to officials during the previous reporting period.

PROTECTION

The government decreased efforts to protect victims. The government did not screen for trafficking indicators or identify any victims during the reporting period, compared with identifying 21 trafficking victims in 2018. Contrary to previous reports, the government has not developed comprehensive written victim identification and referral procedures to guide front-line officials. NCCTIP policy directed officials to refer suspected child trafficking cases to the Child Protection Brigade, to investigate and report the cases to the Ministry of Justice, and cases involving adult victims to police. The government did not report officials referring any cases to the Ministry of Justice or police during the reporting period.

The Ministry of Women, Family, and National Solidarity, in partnership with an international organization and local NGOs, operated transit centers that served as temporary shelters throughout the country. The shelters provided temporary housing, food, and education to victims of gender-based violence and other crimes, including potential victims of trafficking. Officials did not report providing services to trafficking victims in these shelters during the reporting period. Services continued to be limited to urban areas and largely inaccessible to much of Chad's rural population.

The government did not have a formal policy to offer temporary or permanent residency for foreign victims of trafficking and did not report identifying any foreign victims. While there were no reports the government penalized any trafficking victims for unlawful acts their traffickers compelled them to commit, authorities may have arrested some victims due to the lack of formal victim identification and referral procedures as well as officials' limited understanding of the crime.

PREVENTION

The government maintained negligible efforts to prevent trafficking. Law 06/PR/2018 designated the NCCTIP as the lead entity on addressing trafficking; however, the government has not yet officially established or staffed the NCCTIP; the president had not signed the decree creating the NCCTIP at the end of the reporting period. The government adopted an anti-trafficking Road Map in 2019 to implement its 2018 National Action Plan; officials did not report executing any of the Plan's proposed actions during the reporting period. The government did not independently research trafficking in Chad, exacerbating a general lack of understanding of the issue in the country.

The government continued to make no discernible efforts to raise awareness on trafficking or reduce the demand for commercial sex acts during the reporting period. A lack of identity documentation remained a risk factor for trafficking in Chad, and the government continued to implement the 2013 birth registration policy requiring universal issuances of uniform birth certificates; however, officials did not widely enforce the policy due to limited resources. The government did not provide anti-trafficking training or guidance for its diplomatic personnel.

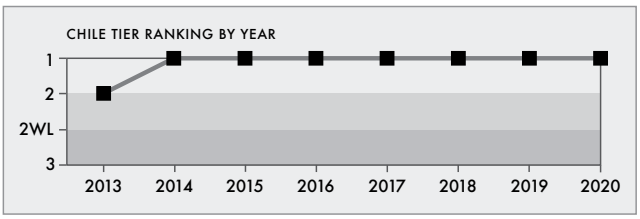
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Chad, and traffickers exploit Chadian victims abroad. The country's trafficking problem is primarily internal. Families frequently entrust their children to relatives or intermediaries to receive education, apprenticeship, goods, or money; some of those relatives or intermediaries subsequently force or coerce the children to work in domestic service or cattle herding. Criminals force children to beg in urban areas, and traffickers exploit minors as agricultural laborers on farms; in northern gold mines and charcoal production; and as domestic workers across the country. In the Lake Chad region, community members exploit some children in catching, smoking, and selling fish. Some religious leaders coerce children who leave their villages to attend traditional Quranic schools—known as *Mouhadjirin*—into forced begging, street vending, or other forced labor.

Cattle herders force some children to work along traditional routes for grazing cattle and, at times, cross ill-defined international borders into Cameroon, the Central African Republic, Sudan, and Nigeria. Traffickers in rural areas sell children in markets for use in cattle or camel herding. In some cases, military or local government officials exploit with impunity child herders in forced labor. Criminal elements subject some rural Chadian girls who travel to larger towns in search of work to child sex trafficking or domestic servitude. Illicit networks may force adult and child refugees, as well as internally displaced persons in Chad, to take part in commercial sex. Experts note Chad hosted approximately 440,000 refugees and more than 170,000 internally displaced persons as of December 2019; these populations may be vulnerable to trafficking based on their economic instability and lack of access to support systems. The Nigerian terrorist group Boko Haram and its offshoot Islamic State-West Africa forcibly abducted minors to serve as child soldiers, suicide bombers, child brides, and forced laborers. Community-based armed groups tasked with defending people and property in rural areas have likely recruited and used children in armed conflict.

CHILE: TIER 1

The Government of Chile fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Chile remained on Tier 1. These efforts included investigating more cases, prosecuting more traffickers, and developing the new 2019-2022 national action plan. Although the government meets the minimum standards, Chilean courts issued lenient sentences, undercutting nationwide efforts to fight trafficking and leaving traffickers eligible for suspended sentences. As a result, no traffickers convicted during the reporting period served time in prison post-trial. Judges suspended the sentences of 62 percent of traffickers convicted in the past five years. Further, victim services provision was uneven, with male victims and victims outside the capital less able to access care. Placement in National Service for Minors (SENAME) facilities could place children, including minor trafficking victims, at risk of abuse.



PRIORITIZED RECOMMENDATIONS:

Sentence traffickers to adequate penalties, which should include significant imprisonment, as required by Articles 367 and 411. • Provide suitable, safe shelter for child and adolescent trafficking victims as required by law. • Vigorously investigate, prosecute, and convict all forms of human trafficking, including domestic child sex trafficking, under Article 411 of the penal code. • Ensure convicted traffickers serve complete prison terms, as sentenced. • Actively screen for trafficking victims among vulnerable migrant groups. • Follow through on plans to restructure or replace the SENAME child protection system. • Increase training on application of Article 411 for judges and prosecutors. • Continue efforts to disrupt systematic child abuse, including trafficking, especially in facilities used by trafficking victims. • Expand access to specialized shelters for trafficking victims, including male victims, minor victims, and victims outside the capital. • Increase funding and services for victim protection efforts. • Develop guidelines for officials to screen for trafficking indicators for children involved in illicit activities to ensure no trafficking victims are penalized for unlawful acts their traffickers compelled them to commit. • Increase legal representation to victims seeking restitution.

PROSECUTION

The government maintained prosecution efforts. Article 411 of the penal code criminalized sex trafficking and labor trafficking, prescribing penalties ranging from five years and one day to 15 years' imprisonment, plus fines. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Chilean officials continued to investigate and prosecute many internal child sex trafficking cases under Article 367 of the penal code, which penalized "promoting or facilitating the prostitution of minors." Penalties for this crime ranged from three to 20 years' imprisonment. Under mandatory sentencing laws, judges frequently suspended or commuted sentences of less than five years' imprisonment, even when adjudicating cases of human trafficking and other serious crimes.

Anti-trafficking police units opened 92 new investigations (62 for sex trafficking and 30 for labor trafficking), compared with 39 cases in 2018 (23 for sex trafficking and 16 for labor trafficking) and 21 cases in 2017 (13 for sex trafficking and eight for labor trafficking). In one investigation, authorities in multiple cities raided several apartments, arrested eight traffickers, and identified 30 potential victims. Authorities prosecuted 37 individuals (19 under Article 367 and 18 under Article 411), compared with 19 individuals in 2018 (13 under Article 367 and six under Article 411) and 17 individuals in 2017 (14 under Article 367 and 3 under Article 411). The government convicted six traffickers (two under Article 367 and four under Article 411), compared with nine convictions (four under Article 367 and five under Article 411) in 2018 and 29 convictions in 2017 (26 under Article 367 and three under Article 411). The four traffickers convicted under Article 411, two labor traffickers and two sex traffickers, were held in pretrial detention. Judges issued sentences of three to four years' imprisonment under Article 411 and 61 days' imprisonment under Article 367, which fell below the mandatory minimum penalties prescribed for each article in the penal code. Two traffickers were deported upon conviction. Judges suspended the sentences of the remaining four; consequently, none of the six traffickers served time in prison, which significantly limited the deterrent effect of conviction against traffickers. Only six of 55 traffickers convicted in the past five years have been sentenced to penalties above the mandatory minimum and ineligible for suspension. Judges have suspended the sentences of more than 60 percent of traffickers convicted since 2016, which weakened deterrence. The majority of traffickers ultimately served parole or probation with no imprisonment. The government continued to investigate and prosecute individuals that engaged in commercial sex with minors, resulting in eight convictions in 2019, compared with four in 2018.

The government exchanged 20 cooperation requests with Argentina, Bolivia, China, Colombia, Ecuador, and Paraguay. Authorities implemented electronic transmission of cooperation requests with Australia and Ecuador to shorten response times. The government provided training for the Governments of Guatemala and Panama to strengthen international investigation and prosecution. The national prosecutor's office (MP) and the interagency task force on trafficking in persons (MITP) provided specialized training to investigators, attorneys, advisors, and staff on a range of trafficking issues. Law enforcement utilized a software system to search for evidence of official complicity in trafficking cases; the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained victim protection. MITP identified 37 female trafficking victims (two for labor trafficking and 35 for sex trafficking), compared with 41 victims in 2018, 21 victims in 2017, and 23 in 2016. The government identified only two child trafficking victims during the reporting period, the same number identified in 2018; the remaining 35 victims were adult women. Authorities identified no male trafficking victims during the reporting period. Government officials identified growing migrant populations, especially irregular Venezuelan migrants, as increasingly at risk of trafficking due to stricter visa laws enacted in June 2019. In some cases, Chilean officials allowed Venezuelan migrants to gain legal entry on recently expired identity documents, thereby reducing vulnerability to trafficking. Although most trafficking victims entered Chile on tourist visas, authorities identified two victims in 2019 who entered the country unlawfully. The National Service of Women and Gender Equality (SERNAMEG) provided shelter and legal service to 15 female victims amongst the 37 victims of trafficking. The MP provided housing to most victims, while the SERNAMEG shelter directly assisted four female victims identified

in 2019 and other victims identified in previous reporting periods. The MITP's protocol on victim assistance entitled victims to safe housing, health services, psychological services, legal assistance, education, employment assistance, and regularization of migratory status. However, provision of victim services remained uneven across the country, and NGOs reported funding was inadequate to provide necessary services, especially shelters for minors and male victims. The government did not fund most NGOs that provided victim assistance; most agencies did not have specific line items in their budgets for victim assistance. Reintegration services, such as education and job placement assistance, were insufficient, and officials reported access to adequate mental health services was expensive and limited.

The national prosecutor's office's Regional Victims and Witness Assistance Unit (URAVIT) budgeted approximately 17.2 million pesos ($22,890) to provide housing and other basic needs for trafficking victims in 2019. SERNAMEG allocated 127 million Chilean pesos ($169,000) to fund the NGO-operated shelter for women victims of trafficking, smuggled women, and their children, a decrease compared to the 140 million Chilean pesos ($186,300) allocated in 2018. The government also had domestic violence shelters that housed trafficking victims, although these shelters did not necessarily provide specialized services for trafficking victims. The URAVIT arranged housing for male victims; however, there were no shelters specifically for male victims. Shelter services for vulnerable migrant victims were administered by local NGOs. The Ministry of Interior created official agreements on legal representation and civil restitution for victims with the Ministry of Justice. SENAME provided basic services to child sex trafficking victims through 18 NGO-operated programs for minor victims of commercial sexual exploitation and its national network of residential centers. SENAME allocated 3.37 billion pesos ($4.48 million) to these programs for child and adolescent victim services in 2019, compared to three billion Chilean pesos ($3.99 million) in 2018. SENAME assisted 1,477 children in 2019, compared with 1,459 children in 2018 and 1,350 children in 2017. SENAME did not track how many of the children it assisted were victims of trafficking. SENAME noted 32 children or adolescents were identified by the worst forms of child labor registry as victims of commercial sexual exploitation, though it was not clear how many of these cases qualified as trafficking under international law. During the reporting period, media sources published an unofficially released government report on investigation into mistreatment and abuse at SENAME-affiliated care facilities. The 2017 report revealed severe, consistent deficiencies and systematic abuse in operational protocols at residential centers, which violated children's rights and endangered lives. Analysts identified rights violations in 100 percent of the residential facilities most commonly serving child and adolescent trafficking victims (Specialized Redress Centers under Direct Administration, or CREADs). Further, investigators determined children in 50 percent of these centers had been sexually abused by staff, non-staff, and/or fellow residents. Since the report's completion, the government has taken steps to address the system's failings, including creating an under-secretariat and an ombudsman's office to advocate children's issues and introducing legislation to restructure SENAME. In 2019, the government began closing CREADs, replacing them with smaller "family-style residences;" officials anticipated it would take two years to decommission all CREAD facilities.

The Ministry of Health hosted a series of internal workshops on victim identification and assistance for public health officials. The MP and the labor directorate updated their guidelines on identifying and assisting potential trafficking victims. The government issued 13 no-fee visas for foreign trafficking victims, compared to 17 in 2018; two additional requests were pending. The visa is valid for up to one year, renewable for up to two years if the victim reported the trafficking crime to the prosecutor's office. An international organization assisted in the repatriation of one foreign trafficking victim. Foreign victims received the same victim services and methods of participation in court—such as teleconference, witness protection, and video testimony—as Chilean victims. Courts in six regions implemented a new policy in October 2019, requiring all child and adolescent victims to testify by video and with an expert intermediary to avoid re-traumatization, but the policy is not scheduled to take effect nationwide until 2021. Judges often held accused traffickers in pretrial detention. Despite these efforts, the government reported challenges in encouraging victims to participate in a full trial. The government did not report granting any victims restitution through civil or criminal cases in 2019. An international organization has expressed concern that striking workers in certain industries could be imprisoned and forced to work.

PREVENTION

The government maintained prevention efforts. The Ministry of Interior continued to lead the MITP—which included government agencies, international organizations, and local NGOs—and its three sub-commissions. The task force met twice during the reporting period. In 2019, 17 new entities, including three NGOs, joined the MITP. The MITP voted to implement a new national action plan (2019-2022), but the plan had not yet been made public or approved at the ministerial level. There was no federal allocation to fund the implementation of the new plan; instead, each agency contributed to implementation from its own budget. Observers noted personnel and budget constraints affected several agencies with victim protection and trafficking prevention responsibilities. While there was improvement in interagency cross-referencing and sharing of data, more robust coordination was needed.

The government conducted multiple awareness campaigns and distributed materials, including brochures, at various public venues across the country. Several agencies operated hotlines that could take calls on trafficking victims, but the government did not report the number of trafficking-related calls received. The government, in conjunction with an international organization, produced a 2019-2021 working plan to eliminate forced labor, child labor, and human trafficking under the UN Sustainable Development Goals. Labor inspectors conducted more than 100,000 job-site inspections, including 272 child labor inspections. Inspectors identified 170 child labor violations; in response, the labor inspectorate imposed sanctions and levied fines against offenders. The national tourism service, in collaboration with SENAME, continued its certification of tourism organizations and establishments that adhere to norms for the prevention of child sex trafficking; businesses must participate in an anti-trafficking training during the certification process. The government did not make efforts to reduce the demand for commercial sex acts during the reporting period.

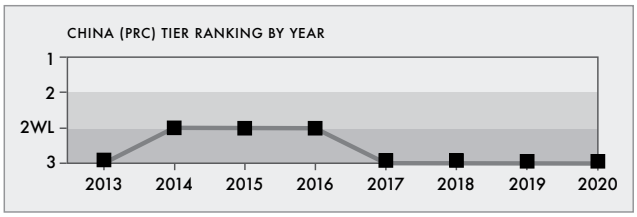
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Chile, and, to a lesser extent, traffickers exploit Chilean victims abroad. Chilean women and children are exploited in sex trafficking within the country, as are women and girls from other Latin American countries, particularly Colombia, and Asia. Stricter visa laws increase migrant populations', especially Venezuelans', vulnerability to trafficking. Children staying in child protection centers are at risk of potential abuse, including trafficking. At least one child staying in a child protection center has died as a result of abuse. Some traffickers may recruit children staying in child protection centers. Traffickers exploit men, women, and children—primarily from other Latin American countries, as well as Asia—in forced

labor in Chile in mining; agriculture; construction; street vending; the hospitality, restaurant, and garment sectors; and domestic service. Traffickers subject Chinese and Haitian immigrants to sex trafficking and forced labor and Colombian women to sex trafficking. Chilean authorities identified a significant number of children involved in illicit activities, including drug trafficking and theft; some of these children may have been trafficking victims. Traffickers subject Chilean men to labor trafficking in Peru and Chilean women to sex trafficking in Argentina, as well as other countries. Police often frequented brothels in small towns, dissuading potential trafficking victims from reporting exploitation and fueling perceptions of complicity.

CHINA: TIER 3

The Government of the People's Republic of China (PRC) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore the PRC remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by prosecuting and convicting some traffickers, and by continuing to cooperate with international authorities to address forced and fraudulent marriages in the PRC, a key trafficking vulnerability for foreign women and girls. However, during the report period there was a government policy or pattern of widespread forced labor, including through the continued mass arbitrary detention of more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and other Muslims in the Xinjiang Uyghur Autonomous Region (Xinjiang). Authorities also expanded the campaign into other provinces, began implementing it among other religious minorities, and sought the coerced repatriation and internment of religious and ethnic minorities living abroad. For the third consecutive year, the government did not report identifying any trafficking victims or referring them to protective services.



PRIORITIZED RECOMMENDATIONS:

Abolish the arbitrary detention and forced labor of persons in internment camps and affiliated manufacturing sites in Xinjiang and other provinces and immediately release and pay restitution to the individuals detained therein. • End forced labor in government facilities, in nongovernmental facilities converted to government detention centers, and by government officials outside of the penal process. • Cease the use of harassment, threats, and illegal discriminatory immigration policies as measures to coerce the return to Xinjiang and subsequent forced labor of ethnic and religious minorities living abroad. • Cease discriminatory hiring and targeted displacement policies that place Muslim and other minority communities at risk of trafficking. • Cease all forced urban resettlement and displacement programs, particularly those targeting Uyghurs, Tibetans, and members of other ethnic and religious minority groups. • Respecting due process, vigorously investigate, prosecute, and impose prison sentences on perpetrators of forced labor and sex trafficking, including complicit government officials. • Criminalize all forms of sex trafficking and labor trafficking as defined under international law. • Institute and systematize proactive, formal procedures to identify trafficking victims throughout the country—including male victims, labor trafficking victims, PRC national victims returning from abroad, and victims among vulnerable groups, such as migrant workers, PRC national and foreign fishermen, foreign women, North Korean workers, and PRC national women and children arrested on "prostitution" charges—and train front-line officers on their implementation. • Increase oversight of seafarer labor conditions in the PRC fishing industry. • Cease penalization of victims for unlawful acts traffickers compelled them to commit. • Immediately screen individuals suspected of prostitution offenses for sex trafficking indicators and refer identified victims to protection services. • In conjunction with receiving countries, increase efforts to detect and prevent abusive migrant labor contract provisions placing PRC national workers at higher risk of forced labor. • Ensure authorities do not subject trafficking victims to extended detention, punishment, or deportation. • Expand victim protection services, including comprehensive counseling and medical, reintegration, and other rehabilitative assistance for male and female victims of sex and labor trafficking. • Provide legal alternatives to foreign victims' removal to countries where they would face hardship or retribution, particularly North Korea. • Increase the transparency of government efforts to combat trafficking and provide disaggregated data on investigations and prosecutions, victim identification, and service provision, including by continuing to share relevant data with international partners.

PROSECUTION

The government decreased law enforcement efforts, including by continuing to apply extensive law enforcement and paramilitary resources toward the mass detention and forced labor of Uyghurs and members of Muslim and other ethnic and religious minority groups. The criminal code criminalized some forms of sex trafficking and labor trafficking. Various provisions of the criminal code could be used to prosecute sex trafficking offenses. Article 240 criminalized "the abduction and sale of women or children," which included abduction by deceit, kidnapping, purchasing, selling, sending, receiving, and transferring for the purpose of sale; however, unlike the definition of trafficking in persons under international law, Article 240 did not explicitly link these acts to a purpose of exploitation. Article 240 prescribed penalties of five to 10 years' imprisonment and fines for the abduction and sale of women and children. If an abducted woman was then forced into prostitution, the penalties increased to 10 years' to life imprisonment, fines, and confiscation of property. These penalties were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. Article 241 criminalized the purchase of abducted women or children and prescribed a maximum penalty of three years' imprisonment, short-term detention, or controlled release; like Article 240, it did not require the purchase be for the purpose of exploitation. Penalties under this provision were not alone sufficiently stringent; however, Article 241 stipulated that if an individual purchased an abducted woman or child and then subjected them to "forcible sexual relations," the individual would face additional penalties under the criminal code's rape provisions. Article 358 criminalized forced prostitution and prescribed penalties of five to 10 years' imprisonment; if the offense involved a child under the age of 14, the penalties increased to 10 years' to life imprisonment in addition to fines or confiscation of property. These penalties were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. Article 359 criminalized harboring prostitution or luring or introducing others into prostitution, and it prescribed a maximum of five years' imprisonment and a fine; if the offense involved a girl under the age of 14, it prescribed a minimum of five years' imprisonment and a fine. These penalties were sufficiently stringent; however, the penalties prescribed for offenses involving girls 14 to 17 years of age were not commensurate with the penalties prescribed for other

serious crimes, such as rape. Labor trafficking offenses could be prosecuted under Article 244, which criminalized forcing a person "to work by violence, threat, or restriction of personal freedom" and recruiting, transporting, or otherwise assisting in forcing others to labor, and prescribed three to 10 years' imprisonment and a fine. These penalties were sufficiently stringent.

The central government did not capture or report comprehensive law enforcement data, and it continued to report statistics for crimes outside the definition of trafficking according to international law (including migrant smuggling, child abduction, forced marriage, and fraudulent adoption), making it difficult to assess progress. Some courts reportedly continued to prosecute trafficking crimes under laws pertaining to domestic violence, labor contract violations, and child abuse, all of which prescribed lesser penalties. For the third consecutive year, the Ministry of Public Security (MPS) did not report the number of investigations initiated into possible trafficking cases, compared to 1,004 in 2016. Media reports, however, suggested authorities continued to investigate some cases. Data published by the Supreme People's Court (SPC) indicated it prosecuted 638 cases of "women trafficking and child abduction" along with 538 cases of "forced prostitution" and 38 cases of forced labor, each involving an unknown number of total defendants, compared to at least 634 trafficking cases in 2018; 1,146 in 2017. Upon conclusion of these cases, courts convicted and sentenced a total of 2,355 individuals—an increase from 1,252 in 2018 and 1,556 in 2017. As in prior years, authorities did not disaggregate conviction data by the relevant criminal code statutes, and courts reportedly prosecuted the vast majority of these cases under Article 358—especially for those involving commercial sexual exploitation—rather than under Article 240. The government did not provide sentencing data, but media reports indicated penalties imposed in at least two sex trafficking cases ranged from five to ten years' imprisonment and fines to the death sentence. In previous years, media reported penalties ranging from five months' imprisonment with fines of 74,000 renminbi ($10,630) to life imprisonment.

The government handled most cases with indicators of forced labor as administrative issues through the Ministry of Justice and seldom initiated prosecutions of such cases under anti-trafficking statutes. Authorities engaged in law enforcement cooperation with an unknown number of foreign governments to investigate cases of PRC citizens subjected to trafficking abroad, including in South and Southeast Asia. As part of similar efforts in previous years, PRC authorities attempted to extradite—and criminally charge—PRC and Taiwanese individuals subjected to forced labor in Europe. During the reporting period, the government maintained consultative partnerships with law enforcement authorities in Mongolia and the five Lower Mekong countries to jointly address trafficking via the forced and fraudulent marriage of their citizens to PRC-based individuals. Some law enforcement personnel in neighboring countries reported their PRC counterparts were unresponsive to requests for bilateral cooperation on cross-border trafficking cases, while others reported the PRC's cumbersome law enforcement bureaucracy hindered joint operations.

For the second consecutive year, the government did not provide data on specific law enforcement trainings, unlike in prior years. However, according to an international organization, the government continued to allocate funding to co-host capacity-building training for law enforcement and judicial officials on investigating and prosecuting trafficking cases. The PRC continued to implement a nationwide campaign initiated during the previous reporting period to investigate corrupt local officials and police officers allegedly using their influence to shield or profit from criminal organizations engaged in commercial sex rings; this included efforts to address sex trafficking. In previous years, officials found guilty through this process reportedly faced expulsion from the Chinese Communist Party, termination of their official positions, fines, and referral to the judicial system. However, authorities did not provide statistics on the number of investigations, prosecutions, or convictions resulting from this campaign. Despite continued reports of law enforcement officials benefiting from, permitting, or directly facilitating sex trafficking and forced labor, the government did not report any investigations, prosecutions, or convictions of law enforcement officials allegedly involved in the crime. PRC authorities at times intervened in foreign governments' attempts to investigate wealthy or government-connected PRC nationals suspected of trafficking crimes abroad. Officials at multiple levels were also complicit in state-sponsored forced labor as part of the PRC's mass detention and political indoctrination campaign against members of ethnic and religious minority groups, and some officials reportedly profited directly from this system; authorities reportedly subjected Tibetans and members of other ethno-religious groups to similar abuses.

PROTECTION

The government decreased efforts to protect victims. For the third consecutive year, the government did not report the number of victims it identified, although media reports indicated authorities continued to remove some victims from their exploitative situations. Based on court data and media reports, authorities did not identify any male victims during the reporting period. Authorities claimed to have tracked and rescued more than 4,000 missing children through the use of an app-based system, including as many as 120 trafficking victims, but they did not provide any information on formal identification or referral measures for these children. The PRC lacked a standardized national referral mechanism, but MPS maintained written instructions promulgated in 2016 for law enforcement officers throughout the country aiming to clarify procedures for identifying trafficking victims among individuals in commercial sex and forced or fraudulent marriage. MPS officials reportedly maintained a procedure to screen for trafficking indicators among individuals arrested for alleged prostitution. A 2016 policy limiting the detention of such individuals to 72 hours remained in place. Despite the existence of these procedures, and contrary to the aforementioned policy, law enforcement officials continued to arrest and detain foreign women on suspicion of prostitution crimes without screening them for indicators of sex trafficking—sometimes for as long as four months—before deporting them for immigration violations. In previous years, rural border officials received reports involving the sex trafficking and forced labor of Burmese and Mongolian women and girls via forced and fraudulent marriage to PRC national men, and officials provided them with temporary shelter and helped to fund and escort their repatriation. However, observers noted this assistance was ad hoc and less prevalent among front-line officers working farther inland, where some foreign victims escaped, reported these abusive circumstances to the authorities, and were summarily arrested and forcibly returned to their PRC "husbands"—sometimes in exchange for bribes from the men's families. The government reportedly detained foreign seafarers in connection with illegal shipping practices senior vessel crew may have forced them to carry out. Because authorities did not universally implement identification or referral procedures across law enforcement efforts, it was likely police arrested and detained unidentified PRC trafficking victims for unlawful acts traffickers compelled them to commit.

In prior years, the government reported maintaining at least 10 shelters specifically dedicated to care for PRC trafficking victims, as well as eight shelters for foreign trafficking victims and more than 2,300 multi-purpose shelters nationwide that could accommodate trafficking victims; it did not provide information on these shelters in 2019. The Ministry of Civil Affairs, a nationwide

women's organization, and grassroots NGOs could provide victims with shelter, medical care, counseling, legal aid, and social services, as well as rehabilitation services in some cases. Access to specialized care depended heavily on victims' location and gender; experts noted ad hoc referral procedures and an acute lack of protection services in the south, and male victims were far less likely to receive care nationwide. The government did not report how many victims benefited from these services, and widespread stigma against victims of sex trafficking likely continued to discourage many from accessing protection services. Implementation of a law placing foreign NGOs in the PRC under MPS supervision continued to impose burdensome requirements and restrictions on the activities of civil society organizations, including those able to provide services for trafficking victims and communities vulnerable to the crime. Foreign embassies in the PRC reportedly provided shelter or other protective services to victims. Authorities did not condition access to victim care on cooperation with law enforcement, but they did require victims to provide information to police. The law entitled victims to request criminal prosecution and claim compensation through civil lawsuits against their traffickers; the government did not report whether any victims benefited from this provision. Some forced marriage cases, many of which continued to demonstrate corollary indicators of sex trafficking and forced labor, were mediated at the village collective-level; these proceedings rarely culminated in a guilty verdict through which victims were granted restitution. The judicial system did not require victims to testify against their traffickers in court and allowed prosecutors to submit previously recorded statements as evidence; however, authorities required some foreign victims to stay in the PRC to assist in police investigations until their conclusion.

The efficacy of the government's previously reported victim assistance abroad—including its eight border liaison offices with Burma, Laos, and Vietnam, along with victim funds, hotlines, and government-to-government agreements to assist victims—was unclear. The government did not report data on victim repatriation in 2019, but civil society groups confirmed authorities repatriated some East- African, South American, and Southeast Asian victims to their countries of origin. International civil society groups reported the PRC's diplomatic missions were often unresponsive to complaints filed by PRC national victims of forced labor overseas, particularly in Japan. Authorities also reportedly interfered in the provision of protection services to some Chinese victims identified overseas. The government did not undertake efforts to identify trafficking victims within its highly vulnerable North Korean migrant population, nor did it provide suspected North Korean trafficking victims with legal alternatives to repatriation. Authorities continued to detain North Korean asylum-seekers and forcibly return some to North Korea, where they faced severe punishment or death, including in North Korean forced labor camps; the government did not report screening these individuals for indicators of trafficking. In compliance with a UN Security Council resolution, the government reportedly repatriated some North Korean labor migrants; Chinese authorities did not screen them for trafficking indicators or offer options to legally remain in the country. The government continued to restrict access of UN agencies attempting to monitor and assist refugees near China's border with North Korea.

PREVENTION

The government decreased efforts to prevent trafficking, including by expanding the implementation of discriminatory policies designed to subjugate and exploit minority populations in forced labor. State-sponsored forced labor continued under the government's mass detention and political indoctrination campaign against more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups in Xinjiang. The government expanded this campaign through the transfer of more than 80,000 detainees into forced labor in as many as 19 other provinces during the reporting period, according to NGO estimates and media reports. Authorities continued to carry out discriminatory surveillance and ethno-racial profiling measures to illegally detain members of these communities in internment camps under the pretext of combating violent extremism. Many detained individuals approved to "graduate" from these facilities were sent to external manufacturing sites in close proximity to the camps or in other provinces and subjected to forced labor, while others were transferred and potentially subjected to forced labor within a separate formal prison system. According to official PRC government documents, local governments at times arrested Muslims arbitrarily or based on spurious criminal charges and administrative violations, including violation of birth restrictions, in order to meet detention quotas established specifically for this internment system. Reports indicate authorities partially staffed internment camp facilities using forced labor, including among Mandarin language instructors. Authorities also used the threat of internment to coerce members of some Muslim communities directly into forced labor in manufacturing. The MFA confiscated, canceled, or refused to renew the passports of Uyghurs and other Turkic Muslims living abroad, including those with legal permanent resident status or citizenship in other countries, as a coercive measure to lure them back to Xinjiang and likely detain them within the camps. There were also reports that authorities threatened these individuals' families in Xinjiang to force their return. The government also transferred thousands of these detainees, along with non-interned minority communities designated arbitrarily as "rural surplus labor," to other areas within Xinjiang as part of a poverty alleviation program and exploited them in forced labor. Local governments and businesses received tax breaks and financial subsidies for establishing new manufacturing sites and accepting or transferring detainees for these purposes, and officials reportedly received promotions and other benefits for their role in the process. Nationwide, some school districts reportedly compelled ethnic Han students to participate in internship programs featuring forced labor indicators.

Authorities held a seventh annual inter-ministerial meeting to coordinate anti-trafficking efforts. MPS continued to coordinate the anti-trafficking interagency process and led interagency efforts to implement the 2013-2020 National Action Plan on Combating Human Trafficking, including research into the efficacy of national efforts to combat the crime, and the government reportedly continued formulating a draft version of its next iteration. For the third consecutive year, the government did not report the extent to which it funded anti-trafficking activities in furtherance of the action plan, compared to more than 55 million renminbi ($7.9 million)) in 2016. It used traditional and social media and distributed posters and other materials at transportation and community centers to increase general understanding of the issue, including among vulnerable rural communities, but much of the content focused on child abduction. Academics and experts noted the gender imbalance created by the previous One-Child Policy and provisions of its successor, the Two-Child Policy, likely continued to contribute to trafficking crimes in the PRC. The government reportedly continued implementing a series of pilot programs to enable Cambodian and Vietnamese citizens to enter legally into southern PRC for work in hopes of stemming illicit labor migration through especially porous sections of the border; the extent to which this mitigated trafficking vulnerabilities—or to which it was implemented—was unknown. NGOs in countries receiving PRC national migrant workers through bilateral agreements reported the PRC government ignored abusive and potentially illegal contract stipulations, including fees and provisions requiring immediate repatriation for pregnancies or illnesses, which placed some PRC national workers at higher risk of debt or punitive deportation as coercive measures to retain their labor. Observers

reported insufficient oversight of the PRC's extensive fishing industry continued to leave PRC national and foreign seafarers at high risk of forced labor.

The government *hukou* (household registration) system continued to contribute to the vulnerability of internal migrants by limiting employment opportunities and reducing access to social services, particularly for PRC national victims returning from exploitation abroad. The government continued to address some of these vulnerabilities by requiring local governments to provide a mechanism for migrant workers to obtain residency permits. However, these residency permits were disproportionately unavailable to China's minorities, exacerbating their constrained access to employment and social services. The government made no efforts to reduce the demand for commercial sex. The government did not report investigating or prosecuting any Chinese citizens for child sex tourism, despite widespread reports of the crime.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject domestic and foreign individuals to trafficking in China, and they subject Chinese individuals to trafficking abroad. Traffickers also use China as a transit point to subject foreign individuals to trafficking in other countries throughout Asia and in international maritime industries. Well-organized criminal syndicates and local gangs subject Chinese women and girls to sex trafficking within China. Traffickers typically recruit them from rural areas and take them to urban centers, using a combination of fraudulent job offers and coercion by imposing large travel fees, confiscating passports, confining victims, or physically and financially threatening victims to compel their engagement in commercial sex. China's national household registry system (*hukou*) continues to restrict rural inhabitants' freedom to legally change their workplace or residence, placing China's internal migrant population—estimated to exceed 180 million men, women, and children—at high risk of forced labor in brick kilns, coal mines, and factories. Some of these businesses operate illegally and take advantage of lax government enforcement. African and Asian men reportedly experience conditions indicative of forced labor aboard Chinese-flagged fishing vessels operating in the Atlantic, Indian, and Pacific Oceans; men from other regions may be in forced labor aboard these vessels as well. Women and girls from South Asia, Southeast Asia, and several countries in Africa experience forced labor in domestic service, forced concubinism leading to forced childbearing, and sex trafficking via forced and fraudulent marriage to Chinese men. Traffickers target adults and children with developmental disabilities and children whose parents have left them with relatives to migrate to the cities—estimated at more than 60 million—and subject them to forced labor and forced begging. State bodies subject members of Muslim minority groups to forced labor as part of arbitrary mass detention and political indoctrination schemes.

State-sponsored forced labor is increasingly prevalent in China. In 2013, the National People's Congress ratified a decision to abolish "re-education through labor" (RTL), a punitive system that subjected individuals to extra-judicial detention involving forced labor, from which the government reportedly profited. The government closed most RTL facilities by October 2015; however, the government reportedly converted some RTL facilities into state-sponsored drug rehabilitation facilities or administrative detention centers where, according to civil society and media reports, forced labor continues.

State-sponsored forced labor is intensifying under the government's mass detention and political indoctrination campaign against Muslim minorities in the Xinjiang Uyghur Autonomous Region (Xinjiang). Authorities have utilized discriminatory surveillance technologies and arbitrary administrative and criminal provisions to detain more than one million ethnic Muslims, including Uyghurs, ethnic Hui, ethnic Kazakhs, and ethnic Kyrgyz, in as many as 1,200 "vocational training centers"—internment camps designed to erase ethnic and religious identities. Camp authorities reportedly force some individuals to work in staff positions within the camps, including in Mandarin language instruction. Following "graduation" from these facilities, the government subjects many of these individuals to forced labor in adjacent or off-site factories producing garments, carpets, electronics, bedding, hair products, cleaning supplies, and other goods for domestic and international distribution. Coercive conditions reportedly include threats of physical violence, forcible drug intake, physical and sexual abuse, and torture. Local governments have reportedly used the threat of internment to coerce some members of these communities directly into forced labor. A small number of ethnic Han Chinese individuals and members of other religious minority groups, including Jehovah's Witnesses, are also reportedly in detention within this system. Authorities offer subsidies incentivizing Chinese companies to open factories in close proximity to the internment camps and to receive transferred detainees at satellite manufacturing sites in other provinces. Local governments receive additional funds for each inmate forced to work in these sites at a fraction of minimum wage or without any compensation. The government has transported tens of thousands of these individuals to other areas within Xinjiang and to other provinces for forced labor under the guise of poverty alleviation and industrial aid programs.

Authorities in some localities also subject the families of men arbitrarily detained in Xinjiang to forced labor in their absence. Contacts report families separated by this system are more likely to fall below the poverty line and are therefore at higher risk of sex trafficking and forced labor. Authorities are increasingly placing the young children of interned Muslims in Xinjiang in state-run boarding schools, orphanages, and "child welfare guidance centers," and forcing them to participate in political indoctrination activities and report on their families' religious activities. Authorities reportedly place older children among these groups in vocational schools, where some may be victims of forced labor. Some Kazakhstani and Kyrgyzstani citizens are arbitrarily detained while visiting family in Xinjiang; their children, now unaccompanied abroad, are also at elevated risk of trafficking. NGOs report ethnic Han men may be increasingly able to force Uyghur and other Turkic Muslim women into marriages under the government's discriminatory ethnic assimilation policies, placing them at higher risk of forced labor in domestic service and other forms of exploitation.

Xinjiang authorities issued a notice in 2017 abolishing rural obligatory labor under the *hashar* system, in which thousands of Uyghur adults and children were reportedly subjected to forced labor in government infrastructure projects and agriculture each year. Despite this policy change, similar forms of state-sponsored forced labor continue in Xinjiang, including under the auspices of the Xinjiang Production and Construction Corps (Bingtuan)—an economic and paramilitary organization with administrative control over several areas in the region. According to NGO reports, Bingtuan regiments manage at least 36 agricultural prison farms throughout Xinjiang; unlike the aforementioned mass detention campaign, this system primarily subjects ethnic Han Chinese inmates—many of whom may be victims of arbitrary detention—to forced labor. Bingtuan authorities also force inmates to build new prison facilities in several areas of the province and may subject inmates to forced labor in coal and asbestos mining. Uyghur adults and children are reportedly forced to pick cotton under direction of the Bingtuan. The impact of formal discriminatory employment policies barring Uyghurs from jobs in many sectors—including in

the annual cotton harvest—reportedly drives thousands of Uyghur farmers out of their communities in search of alternative work, placing them at higher risk of forced labor. The same is true of the government's targeted forced-displacement programs, including the Bingtuan's construction of new settlements designated for ethnic Han internal migrants, which reportedly disperses Uyghur communities and disrupts their livelihoods.

The government reportedly subjects some Tibetans to arbitrary detention featuring similar political indoctrination and forced prison labor practices in the Tibet Autonomous Region (Tibet) and neighboring provinces. Authorities also reportedly subject some Buddhist clerics to political indoctrination activities and forced labor in monasteries repurposed as factories. The government's forced urban resettlement programs reportedly require Tibetans to bear a large portion of resettlement costs, placing many of them in debt and consequently at higher risk of forced labor. Elsewhere, religious and political activists held in legal education facilities continue to report forced labor occurring in pretrial detention and outside of penal sentences. The government subjects Christians and members of other religious groups to forced labor as part of detention for the purpose of ideological indoctrination; survivors report having been forced to work in brick kilns, food processing centers, and factories manufacturing clothing and housewares. Law enforcement officials detain some PRC national and foreign women on prostitution charges without due process in "custody and education" centers, where they are subjected to forced labor. International media report local authorities force children in some government-supported work-study programs to work in factories. Some school districts compel students into forced labor in manufacturing under the guise of mandatory internships.

Traffickers subject PRC national men, women, and children to forced labor and sex trafficking in at least 60 other countries. They force PRC national men, women, and girls to work in restaurants, shops, agricultural operations, and factories in overseas Chinese communities. Some are promised jobs abroad and confined to private homes upon arrival overseas, held in conditions indicative of forced labor, and compelled to conduct telephone scams. PRC national men in Africa and South America experience abuse at construction sites, in coal and copper mines, and in other extractive industries, where they face conditions indicative of forced labor, such as non-payment of wages, restrictions on movement, withholding of passports, and physical abuse. Traffickers have reportedly subjected PRC nationals to forced labor in the manufacturing of medical masks for the prevention of COVID-19 in South Africa. Traffickers subject PRC national women and girls to sex trafficking throughout the world, including in major cities, construction sites, remote mining and logging camps, and areas with high concentrations of PRC national migrant workers. Companies operating under the auspices of the Japanese government's "Technical Intern Training Program" have exploited PRC nationals in forced labor in food processing, manufacturing, construction, and fishing. Traffickers also subject undocumented PRC national seafarers to forced labor on board fishing vessels in Taiwan's Distant Water Fleet.

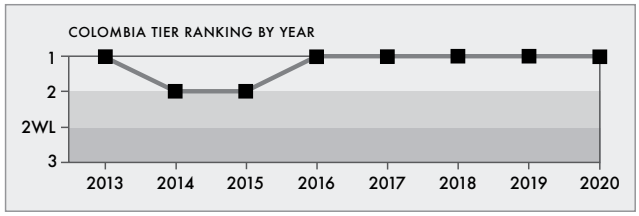
PRC national traffickers operating abroad also subject local populations to sex trafficking in several countries in Africa, the Mediterranean region, and South America. PRC national traffickers also subject women and girls in other Asian countries to sex trafficking and forced labor in entertainment establishments, including PRC national-owned casinos constructed in close proximity to large-scale PRC infrastructure and investment projects, and in special economic zones with limited local government oversight. PRC national-owned factories and agricultural plantations in Burma reportedly subject local and internal migrant populations to forced labor; the same may also be true for PRC national-owned logging operations there. Congolese men and boys experience conditions indicative of forced labor in PRC national-owned mining operations in the Democratic Republic of the Congo.

PRC national traffickers subject women and children from neighboring Asian countries, African countries, and countries in the Americas to forced labor and sex trafficking within the PRC. Traffickers promise African and South American women legitimate jobs in the PRC and force them into commercial sex upon arrival. The PRC government's birth-limitation policy and a cultural preference for sons created a skewed sex ratio of 117 boys to 100 girls in the PRC, which observers assert continues to drive the demand for commercial sex and for foreign women as brides for PRC national men—both of which may be procured by force or coercion. Traffickers kidnap or recruit women and girls through marriage brokers and transport them to the PRC, where some are subjected to sex trafficking or forced labor. Illicit brokers increasingly facilitate the forced and fraudulent marriage of South Asian, Southeast Asian, Northeast Asian, and African women and girls to PRC national men for fees of up $30,000. The men—sometimes in partnership with their parents—often incur large debts to cover these fees, which they attempt to recover by subjecting the "brides" to forced labor or sex trafficking. Some PRC national men reportedly circumvent this brokerage system by traveling to Southeast Asian capitals and entering into legal marriages with local women and girls, then return to the PRC and compel them into commercial sex. There are also reports of PRC national men and their parents deceiving Southeast Asian women and girls into fraudulent marriages in China, then confining them in forced concubinism involving rape leading to forced pregnancy. In cases where this forced pregnancy leads to childbirth, the men and their parents sometimes use the children as collateral to retain the women's forced labor or sexual slavery, or use the women's immigration status as coercion to dissuade them from reporting their abuses to the authorities. A small number of PRC national women are reportedly subjected to sex trafficking and forced labor via forced or fraudulent marriages to Taiwan men. Mongolian boys are at high risk of forced labor and sex trafficking under visa regimes that enable them to work indefinitely as herders, horse jockeys and circus performers across the PRC border, provided they return with a chaperone once a month. African residents of the PRC displaced through discriminatory eviction policies related to the COVID-19 pandemic may be at higher risk of sex trafficking and forced labor due to ensuing homelessness and other economic hardships.

Many North Korean refugees and asylum-seekers living illegally in the PRC are particularly vulnerable to trafficking. Traffickers lure, drug, detain, or kidnap some North Korean women upon their arrival in the PRC and compel them into commercial sex in brothels and bars, through internet sex sites, or in relation to forced marriage. Traffickers also subject these women to forced labor in agriculture, as hostesses in nightclubs and karaoke bars, in domestic service, and at factories. The PRC government reportedly did not repatriate all North Korean labor migrants pursuant to a 2017 UN Security Council resolution requiring the repatriation of all North Korean nationals earning income overseas by the end of 2019, subject to limited exceptions. According to media and NGO reports, the North Korean government subjects North Korean citizens to forced labor in China as part of its proliferation finance system, likely with the knowledge of PRC officials; this includes forced labor in hotels, restaurants, and in remote cyber operations.

COLOMBIA: TIER 1

The Government of Colombia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Colombia remained on Tier 1. These efforts included hosting two roundtable discussions with civil society organizations, identifying more victims, approving a decree to mitigate forced child recruitment by illegal armed groups, maintaining a robust response to the Venezuelan migration crisis, which likely reduced the vulnerability to trafficking, and opening 37 investigations under the Special Jurisdiction for Peace related to child recruitment. Although the government meets the minimum standards, it did not provide minimally adequate services for the growing number of victims identified and did not have shelter available for adults, which made up nearly 90 percent of identified victims. The Ministry of Interior (MOI) did not coordinate effectively with departments and municipalities to guarantee victim protection. Efforts to address forced labor through law enforcement or victim protection were deficient, resulting in impunity for forced labor and unidentified victims without protection in critical sectors, such as floriculture, coffee production, and extractive industries. Although forced recruitment of youth and forced criminal activity by illegal armed groups or organized criminal groups were illegal and growing problems, the government initiated fewer criminal cases and has not charged or convicted any member of armed groups for child recruitment since 2017. The absence of proactive victim identification efforts and standardized protocols combined with a systematic misunderstanding of trafficking led to the penalization of trafficking victims, and authorities did not criminally prosecute or convict most complicit officials, undercutting efforts to hold traffickers accountable. For the third year in a row, authorities did not fund civil society organizations to amplify and ensure adequate victim assistance and services.



PRIORITIZED RECOMMENDATIONS:

Revise medium-term assistance provisions within the law to include shelter care for adult victims of trafficking. • Make efforts to combat forced labor by enhancing proactive identification of victims and increasing investigations and criminal prosecutions of labor traffickers. • Vigorously investigate, prosecute, and convict trafficking cases, including those involving members of illegal armed groups or organized criminal groups involved in forced child recruitment or forced criminal activity. • Cease the deportation and incarceration of victims. • Fund civil society actors to increase specialized services for all victims, including adults. • Significantly improve efforts to coordinate with departments and municipalities to ensure all victims receive adequate protection. • Hold public officials complicit in trafficking criminally accountable. • Increase efforts to combat child sex trafficking in the tourism sector, especially in coastal cities. • Strengthen and expand efforts to reform the Special Work Permit (PEP-FF) sponsorship program to ensure Venezuelan workers, holders of this permit, are not bound to abusive employers. • Draft, finalize, disseminate, and train immigration officials, including those working near border crossings, on standard operating procedures for victim identification that include information on trafficking indicators. • Finalize the national anti-trafficking strategy and include ways to address present challenges, such as the mass migration of Venezuelans, prevalence of child sex tourism, and the forced recruitment of children into illegal armed groups. • Revise the definition of human trafficking under Article 188A to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP Protocol.

PROSECUTION

The government maintained mixed prosecution efforts. While there was a slight increase in the number of prosecutions, authorities did not make enough progress to combat trafficking as investigations decreased and convictions remained low for the scope of the problem. Article 188A of the penal code criminalized sex and labor trafficking and prescribed punishments of 13 to 23 years' imprisonment plus fines between 800 and 1,500 times the monthly minimum salary. Penalties under Article 188A were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Article 188A of the penal code is inconsistent with the definition of trafficking under international law, as the law did not include force, fraud, or coercion as an essential element of a trafficking crime. Authorities sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping. The law criminalized forced child recruitment and forced criminal activity by illegal armed groups under separate statutes.

The attorney general's office (AGO) received 188 possible cases of trafficking (compared with 222 cases in 2018, 164 in 2017, and 150 in 2016), of which 57 were prioritized and investigated for ties to organized crime and continued to be under investigation at the end of the reporting period (55 for sex trafficking and two for forced labor). Authorities prosecuted 33 suspects (compared with 26 in 2018, 31 in 2017, and 59 in 2016), and convicted 19 traffickers (compared with 19 in 2018, 21 in 2017, and 25 in 2016). Additionally, police arrested 27 suspects for trafficking crimes, 19 for sex trafficking and eight for sex trafficking and forced labor (compared with 70 suspects in 2018, 30 in 2017, and 29 in 2016). For the third year in a row, authorities did not provide any or sufficient details on sentences issued for trafficking crimes. Prosecutors' ability to increase convictions for trafficking crimes may be related to an absence of adequate protection mechanisms, which can affect victims' willingness to cooperate with law enforcement in cases against their traffickers. In one highly publicized case from 2018, authorities sentenced three traffickers to eight years in prison. Although Colombian law prohibited forced child recruitment and forced criminal activity by illegal armed groups or organized criminal groups, authorities did not consider such crimes to be human trafficking and have investigated these cases as other crimes.

Forced recruitment of children by illegal armed groups and criminal organizations remained a significant concern. In 2019, the Special Jurisdiction for Peace (JEP) opened 37 investigations into ex-combatants for forced child recruitment, and those remained open at the end of the reporting period. According to an NGO, impunity in cases of forced child recruitment remained a challenge, and authorities have not convicted any member of an armed group for child recruitment since 2017, despite the ongoing concern that Colombian illegal armed groups continue to strengthen their operations using children in Colombia and nearby Venezuela. The AGO received 329 cases of forced child recruitment involving 354 victims, compared with 388 cases investigated in 2018. Of the 1,872 cases reported in previous years, authorities indicated that 409 were confirmed to be trafficking crimes. In 2019, 399 of those cases were still open, but officials did not report how many of those were for trafficking crimes. The Ministry of

Labor (MOL) offered a preview of a victim identification protocol, which has been in development since 2016, to 23 regional labor inspection sites. The protocol remained unfinished at the end of the reporting period. The MOL did not make efforts to investigate cases or increase inspections of forced labor, and authorities did not have a protocol to connect labor inspectors with police or to provide guidance on trafficking indicators for front-line personnel.

Corruption and official complicity in trafficking crimes remained concerns. In 2019, in a case dating back to 2014, authorities convicted one complicit official for the sex trafficking of a 14-year-old girl. Officials from the inspector general's office noted judicial leniency towards public officials involved in trafficking crimes. Local government officials in a department with heightened vulnerabilities and high prevalence of trafficking reported brothel raids in places suspected of child sex trafficking did not result in identified victims or new investigations, raising serious concerns of police complicity. While the government investigated and, in some cases, arrested officials involved in cases of complicity, authorities often opted for disciplinary measures in lieu of prison time, a response that was not commensurate with the severity of the crime and hindered efforts to combat trafficking. As part of an ongoing prevention campaign, the AGO provided some training for public servants, including police and immigration officials on victim identification. In 2019, authorities reportedly requested 1.3 billion Colombian pesos ($396,490) for the implementation of anti-trafficking law. Authorities collaborated with the United States and other governments on law enforcement operations.

PROTECTION

The government identified an increased number of victims; however, victim protection efforts were cursory and inadequate. In 2019, authorities identified 124 victims of trafficking (compared with 114 in 2018, 96 in 2017 and 68 in 2016), of whom 110 were adults, 14 were children, 109 were female, and 15 were male. Eighty-one were victims exploited in sex trafficking, six in forced labor, 12 in servile marriage, 11 in domestic service, and 14 were unknown. In 2019, authorities identified the first case involving a transgender woman exploited domestically in sex trafficking. The government reported following a national trafficking victim assistance plan to refer victims to services, and it could provide emergency assistance, which included a medical and psychological examination, clothing, hygiene kits, issuance of travel and identity documents, and shelter for five days with a maximum extension of five additional days. In fewer cases, and after administrative approval, authorities could provide medium-term assistance including educational services, job skills training, assistance with job placement, economic support, and legal assistance, including witness protection. The government indicated law enforcement officials used the UNODC victim identification protocol; however, many law enforcement officials working on trafficking cases were not aware of this or any protocol to identify victims. The municipality of Cali, with the support of an international organization, developed a victim identification protocol; however, officials did not report if anyone received training on its use. The government offered some training on victim identification as part of its prevention campaigns. Nonetheless, some experts indicated that in some cases, law enforcement officials retrieved data from victims' phones for evidentiary purposes and released the victims without referring them to adequate services. Despite the government's concern with forced labor in areas such as legal and illegal mining, emerald extraction, coal, domestic service, agriculture near the coffee belt, cattle herding, and crop harvesting, the MOL did not train inspectors to identify the crime, and it did not have a protocol for victim identification. Efforts to combat labor trafficking remained deficient, and cases of forced labor were likely overlooked and underreported. In 2019, officials from the MOL held a meeting to introduce a victim identification protocol under development since 2016 to a selected number of officials, but it did not finalize its approval or begin its implementation. Government authorities and NGOs reported that some officials working with victims of the armed conflict did not have enough training on victim identification; therefore, some victims may be unidentified and vulnerable to trafficking and new patterns of recruitment.

The MOI and the Colombian Family Welfare Institute (ICBF) were the entities responsible for victim protection; the former was responsible for the protection of adult victims and the latter responsible for the protection of child and adolescent victims of trafficking. The national government did not have dedicated funding for specialized victim services, and it relied solely on individual departments and municipalities for the provision of services. Government officials and NGOs asserted government-funded victim assistance was cursory and insufficient. While assistance for underage victims was limited and, in some places non-existent, some department ICBF authorities assisted victims and provided outpatient case management services to aid in their recovery. In most parts of the country, department ICBF authorities did not fund physical spaces where child victims could go, and as a result, coordination for services was left to the last minute, making it unreliable and difficult to obtain. The ICBF partially funded two shelters for child and adolescent victims, at least one of which had a multi-disciplinary team trained to work with victims of sexual abuse, including sex trafficking; however, funding was insufficient to provide the comprehensive assistance victims needed. Local ICBF officials in Bogota operated a shelter for underage victims of commercial sexual exploitation that could provide care for trafficking victims but did not report how many victims received care in 2019. Authorities sometimes placed victims in hotels on a case-by-case basis. In contrast, adult victims did not receive specialized shelter assistance or any assistance beyond emergency care despite making up almost 90 percent of victims identified. Authorities did not report if any of the 110 adult victims identified received care in any non-specialized shelter. In addition, for the fourth year in a row, authorities did not fund other civil society organizations that could amplify efforts to protect victims, compared with 2015 when the government was funding a specialized shelter that could assist adult victims of trafficking in Bogota. In 2019, authorities at the national level reportedly requested 107 million pesos ($32,630) to fund third party providers for the provision of victim services. At the local level, municipalities and departments allocated 195 million pesos ($59,470) for prevention and victim protection after a request from the MOI.

According to experts, some victims who did not self-identify were not legally considered victims and faced limitations receiving care. In 2019, authorities provided emergency assistance to 106 victims, 79 received housing, 77 medical care, and 81 psychological assistance (compared with 114 victims that received emergency care in 2018). Officials indicated that 66 victims received medium term assistance, which might have included some financial assistance (compared with 62 who received medium-term care in 2018). The ICBF provided shelter to and began restoring the rights of 171 underage victims of forced recruitment but did not provide details of the assistance provided to victims of sex trafficking or forced labor. According to ICBF officials, the process of rights restoration included an evaluation of each case and the provision of mental and physical health services depending on each victim's needs. The government did not provide shelter to victims of forced labor or adult victims of trafficking.

In many cases, due to a lack of formal identification and an insufficient understanding of trafficking, authorities penalized victims for unlawful acts traffickers compelled them to commit. Several NGOs and some government officials reported cases of

Venezuelan trafficking victims deported back to Venezuela for prostitution-related crimes. In a separate case, a 16-year-old victim faced criminal charges for the recruitment of two other victims after traffickers had recruited her. In a case reported last year, NGOs confirmed the deportation of 23 Venezuelan victims who were allegedly forced to have sex with tourists via debt-based coercion. The government did not report assisting victims through the victim and witness protection program, compared with five assisted in 2018. Some victims were reluctant to report their exploitation or testify against their traffickers for fear of reprisals or lack of trust in the justice system. In 2019, there were 64 Colombian victims of trafficking identified in foreign countries; of which 33 were repatriated by the Ministry of Foreign Affairs (MFA) with the support of international organizations or the victims themselves, as compared with seven in 2018. Officials from the MFA did not indicate how much funding was allocated for the repatriation of victims or earmarked for repatriation assistance in 2019, compared with the 400 million pesos ($122,000) earmarked in 2018. With the assistance of a foreign government, authorities strengthened asset forfeiture measures to disburse victim compensation funds expeditiously, but it did not report if any victims received compensation as a result of these measures.

PREVENTION

The government increased prevention efforts. The Interagency Committee for the Fight Against Trafficking in Persons (ICFTP), chaired by the MOI and comprising 16 government entities, conducted 20 technical advisory meetings (compared with 44 in 2018) that sought to improve coordination between the ICFTP and its regional committees and make recommendations for the preparation of territorial action plans. In response to the influx of more than 1.8 million Venezuelans arriving in Colombia since 2016, the government continued to provide temporary resident permits, healthcare, education for school aged children, and social services, likely reducing their vulnerability to trafficking. In 2019, authorities issued approximately 754,085 temporary resident permits during the year. In 2019, Colombia approved the PEP-FF program for Venezuelans, which, while a positive development, it tied employment permits to a job and employer, leaving those employees vulnerable to trafficking. To mitigate future exploitation, the government approved birthright citizenship to 45,000 children born in Colombia after 2015 to Venezuelan parents. In 2019, the MOI held three events reaching 698 public officials to better understand regional trafficking issues affecting areas with high prevalence, including the coffee belt, Caribbean region, and the department of Tolima. The MOI, with the support of international organizations, held 32 training events reaching 2,423 individuals, including government officials, students, and civil society organizations on anti-trafficking awareness. In 2019, the MOL began a mandatory virtual training program for its inspectors, which included a module on human rights and forced labor. Observers expressed concerns about insufficient interagency communication and the absence of high-level decision-makers at ICFTP meetings who could help expedite services for victims identified. Authorities continued to use the expired 2016-2018 national anti-trafficking strategy. In 2019, the MOI hosted and funded two civil society roundtables to discuss the development of the new anti-trafficking strategy, which was not completed at the end of the reporting period.

In 2018, the government established a national mechanism to study prevalence, trends, and root causes of trafficking domestically; in 2019, the government focused on investigating the characteristics of victims of trafficking and traffickers, combating stereotypes associated with trafficking victims, and investigated the economic and labor factors that lead to victimization and trafficking. The Observatory's work also identified the trafficking indicators specific to indigenous communities and illegal armed groups. Officials at the MOI continued implementing two multi-year campaigns made possible mostly with the assistance of international organizations. In 2019, authorities dedicated 36 million pesos ($10,980) for one of the ongoing campaigns, and provided 10 million pesos ($3,050) to a victim-led NGO for a new awareness campaign. In addition, authorities reportedly requested 308 million pesos ($93,940) for the national fund and for the implementation of anti-trafficking policies. The MOL maintained an awareness campaign from previous years focused on educating potential job seekers on the dangers of fraudulent employment recruiting; the campaign reached 60 individuals and identified 40 fraudulent employment offers. Colombia continued to operate a 24-hour anti-trafficking hotline, which in 2019 received 1,261 calls that led to the identification of 93 potential TIP cases, compared to 18 in 2018. Through the hotline, the government provided advice on job offers abroad to prevent potential labor trafficking, including corroborating the veracity and legality of employers.

An international organization reported that 99 children were victims of forced recruitment by illegal armed groups, compared to 292 in 2018. To the same organization, ICBF reported assisting 180 victims of forced recruitment in 2019, compared with 196 in 2018. In November, authorities approved decree 2081 to strengthen existing legislation and create the inter-sectoral presidential advisory council focused on mitigating the forced recruitment of children by illegal armed groups. The government had over 208 officials working in eight departments and 17 municipalities on programs to prevent child recruitment; however, many areas where illegal recruitment of children was prevalent did not have state presence. Authorities cooperated with foreign governments and participated in training events organized by international organizations. Colombia co-hosted a binational anti-trafficking roundtable with the Bahamas, signed a bilateral accord with, and established the third bi-national anti-trafficking work plan with Peru. In addition, 120 officials from Ecuador and Colombia participated in a bilateral exchange to share best practices to combat trafficking. The government did not make any efforts to reduce the demand of commercial sex during the reporting period.

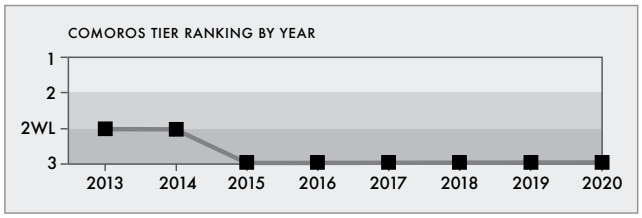
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Colombia, and traffickers exploit victims from Colombia abroad. Traffickers exploit Colombian men, women, and children in sex trafficking and forced labor in Colombia and throughout Latin America, Asia, and Europe. Traffickers exploit Colombians in Israel, and the United Arab Emirates, mainly in Dubai. According to a government agency, in 2019, nearly 55 percent of transnational cases were Colombian victims exploited in trafficking in Turkey. Traffickers lured victims with fraudulent employment opportunities to later exploit them in sex trafficking and forced labor. In 2019, all victims exploited in Turkey originated in Valle del Cauca, 84 percent were exploited in sex trafficking, 13 percent in forced labor, and three percent in forced marriage. Thirty-eight percent of victims in domestic trafficking cases were from Bogota and Antioquia department, and 44 percent of domestic cases were identified in Bogota. Government reports released in 2019 indicate that since 2013 roughly 90 percent of victims identified in Colombia were adults. Groups at high risk for trafficking include displaced Venezuelans, Afro-Colombians, indigenous communities, individuals with disabilities, internally displaced persons, and those living in areas where illegal armed groups and criminal organizations are active. Sex trafficking of Colombian women and children occurs within the country and around the world. Colombian women and children are victims of sex trafficking within Colombia in areas with tourism and large extractive industries. Transgender Colombians and Colombian men in commercial sex are vulnerable to sex trafficking within Colombia and in Europe. Traffickers exploit Colombian

nationals in forced labor, mainly in mining for the extraction of coal, alluvial gold, and emeralds; agriculture in coffee harvesting and palm production; begging in urban areas; and domestic service. Traffickers exploit Colombian children working in the informal sector and in street vending in forced labor. Illegal armed groups, particularly in the departments of Choco, Norte de Santander, Cordoba, Nariño, and Cauca forcibly recruit children, including Venezuelan, indigenous, and Afro-Colombian youth, to serve as combatants and informants, harvest illicit crops, and to exploit them in sex trafficking. Between 2017 and 2019, early alert systems identified 182 municipalities where children were vulnerable to forced recruitment by illegal armed groups. Women, children, and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Traffickers recruit vulnerable women and girls in dire economic circumstances, mostly Colombians and displaced Venezuelans, into "webcam modeling". In some cases, traffickers drugged women and girls using fear and coercion through debt and extortion to force victims to perform live streaming sex acts. In 2019, government officials in a border town expressed concern about the burgeoning webcam industry and its ties to sex trafficking. Displaced Venezuelans, including women, children, transgender individuals, and those in irregular migration status were the most vulnerable to sex trafficking and forced labor. In a notable case, traffickers drugged and dressed a boy in girls' clothing to exploit him in sex trafficking. Traffickers target impoverished women and girls to exploit them in sex trafficking; this vulnerable population represented 80 percent of sex trafficking cases. Youth living under poor social and economic conditions are at a high risk of becoming trafficking victims.

COMOROS: TIER 3

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Comoros remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. The Anti-Trafficking Task Force met for the first time since 2017 and began drafting a national action plan. The government also took steps to ratify the 2000 UN TIP Protocol. The government continued to support listening centers that worked to identify and provide care to victims of crime, which could include trafficking victims. However, the government continued to lack formal procedures to identify trafficking victims or refer them to care and has not identified or referred any trafficking victim to protective services since 2013. The scale of trafficking crimes in Comoros was unknown, in part due to the lack of identification procedures, and the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes. Authorities continued to lack an understanding of trafficking, and the government did not provide adequate resources or training to law enforcement officials, including the officials charged with identifying trafficking victims and investigating the crime. The government did not conduct anti-trafficking public awareness campaigns.



PRIORITIZED RECOMMENDATIONS:

Significantly increase anti-trafficking training, including victim identification, to all front-line officials, including law enforcement, social workers, health service providers, prosecutors, judges, and civil society. • Develop standard operating procedures for the identification of victims, especially among vulnerable groups, including children in domestic work and at Quranic schools, and a process for victims' subsequent referral to care. • Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials. • Enact comprehensive anti-trafficking legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. • Develop, adopt, and implement a national action plan to combat trafficking. • Improve coordination among the Anti-Trafficking Task Force by providing funding or in-kind resources, convening it regularly, and sharing data. • End the practice of returning trafficking victims to their exploiters. • Continue efforts to engage French officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte. • In coordination with local and international partners, improve the provision of protective services to trafficking victims, including providing appropriate care to victims nationwide. • Expand anti-trafficking public awareness campaigns to all three islands. • Develop national-level data collection on law enforcement efforts and trafficking victims. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian law criminalized most forms of human trafficking. Article 13 of the 2014 Law to Combat Child Labor and Trafficking in Children criminalized all forms of child labor trafficking and some forms of child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment and a fine of 30 million Comorian francs ($68,330). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 13 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, all forms of child sex trafficking, including those that did not include such means, could be addressed under Article 8, which criminalized child sexual exploitation and prescribed penalties of five to 10 years' imprisonment and a fine of one to two million Comorian francs ($2,280 to $4,560); these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Comorian law did not explicitly criminalize adult trafficking. However, Article 323 of the penal code criminalized forced prostitution of adults and prescribed punishments of two to five years' imprisonment and a fine between 150,000 and two million Comorian francs ($342 to $4,560); these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 2.1 and 260 of the Comoros Labor Code criminalized forced or compulsory labor of adults and prescribed penalties of three months' to three years' imprisonment or a fine of 250,000 to 750,000 Comorian francs ($570 to $1,710), which were not sufficiently stringent. Despite parliamentary approval in 2014, for the sixth year, the President did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. The government did not report investigating, prosecuting, or convicting any traffickers, despite previous reports that listening centers recorded many cases that may have been trafficking. The government has not reported investigating a trafficker since 2014 and has

never reported convicting a trafficker. The government also did not report any investigations, prosecutions, or convictions of government employees allegedly complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes at all levels of government remained significant concerns, inhibiting law enforcement action in previous years. The judicial system in Comoros remained weak; there were continued reports that criminals were frequently convicted and sentenced, but then released without explanation, creating a culture of impunity among criminals, including potential traffickers. While discouraged by the government, families or village elders continued to settle many allegations of sexual violence, possibly including sex trafficking and child domestic servitude, informally through traditional means without recourse to the formal court system. Many rural families still preferred informal arrangements with host families; however, judicial officials on Anjouan coordinated with prosecutors and a victim care provider to address and discourage the cultural practice of sending children from rural areas to urban host families for access to an education. Children in these arrangements were particularly vulnerable to trafficking. These government officials regularly traveled to rural villages on the island to enforce the legal requirement for the child's family to sign an agreement with the host family regarding the care of the child. In previous years, judges were known to negotiate agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Some police reportedly returned sexually abused children to their exploiters, sometimes due to a lack of shelters or an alternative form of care.

The police lacked basic resources, including vehicles, fuel, and equipment, which limited their operations. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. An international organization trained 20 police, gendarmes, and judges to create a pool of certified trainers on child protection; however, the government did not report that this included training on trafficking. As reported in prior years, the Ministry of Labor's four labor inspectors—responsible, among other things, for implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the trafficking law and did not receive operational resources to conduct labor inspections of informal work sites, where children were especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period. The absence of a clear understanding of trafficking may have resulted in the misclassification of cases as other crimes, such as child labor, abuse, and rape.

PROTECTION

The government maintained inadequate victim protection efforts. The government did not identify any trafficking victims during the reporting period and has not identified a victim since 2013. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. The government continued to provide financial support, including salaries for employees, and office space to listening centers, also called *Service d'ecoute*; however, the government did not provide anti-trafficking training to staff. The listening centers, with assistance from an NGO, offered medical care, psycho-social counseling, and legal assistance mostly to women and children who were victims of abuse and violence, including trafficking victims, if identified. The government continued operating listening centers in four locations—two on Grande Comore, one on Anjouan, and one on Moheli. In 2019, the listening centers reported providing medical care for 144 women and children, compared with 255 in 2018. The listening centers also reported providing 10 women and 103 children with legal assistance and 84 women and children with psychological assistance. The listening centers recorded these persons as victims of abuse; however, because of inadequate training on trafficking victim identification, some of these victims may have been trafficking victims. On all three islands, the listening centers reportedly coordinated with the Morals and Minors Police Brigade on cases.

The government did not report assisting in the repatriation of any victims during the reporting period. In 2018, the government reported visiting host families who had taken in children from rural areas to inspect for potential trafficking indicators; however, the government did not report conducting such inspections in 2019. The government also did not report making additional efforts to investigate, identify, or assist the 3,000 to 4,000 unaccompanied Comorian minors on the island of Mayotte, a French department, after France denied the National Commission in Comoros visas during the previous reporting period. There were no shelters available, for short or long-term use, for adult or child victims. In 2018, the government identified a possible site for a temporary shelter, but the government did not report making any progress in establishing a shelter for the second consecutive year. Similar to last year, the Morals and Minors Police Brigade did not report whether any children were assisted or whether the government provided financial or in-kind assistance to 10 foster homes that reportedly existed on Grande Comore. In the absence of adequate funding and shelter, listening center staff and police sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians where they might have originally faced the abuse. There were no reports the government inappropriately penalized victims for unlawful acts traffickers compelled them to commit; however, because there were no standard victim identification procedures, victims may have remained unidentified in the law enforcement system. Despite requirements of the 2015 child labor law, the government did not establish a support fund for children vulnerable to trafficking.

PREVENTION

The government maintained inadequate efforts to prevent trafficking. The interagency Anti-Trafficking Task Force, composed of representatives of relevant government agencies, the listening centers, and international organizations, convened in December 2019 after being inactive during the previous reporting period. The government did not have an anti-trafficking national action plan; however, the task force reported beginning the process of drafting one. The government did not report conducting any national public awareness campaigns during the reporting period, despite requirements in the 2015 child labor law. The government continued to fund two toll-free emergency lines for all three islands, which were used to report crimes to the listening centers. During the reporting period, the listening centers received 1,139 calls reporting abuse and exploitation; however, the government did not track call data related to potential victims of human trafficking.

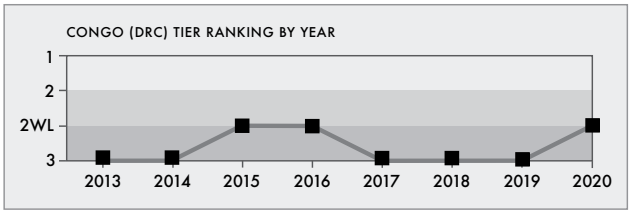
The government did not have effective policies or laws to govern labor recruiters and did not report holding anyone civilly or criminally liable for fraudulent recruitment during the reporting period. In 2016, the labor ministry signed an agreement with several labor recruitment agencies to facilitate review of the transnational recruitment processes and to monitor job advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment; however, the government has made no efforts to regulate labor recruitment agencies since then. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce demand for commercial sex acts. Comoros is not a party to the 2000 UN TIP Protocol; however, the President signed a decree in January 2020 to ratify the protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers may exploit domestic and foreign victims in Comoros, and traffickers may exploit victims from Comoros abroad. Traffickers may subject Comorian women and Malagasy women who transit Comoros to forced labor in the Middle East. Traffickers may subject Comorian adults and children to forced labor in agriculture, construction, and domestic work in Mayotte, a French department. Traffickers and employers on Anjouan may subject children, some of whom were abandoned by parents who left to seek economic opportunities in other countries, to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. Poor rural families, often on Anjouan and Moheli, frequently place their children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; these children are vulnerable to domestic servitude and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some as old as age 14) study at informal neighborhood Quranic schools headed by private instructors, where they may be vulnerable to exploitation through coercion and forced labor as field hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte, a French department, are especially vulnerable to domestic servitude and sex trafficking. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in migrant smuggling.

CONGO, DEMOCRATIC REPUBLIC OF THE: TIER 2 WATCH LIST

The Government of the Democratic Republic of the Congo (DRC) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore the DRC was upgraded to Tier 2 Watch List. These achievements included increasing the number of investigations and prosecutions of trafficking cases, specifically on sex trafficking and forced labor—crimes that had previously been mostly unaddressed in the justice system—while still investigating and prosecuting child soldiering crimes. The government convicted a former colonel in the Congolese National Army (FARDC) and the leader of an armed group for trafficking crimes, among others; sentenced them to adequate penalties, including significant prison terms; and ordered the leader of an armed group and two accomplices to pay restitution to more than 300 victims of sexual enslavement and other crimes. While the government remained without standard operating procedures for victim identification and referral to care and a comprehensive system to report data, for the first time, the government drafted quarterly progress reports on human trafficking and in one such report, stated it identified victims. The government established a formal anti-trafficking inter-ministerial committee that monitored shelters, coordinated with NGOs and international organizations to identify and protect victims, and it drafted and launched the government's first national anti-trafficking action plan. In partnership with international organizations, the government also continued to undertake measures to prevent and end the use of child soldiers, including separating child soldiers from non-state armed groups, conducting age verification screening of recruits, and securing written pledges from 27 non-state armed group commanders to renounce child recruitment. Despite these achievements, the government did not comprehensively report on anti-trafficking law enforcement and protection efforts and did not disaggregate law enforcement efforts directly targeting sex trafficking from other sexual violence crimes. There were credible allegations that a FARDC regiment forcibly recruited women and girls through abduction for sexual slavery in Kasai Province, and reports persisted that the FARDC collaborated with proxy militias that recruited and used child soldiers. The government did not develop standard operating procedures for the identification and referral of victims, adopt comprehensive legislation criminalizing all forms of trafficking, or adequately hold accountable complicit officials. Widespread corruption combined with the lack of an anti-trafficking framework continued to hinder efforts to combat all forms of human trafficking throughout the country.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to address all forms of trafficking, including sex trafficking and labor trafficking of both adults and children. • Improve measures to proactively identify trafficking victims, including providing training for front-line officials to do so among vulnerable groups, including women and children exploited in commercial sex, street children, and men, women, and children in artisanal mining, and to refer victims to appropriate care. • Cease unlawful use of children by the FARDC and collaboration with armed groups that recruit and use child soldiers. • Pass legislation that criminalizes all forms of trafficking and prescribes penalties which are sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes. • In partnership with civil society, take concrete steps to provide comprehensive protection services to victims of all forms of trafficking, and ensure trafficking victims are not punished for unlawful acts traffickers compelled them to commit. • In partnership with international experts, develop national standard operating procedures for the identification and referral of victims. • Develop and implement procedures for collecting and reporting data on cases of sex trafficking, as distinct from other sexual violence crimes, and forced labor. • Continue to cooperate with civil society to end the unlawful recruitment and use of child soldiers by all governmental and non-governmental armed groups and identify, remove, demobilize, and refer all children associated with armed groups to appropriate care. • Use existing legislation to increase efforts to investigate, prosecute, convict, and adequately sentence traffickers, including complicit officials. • Raise awareness about human trafficking among the public.

PROSECUTION

The government increased law enforcement efforts. Congolese law criminalized all forms of sex trafficking and some forms of labor trafficking. However, the lack of a comprehensive anti-trafficking legal framework continued to contribute to officials' lack of understanding of trafficking and their conflation of it with other crimes, such as illegal international adoption. Article 174(j) of the 2006 Sexual Violence Law criminalized child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment. Section 174(e) criminalized sexual slavery and prescribed penalties ranging from five to 20 years' imprisonment as well as a fine of 200,000 Congolese franc ($120). These penalties were sufficiently stringent and commensurate with those prescribed for other serious

crimes. Article 174(c), which criminalized the "forced prostitution" of adults, prescribed penalties of three months to five years' imprisonment; these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 182 and 183 of the 2009 Child Protection Law 09/001 also criminalized the "procurement" of children and child sexual slavery and prescribed penalties of five to 20 years' and 10 to 20 years' imprisonment with a fine between 8,000 and one million Congolese franc ($4.85 to $610), respectively; these penalties were sufficiently stringent and commensurate, with respect to sex trafficking, with other serious crimes, such as rape. Article 187 criminalized child labor, including forced child labor, and prescribed penalties of one to three years' imprisonment and fine between 100,000 and 200,000 Congolese franc ($61 to $120); these penalties were not sufficiently stringent. Article 326 of the 2002 Labor Code criminalized adult forced labor and prescribed penalties of up to six months' imprisonment or a fine of 30,000 Congolese franc ($18); this penalty was not sufficiently stringent. Congolese law also criminalized the enlistment of persons younger than 18 years old into the armed forces and the police, which carried penalties of 10 to 20 years' imprisonment. The government drafted and in December 2019 passed to the National Assembly an anti-trafficking law, which was scheduled for parliamentary debate and adoption in March 2020.

The judicial system in the DRC remained weak; however, the government increased investigations and prosecutions of cases involving not only recruitment of child soldiers but also sex trafficking and domestic servitude and maintained the number of convictions. The government did not report comprehensive data on trafficking investigations, prosecutions, and convictions. The government reported investigating 32 suspected traffickers, including 15 for sex trafficking, five for child soldier recruitment, four for forced labor, and eight for unknown types of exploitation, an increase compared with investigating 14 suspected traffickers for recruitment of child soldiers during the previous reporting period. The government prosecuted six alleged traffickers, four for the recruitment of child soldiers, one for sex trafficking, and one for domestic servitude, compared with prosecuting 14 traffickers for child soldier recruitment in 2018. The government convicted four traffickers for recruitment of child soldiers and sexual slavery, compared with convicting four traffickers for recruitment of child soldiers in 2018. Of these, the government convicted one former FARDC colonel to life imprisonment for child soldier recruitment, among other crimes. It also convicted a leader of an armed group and two militia members for crimes against humanity, including sexual slavery; the government sentenced the three men to 15 years' to life imprisonment, and the judge found the government liable for failing to take measures to prevent the crimes and ordered the state to pay reparations to more than 300 victims of sexual slavery. The Agency for the Prevention and the Fight Against Trafficking in Persons (APLTP), the newly-established national coordinating body in April 2019, reported that 1,135 women were abducted by armed groups for sexual slavery in Ituri province and that local NGOs brought 142 cases before provincial courts; the government did not report any additional information about the status of these cases. The government did not make sufficient efforts to investigate the sex trafficking of women and children or forced labor of victims in artisanal mining, even though the scale of these crimes was significant. It continued to work towards implementation of a national data collection tool to report comprehensive data; but, it did not deploy the system during the reporting period.

Despite the government's efforts to convict the former FARDC colonel, government corruption and complicity in trafficking crimes remained a significant concern. The government issued an arrest warrant for the leader of the armed group Nduma Defense of Congo-Renove (NDC-R) for recruitment of child soldiers, mass rape and other crimes. However, the NDC-R leader was not arrested during the reporting period, and observers reported the FARDC provided support to the NDC-R, including through FARDC commanders who allegedly protected the NDC-R leader who continued to operate freely in North Kivu. During the reporting period, there were credible allegations that a FARDC regiment forcibly recruited women and girls through abduction for sexual slavery in Kasai Province. Military prosecutors investigated the regiment and detained 10 soldiers under suspicion of rape and abduction but released the soldiers when the victims presented electoral identification cards showing them to be older than age 18. Experts reported the identification cards were fraudulent, and the government subsequently conducted age verification and found several girls were among those recruited. Military prosecutors announced their intent to bring formal charges against two of the soldiers, and the investigation was ongoing at the close of the reporting period. This is in comparison to two previous cases of children used —but not recruited —in support roles by the FARDC during the previous reporting period. In coordination with an international donor, the government trained 25 mine inspectors and controllers in north and south Kivu on inspections, child labor, and sex trafficking. In addition, the Ministry of Social Affairs signed an agreement with its counterpart ministry in the Republic of the Congo that improved data sharing and law enforcement cooperation on child trafficking cases. As a result, the Republic of the Congo extradited a Congolese man who killed a 16-year-old female trafficking victim from Kinshasa. In Kinshasa, the man was tried and convicted of murder, which carried a higher sentence than trafficking, and the judge sentenced him to life imprisonment.

PROTECTION

The government maintained efforts to protect trafficking victims. The government did not have standard operating procedures to systematically identify and refer trafficking victims to appropriate care; however, some NGOs reported that the Ministry of Social Affairs and the General Directorate of Migration identified and referred an unknown number of potential trafficking victims to NGOs for care on an ad hoc basis and the government continued to identify and refer trafficking victims to international organizations. The government did not comprehensively report its effort to identify victims but for the first time, the government drafted quarterly progress reports on human trafficking. In one such report, the Ministry of Interior stated it identified five sex trafficking victims and one victim of domestic servitude. Two NGOs in Kinshasa reported separately identifying 25 trafficking victims, six of whom traffickers exploited in forced labor. The APLTP referred victims to and monitored conditions in three shelters—two in Kinshasa and the other in the major eastern city of Bunia in Ituri province—where NGOs provided an estimated 650 trafficking victims with protective services in 2019. In partnership with the UN Peacekeeping and Stabilization Mission in the DRC (MONUSCO), the Ministry of Defense identified 3,107 former child soldiers and referred all victims to care in coordination with the Ministries of Health, Education, and Social Affairs. The government collaborated with international organizations and NGOs to provide protective services to another 400 victims of child soldering. The provincial government in Ituri province identified 100 women in Djugu who traffickers used as sex slaves; the government was negotiating their release at the close of the reporting period. An NGO operating in Ituri province reported providing services to 1,305 victims of sexual violence, of which at least half were sex trafficking victims. As part of its national disarmament, demobilization, and reintegration plan, the government continued to cooperate with an international organization and NGOs to identify and remove child soldiers from armed groups operating in eastern DRC. Procedures were in place for referring child soldiers to an international organization for specialized care, which most but not

all of the children received. The government did not proactively identify victims among vulnerable groups, such as street children, women, and children exploited in commercial sex, and men, women, and children in artisanal mining, even though the scale of these problems was significant.

The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. The government provided victims housing for up to three months, family reunification for children separated from armed groups, and support for socio-economic integration of sexual violence victims; the government did not report the total number of children it provided with these services. The UN reported it provided some form of medical help to 1,169 children affected by conflict-related sexual violence, including sex trafficking victims. The government collaborated with NGOs to provide the vast majority of services to trafficking victims, which reported providing assistance to approximately 677 trafficking victims during the reporting period, including medical and psychological services, legal assistance, and reintegration services such as literacy and vocational training. The government also reportedly cooperated with the Government of the Republic of the Congo to address cross-border trafficking by preventing all unaccompanied minors from entering into the country.

Trafficking victims could file cases against their traffickers in civil courts, though few victims pursued this avenue because compensation for victims was rarely, if ever, paid. In November, one judge ordered the leader of an armed group and two accomplices to pay restitution to more than 300 victims of sexual enslavement and other crimes. Recognizing that the convicted men would not be able to pay the required amount, the judge ordered the government to pay the reparations; however, in the past the government also has not been able to pay restitution, and at the end of the reporting period this sum had not yet been dispersed. The government coordinated with MONUSCO to repatriate at least 18 children from foreign countries, including nine to Rwanda, four to Burundi, three to Uganda, and two to Zambia. The government reported it detained 111 children during the reporting period following separation from armed groups. The government alerted MONUSCO of children in their custody, and they were released, on average, within one week; however, in previous years, some victims were held as long as two years. Furthermore, the government typically holds these children in local detention cells, which suffered from overcrowding, lack of food and health services, and poor sanitation. Due to a lack of training on victim identification, the absence of measures to screen for trafficking among vulnerable populations, and the frequency of arbitrary arrest in the country, victims likely remained unidentified in the law enforcement system.

PREVENTION

The government increased efforts to prevent trafficking. In April 2019, the government stood up the APLTP, a national coordinating body embedded in the Office of the Presidency, composed of government officials, local NGOs, and international organizations that formulated, monitored, and evaluated government anti-trafficking policy. During the reporting period, the APLTP drafted and launched the government's first national anti-trafficking action plan, which will guide anti-trafficking efforts through 2024. The government did not allocate the resources necessary to implement all aspects of the action plan, and the APLTP was located on the outskirts of the capital, Kinshasa, which inhibited its ability to coordinate easily with key stakeholders. In May, the Minister of Labor temporarily closed 116 labor recruitment and placement agencies due to concerns of potential trafficking. In order to prevent predatory recruitment practices, the government fixed new conditions required to establish a labor recruitment and placement agency, including having a National Business Identification Certificate, a business license, and a tax ID number, as well as gaining official recognition by the Ministry of Labor. However, Congolese law does not criminalize fraudulent labor recruitment, thereby limiting the government's ability to penalize agencies for such actions.

The government continued efforts to prevent the recruitment and use of children into the FARDC. MONUSCO reported there were 601 confirmed cases of new child recruitment by armed groups, a continued decrease compared with 631 verified cases in 2018 and 1,049 verified cases in 2017. In collaboration with an international organization, the government's Joint Technical Working Group (JTWG) for implementing the UN National Action Plan to end child recruitment—which was comprised of government ministries, NGOs, and international organizations—continued to implement a national action plan to end the recruitment and use of child soldiers and remove them from armed groups. The UN documented 3,107 cases of children separated or escaped from armed groups in 2019, an increase from 2,253 children in 2018. The national-level JTWG, with locations in nearly every region, met monthly and, with collaboration from an international organization, held 19 workshops on age verification and the child solider action plan. In partnership with NGOs, the government screened new FARDC recruits to verify their ages; through the screening process, the government prevented more than 141 children from joining the FARDC in 2019. The FARDC continued to collaborate with the NDC-R, a proxy militia that recruited and used child soldiers, by tolerating the free movement of the group and their use of FARDC uniforms in North Kivu Province; observers reported that one colonel delivered weapons and ammunition to NDC-R. During the reporting period, however, the government facilitated the logistics to allow an international organization to successfully negotiate with 27 armed group commanders, which resulted in the voluntary release of 920 children by these commanders in 2019. All 27 commanders signed pledges renouncing future recruitment of children and requiring the release of children currently among their recruits. There are currently no measures to address the termination of these proxy relationships within the national action plan to end the recruitment and use of child soldiers.

In November, in collaboration with an international organization, the Ministry of Mines conducted a workshop to operationalize and implement the 2017 National Strategy to Combat Child Labor in the mining sector. The Ministry of Mines also signed two decrees, one related to artisanal mining of strategic minerals and the other to establish an authority to regulate and monitor these artisanal minerals. These decrees required the regulatory authority to ensure there is no presence of children and other vulnerable populations in the mine sites or in the strategic mineral supply chains. During the reporting period, the government continued its efforts, in cooperation with an international organization, to validate and certify artisanal mining sites in eastern DRC as conflict-free and child labor-free, bringing the total to at least 465 tantalum mines and 106 gold mines. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not provide anti-trafficking training for FARDC troops prior to their deployment abroad as part of international peacekeeping missions. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

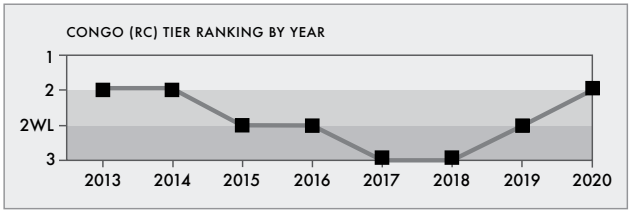
As reported over the past five years, human traffickers exploit domestic and foreign victims in DRC, and traffickers exploit victims from DRC abroad. Some traffickers were individuals or family members who promised victims or victims' families educational or employment opportunities but instead exploited trafficking victims by forcing them to work as domestic servants, street

vendors, gang members, or in commercial sex. Most trafficking is internal and involves forced labor in artisanal mining sites, agriculture, domestic servitude, or child recruitment by armed groups, or sex trafficking. In 2019, several armed groups continued to abduct and forcibly recruit Congolese men, women, and children as combatants and in support roles, such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; women and girls were forced to marry or serve as sex slaves for members of some armed groups. Traffickers forced children across the border into the Republic of the Congo where they were forced to commit theft. Child soldiers separated from armed groups and reintegrated into society remain vulnerable to re-recruitment, as adequate rehabilitation services did not exist for children suffering severe psychological trauma, and stigmatization may interfere with community reintegration. There were no confirmed cases of child soldier recruitment by the FARDC for the fifth consecutive year. The FARDC, however, continued to collaborate with proxy militias that recruited and used children in armed conflict. An international organization reported ongoing collaboration between the FARDC and NDC-R, which recruited at least 11 children until September of 2019. Collaboration included the provision of ammunition and uniforms by FARDC officials, NDC-R's free movement throughout their territory, and coordinating strategies and battlefield tactics against other armed groups.

Traffickers, including mining bosses, other miners, family members, government officials, and armed groups, exploit some men, women, and children working in artisanal mines in eastern DRC in forced labor, including through debt-based coercion. Traffickers subject some children to forced labor in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals. In January 2016, an international organization reported widespread abuse, including forced labor, of some children in artisanal cobalt mines in southern DRC; some children reported extremely long working hours and physical abuse by security guards employed by the state mining company. Children are also vulnerable to forced labor in small-scale agriculture, domestic work, street begging, vending, and portering. Children from the Republic of the Congo may transit through the DRC en route to Angola or South Africa, where traffickers may exploit them in domestic servitude. Some traffickers force Congolese women and girls into forced marriages where they are highly vulnerable to domestic servitude or sex trafficking. Congolese women and children migrate to other countries in Africa, the Middle East, and Europe, where traffickers exploit them in sex trafficking or forced labor in agriculture, diamond mines, or domestic service. Some traffickers may fraudulently recruit women and force them into domestic work abroad through false promises of education or employment opportunities.

CONGO, REPUBLIC OF THE: TIER 2

The Government of the Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Republic of Congo was upgraded to Tier 2. These efforts included enacting comprehensive anti-trafficking legislation and implementing regulations, increasing prosecutions of trafficking crimes, and increasing law enforcement cooperation with neighboring source countries. The government identified and assisted more trafficking victims and provided protective services to all identified victims. Law enforcement officers collaborated with an NGO in Pointe-Noire to identify and refer victims to care. The government's federal inter-ministerial committee met at least twice during the reporting period and conducted awareness-raising activities. However, the government did not meet the minimum standards in several key areas. The government did not convict a trafficker for the second consecutive year. It did not dedicate funding or other resources to the inter-ministerial committee, the coordinating committee in Pointe-Noire, or to NGOs that provided care to trafficking victims. The government did not proactively screen for trafficking among vulnerable populations. The lack of a current national action plan and a clear understanding of anti-trafficking laws among government officials continued to hinder countrywide efforts.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, and impose adequate penalties; fully investigate, and as required prosecute, allegations of officials complicit in trafficking. • Increase efforts to train officials on the implementing regulations to proactively identify victims, including by screening for trafficking indicators, especially among vulnerable populations, including child laborers, illegal immigrants, women and girls exploited in commercial sex, unaccompanied minors, North Korean workers, and indigenous persons. • Drastically improve the provision of protective services to trafficking victims to provide appropriate care to victims nationwide. • While respecting due process, expedite hearings and consider prosecuting trafficking cases in the low court. • Increase anti-trafficking training for all law enforcement, prosecutors, and judges. • Increase capacity to collect data on trafficking crimes. • Allocate a specific budget and adequate funding to the federal-level Inter-Ministerial Committee and the Pointe-Noire-based Anti-Trafficking Coordinating Committee. • Extend anti-trafficking efforts beyond Pointe-Noire and Brazzaville. • Update, finalize, and approve the national action plan to combat trafficking in persons. • Increase effectiveness of the anti-trafficking inter-ministerial committee to drive concrete national anti-trafficking efforts. • Further bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and the DRC. • Consider establishing an anti-trafficking law enforcement unit. • Conduct an awareness campaign on the 2019 anti-trafficking law. • Accede to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. In June 2019, the government enacted the 2019 Combating Trafficking in Persons Law, which criminalized sex trafficking and labor trafficking. The related provisions in Congolese criminal law prescribed penalties of five to 10 years' imprisonment, which are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other grave crimes, such as kidnapping.

The government initiated the investigation of six traffickers in 2019, the same number as in the prior year. The government reported prosecuting six individuals for labor trafficking under the anti-trafficking law and convicting zero suspected traffickers in 2019, compared with four prosecutions and zero convictions in 2018. An

NGO reported conducting investigations, in coordination with local law enforcement officers, into 15 additional trafficking cases during the reporting year; of these, the NGO repatriated some victims and reunified others with their families or community members and the government arrested eight potential traffickers. Traffickers active in the country frequently operated from elsewhere in West Africa, making Congolese prosecution difficult. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government investigated all reports of official complicity from prior years. Low-level corruption and limited intragovernmental coordination constrained the government's ability to investigate, prosecute, and convict suspected traffickers, inhibiting law enforcement action during the year. The court system was dysfunctional and many criminal cases continued to languish due to significant backlogs in the high court as a result of irregular court sessions, lack of centralized record keeping, and limited legal statistics. The government did not report the outcomes of any languishing cases, making it unclear if older cases were dismissed.

The government continued to include anti-trafficking training in the standard academy training for new police and immigration officers. In September 2019, the government hosted and provided in-kind support for international law enforcement experts who trained 31 officials from the Ministries of Interior, Justice, and Defense on interview techniques in trafficking cases. In October 2019, the government hosted and provided in-kind support for an international organization that trained 12 officials from the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs on the implementation of the 2000 UN TIP Protocol. The government regularly coordinated with source countries including Benin, the Democratic Republic of Congo (DRC), Gabon, and Cameroon to share law enforcement information. As a result of this regional cooperation, the government extradited an alleged trafficker to Gabon during the reporting period leading to his eventual prosecution. The government facilitated bilateral talks with the DRC and drafted bilateral recommendations to provide a framework for their cooperation on the issue.

PROTECTION

The government increased efforts to identify and assist victims. The government's February 2020 implementing regulations for the anti-trafficking law provided formal written procedures for proactive victim identification. In Pointe-Noire, the government continued to focus the majority of its efforts on West African children in forced labor, including those in domestic service. During the reporting period, the government identified at least nine trafficking victims, a slight increase from eight the prior year. Of these, eight were children and one was an adult foreign national. The government reported it provided eight victims with shelter, medical assistance, psycho-social services, including family and psychological counseling in Brazzaville, and education. In another case, the government facilitated and paid for the repatriation of a victim from Pointe-Noire to Benin. The Ministry of Social Affairs had a specific line item in their budget for victim protection and assistance, and during the reporting period, had a budget of $8,000 for such activities. An NGO identified an additional 10 victims, and law enforcement assisted in removing them from exploitation in some cases. Law enforcement would generally assist in removing the victim from the NGO-identified exploitative situation if the NGO could provide funding for transportation. Police did not report screening for indicators of sex trafficking. Instead, the government traditionally relied on NGOs and international organizations to assist with the identification, referral, assistance, investigation, and negotiation of compensation for the majority of victims.

The Trafficking in Persons Coordinating Committee in Pointe-Noire, which was responsible for assigning identified West African child trafficking victims to foster homes and conducting family tracing, did not report the number of trafficking victims referred to the five available foster families, but did report funding the foster homes during the reporting period. A local NGO also funded and referred child victims to foster families if repatriation, family integration, or local reinsertion options were unavailable. The government funded three public shelters that at-risk victims, including child trafficking victims, could access. The government provided the same availability of care to both national and foreign victims and provided temporary residency status to foreign trafficking victims during judicial proceedings. Foreign adult victims were provided a choice between repatriation to their country of origin or reintegration into the local community. Congolese law did not provide legal alternatives to the removal of victims to countries where they would face retribution or hardship.

PREVENTION

The government improved efforts to prevent trafficking. The government's federal inter-ministerial committee met at least twice during the reporting period and worked to increase coordination between ministries. At the department level in Pointe-Noire, the anti-trafficking coordinating committee also met at least twice but did not report concrete actions taken during the reporting period. The government did not have a current national action plan. The government conducted a public awareness campaign on radio and television, which focused on the anti-trafficking law, victim identification, trafficking indicators, and indigenous rights and protections, a group at high risk of trafficking. The government operated an emergency assistance line for victims of crime; however, it was unclear whether it received any calls to report trafficking specific crimes during the year. The government did not have effective laws or policies regulating labor recruiters. The government worked with officials from the Government of the DRC to address cross-border trafficking by preventing all unaccompanied minors from entering the country. The government has signed but has not acceded to the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

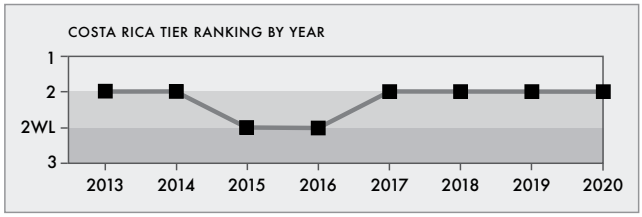
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Republic of the Congo, and traffickers exploit victims from the Republic of the Congo abroad. Forced labor involving adults and children continues to be a primary type of trafficking within Congo. Most trafficking victims in Congo originate from Benin and the DRC, and to a lesser extent from other neighboring countries. Traffickers exploit most foreign victims in forced labor in domestic service and market vending. Both adults and children are victims of sex trafficking in the Congo, with most exploited children between the ages of 9 and 11. Parents in foreign countries, mostly West African, sometimes send their children to Congo with the expectation that the child will send remittances or receive an education, but instead traffickers exploit the children in sex trafficking or forced labor.

Internal trafficking primarily involves recruitment from remote rural areas for exploitation in cities. Traffickers exploit the indigenous populations for forced labor in the agricultural sector; some reports suggest that some servitude might be hereditary. NGOs report that internal trafficking involves forced labor or exploitation of indigenous people by members of the majority Bantu community in remote areas. North Koreans working in the Republic of Congo may have been forced to work by the North Korean government.

COSTA RICA: TIER 2

The Government of Costa Rica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Costa Rica remained on Tier 2. These efforts included investigating and convicting more traffickers under the trafficking provision of the penal code, increasing victim identification, reducing the backlog of trafficking cases, and disbursing a greater percentage of the allotted anti-trafficking budget. However, the government did not meet the minimum standards in several key areas. Disbursement of government-funded resources to address trafficking still fell short of allocations and remained insufficient overall. Civil society organizations reported authorities did not consistently implement referral mechanisms in an effective or timely manner or in coordination with them.



PRIORITIZED RECOMMENDATIONS:

Increase victim identification and referral, particularly in coordination and collaboration with civil society. • Increase disbursement of funds for victim services and provide specialized shelter and services for trafficking victims in partnership with civil society organizations. • Fund and implement the judicial action plan to improve the investigation and prosecution of trafficking cases. • Intensify efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers. • Further reduce the backlog of trafficking cases in the judicial system. • Conduct thorough and transparent criminal investigations of alleged government complicity in trafficking offenses and prosecute, convict, and punish complicit officials. • Intensify efforts to investigate, prosecute, and convict child sex tourists and others who purchase commercial sex acts from child trafficking victims. • Provide increased anti-trafficking training for police, prosecutors, and judges. • Improve data collection on law enforcement and victim protection efforts. • Monitor and report the number of trafficking-related calls to existing hotlines.

PROSECUTION

The government maintained law enforcement efforts. Article 172 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of six to 10 years' imprisonment for offenses involving an adult victim, and eight to 16 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. In addition to Article 172, officials used trafficking-related offenses to prosecute trafficking cases, including aggravated pimping (Article 170) and coerced pimping (Article 171), both of which prescribed penalties ranging from two to 10 years' imprisonment. Article 189 criminalized forced labor or services and prescribed penalties of six to 10 years' imprisonment.

Costa Rica had two police forces involved in trafficking investigations—the Judicial Investigation Police (OIJ) and the Professional Migration Police. The Attorney General's Office supervised both investigative units. The Attorney General's Office reported investigating 69 cases total—43 sex trafficking cases and nine labor trafficking cases (Article 172), six cases of aggravated pimping (Article 170), and 11 cases of forced labor or services (Article 189)—compared to 74 cases in 2018 (45 cases under Article 172, 18 under Article 170, and 11 under Article 189). The government initiated prosecutions against seven accused traffickers and convicted 15 traffickers under articles 172, 189, and 170, compared to 12 traffickers prosecuted and 10 traffickers convicted in 2018. Traffickers received sentences ranging from nine to 45 years' imprisonment. In one case, judges sentenced a trafficker to 39 years' imprisonment on charges of sex trafficking, remunerated sex acts with a minor, and distribution of images depicting sex acts with minors. In another case, the court initially sentenced two traffickers to respective sentences of 300 and 19 years' imprisonment for child sex trafficking, but it significantly reduced the 300 years' sentence, and acquitted a third alleged trafficker. The government reported cases involving complicit officials but did not convict government employees complicit in human trafficking offenses. In one case, one of the five accused traffickers was a public official; the judge ruled her acts did not constitute trafficking, and she was convicted of a lesser charge of illicit receipt of goods. The government reported three previously reported cases involving complicit officials, one of whom awaited trial for trafficking crimes first investigated in 2011, remained ongoing. The government continued to investigate and prosecute individuals who paid child trafficking victims for commercial sex, resulting in four convictions in 2019, compared with 22 convictions in 2018 and three convictions in 2017; however, officials noted data was incomplete in previous years.

Prosecutors reduced, but did not eliminate, the backlog of criminal cases by convicting several traffickers in cases initiated during previous reporting periods. The Supreme Court had a judicial branch action plan, which prioritized capacity building and raising public awareness on how to identify trafficking, with a dedicated budget, but a funding technicality delayed implementation. The government provided anti-trafficking training to law enforcement, prosecutors, immigration officials, labor officials, educational professionals, and civil society members. The Attorney General's office collaborated with three foreign governments to build cases against two traffickers operating across national borders, and Costa Rican prosecutors supported foreign government officials' anti-trafficking casework

PROTECTION

The government maintained victim protection efforts. The government identified 35 trafficking victims (14 sex trafficking, 11 forced labor, two for both sex trafficking and forced labor, four for both domestic servitude and sexual exploitation, and four for sexual servitude) under the trafficking law, compared to 20 in 2018 and 34 in 2017. Of those victims exploited in sexual servitude, it was unclear whether the circumstances qualified as trafficking under international law. Nineteen of the victims were Costa Rican, 12 were Nicaraguan, one was Salvadoran, one was Venezuelan, one was Dominican, and one was Cuban. Through a specialized inter-institutional body, the Immediate Response Team (ERI), the government provided initial services to all 35 reported victims, as well as their dependents. The National Coalition against Illicit Smuggling and Trafficking of Migrants (CONATT) provided services to 48 victims, including those identified in 2019 and previous years, as did the Office of Attention and Protection of Crime Victims. The National Women's Institute (INAMU) provided care to 31 female victims of trafficking. It was unclear how many victims received services from more than one provider. Law enforcement and immigration authorities used written procedures for identifying victims among vulnerable groups, such as migrants

and individuals in prostitution, and referred identified victims to CONATT to coordinate service provision. Public officials used the "Institutional Protocol for the Care of Minors and Survivors of Trafficking in Persons" and the "Interagency Manual of Attention of Minors in Sexual Trafficking, Child Labor, and Dangerous Work" which established the steps officials must take when identifying a possible case of trafficking.

The government provides victims with access to healthcare providers, psychological services, legal counsel, financial aid, law enforcement liaison, and other services, including detoxification treatment, as required. CONATT coordinated emergency, short-term, and long-term assistance to victims. ERI, a CONATT commission, arranged short-term services for newly identified victims, including shelter, food, and medical care. CONATT favored housing victims in a network of safe houses but also managed an on-site emergency shelter dedicated to trafficking victims. The government also placed victims in a safe house operated by civil society, or a longer-term shelter for women and children. Authorities infrequently referred victims to NGO facilities. The government did not provide dedicated shelters to male trafficking victims, although the emergency shelter and safe houses could accommodate male victims, and the government worked to ensure male victims received adequate services. The government assisted minor victims through a dedicated network of shelters for minors and a government-funded NGO. Authorities had the discretion to refer victims to services on a case-by-case basis; not all victims received the same level of protection. Civil society organizations reported authorities did not always implement referral mechanisms in an effective or timely manner and recommended the government provide transportation for victims to institutions providing assistance. Through the National Anti-Trafficking in Persons and Smuggling of Migrants Fund (FONATT), the government reported 1.4 billion colones ($2.46 million) of anti-TIP expenditures in 2019. FONATT disbursed 172 million colones ($302,000) to provide services for identified victims, compared to 429.6 million colones ($754,000) to fund trafficking victim services in 2018 and 132 million colones ($232,000) in 2017. In 2019, the government reported there were additional expenses stemming from emergency service provision and initial contact and care for potential victims in 2019, but it could not specify the funds disbursed. The child welfare agency provided direct funding and a per-victim subsidy for identified victims to an NGO-run shelter for child victims. The government also directed 171.5 million colones ($301,100) to NGOs providing services to trafficking victims in 2019, compared to 160.3 million colones ($281,400) in 2018 and 97.4 million colones ($171,000) in 2017. Observers reported failure to disburse all of the allocated resources hindered the country's ability to address its trafficking problem, despite dedicated government resources to anti-trafficking efforts, including victim services. Costa Rican law allowed victims to obtain temporary residency status and work permits, leave the country, file civil suits against their traffickers, and provide testimony outside of court proceedings. Authorities granted some victims temporary residency status and work permits in 2019, but did not specify how many, compared to 10 victims in 2018. Victims could testify outside of court proceedings, but authorities did not report the number of victims who did so in 2019. The government facilitated the repatriation of two victims in 2019, compared to two in 2018.

PREVENTION

The government maintained prevention efforts. CONATT, chaired by the Migration Authority, integrated and coordinated anti-trafficking efforts among 22 public institutions, key NGOs, and international organizations, and maintained sub-commissions focused on attention to victims, prevention, justice, investigation and analysis, and project management. CONATT met periodically to review progress in the areas of research, protection, prevention, and prosecution; it presented a quarterly public report on its accomplishments. During the reporting period, CONATT drafted and approved a 2020-2030 national action plan with technical support from IOM, but the Government Council had not yet approved it. The government disbursed 171.5 million colones ($301,000) for prevention programming and 1.37 billion colones ($2.4 million) for other anti-trafficking events and projects in 2019. The government engaged in multiple awareness-raising programs, including advertisements, a binational fair and walk with Panama, workshops, symposia, and training for community and business leaders on how to identify and prevent trafficking. The government operated a hotline to receive confidential criminal complaints, but did not report the number of calls related to potential trafficking and pimping cases in 2019; there were approximately such 100 calls in 2018. The Judiciary Police also operated the 9-1-1 hotline available for general crime reporting but did not specifically report receiving trafficking calls through that mechanism. The government educated labor recruiters for international and domestic businesses about the consequences of violating the anti-trafficking regulations but did not report investigating or penalizing any labor recruiters for illegal practices that contribute to trafficking. The government raised awareness of child sex tourism, utilized a national tourism program that incorporated the international code of conduct related to commercial sexual exploitation in the travel and tourism industry, and provided training workshops on trafficking for tourists, tourism students, and sector employees. The government made efforts to reduce the demand for commercial sex acts. In addition to prosecuting and convicting individuals that paid child trafficking victims for commercial sex, the government made efforts to reduce the demand for participation in international sex tourism by working in collaboration with international partners to deny entry to 72 foreign-registered sex offenders who attempted to travel to Costa Rica as tourists in 2019.

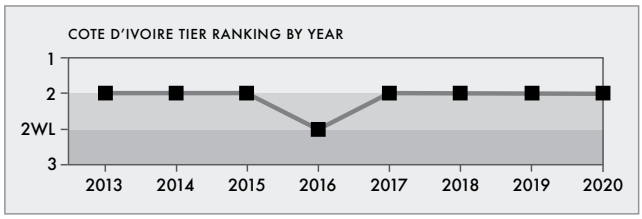
TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Costa Rica, and traffickers exploit victims from Costa Rica abroad. Traffickers subject Costa Rican women and children to sex trafficking within the country, with those living in the Pacific coastal zones and near the northern and southern borders being particularly vulnerable. Authorities suspect adults use children to transport or sell drugs; some of these children may be trafficking victims. Traffickers exploit LGBTI persons, including transgender persons, in sex trafficking. Women and girls from Nicaragua, the Dominican Republic, and other Latin American countries have been identified in Costa Rica as victims of sex trafficking and domestic servitude. Traffickers subject migrant men, women, and children, primarily from Nicaragua, to forced labor in agriculture and domestic service or sex trafficking. Criminal organizations recruit and entice homeless individuals to smuggle contraband into prisons for the purpose of further criminal activity. Traffickers prey on migrants, some en route to the Unites States, from other Central American countries, the Caribbean, China, and South America. Indigenous Panamanians are vulnerable to forced labor in Costa Rica's agricultural sector. Child sex tourism is a serious problem, with child sex tourists arriving mostly from the United States and Europe.

COTE D'IVOIRE: TIER 2

The Government of Cote d'Ivoire does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Cote

d'Ivoire remained on Tier 2. These efforts included identifying and referring to care significantly more potential trafficking victims, including 189 forced labor victims in the cocoa sector; expanding law enforcement and victim protection coordination with the Government of Tunisia; and approving a new action plan to address child labor and trafficking. However, the government did not meet the minimum standards in several key areas. The government did not sentence more than half of the convicted traffickers to adequate prison terms. Shelter services for adult victims remained inadequate.



PRIORITIZED RECOMMENDATIONS:

Using the 2016 anti-trafficking law, vigorously investigate, prosecute, and convict traffickers following due process, including complicit officials, and apply significant prison terms as prescribed by law to those convicted. • Train law enforcement and judicial officials on how to identify, investigate, and prosecute trafficking cases under the 2016 anti-trafficking law, including the difference between pimping and sex trafficking. • Increase funding and in-kind resources, as feasible, for the police anti-trafficking units to investigate trafficking cases nationwide, and delineate responsibilities between the units. • Revise the existing procedures used to identify potential trafficking victims, to include adults and victims among vulnerable populations, and incorporate the changes into existing trainings. • Establish and train officials on a standardized victim referral mechanism for use across ministries to ensure all trafficking victims receive services. • Clearly delineate responsibilities for activities in the 2016-2020 anti-trafficking action plan and fund its implementation. • Increase funding to expand shelter and services for trafficking victims, including adults, and continue to establish victim shelters as indicated in the national action plan. • Ensure law enforcement respects the security of NGOs providing services to victims and enforce trafficking victims' right to receive care free from violence and intimidation. • Direct labor inspectors to inspect the informal sector for forced labor. • Actively monitor agencies and intermediaries that recruit Ivoirians for work abroad and investigate allegations of fraudulent recruitment. • Improve data collection on anti-trafficking efforts.

PROSECUTION

The government maintained law enforcement efforts. Law No.2016-111 on the Fight Against Trafficking in Persons criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and a fine of five million to 10 million West African CFA francs (FCFA) ($8,590 to $17,180) for adult trafficking, and 20 to 30 years' imprisonment and a fine of 10 million to 50 million FCFA ($17,180 to $85,910) for child trafficking. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2010 law remained the primary law used to prosecute child trafficking, and it criminalized child sex trafficking and labor trafficking with 10 to 20 years' imprisonment and a fine of five million to 20 million FCFA ($8,590 to $34,360). The government used penal code provisions on illegal mining and pimping to prosecute trafficking cases during the reporting period. The penal code prescribed penalties of one to five years' imprisonment and a fine of one million to 10 million FCFA ($1,720 to $17,180) for pimping and penalties of two to five years' imprisonment and a fine of 50 million to 100 million FCFA ($85,910 to $171,820) for illegal mining. These penalties were significantly lower than those prescribed under the trafficking law.

During the reporting period the government investigated at least 191 cases, prosecuted 35 alleged traffickers, and convicted 12 traffickers under trafficking laws and penal code provisions on illegal mining and pimping. The 2016 anti-trafficking law and related penal code provisions also criminalize the knowing solicitation and patronization of a sex trafficking victim; the government reported 16 investigations, 15 prosecutions, and 11 convictions of such cases. Of the 191 trafficking investigations, the government continued eight forced labor investigations from previous reporting periods and initiated 152 new investigations (23 sex trafficking cases and 160 forced labor cases). Of the 35 prosecutions, 11 were forced labor, 15 were sex trafficking, and nine were initiated in the previous reporting period. This was an overall decrease compared to 147 investigations, 56 prosecutions, and 47 convictions in the previous reporting period. Judges convicted most traffickers under the illegal mining and pimping articles in the penal code rather than under the 2016 anti-trafficking law. Five convicted traffickers received sentences of five to 10 years' imprisonment and a fine. However, seven of the 12 convicted traffickers received no prison sentence or a fully suspended sentence. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, official corruption and complicity in trafficking remained concerns. As an administrative sanction for unbecoming conduct, the military tribunal sentenced four gendarmes and military firefighters to 50 days in military jail in August 2019; they were alleged to have abducted a trafficking victim from an NGO shelter during the previous reporting period; the criminal investigation remained ongoing. In response to the high number of Ivoirian trafficking victims identified in Tunisia, the government launched a new partnership with the Tunisian government to facilitate law enforcement cooperation. During the reporting period, Ivoirian and Tunisian delegations met twice to exchange information on victim support and trafficking networks.

Limited funding and resources for law enforcement created serious gaps in the government's ability to address human trafficking. The Sub-Directorate in the Fight against Trafficking and Child Labor (SDLTEDJ, the Sub-Directorate, or anti-trafficking unit) bore primary responsibility for enforcing anti-trafficking laws and investigating cases throughout the country, although it only had staff in Abidjan. The gendarmes under the Ministry of Defense were responsible for investigations in rural areas where the Sub-Directorate was not present. Funding levels remained severely inadequate. Resource limitations also constrained the Brigade Mondaine—the unit responsible for investigating prostitution and sex trafficking—to Abidjan and a few regional precincts, rendering the two primary anti-trafficking units unable to cover much of the country. The Transnational Organized Crime Unit (UCT) had national jurisdiction over transnational organized crime, including a specialized human trafficking department. The Sub-Directorate had the mandate for child trafficking, UCT was responsible for transnational trafficking, and Brigade Mondaine covered sex trafficking; however, the units lacked coordination, and no unit had a clear responsibility for internal adult labor trafficking. Authorities outside Abidjan lacked training to identify and investigate trafficking. Some judges and prosecutors remained unaware of the 2016 law and continued to use the 2010 law and pimping statutes to prosecute trafficking cases, which carried lesser penalties. In coordination with a foreign donor and international organization, the government organized two training sessions for 29 magistrates and 15 police investigators on the 2016 anti-trafficking law.

PROTECTION

The government increased efforts to identify and protect victims. During the reporting period, the government reported victim identification statistics combining human trafficking, child labor, and broader child exploitation cases. The government identified 1,004 potential trafficking victims and child exploitation victims during the reporting period, a significant increase from 45 trafficking victims and 53 victims of child labor or child trafficking during the previous reporting period. Of these, the government identified 352 children, 652 adults, 312 Ivoirians, and 692 foreign trafficking victims. Of the 692 foreign victims, 300 were Beninese, 32 Burkinabe, 56 Nigerians, and 184 Togolese, while the remaining 120 were from Mali, Senegal, Niger, Ghana, Guinea-Bissau, Morocco, France, Cameroon, and Liberia. The government identified 137 children and 32 adults in forced labor in the cocoa sector and 14 Ivoirian child forced labor victims in weaving. Traffickers exploited at least 402 of the identified victims in sex trafficking.

While the government did not have formal mechanisms to proactively identify trafficking victims or refer trafficking victims to care, the UCT, Brigade Mondaine, and Sub-Directorate had operational procedures to refer victims to care. Government ministries lacked coordination, which in some cases hindered the provision of services. The government provided some forms of assistance to all 1,004 identified victims including shelter, medical care, or psycho-social assistance. The government referred 137 forced labor victims to an NGO shelter in Aboisso for care and 14 child forced labor victims to a government-run orphanage outside of Abidjan. Despite the lack of a formal referral mechanism, in practice officials referred trafficking victims to one of 90 government-run social centers for victims of abuse to receive psychological care and then to NGOs for shelter and further services. When necessary, the government used orphanages or its 36 special education centers to shelter women and child trafficking victims. The government partnered with an NGO to plan a shelter for child victims of exploitation in Ferkessedougou. During the reporting period, the government-run shelter for child victims of exploitation in Soubre assisted 107 children (65 girls and 42 boys). The government continued to provide in-kind support including clothing, food, and hygiene kits to NGOs where it referred the victims. Foreign and domestic victims reportedly had the same access to care. In some cases, the government depended on foreign victims' home embassies to provide shelter and care to sex trafficking victims prior to repatriation; the government referred 68 Nigerian trafficking victims to the Nigerian mission in Abidjan for care during the reporting period. NGOs reported that despite the provision of in-kind support, government support for victim protection and services remained inadequate and, in many cases. NGOs funded and provided the majority of victim care. The lack of services, especially for adults, and lack of reintegration assistance prevented some victims from accessing adequate services and rendered many victims vulnerable to re-victimization. The government collaborated with international organizations to facilitate the repatriation of 77 Ivoirian trafficking victims (61 women and 16 men) from Tunisia, Morocco, Kuwait, Turkey, Madagascar, and Comoros.

Ivoirian law required the government to provide protection and assistance to victims who participated in investigations or trials against their traffickers; the government did not report whether any victims received this assistance during the reporting period. In December 2018, the government approved a law protecting victim and witness testimony by establishing a bureau to coordinate victim-witness protection issues and develop a case management system for individuals; the decree to implement this law was not yet approved at the end of the reporting period. Trafficking victims could file civil suits against their traffickers, though, many victims were not aware of this option. The government did not report how many victims received damages following a civil suit during the reporting period. There were no reports the government detained, fined, or jailed victims for unlawful acts traffickers compelled them to commit; however, due to the lack of formal identification procedures for adult trafficking victims and victims among vulnerable populations, some may have remained unidentified within the law enforcement system.

PREVENTION

The government modestly increased efforts to prevent trafficking. The interagency Anti-Trafficking Committee led anti-trafficking prevention efforts, including implementation of the 2016-2020 anti-trafficking national action plan, with the assistance of foreign donors. The government did not allocate a budget to implement the national action plan in 2019, compared with allocating 2.2 billion FCFA ($3.78 million) in 2018. In June 2019, the government approved a 2019-2021 action plan to combat child labor and trafficking with a three-year budget of more than 76 billion FCFA ($130.6 million). The Oversight Committee to Combat Child Trafficking and the Worst Forms of Child Labor (CNS) and the Inter-Ministerial Committee in the Fight Against Child Trafficking, Child Exploitation, and Child Labor (CIM) continued to coordinate child labor and child trafficking efforts. CNS also oversaw CIM and conducted monitoring and evaluation activities. Several government ministries organized awareness-raising campaigns with input from trafficking survivors on child labor regulations and the 2016 anti-trafficking law. In July 2019, the government held an anti-trafficking awareness event with 600 participants from youth and women's associations, religious leaders, and traditional leaders. The government collaborated with foreign donors, the Government of Ghana, and international chocolate companies to review and discuss the findings of a draft report on child labor and child trafficking in the cocoa-producing areas of Cote d'Ivoire and Ghana. The labor code regulated labor recruitment and labor migration in the formal sector but did not extend to the informal sector, including domestic work, and traffickers exploited Ivoirian and other West African women in domestic servitude internally and abroad. In 2019, labor inspectors conducted limited inspections of the informal sector—where most children worked—but did not identify child forced labor cases through these inspections. The government continued to operate a hotline for child protection and human rights; however, the hotline was undergoing rehabilitation for technical repairs and upgrades during the reporting period. The government did not demonstrate efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

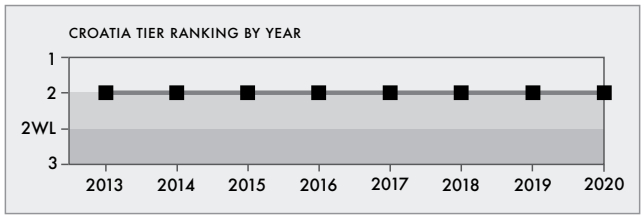
As reported over the past five years, human traffickers exploit domestic and foreign victims in Cote d'Ivoire, and traffickers exploit victims from Cote d'Ivoire abroad. The majority of identified victims are children; due to a stronger emphasis on combating internal child trafficking, the prevalence of adult trafficking may be underreported. Traffickers exploit some Ivoirian women and girls to forced labor in domestic service and restaurants and in sex trafficking. Traffickers also exploit Ivoirian boys in forced labor in the agricultural and service industries, especially cocoa production. West African boys, including Burkinabes, may be forced into labor in agriculture (on cocoa, coffee, pineapple, cashew, and rubber plantations and in animal herding) and in mining, carpentry, construction, and begging in Cote d'Ivoire. Traffickers often operate in well-established networks consisting of both Ivoirians and foreigners and, in cases of transnational trafficking, use social media, making networks difficult for law enforcement to detect. In 2018, authorities estimated there were more than 2,000 Ivoirian, Burkinabe, Malian, Nigerien, and

Senegalese *talibés* (students in Quranic schools) in northern and central Cote d'Ivoire and that corrupt teachers force many of them to beg. NGOs and officials report drug traffickers use children—some of whom may be forced—to sell and traffic drugs in restaurants and nightclubs. Some Beninese and Togolese workers migrate to Cote d'Ivoire for construction and carpentry work and bring children, whom they exploit in domestic servitude. Traffickers—commonly distant relatives—bring girls from rural Cote d'Ivoire and other West African countries to Abidjan ostensibly to go to school or receive professional training but subject them to domestic servitude. Ghanaian and Nigerian traffickers recruit women and girls from Ghana and Nigeria for waitressing jobs but subject them to sex trafficking in restaurants or massage parlors; some victims believe they are transiting Cote d'Ivoire en route to Europe. Nigerian traffickers increasingly exploit Nigerian women and girls in sex trafficking in Cote d'Ivoire's northern and western mining regions, including near gold mines in Tengrela. Nigerian traffickers bring Nigerian children to northern Cote d'Ivoire for domestic servitude. Nigerians transit Cote d'Ivoire en route to exploitation in sex trafficking in Asia, the United Arab Emirates, and North Africa. Chinese traffickers force Chinese women into commercial sex in Cote d'Ivoire.

Some Ivoirian community and religious leaders, possibly working in concert with others abroad, reportedly recruit Ivoirian women and girls for work in the Middle East and Europe. While much of this is for legitimate employment, some women and girls are subjected to forced labor in Europe, North Africa, and Gulf countries, primarily Saudi Arabia, Morocco, Lebanon, and Tunisia. Traffickers exploit men and boys in forced labor on farms in Tunisia, often promising the men well-paying jobs and the boys the opportunity to play soccer. Officials identified an uptick in Ivoirian migrants in Libya and Tunisia who were vulnerable to trafficking. Authorities also noted an increase in male trafficking victims among migrants to Europe over the previous year. Migrants commonly depart from Daloa and proceed via airplane to Tunisia, or overland via Mali and Algeria to Libya, or, to a lesser extent, via Niger to Libya. In Tunisia—specifically Sfax and Grand Tunis—intermediaries confiscate migrants' identity documents until they can pay for the next leg of their journey, creating vulnerabilities to trafficking. During the reporting period, the Tunisian government, NGOs, and international organizations identified approximately 1,470 Ivoirian potential trafficking victims in Tunisia, approximately 80 percent of the total trafficking victims identified in Tunisia. International organizations and Ivoirian law enforcement agencies reported Ivoirian migrant smuggling networks based in Tunisia increasingly became involved in trafficking as European governments blocked migration inflows and that these networks also coerced Ivoirians to engage in criminal acts including drug smuggling. Ivoirian irregular migrants in Algeria are vulnerable to trafficking due to their irregular status. During the previous reporting period, French authorities disbanded an Ivoirian trafficking network linked to Daloa that provided Ivoirian minors with fake documents and facilitated their travel to France through Libya and Italy. Kuwaiti employers increasingly recruit domestic workers from Cote d'Ivoire who may be vulnerable to domestic servitude in Kuwait. During the reporting period, Ivoirian trafficking victims were identified in Spain, Italy, and United Kingdom. Authorities previously identified Ivoirian female trafficking victims in Iraq, Israel, Cyprus, France, and Morocco.

CROATIA: TIER 2

The Government of Croatia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Croatia remained on Tier 2. These efforts included investigating and prosecuting more suspects and continuing proactive identification efforts. The government implemented robust awareness campaigns and civil society reported good cooperation with the Ministry of Interior (MOI) and the Ministry of Demography, Family, Youth and Social Policy (MDFYSP). However, the government did not meet the minimum standards in several key areas. The MOI denied reports of migrant abuse and asserted it conducted internal investigations related to all claims of abuse; however, civil society claimed the government did not consistently screen migrants and asylum-seekers to identify victims of trafficking and alleged that police abuse had a detrimental effect on cooperation between migrants and authorities that discouraged victims from self-identifying. Judges continued to issue lenient sentences, while some prosecutors lacked an understanding of trafficking and often prosecuted trafficking using other offenses with, at times, lesser sentences.



PRIORITIZED RECOMMENDATIONS:

Institutionalize and implement screening procedures for migrant flows, including asylum-seekers and unaccompanied minors. • Increase capacity and training to accurately screen for victims and consistently implement screening procedures for vulnerable populations, particularly migrants, refugees, asylum-seekers, seasonal workers, and Roma. • Vigorously investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Train judges at all levels of the judiciary to take the severity of trafficking into account when issuing sentences and sensitize judges on victim-centered approaches. • Allocate and disburse sufficient resources to NGOs participating in the mobile identification teams for their travel and training costs. • Establish procedures to ensure trafficking cases are handled by trained prosecutors and train prosecutors on victim-centered approaches. • Continue to encourage victims' participation in investigations and prosecutions by providing alternative methods to testify, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Further reduce the judiciary's backlog of cases, including trafficking cases.

PROSECUTION

The government maintained law enforcement efforts. Article 106 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of one to 15 years imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 19 cases with 31 suspects (seven cases involving 22 suspects in 2018). The government initiated the prosecution of 26 defendants in 13 cases (15 defendants in four cases in 2018). The government continued to prosecute 27 defendants in ongoing cases (33 defendants in ongoing cases in 2018). Courts convicted four traffickers (five in 2018); one for sex trafficking, one for labor trafficking, and two for forced criminality. Judges issued two traffickers an appealable sentence of two years imprisonment and two traffickers an appealable partially suspended sentence of two years and eight months, which required the traffickers to spend one year and three months imprisonment and the remainder on probation. Judges also

issued an appealable acquittal for six defendants and a final acquittal for two defendants. Court proceedings generally lasted years causing a substantial backlog of criminal cases, including trafficking cases dating as far back as 2013 and 2014.

Law enforcement personnel under the MOI conducted proactive investigations of commercial sex establishments and cooperated with the Ministry of Labor to jointly inspect 116 employers in the agriculture, construction, hospitality, and service industries; most inspections resulted in administrative labor violations involving contracts, permits, and salaries rather than labor trafficking prosecutions. Civil society representatives and government officials reported MOI officials accurately and consistently identified victims and noted good cooperation. The government did not have prosecutors who specialized in trafficking cases but did provide training and education on trafficking to some prosecutors. NGOs reported that the government did not consistently refer cases to prosecutors who have received such training. Judges and prosecutors lacked an understanding of trafficking and often prosecuted trafficking crimes using other offenses that entailed lesser sentences, such as prostitution, sexual abuse, and pandering. Similarly, some prosecutors qualified trafficking with offenses easier to prove to decrease their large caseloads. Prosecutors heavily relied on victim testimony and did not use special investigative measures to corroborate evidence, while judges continued to issue lenient sentences, often by liberally applying mitigating circumstances. The government maintained institutionalized training programs on various trafficking issues at the Police Academy, Police College, Judicial Academy, and Border Police Directorate. In addition, the government, in cooperation with NGOs and international organizations, trained police, border police, prosecutors, and judges. The government continued an international investigation with Slovenian authorities and signed extradition and mutual legal assistance agreements with the United States, although the agreements have not yet entered into force. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The government identified 25 victims (73 victims in 2018). Of these, 13 were victims of sex trafficking, three of labor trafficking, seven of forced criminality, one of both labor trafficking and forced criminality, and one of "imposing slavery" (60 of forced criminality, 10 of sex trafficking, three of labor trafficking, and one unknown in 2018); 16 were minors (two in 2018); 17 females and eight males (26 females and 46 males in 2018); and three foreign victims (62 in 2018). In 2019, the government conducted three large operations to screen for indicators of trafficking: in April police cooperated with the Ministry of Labor to screen 18,353 people and, 11,160 vehicles for indicators of forced labor; in June police screened 67,554 people, 62,077 vehicles, and 545 locations for indicators of child trafficking; and, in September police separately screened 99,742 people, 25,118 vehicles, and 474 locations for indicators of sex and child trafficking and forced criminality. These efforts led to the identification of one adult trafficking victim and one child victim. While the government reported increasing screening efforts in migrant populations, civil society and media reports continued to indicate government efforts to screen migrants and asylum-seekers, including unaccompanied children, were seriously lacking. International organizations criticized the government for violent pushbacks of illegal migrants, and civil society and media continued to report border police assaulted and harassed migrants. International and civil society organizations claimed these practices strongly discouraged victims from self-identifying or cooperating with authorities. The MOI denied reports of migrant abuse and reported it conducted internal investigations related to all claims of abuse.

A multi-disciplinary national referral mechanism provided standard operating procedures for identifying and referring victims to services. According to the national referral mechanism, first responders carried out the preliminary identification of potential victims and contacted one of four regional mobile teams consisting of social workers from a Center for Social Work and NGO representatives, who travelled to assess the potential adult victims in person and coordinated victim care and placement. For child victims, first responders contacted the MDFYSP, who dispatched a mobile team of specialized social workers. The MOI officially identified all victims in cooperation with first responders and the regional mobile team and with specialized police officers responsible for protection were called for potential child victims. Officials reported the mobile team for child victims functioned well, but NGOs participating in the mobile team for adults were financially burdened with travel and training costs. Observers reported difficulties in recruiting new NGO members into the mobile team due to the financial burden. In addition, the one-day training for new team members was inadequate to learn the complex process of identifying victims. The Office for Human Rights and Rights of National Minorities (OHRRNM) committed to paying travel costs for mobile teams but, according to participating NGOs, OHRRNM did not reimburse invoices in a timely manner, if at all.

The government and NGOs provided victims protection and assistance, including shelter, medical assistance, legal assistance, psycho-social support, rehabilitation, and reintegration services. The government funded two NGO-run shelters, one for adults and one providing specialized support for children, and the Center for Missing and Exploited Children provided a range of educational and psycho-social services for unaccompanied minors and exploited children, including child trafficking victims; these shelters accommodated two adults and three children (three adults in 2018). The government continued efforts in the implementation of foster care and away from using state child care institutions to mitigate traffickers targeting children in state orphanages. MDFYSP organized a foster family for three child victims (one in 2018) and appointed special caregivers for five children. MDFYSP organized trainings for foster families and special caregivers and required them to maintain a license but officials reported the need to increase the number of foster families and special caregivers to fully support the increasing number of child victims. Civil society organizations reported good cooperation with MDFYSP. The Croatian Employment Bureau appointed special coordinators in regional and branch offices, who assisted victims in finding employment and worked with businesses to employ victims. MDFYSP allocated 457,000 kunas ($70,420) to support the NGO-run shelter for adults, compared with 609,060 kunas ($93,850) in 2018, and 527,000 kunas ($81,200) for the NGO-run shelter for children, compared with 365,390 kunas ($56,300) in 2018.

The government did not report any cases of penalization of victims for unlawful acts traffickers compelled them to commit. Foreign victims had access to the same services as domestic victims, but foreign victims without work permits at the time of their exploitation could not receive compensation for lost wages. Foreign victims could receive a temporary residence permit after a 60-day reflection period for adults and 90 days for minors; government reported one victim in 2019 received a temporary stay based on humanitarian concerns (one in 2018). Seven out of the 15 county courts had Victim and Witness Support Offices (VWSO) that provided assistance during criminal proceedings, including requests to testify via video link, referrals to specialized institutions, legal and logistical assistance, and measures to prevent re-traumatization. The government funded a civil society network to provide legal and psychological assistance and logistical support in county courts without VWSOs. Observers

reported courts with VWSOs offered assistance consistently but the eight courts without a VWSO did not have the capacity or resources to provide victim-centered approaches. Some judges lacked sensitivity and an understanding of the impact of psychological trauma and required victims to provide statements or testimonies multiple times, causing re-traumatization. Children could provide testimonies to specialized professionals in child interview rooms, but observers reported, in one case, a judge required a minor to testify in court for seven hours. The law provided witness protection, but the government reported no victims entered witness protection in 2019. Authorities reported difficulties in encouraging victims to cooperate with investigations, particularly sex trafficking cases or cases involving potential foreign victims. Experts reported judges rejected claims for restitution in criminal cases and recommended victims request compensation or file a civil suit. Judges in civil courts were sometimes better positioned to assess emotional pain, but civil suits were expensive, lengthy, and required victims to re-testify about their exploitation, causing re-traumatization.

PREVENTION

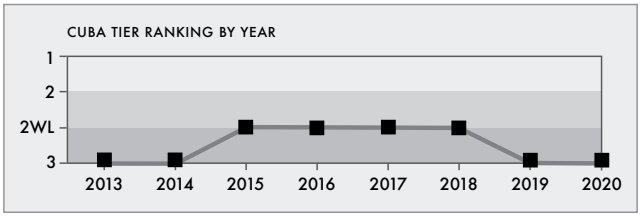
The government increased prevention efforts. OHRRNM served as the secretariat for the senior-level national coordinating committee; the national committee met once in 2019. The committee's working-level operational team held monthly meetings and monitored the implementation of the 2018-2021 national action plan; however, observers reported OHRRNM exhibited a general lack of attention to anti-trafficking efforts. The government monitored its anti-trafficking efforts, produced annual reports, and posted information on ministries' websites. MDFYSP allocated 250,000 kunas ($38,520) for awareness campaigns and solicited project proposals from civil society. OHRRNM reported spending 93,304 kunas ($14,380) on services for trafficking victims, including funding for the NGO-run hotline. Observers reported the NGO-run hotline operated only from 10:00 a.m. to 6:00 p.m. due to inadequate financial support; the hotline received 474 calls, leading to four investigations (280 calls leading to four investigations in 2018). The MOI operated a specific unit for crime prevention, including trafficking, and OHRRNM organized roundtables on combating child trafficking. The government held awareness campaigns targeting students and teachers, distributed informative materials and continued to organize awareness-raising events for NGOs, government officials, and workers from the tourism industry. The government made efforts to reduce the demand for commercial sex acts, including by continuing to distribute materials from the "If You Are a Man, You Will Not Buy a Woman" campaign.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Croatia, and traffickers exploit victims from Croatia abroad. Women and girls from the Balkans and Central Europe are exploited in sex trafficking in Croatia. Traffickers exploit Croatian women and girls in sex trafficking within the country and elsewhere in Europe. Although there were no official reports this year of traffickers exploiting marginalized Romani children in forced begging in Croatia, this was reported in previous years. Traffickers exploit Croatian, Bosnian, and Romanian women and increasingly Afghan, Filipino, Pakistani Taiwanese, and Thai men in forced labor in the Croatian agricultural sector. Migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied minors. In 2018, Taiwanese women and men were exploited in forced labor and forced criminality in an illegal call center

CUBA: TIER 3

The Government of Cuba does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Cuba remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including some examples of investigating, prosecuting, and convicting sex traffickers and sex tourists, and identifying and providing assistance to victims. However, during the reporting period there was a government policy or government pattern to profit from labor export programs with strong indications of forced labor, particularly its foreign medical missions program. The government refused to improve the transparency of the program or address labor and trafficking concerns despite persistent allegations from observers, former participants, and foreign governments of Cuban officials' involvement in abuses. The government failed to inform participants of the terms of their contracts, which varied from country to country, confiscated their documents and salaries, and threatened participants and their family members if participants left the program. Within Cuba, the government lacked procedures to proactively identify forced labor victims, lacked a comprehensive package of housing and services for victims, and did not protect potential trafficking victims from being detained or charged for unlawful acts their traffickers coerced them to commit. The government did not criminalize all forms of forced labor or sex trafficking.



PRIORITIZED RECOMMENDATIONS:

Ensure state-run labor export programs such as foreign medical missions comply with international labor standards or end them—specifically ensure participants receive fair wages, fully paid into bank accounts the workers can personally control; ensure participants retain control of their passports, contracts, and academic credentials; ensure a work environment safe from violence, harassment, and intrusive surveillance; and ensure participants have freedom of movement including to leave the program or refuse an assignment without penalties such as being threatened, imprisoned, harmed, or banned from returning to Cuba. • Draft a comprehensive anti-trafficking law that criminalizes all forms of trafficking, including an explicit prohibition of labor trafficking, and which ensures that the use of force, fraud, or coercion is considered an essential element of adult trafficking. • Vigorously investigate and prosecute both sex trafficking and forced labor offenses. • Implement formal policies and procedures on the identification of all trafficking victims and their referral to appropriate services, and train officials, including first responders, in their use. • Proactively identify trafficking victims, including among vulnerable populations. • Adopt policies and programs that provide trafficking-specific, specialized assistance for male, female, and LGBTI trafficking victims. • Screen individuals charged or detained for prostitution-related offenses for sex trafficking and refer victims to care providers. • Train those responsible for enforcing the labor code to screen for trafficking indicators and educate all Cuban workers about trafficking indicators and where to report trafficking-related violations. • Establish a permanent inter-ministerial anti-trafficking committee. • Create a new national

anti-trafficking action plan in partnership with international organizations for the period beyond 2020. • Provide specialized training on trafficking indicators for hotline staff and interpretation for non-Spanish speakers.

PROSECUTION

The government made some law enforcement efforts to combat sex trafficking but made no efforts to address forced labor; rather, some Cuban government officials in the Ministry of Justice were complicit in state labor export schemes by prosecuting people who abandoned labor export schemes due to abuses within the programs. The Cuban penal code criminalized some forms of sex trafficking and labor trafficking. Article 302 ("procuring and trafficking in persons") criminalized inducing another person to engage in prostitution, or cooperating, promoting, or benefiting from such an act, and prescribed penalties of four to 10 years' imprisonment. These penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. Article 310 ("corruption of minors") criminalized the use of a person under the age of 16 for sexual purposes and prescribed penalties of seven to 15 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 312 ("corruption of minors") criminalized the use of a person under the age of 16 for begging and prescribed penalties of two to five years' imprisonment or a fine; these penalties were sufficiently stringent. Article 316 ("sale and trafficking of minors") criminalized the sale or illegal adoption of a person under the age of 16 for "international trafficking relating to corrupting or pornographic conduct, the practice of prostitution, trade in organs, forced labor, or activities linked to narcotics trafficking or illicit drug use," and prescribed penalties of seven to 15 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes such as rape. Inconsistent with international law, these provisions defined a minor as under the age of 16 instead of under the age of 18. Provisions relating to adult and child trafficking did not explicitly criminalize the acts of recruitment, transport, and receipt of persons for these purposes. Cuban law did not explicitly prohibit labor trafficking as defined in international law. The government has not made efforts to amend the criminal code to address trafficking in international law.

In December 2019, the government published official data for calendar year 2018 on prosecutions and convictions, the most recent data available. The government's annual report is the primary source of information on its efforts. The government suppresses independent domestic sources. Some international independent sources provide information on efforts. The government investigated fifteen cases of potential human trafficking. Authorities reported 15 prosecutions, which included four cases involving sex trafficking, and 24 convictions (20 for sex trafficking, one for forced child labor, and three for selling or patronizing the sale and trafficking of a minor). This compared to 20 prosecutions in 2017, 21 in 2016 and 10 in 2015, and 20 convictions in 2017, 39 in 2016 and 17 in 2015. From available data, the average sentence was 7.1 years' imprisonment, compared to 9.2 years in 2017, 10.5 years in 2016, and 12 years in 2015. In addition, some traffickers received sentences of three to five years of forced labor; one case involved three years' probation. INTERPOL identified 10 Cubans wanted for trafficking activities (six by Ecuador and four by Cuba). The government reported that it dismantled eight criminal networks that involved sexual exploitation, arresting one Turkish citizen and twelve Cubans. Authorities imprisoned five foreign nationals for purchasing sex from child sex trafficking victims from Italy, Serbia, India, France, and the Netherlands; this compared to eight foreign nationals imprisoned for child sex trafficking the previous reporting period. The Cuban government organized and sponsored trainings for law enforcement officers, prosecutors, and judges. The government reported providing law enforcement information to the Government of Peru regarding a Peruvian citizen suspected of sexual exploitation. The government increased cooperation with the Canadian Royal Mounted Police on identifying sex tourists. The government maintained more than 20 bilateral cooperation agreements or memoranda of understanding with 15 other countries that included trafficking; the government did not provide information on the results of these agreements. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking, despite persistent allegations officials threatened and coerced some participants in the foreign medical missions to remain in the program.

PROTECTION

The government decreased efforts to identify and protect sex trafficking victims. Authorities identified 25 victims in 2018, compared to 24 victims in 2017, 27 victims in 2016, and 11 victims in 2015. The government reported that all victims received psychological, legal, educational, and vocational assistance, and all victims assisted with law enforcement efforts. The government reported having procedures to proactively identify and refer sex trafficking victims; however, the government lacked formal procedures to identify victims in police raids and many victims self-reported. The government did not report having procedures to identify victims of forced labor and no information was available about the number of labor inspectors. Government-organized NGOs, such as the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution, could identify and refer trafficking victims to state authorities and provide victim services including psychological treatment, health care, skills training, and assistance in finding employment. The FMC continued to receive funding from international organizations and operated centers for women and families nationwide to assist individuals harmed by violence, including victims of sex trafficking. Observers, however, noted that these organizations did not have the capacity to help trafficking victims. Observers also commented despite existing social services that victims may be able to access, the government did not offer a comprehensive or specialized package of services or housing. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for adult male or LGBTI victims.

The government funded child protection centers and guidance centers for women and families, which served all crime victims, including some trafficking victims. These centers had the ability to screen cases, make referrals to law enforcement, assist with arranging cooperation with law enforcement in preparation for prosecution, and provide victim services. The attorney general created a special Family Protection and Jurisdictional Issues Directorate in 2016 to provide specialized attention to child victims of crime and violence, including trafficking, but did not report whether it provided services to children in 2017 or 2018. Independent members of civil society lament that the government's protection efforts and limited information on the scope of sex trafficking and forced labor in Cuba were deficient and subject to virtually no credible independent monitoring by NGOs and international organizations. Police encouraged child sex trafficking victims younger than the age of 16 to assist in prosecutions of traffickers by gathering testimony through psychologist-led videotaped interviewing, usually removing the need for children to appear in court. Observers reported law enforcement did not proactively screen for indicators of trafficking as police may have detained individuals in commercial

sex or charged them with crimes such as "social dangerousness," thereby potentially penalizing some victims for unlawful acts their traffickers coerced them to commit. Cuban law permitted courts to order restitution be paid to victims, but the government did not report any such orders in 2018. The government did not identify any foreign trafficking victims in Cuba in 2018.

PREVENTION

The government made minimal efforts to prevent sex trafficking but did not make any efforts to prevent forced labor. The government reported it continued to implement its national anti-trafficking action plan for 2017-2020, which included some efforts to prevent trafficking, protect victims, investigate and prosecute traffickers, and promote international cooperation. The plan required the government to establish indicators to assess progress and an overall assessment in 2020, but such indicators were not made public. The government published its annual report of anti-trafficking efforts in January 2020, covering 2019. Although the government has conducted research on the trafficking problem in Cuba, it has not made public any of these studies. International observers noted challenges in coordination across the government, but the government did not report whether it had established a permanent interagency committee. The Ministry of Justice led an informal working group to combat trafficking comprising various ministries and law enforcement. As in prior years, the government held training sessions for government employees, teachers and school administrators, tourist industry employees, and parents on prevention and detection of trafficking. The government and the FMC continued to operate a 24-hour telephone line for individuals needing legal assistance, including sex trafficking victims; none of the 19,192 calls to this hotline were in reference to trafficking in persons.

State media continued to produce newspaper articles and television and radio programs, including a new public service announcement, to raise public awareness about sex trafficking. The FMC raised public awareness through workshops and training with government officials, social workers, educators, and students, and the distribution of materials explaining trafficking and risks associated with it; however, there were not publicly available materials that showed the effectiveness or impact of these programs. Authorities maintained an office within the Ministry of Tourism charged with monitoring Cuba's image as a tourism destination, combating sex tourism, and addressing the demand for commercial sex acts. The Ministry of Tourism also reported training law enforcement officials assigned to the tourism sector to identify cases during inspections of state-owned hotels and tourist facilities; the government reported that this resulted in 39 tips, of which five resulted in cases referred to the Ministry of Interior for human trafficking. However, during official inspections of state-owned hotels and tourist facilities, the government reported that none of its 2,439 inspections involved human trafficking. The ministry monitored foreign tour companies and travel agencies, whose employees may be held accountable for marketing the country as a sex tourism destination or for trafficking offenses. The government did not report efforts to reduce its nationals' participation in child sex tourism. The Ministry of Labor and Social Security offered training to labor inspectors to detect trafficking, but the ministry did not identify forced labor among the 1,573 labor violations in 2017. The government reported taking steps to identify and prevent young people who might be vulnerable to traffickers from traveling abroad. Observers noted that the government failed to monitor and combat forced labor in their own supply chains. The government did not implement policies to prohibit force, fraud, or coercion by foreign labor recruiters and state-owned or controlled enterprises in recruiting and retaining employees, despite persistent allegations Cuban officials threatened and coerced some participants to remain in the foreign medical mission program. The government did not explain international labor standards to members of their labor export schemes working in conditions which might be considered trafficking. The Cuban government is not known to maintain labor attachés abroad, nor to coordinate with other governments to ensure safe and responsible recruitment of Cuban laborers. Observers noted that the government prohibited freedom of movement of its citizens internally or abroad, rendering them without a way to legally migrate, making them more vulnerable to trafficking.

TRAFFICKING PROFILE

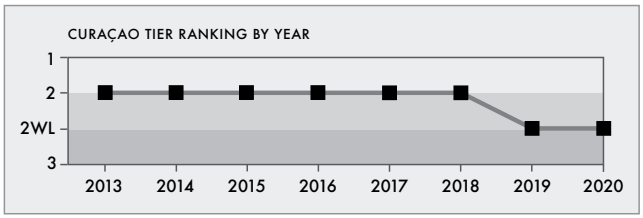
As reported over the past five years, human traffickers exploit domestic and foreign victims in Cuba, and traffickers exploit victims from Cuba abroad. Human trafficking concerns in Cuba fall under two broad categories: sex trafficking and forced labor, and government-sponsored labor export programs. Sex trafficking and sex tourism, including child victims, occur within Cuba. Traffickers exploit Cuban citizens in sex trafficking and forced labor in South America, the Caribbean, Asia, Africa, Mediterranean region, and the United States. Traffickers exploit foreign nationals from Africa and Asia in sex trafficking and forced labor in Cuba to pay off travel debts. The government identified children, young women, elderly and disabled persons as being the most vulnerable to trafficking. Experts raised concerns about Cuba's LGBTI population and its vulnerability to sex trafficking and the increasing vulnerability of Cuban economic migrants, including cases of professional baseball players, to labor and sex trafficking. The government uses some high school students in rural areas to harvest crops and does not pay them for their work but claims this work is voluntary.

International observers and former participants reported government officials force or coerce individuals to participate and remain in the Cuban government's labor export programs, particularly the foreign medical missions program, managed by the Unidad Central de Cooperación Médica and Ministry of Health. The government has not taken action to address its exploitative and coercive policies in these missions, which are clear indicators of human trafficking. According to statements from government officials, the government employed between 34,000-50,000 healthcare professionals in more than 60 countries in Africa, the Americas, Asia, the Middle East, and Europe in foreign medical missions through contracts with foreign governments and, in some countries, with international organizations serving as intermediaries or providing funds for their work. According to the government, 75 percent of their exported workforce are medical professionals. Experts estimated the Cuban government collected $6 billion to $8 billion annually from its export of services, namely foreign medical missions program. The government has stated the postings are voluntary, and some participants also have stated the postings are voluntary and better-paid compared to low paying jobs within Cuba, where basic wages for a doctor are $55 a month. However, observers report the government does not inform participants of the terms of their contracts or allow them to retain a copy of said contract, heightening their risk of forced labor. Workers receive only a portion of their salary ranging from five to 25 percent, and these funds are retained in Cuban bank accounts which are relinquished if the participant leaves the program. The Cuban government acknowledges that it withholds passports of overseas medical personnel in Venezuela; the government provided identification cards to such personnel. Many Cuban medical personnel claim they work long hours without rest and face substandard and dangerous working and living conditions in some countries, including a lack of hygienic conditions and privacy, and are forced to falsify medical records. In 2019, at least six Cuban medical professionals died, two more were kidnapped, and others have been sexually assaulted. Many medical professionals reported being sexually abused by their supervisors. Observers note Cuban

authorities coerced some participants to remain in the program, including by: withholding their passports and medical credentials; restricting their movement; using "minders" to conduct surveillance of participants outside of work; threatening to revoke their license to practice medicine in Cuba; retaliate against their family members in Cuba if participants leave the program; or impose criminal penalties, exile, and family separation if participants do not return to Cuba as directed by government supervisors. In early 2020, the Cuban government sent more medical professionals to assist countries to respond to the global COVID-19 pandemic under unclear financial arrangements.

CURAÇAO: TIER 2 WATCH LIST[†]

The Government of Curaçao does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting and convicting more traffickers, including a complicit official. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities identified fewer victims and, in practice, continued to condition victims' access to services on cooperation with law enforcement in the case against their traffickers. The government deported potential victims, including Venezuelans, who did not immediately choose to cooperate with law enforcement or did not self-identify as victims, and did so without consideration of possible abuse in the country of origin. Officials conflated trafficking in persons with smuggling, hindering the effectiveness of prosecution, prevention, and protection efforts. Therefore Curaçao remained on Tier 2 Watch List for the second consecutive year.



PRIORITIZED RECOMMENDATIONS:

Provide potential victims, including those who choose not to cooperate with law enforcement in the case against their traffickers, with services and legal alternatives to deportation, especially where victims face harm or abuse in their home country. • Amend the national action plan to allow assistance provision to victims even when they choose not to cooperate with law enforcement in the case against their traffickers. • Amend existing legislation to prescribe penalties for sex trafficking offenses to be commensurate with penalties prescribed for other serious crimes, such as rape. • Provide training to detention center staff on victim identification procedures and routinely screen detained migrants for potential trafficking indicators. • Refer victims to care services where they can begin rehabilitation before requiring commitment to assist a criminal investigation. • Vigorously prosecute and convict traffickers, including complicit officials, sentencing them to significant prison terms. • Increase proactive victim identification among vulnerable populations, such as migrants and individuals in commercial sex. • Reduce the financial barrier inhibiting victims' access to work permits to incentivize them to stay and assist law enforcement. • Disseminate standard operating procedures for victim identification and referral to law enforcement and detention facility staff and train officials on their use. • Provide specialized care and assistance for trafficking victims, including male victims. • Allocate sufficient resources for anti-trafficking efforts, including protection services and funding for full implementation of the national anti-trafficking action plan. • Produce targeted resources and provide training for local officials to conduct outreach to vulnerable communities through awareness campaigns on workers' rights, trafficking indicators, and available resources.

PROSECUTION

The government increased prosecution efforts. Article 2:239 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to nine years' imprisonment or a fifth category fine of up to $56,000 for offenses involving a victim 16 years of age or older, and up to 12 years' imprisonment or a fine for those involving a victim younger than 16. These penalties were sufficiently stringent; however, with respect to sex trafficking these penalties were not commensurate with those prescribed for other serious crimes, such as rape.

Authorities initiated one investigation in 2019, compared with four in 2018. Officials reported one additional active investigation from 2018. The government prosecuted four traffickers in one case in 2019, compared with zero prosecutions in 2018, and reported six ongoing prosecutions related to two cases from previous years. Judges convicted six traffickers in two cases during the reporting period, compared with zero in 2018, prescribing sentences ranging from nine months to two years' imprisonment. The courts convicted one of these traffickers in absentia after he failed to appear for trial. Three sex traffickers had their sentences reduced through appeal or commutation, which weakened the deterrent effect of their convictions. The government reported two cases involving complicit officials, both policemen. A judge convicted and sentenced one complicit official to 12 months' imprisonment for sex trafficking; the other was detained and awaited prosecution at the conclusion of the reporting period. Law enforcement officials participated in a training on trafficking in persons hosted by the Netherlands government. The government also collaborated with the University of Curaçao to provide trafficking trainings. The Curaçao government remained committed to a 2015 agreement to conduct a minimum of four trafficking investigations a year, despite a lack of personnel. The government continued to address human trafficking and smuggling with the same resources and procedures, frequently prosecuting traffickers with smuggling; officials often conflated the two crimes in point of fact.

PROTECTION

The government further decreased its inadequate protection efforts. In 2019, there was a considerable population of displaced Venezuelans who had overstayed visas and were working illegally in Curaçao. The government claimed the large number of displaced Venezuelans who had overstayed visas and were working illegally in Curaçao constrained law enforcement and likely affected efforts to combat trafficking; yet, Venezuelans, as a group, were at particular risk of trafficking. Authorities identified three victims in 2019, foreign nationals exploited in sex trafficking, compared with 44 victims (16 victims of sex trafficking, 10 victims of labor trafficking, and 18 both sex and labor trafficking) in 2018 and five in 2017. Officials interviewed other women working alongside the three identified victims and concluded they were not victims of sex or labor trafficking. In practice, assistance for victims was contingent upon cooperation with law enforcement efforts to

[†] *Curaçao is an autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, Curaçao is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Curaçao would be assessed if it were a separate, independent country.*

prosecute traffickers. The government's procedures stipulated it should provide standard services to these victims, including shelter, meals, medical attention, and psychological services. Even so, these services were often difficult to obtain and some were funded by international organizations. The government issued temporary residence permits and arranged housing for all three victims. Officials continued to provide services to 12 previously identified victims, including facilitating the temporary return of two victims to their country of origin for a medical procedure. Victims who were in the country illegally and did not choose to participate in trials against their traffickers were at risk of deportation. Through a separate administrative process, victims were eligible to apply for temporary work permits; however, many victims could not afford the cost.

Front-line responders used standard operating procedures on victim identification and referral; however, it was unclear if staff at migrant detention centers received training on their use. Despite the vulnerability of unauthorized migrants to trafficking, the government did not report any routine screening of this at-risk population. The government did not operate any specialized shelters for trafficking victims; however, authorities provided some funding to NGOs and international organizations to assist victims in need of shelter and other services. NGOs could house a limited number of female trafficking victims in shelters for victims of domestic violence; victims' movements were restricted if authorities deemed their safety was at risk. When existing shelter facilities reached maximum capacity, the government placed victims in short-term government-funded apartments. Foreign victims were entitled to similar care as domestic victims, but did not have access to publicly funded medical insurance. The government referred child victims of trafficking to guardianship councils for placement in boarding school or foster care; the government did not report how many children it identified or assisted. Authorities reported difficulty arranging housing for male victims due to budget constraints; there were no known shelters for male victims. The government detained and deported potential victims who were in the country illegally, including Venezuelan nationals.

PREVENTION

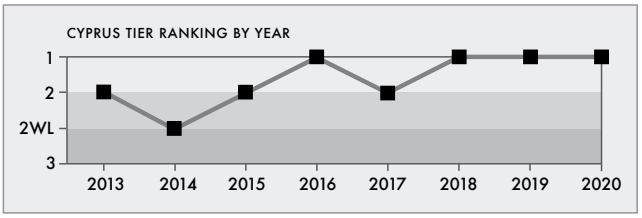
The government maintained insufficient prevention efforts. The government continued to use the 2017-2021 national action plan but had only partially allocated funds to cover its implementation. The government continued an awareness campaign meant to dissuade potential trafficking victims, including Venezuelan women, from traveling to Curaçao to work in bars and dance venues where they were vulnerable to sex trafficking. The government operated a victim assistance hotline but did not receive any trafficking tips during the reporting period. The government continued to regulate the open-air brothel Campo Alegre, and it kept an official registry of individuals working there. The government provided routine medical screenings, residency permits, and work permits for these individuals. The government made efforts to reduce demand for commercial sex acts, including through a public awareness campaign informing purchasers of potential sex trafficking amongst the women employed in Curacaoan bars.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Curaçao. Undocumented migrants, especially the growing population of Venezuelan nationals, are vulnerable to sex and labor trafficking. Traffickers exploit Curaçaoan and foreign women and girls, mainly Dominicans and Venezuelans, in sex trafficking, as well as migrant workers from other Caribbean countries, South America, China, and India in forced labor in construction, domestic servitude, landscaping, minimarkets, retail, and restaurants. Venezuelan migrants are vulnerable to exploitation by Spanish-speakers purporting to offer employment assistance in Curaçao.

CYPRUS: TIER 1

The Government of the Republic of Cyprus fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Cyprus remained on Tier 1. These efforts included amending laws to strengthen prosecution efforts, such as significantly increasing prescribed penalties for trafficking, strengthening the criminalization of the demand for sex trafficking, and enabling police to wiretap telephone communication of suspected traffickers with an approved court warrant. The government increased resources for the government-run trafficking shelter and NGO-run transitional housing for sex trafficking victims. The government, in consultation with NGOs, drafted and adopted the 2019-2021 national action plan. The Ombudsman produced three public reports on the government's anti-trafficking policies, two of them in response to civil society concerns. Although the government meets the minimum standards, it identified fewer victims, it investigated and prosecuted fewer suspects, and courts did not convict any perpetrators for sex trafficking or forced labor under their trafficking law in 2019 or 2018. Court proceedings lasted years, and foreign victims and witnesses often returned to their countries of origin, resulting in lenient sentences for related crimes. The police anti-trafficking unit (ATU) lacked sufficient resources to thoroughly investigate all referrals of potential victims. Social Welfare Services (SWS) lacked training to accurately identify victims; as a result, SWS did not respond in a timely manner to referrals of potential trafficking victims and failed to refer all potential victims to ATU for official identification procedures. Victims continued to face delays in receiving financial assistance.



PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Law 60(I) and sentence convicted traffickers to significant prison terms. • Strengthen coordination between police and prosecutors during trafficking investigations. • Reduce delays in providing victim assistance, including access to health care, rental disbursements, and financial assistance. • Train government personnel, particularly SWS officials, on victim identification, assistance, and referral. • Allocate sufficient resources to enable the anti-trafficking unit to effectively investigate all offenses. • Proactively identify victims among vulnerable populations, including migrants and agricultural workers. • Reduce delays in court proceedings. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. • Improve victim-centered investigations and prosecutions and implement witness protection measures when necessary. • Implement recommendations made by the Ombudsman and other entities that monitor and evaluate anti-trafficking policies and efforts.

PROSECUTION

The government maintained law enforcement efforts. The government adopted Law 117(I)/2019 in July, which amended Law 60(I)/2014 that criminalized sex trafficking and labor trafficking. Law 117(I)/2019 increased prescribed penalties from up to 10 years' imprisonment for offenses involving an adult victim to 25 years' imprisonment. Additionally, the law increased prescribed penalties for offenses involving a child victim from up to 20 years' imprisonment to up to life imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape.

The police investigated 24 suspected traffickers (32 in 2018); 13 suspects for sex trafficking, four suspects for forced labor, and seven suspects for both sex trafficking and forced labor (26 suspects and a company for sex trafficking and six for forced labor, including four for forced begging in 2018). The police also investigated 11 suspects for forced marriage (eight suspects in 2018), which authorities considered to be trafficking under their law. The government prosecuted 16 defendants (30 in 2018); nine defendants for sex trafficking and seven for both sex trafficking and forced labor (27 defendants and two companies for sex trafficking and three defendants for forced labor in 2018). The government also prosecuted three defendants for "soliciting or patronizing a sex trafficking victim" (none in 2018) and eight defendants for forced marriage (16 in 2018). The government continued to prosecute 86 defendants; 44 defendants for sex trafficking, 38 for forced labor, and four for both sex trafficking and forced labor. Courts did not convict any traffickers for sex trafficking or forced labor under their trafficking law in 2019 or 2018. Courts convicted four perpetrators prosecuted under the trafficking law with lesser offenses, including living off of the proceeds of prostitution, failing to pay taxes, illegal possession of tax-free products, providing false information to a police officer, and illegal possession of goods (three perpetrators in 2018). Judges sentenced one perpetrator to three months' imprisonment, another to three months' imprisonment with a fine of €17,910 ($20,130). Two others received fines of €800 ($900) and €500 ($560). OSCE reported cases relied heavily on victim and witness testimonies without additional corroborating evidence and court proceedings lasted up to three years. Foreign victims and witnesses often returned to their countries of origin, resulting in lenient sentences and downgraded cases, and acquittals of suspects on trafficking charges due to a lack of evidence.

The Ministry of Justice and Public Order maintained an ATU, which conducted proactive investigations. Observers reported that inadequate ATU staffing limited the number of investigations. In 2018, the ATU reported that the absence of legislation allowing the use of electronic surveillance hampered its ability to collect sufficient evidence and corroborate victim and witness testimonies; however, the government amended the law, enabling police to wiretap telephone communication of suspects, including traffickers, with a court warrant and other approvals. Observers reported local police, particularly in rural areas, tolerated practices that were indicators of forced labor, including withholding salaries and confiscating travel documents. In September 2018, the ATU and the Internal Affairs Unit arrested and prosecuted four immigration police officers on suspicion of aiding a criminal network involved in trafficking; the case was still pending trial. The Police Academy continued to train police officers on trafficking issues, including new recruits, immigration police, and community police. The government, separately and with technical assistance from international organizations, the U.S. government, and NGOs, trained judges and police officers on various anti-trafficking issues. The government continued joint investigations with British, Cameroonian, and Polish authorities and participated in a EUROPOL operation. The government executed three international investigations related to trafficking, one from Poland and two from Romania and issued European arrest warrants for two Bulgarian nationals and international arrest warrants for an Indian national and a Pakistani national for trafficking.

PROTECTION

The government maintained victim protection efforts. The government identified 24 victims (31 victims in 2018); eight were sex trafficking victims, 11 victims of both sex trafficking and forced labor, and five victims of forced labor, including one of forced begging (21 victims of sex trafficking, eight victims of both sex trafficking and forced labor, and two victims of forced labor in 2018); 21 were female and two were male (25 female victims and one male victim in 2018); and one was a child victim (none in 2018). The government also identified four victims of forced marriage (five in 2018), which authorities considered to be trafficking under their law. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures for identifying and referring victims to services, including an operational manual and written guidance for first responders. The government updated the operational manual to include guidelines for child victims. The NRM required first responders to conduct preliminary identification of potential victims and refer potential victims to SWS. The police conducted proactive identification efforts, particularly in apartments, pubs, and agricultural establishments, but observers reported the ATU lacked sufficient resources to effectively investigate all referrals of potential victims, including among asylum-seekers. SWS officers provided potential victims with information and notified the ATU, who officially identified victims.

The government approved a standardized form for referrals to SWS; however, OSCE and civil society representatives reported SWS lacked training to accurately identify victims. As a result, SWS did not respond in a timely manner to referrals of potential trafficking victims and failed to refer all potential victims to ATU for official identification procedures. Additionally, SWS lacked capacity to maintain contact with potential victims, according to OSCE and other civil society representatives, who noted some potential victims did not have access to adequate accommodations and financial assistance. SWS assigned an on-call officer outside of working hours and on weekends to provide emergency accommodation and financial support to potential victims, but observers noted the NRM was not fully functional on weekends and the on-call SWS officer did not deem potential trafficking cases an emergency. While experts reported cooperation generally improved with SWS in the referral process, it depended largely on the individual SWS officer assigned to the case. The ATU interviewed 246 potential victims referred by SWS (111 in 2018); referral statistics for 2019 were incomplete, but the government referred at least 117 potential victims, NGOs referred 79, and three self-identified (the government referred 74 potential victims, NGOs referred 37 potential victims in 2018). The government established a permanent screening system for newly arrived asylum-seekers, and observers reported identification of potential victims among asylum-seekers improved compared to previous years; the government and NGOs referred 172 asylum-seekers as potential victims (48 in 2018). Observers reported the ATU identification process lacked transparency and some interviews were not victim-centered, while authorities reported using internal identification manuals based on international standards and guidelines. Specialized personnel in the police anti-trafficking unit, including a forensic psychologist, conducted interviews with potential and identified victims before taking an official statement. The process of identifying victims exploited prior to arriving in Cyprus lasted several months, according to observers, who said police and SWS did not keep potential victims informed about the status of their cases. The government, at

times in cooperation with an international organization, trained social welfare officers and asylum officers on victim identification and assistance.

The government allocated €337,970 ($379,740) to operate the SWS-run shelter, compared to €280,000 ($314,610) in 2018. This amount did not include salaries for the SWS-run shelter staff. The government allocated €168,980 ($189,870), compared with €213,420 ($239,800) in 2018, for rent allowances and financial assistance to trafficking victims through a public benefit scheme known as Guaranteed Minimum Income. In addition, the government allocated €30,000 ($33,710) for emergency rent and assistance to cover urgent needs, compared with €25,000 ($28,090) in 2018. SWS evaluated the needs of victims and potential victims and referred them to the appropriate government agencies and NGOs for assistance. SWS operated a specialized shelter for female sex trafficking victims with the capacity to accommodate 15 victims; the SWS-run shelter accommodated 53 official and potential victims (69 in 2018). Victims may stay for one month or longer, as appropriate, in the shelter for a reflection period. The SWS-run shelter allowed adult victims to leave the shelter voluntarily after an assessment conducted by the ATU. The government maintained a memorandum of cooperation with an NGO to manage transitional housing for female sex trafficking victims, which accommodated sex trafficking victims searching for permanent residence after leaving the state-run shelter, and to provide longer-term accommodation for female victims in apartments. The government allocated €147,000 ($165,170) to the NGO, compared with €62,000 ($69,660) in 2018. The government also provided a rent subsidy and a monthly allowance for all victims and partnered with NGOs to provide apartments for male victims; however, victims experienced delays in rent disbursements resulting in the eviction of one victim and landlords' threats of eviction for other victims in 2018.

The law entitled victims to psycho-social services, health care, translation and interpretation services, education, vocational training, and financial assistance. The government trained health care professionals on the mental health care for sex trafficking victims, and all staff at the government-run shelter participated in monthly training sessions from Ministry of Health clinical psychologists. The government maintained a children's house to provide education, placement into foster homes, and specialized medical and psycho-social care for child victims of sexual abuse and exploitation, including trafficking. Observers reported good quality of service at the government-run shelter, health care services, and labor offices; however, victims continued to rely heavily on NGOs to help navigate cumbersome SWS procedures to access support services. In previous years, the government streamlined the process for providing financial support to victims and prioritized public benefit applications from trafficking victims; however, observers reported victims still waited approximately four months to receive benefits with no retroactive payments. Victims received emergency financial assistance in cases of delayed distribution of monthly allowances, but the amount was insufficient to cover basic necessities. Observers reported victims were unable to register with the new government-run General Healthcare System (GESY) due to a technical issue. To mitigate the spread of COVID-19, in March the government began requiring referrals from GESY-registered personal doctors for individuals to get treatment at state hospitals, which observers said prevented victims from accessing health care. Employment counselors trained to handle sensitive cases sought suitable employment for each victim. Employment counselors helped 10 victims find employment during the reporting period.

The government and civil society did not report any cases of penalization of victims for unlawful acts traffickers compelled them to commit. The government voluntarily repatriated or granted residence permits and work authorization to foreign victims, including those who decided after their reflection period not to cooperate with the police. The government extended the residence and work permit for 10 victims (six victims in 2018) and granted asylum to one victim (two in 2018). All 24 identified victims assisted law enforcement in investigations (27 in 2018). The government permitted victims to leave Cyprus and return for trial, and police remained in contact with victims while they were abroad; one victim left Cyprus and returned to testify in trial (none in 2018). However, victims and witnesses often left the country and did not return before trial due to long delays, hindering prosecution efforts. The law entitled victims to witness protection through a request made by the police to the Attorney General; no requests were made in 2019 or 2018. Police officers escorted victims to court proceedings and the law allowed courts closed-door trials, a partition to separate victims from their traffickers, remote testimony, and the use of video-recorded testimonies for child victims; however, courts used none of the methods in 2019 or 2018. Prosecutors did not seek restitution in criminal cases, but the law allowed victims to pursue compensation through civil suits or through the victim compensation fund; authorities approved two of the three applications from victims for legal aid to pursue compensation (10 victims applied for legal aid in 2018).

PREVENTION

The government increased prevention efforts. The Multidisciplinary Coordinating Group (MCG) to combat trafficking, comprising relevant government agencies and NGOs, met three times (twice in 2018) and drafted and adopted the 2019-2021 national action plan. An MCG working group also met to improve coordination between NGOs and SWS to provide victim assistance. The Ombudsman produced two public reports on the government's anti-trafficking policies in response to civil society concerns. One report concluded government services did not fully implement provisions of the victim protection law because authorities did not renew some victims' residence permits. The report also recommended measures to ensure victims received assistance; civil society filed a complaint stating authorities had not fully implemented the Ombudsman's recommendations. A second complaint identified staffing shortages at the SWS-run shelter, which the government had resolved, according to civil society. The Ombudsman produced another report identifying vulnerabilities among domestic workers, including a weak legal framework, a sponsorship system that ties the domestic worker to an employer, and withholding of travel documents—and recommended revising employment contracts, increasing labor inspections, and implementing stronger mechanisms to identify victims. In response to the Ombudsman's report on domestic workers, the government lifted the maximum period of residence (previously six years) and considered additional changes, including revising the employment contract.

The Ministry of Labor (MOL) inspected 136 employment agencies (128 in 2018) and revoked the licenses of 14 employment agencies (six in 2018). The MOL also imposed a fine on four employment agencies for failing to maintain required records (one in 2018), and police separately investigated one employment agency for trafficking-related offenses (one in 2018). The Ministry of Interior maintained a contract for employment of domestic workers and defined the process by which the employee or the employer could terminate the contract. In addition, the contract set a €310 ($350) minimum salary for domestic workers and required employers to be responsible for accommodation, medical insurance, meals, visa fees, travel expenses, and repatriation ticket. The government made efforts to reduce the demand for commercial sex acts, including by strengthening the criminalization of the demand and purchase of commercial sex from a trafficking victim. The government did not operate a hotline.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cyprus. Foreign victims identified in Cyprus in 2019 were from Bulgaria, Cameroon, Czechia, Greece, India, Nepal, Nigeria, Romania, Sri Lanka, Ukraine, and Vietnam. In previous years, victims were also from China, Ethiopia, The Gambia, Latvia, Moldova, Russia, and Uzbekistan. Traffickers subject women, primarily from Eastern Europe, South and Southeast Asia, and sub-Saharan Africa, to sex trafficking. Sex trafficking occurs in private apartments and hotels; on the street; and in bars, pubs, coffee shops, massage parlors, and cabarets known for the availability of commercial sex. Traffickers exploit short-term tourist visas available to Ukrainian and Russian nationals to recruit young women for sex trafficking in bars and private establishments and recruit some female sex trafficking victims with false promises of marriage or work as barmaids or hostesses. Traffickers subject foreign migrant workers—primarily from South and Southeast Asia—to forced labor in agriculture. Employment agencies recruit and exploit migrant workers who enter the country on short-term work permits in labor trafficking; after the permits expire, traffickers use debt-based coercion, threats, and withholding of pay and documents. Domestic workers from India, Nepal, the Philippines, and Sri Lanka are vulnerable to forced labor. Traffickers subject asylum-seekers from Southeast Asia, Africa, and Eastern Europe to forced labor in agriculture and domestic work. Unaccompanied children, children of migrants, Roma, and asylum-seekers are especially vulnerable to sex trafficking and forced labor. Romani children are vulnerable to forced begging. Traffickers exploit Cypriots addicted to drugs and young women with disabilities to commit criminal offenses such as distributing illegal substances and committing welfare benefits fraud.

AREA ADMINISTERED BY TURKISH CYPRIOTS

The northern area of Cyprus is administered by Turkish Cypriots. In 1983, the Turkish Cypriots proclaimed the area the independent "Turkish Republic of Northern Cyprus" ("TRNC"). The United States does not recognize the "TRNC," nor does any other country except Turkey. If the "TRNC" were to be assigned a formal ranking in this report, it would be Tier 3. Turkish Cypriot authorities do not fully meet the minimum standards for the elimination of trafficking and are not making significant efforts to do so. However, in March "Parliament" amended the "TRNC criminal code" to include trafficking for the first time, and "Parliament" also passed the 2000 UN TIP Protocol in April 2018. Turkish Cypriot authorities did not keep statistics on police efforts to combat trafficking. The "Nightclubs and Similar Places of Entertainment Law of 2000" stipulated nightclubs may only provide entertainment such as dance performances; however, Turkish Cypriot authorities rarely enforced this "law," and observers said commercial sex, including forced prostitution, commonly occurred in nightclubs. Local press reported that police at times enforced prostitution-related offenses, including forced prostitution, which occurred outside of nightclubs during the year. Turkish Cypriot authorities prosecuted a suspect for forcing two women into prostitution and convicted two perpetrators for "encouraging and forcing a woman into prostitution." Labor "laws" continued to be inadequately enforced, according to observers, and charging high recruitment fees, confiscating passports, and withholding salaries were common practices. Turkish Cypriot authorities made no significant efforts to punish labor recruiters or brokers involved in the recruitment of workers through knowingly fraudulent employment offers or excessive fees for migration or job placement.

The area administered by Turkish Cypriots lacked shelters and social, economic, and psychological services for victims. Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts; police did not receive training to identify victims; and authorities provided no protection to victims. Police confiscated passports of foreign women working in nightclubs and issued them identity cards, reportedly to protect them from abuse by nightclub owners who confiscated passports. Observers reported women preferred to keep their passports, but police convinced them to render passports to avoid deportation. Foreign victims who voiced discontent about the treatment they received were routinely deported. The "government" reportedly allowed trafficking victims serving as material witnesses against a former employer to find new employment and reside in temporary accommodation arranged by the police, but experts reported women were accommodated at nightclubs. Turkish Cypriot authorities did not encourage victims to assist in prosecutions against traffickers and deported all foreign victims.

Between April 2019 and January 2020, "TRNC" authorities issued 942 six-month "hostess" and "barmaid" "work permits" for individuals working in nightclubs and pubs known for the availability of commercial sex and potential sex trafficking, which operated in the north (1,605 in 2018). As of January 2020, there were 310 women working under such "permits" (319 as of March 2019). Nightclub owners hired female college students to bypass the cap on the number of employees legally permitted in each club and to avoid taxes and monitoring. Most permit holders came from Belarus, Moldova, Morocco, Russia, and Ukraine, while others came from Armenia, Azerbaijan, Kazakhstan, Kenya, Kyrgyzstan, Paraguay, Tajikistan, Tanzania, Turkmenistan and Uzbekistan. Observers have alleged that some "parliament" members were among the nightclubs' clientele. Women were not permitted to change location once under contract with a nightclub, and Turkish Cypriot authorities deported 581 women (638 in 2018) who curtailed their contracts without screening for trafficking. "Authorities" deported female nightclub workers who sought help with complaints regarding their working conditions (40 in 2018), also without screening for trafficking. "TRNC" did not provide the number of work permits issued to domestic workers (3,143 in 2018). The "law" prohibited living off the earnings of prostitution or encouraging prostitution, but nightclub bodyguards accompanied female nightclub employees to their weekly health checks for sexually transmitted infections, ensuring the women did not share details about potential exploitation in commercial sex with police or doctors in order to facilitate continued illegal activity. The "law" that governed nightclubs prohibited foreign women from living at their place of employment; however, most women lived in dormitories adjacent to the nightclubs or in other accommodations arranged by the owner, a common indicator of trafficking.

The "Nightclub Commission," composed of police and "government officials" who regulate nightclubs, prepared brochures on employee rights and distributed them to foreign women upon entry. The "Nightclub Commission" met monthly and made recommendations to the "Ministry of Interior" regarding operating licenses, changes to employee quotas, and the need for intervention at a particular establishment. The "Nightclub Commission" reportedly inspected approximately five nightclubs every two weeks and followed up on complaints; however, in practice, inspections focused on the sanitation of kitchens, and interviews with women working in nightclubs always took place in front of nightclub bodyguards or staff, preventing potential trafficking victims from speaking freely. Turkish Cypriots made no efforts to reduce demand for commercial sex acts. The "Social Services Department" in the "Ministry of Labor" continued to run a hotline for trafficking victims; however, it was inadequately staffed and not always operational. An expert reported trafficking victims were afraid to call the hotline because they believed it was linked to authorities.

As reported over the past five years, human traffickers exploit domestic and foreign victims in the "TNRC." Traffickers exploit

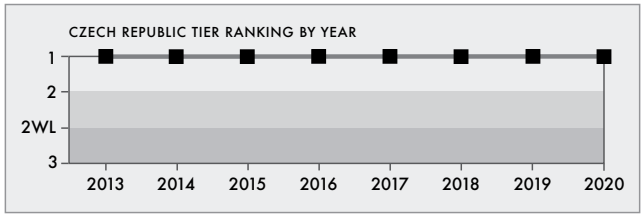
women from Central Asia, Eastern Europe, and Africa in sex trafficking in nightclubs licensed and regulated by Turkish Cypriot authorities. Nightclubs provide a source of tax revenue for the Turkish Cypriot administration; media reports in 2015 estimated nightclub owners paid between 20 million and 30 million Turkish lira ($3.4 million and $5.04 million) in taxes annually. This presents a conflict of interest and a deterrent to increase political will to combat trafficking. Men and women are exploited in forced labor in the industrial, construction, agriculture, domestic work, restaurant, and retail sectors. Traffickers control victims of forced labor through debt-based coercion, threats of deportation, restriction of movement, and inhumane living and working conditions. Labor trafficking victims originate from Eastern Europe, sub-Saharan Africa, Central Asia, and South and Southeast Asia. Migrants, especially those who cross into the area administered by Turkish Cypriots after their work permits in the Republic of Cyprus have expired, are vulnerable to labor trafficking. Romani children and Turkish seasonal workers and their families are also vulnerable to labor exploitation and trafficking. Foreign university students, many of whom were recruited with false promises of scholarships, free housing, and employment, are vulnerable to both sex and labor trafficking; students who drop out of school or engage in irregular work, many from sub-Saharan African countries, were particularly vulnerable. As in previous years, observers reported that a number of women, some of whom may be trafficking victims, entered the "TRNC" on three-month tourist or student visas and engaged in commercial sex in apartments in north Nicosia, Kyrenia, and Famagusta. Migrants, asylum-seekers, LGBTI persons, refugees, and their children are also at risk for sexual exploitation.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers and sentence convicted traffickers to significant prison terms. • Screen for trafficking victims, including in nightclubs and pubs. • Increase transparency in the regulation of nightclubs and promote awareness among clients and the public about force, fraud, and coercion used to compel commercial sex. • Open a shelter and provide funding to NGO care services for the protection of victims. • Investigate, prosecute, and convict "officials" complicit in trafficking. • Provide alternatives to deportation for victims of trafficking. • Acknowledge and take steps to address conditions of forced labor, including among domestic workers.

CZECH REPUBLIC: TIER 1

The Government of the Czech Republic fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore the Czech Republic remained on Tier 1. These efforts included investigating and prosecuting more traffickers, issuing significant prison terms to most convicted traffickers, providing comprehensive care for victims, and beginning to draft a new national strategy to guide the government's anti-trafficking efforts. Although the government meets the minimum standards, it did not effectively screen vulnerable populations for trafficking and did not adequately identify domestic or foreign victims. The government had an official program to provide services to victims but did not maintain comprehensive victim identification and assistance statistics. Judges and prosecutors continued to enforce the trafficking law unevenly and may have prosecuted trafficking crimes under the pimping statute, which historically resulted in no prison time for the majority of convicted offenders under that statute. Collaboration between labor inspectors and police was inconsistent in victim identification efforts.



PRIORITIZED RECOMMENDATIONS:

Increase efforts to effectively screen vulnerable populations to identify domestic and foreign victims and refer them to services. • Vigorously investigate and prosecute suspected offenders of both sex and labor trafficking using the anti-trafficking statute, and sentence convicted traffickers to significant prison terms. • Improve and reform law enforcement data collection efforts, including by disaggregating sex and labor trafficking case data, and comprehensively report victim data, particularly on victims who do not participate in the Ministry of Interior (MOI) program. • Streamline identification procedures and specialized crisis and long-term case management, including for children. • Increase training for prosecutors and judges on the severity of the crime and on applying the anti-trafficking statute to protect victims and ensure convictions result in significant sentences. • Train a wider range of prosecutors and judges on recognizing subtle forms of coercion and on the irrelevance of a victim's initial consent when proving a trafficking crime and utilize victim protection programs for trafficking victims. • Continue training first responders, including labor inspectors, police, and state contracting officers, on sex and labor trafficking victim identification criteria and on evolving trends in labor trafficking. • Enhance collaboration between the labor inspectorate and police in order to effectively identify potential labor trafficking cases. • Finish drafting and enact the 2020-2023 national strategy. • Improve victims' ability to access court-ordered restitution in criminal cases and compensation through civil proceedings.

PROSECUTION

The government increased law enforcement efforts. Section 168 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of two to 10 years' imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government may have prosecuted some sex trafficking offenses as pimping crimes under Section 189 of the criminal code and prescribed penalties ranging from imprisonment of six months to four years, a ban on business activities, or a sentence of forfeiture of property. These penalties were significantly lower than the penalties prescribed under Section 168.

In 2019, police initiated 20 trafficking investigations involving 24 suspects (13 investigations involving 15 suspects in 2018). Authorities prosecuted 21 defendants under Section 168 (18 in 2018 and 16 in 2017). Courts convicted nine traffickers—all for either sex trafficking or for both sex and labor trafficking (16 convictions, all for sex trafficking, in 2018 and nine for sex and labor trafficking in 2017); all perpetrators were Czech. Courts sentenced one trafficker to four years' imprisonment and seven traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentence of one additional convicted trafficker. Additionally, a regional court convicted five traffickers in November 2019, three for trafficking and two for related charges of extortion and pimping, following an investigation into a Czech trafficking ring in the United Kingdom involving both sex and labor trafficking. The three convicted of trafficking received sentences of six, nine, and 18 years, respectively, while the two

convicted of extortion and pimping received sentences of 18 and 24 months, respectively. The judgment and sentences were subject to appeal at the end of the reporting period. Police investigated 37 cases (34 in 2018) of pimping; it was not clear whether any of these cases involved sex trafficking crimes. The government seized 2.6 million koruna ($117,300) in assets from suspected traffickers, compared with 26,000 koruna ($1,170) in 2018. Authorities collaborated with foreign governments on three ongoing transnational investigations, which resulted in 15 arrests, eight prosecutions, five convictions, and 20 victims identified in either the Czech Republic or the United Kingdom. A liaison police officer assigned to the Czech Embassy in London collaborated closely with host government officials on several trafficking cases involving Czech citizens and often trained and assisted consular officers in screening for trafficking indicators among Czech citizen services applicants.

The Trafficking in Human Beings Division (THBD) was the lead investigative agency for trafficking within the national police and oversaw trafficking cases involving organized crime; regional police were responsible for smaller-scale cases. The Supreme Prosecution Office's specialized prosecutor for trafficking and domestic violence oversaw specialized trafficking prosecutors in the regional prosecutorial offices. Regional police directorates generally chose to devote their limited resources to fighting other types of crime, especially crimes deemed easier to solve and achieve a conviction. Law enforcement officials said they more easily identified sex trafficking cases than labor trafficking cases. Judges and prosecutors noted it was difficult to prove that some instances of labor trafficking were more than cases of simple fraud, as traffickers often used subtle coercive practices. Observers reported prosecutors and judges pursued trafficking cases unevenly, at least in part due to lack of familiarity with the elements of the crime; GRETA noted Article 168 does not explicitly state the irrelevance of the victim's initial consent to the subsequent exploitation, which may lead to uneven implementation of the law. The THBD provided training for police officers, migration officials, minority liaison officers, prosecutors, and labor inspectors; the Judicial Academy held biannual trainings for prosecutors and judges. Experts reported inconsistent collaboration between regional police and labor inspectors, as well as a need for enhanced training for inspectors on labor trafficking indicators. In November 2019, the labor inspectorate organized a training in collaboration with the THBD for labor inspectors that included discussions of best practices for cooperation between police and labor inspectors. The national labor inspectorate conducted 8,532 inspections and identified 4,342 illegally employed persons (4,580 in 2018), but it did not identify any trafficking victims. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The MOI's Program of Support and Protection of Victims of Trafficking in Human Beings (the Program) remained the only official source of data on victim identification and protection; the government did not officially recognize victims who did not participate in the Program. Police data collection focused on perpetrators rather than victims; an overly broad definition of a victim according to police regulations further hindered data accuracy. In 2019, 15 new victims (11 men and four women) entered the Program, a decrease from 17 in 2018 and 24 in 2017. Of the victims in the program, six were from the Philippines, one was from Slovakia, and eight were Czech citizens. Police referred 11 victims and NGOs referred four victims. In 2019, government-funded NGOs provided services or other support to 259 victims or potential victims, a significant increase from 180 in 2018 and 137 in 2017. The MOI distributed a manual that described trafficking indicators among vulnerable populations to assist government officials in identifying victims. The agency also developed a card-sized version to distribute to regional police; however, observers noted the manual lacked a clear systematic procedure for identifying victims or referring them to the correct services. NGOs reported concern about potential trafficking victims in custody going unidentified, which may have led to the penalization of victims for unlawful acts traffickers compelled them to commit. While the government made some effort to identify foreign victims of labor trafficking among the increasing number of illegally employed foreigners from non-EU countries, observers noted there were persistent weaknesses.

The Program provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services to officially recognized foreign and Czech adult victims of sex and labor trafficking regardless of their immigration status. The MOI provided funding and administrative oversight and selected one NGO to be the primary implementing partner and to manage sub-contracts to other NGOs for additional specialized services. Program-funded shelters, however, often lacked the capacity to house victims with children and had to make other arrangements for them. Participants in the program were granted a 60-day reflection period, after which they were required to assist law enforcement if they wanted to stay in the program, unless subject to a serious health issue. As assisting in the criminal case was a prerequisite for participation in the program after the 60 days, only victims whose traffickers faced criminal charges were therefore eligible for these MOI-funded services. Victims could voluntarily withdraw from the program at any time and would remain eligible for services under the Ministry of Labor and Social Affairs (MLSA); one victim chose to leave the program after this reflection period rather than assist in the investigation in 2019. Victims who chose to participate in the prosecution of their trafficker were eligible for a free legal advocate and, in some cases, the option to choose the gender of the judge or to testify via videoconference. Foreign victims accepted into the program could receive temporary residence and work visas for the duration of relevant legal proceedings. Victims could receive assistance to return to their country of origin at any time or, upon completion of the program, could apply for permanent residency; eight victims received permanent residency in 2019 (two in 2018 and none 2017). Victims unwilling to assist law enforcement were eligible to access MLSA-funded welfare benefits, including housing, in-person and telephone crisis help, social counseling and rehabilitation, a drop-in center for children and youth, and social services for families with children. Although there was a unique national referral mechanism for child and youth victims, there were no specialized programs to provide services specifically to child victims of trafficking, and observers reported identification procedures, crisis support, and long-term services were insufficient. Municipal-level offices of the department of social and legal protection of children made decisions to place children with an institution or NGO. Child victims received MLSA-funded welfare benefits, such as shelter, food, clothing, and medical and psychological counseling.

The MOI allocated approximately 1.6 million koruna ($72,190) for the victim assistance program and voluntary returns, the same amount as in 2018; the program did not spend the full allotment. An international organization used some of this funding to repatriate three victims (three in 2018). The MLSA funded NGOs to provide social services, including to trafficking victims not in the MOI program. Three NGOs reported receiving the full amount or more of their funding requests during the reporting period. Nevertheless, NGOs reported the MLSA's funding was limited to a specific range of social services, and the structure inhibited long-term planning, as funds were only allocated one year at a time and did not arrive until after the beginning of the fiscal year.